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- 2.02.72 **COMPATIBLE USE** shall mean a land use that is suitable with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be caused by pedestrian or vehicular traffic generation, volume of goods handled, and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
- 2.02.73 **COMPREHENSIVE PLAN** shall mean the Comprehensive Development Plan of Pierce, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the Neb. Rev. Stat. §19-903 (R.R.S.1997).
- X 2.02.74 **CONDITIONAL USE** shall mean a use conditionally allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
- X 2.02.75 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make a conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.
- 2.02.76 **CONDOMINIUM** shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, pursuant to the Nebraska Condominium Act, as set forth in Neb. Rev. Stat. §§ 76-825 to 76-894 (R.R.S.1996).
- 2.02.77 **CONFLICTING LAND USE** shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy or unsightly views.
- 2.02.78 **CONGREGATE HOUSING** shall mean a residential facility for four or more persons aged fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (Also see Life Care Facility).
- 2.02.79 **CONSERVATION** shall mean the management of natural resources to prevent waste, destruction, or degradation.
- 2.02.80 **CONSERVATION AREA** shall mean an area of environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
- 2.02.81 **CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
- 2.02.82 **CONSTRUCTION AND DEMOLITION (C&D) WASTE SITE** shall mean a disposal site utilized for solid building materials and other wastes associated with construction projects including, but not limited to, such materials as wood, concrete, drywall, masonry, roofing, siding, structural metal, wire, insulation, plastics, styrofoam, twine, baling and strapping materials, empty cans, empty buckets, packaging materials, and empty containers, which employs a method of disposal in a manner that minimizes environmental hazards in accordance with state and federal requirements.
- 2.02.83 **CONVENIENCE STORE** shall mean a one-story, retail store containing less than ~~two-three-thousand~~ (3,000 ~~2,000~~) square feet of gross floor area that is designed and stocked to sell primarily food, beverages,

- 2.02.105.04 **DWELLING, MULTIPLE FAMILY** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.
- 2.02.105.05 **DWELLING, SEASONAL** shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.
- X 2.02.105.06 **DWELLING, SINGLE FAMILY** shall mean a building having accommodations for or occupied exclusively by one family, which meets all the following standards:
1. The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
 2. The home shall have no less than an eighteen feet (18') exterior width;
 3. The roof shall be pitched with a minimum vertical rise of two and one-half inches (2-1/2") for each twelve inches (12") of horizontal run;
 4. The exterior material shall be of a color, material and scale comparable with existing site-built, single family residences located in Pierce, NE;
 5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, rock, **painted tin, or others as requested by the city,**
 6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
 7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
 8. The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of forty-two inches (42") below the final ground level.
- 2.02.105.07 **DWELLING, SINGLE FAMILY ATTACHED** shall mean a portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.
- 2.02.105.08 **DWELLING, TOWNHOUSE** shall mean a one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).
- 2.02.105.09 **DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.
- 2.02.106 **DWELLING UNIT** shall mean one or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.
- 2.02.107 **EASEMENT** shall mean a grant made by a property owner to the use of land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

Section 4.11 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

- 4.11.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet (4') or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; eaves and roof overhangs projecting 36 inches (36") or less; chimneys projecting twenty-four inches (24") or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen inches (18") into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
- 4.11.02 *Front Yards:* Bay windows projecting three feet (3') or less into the yard are permitted.
- 4.11.03 *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems.
- 4.11.04 *Rear Yards:* Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon firetowers, and the ordinary projections of chimneys and flues into the rear yard for a distance of not more than three and a half feet (3 ½') and where the same are so placed as not to obstruct lights and ventilation.
- 4.11.05 *Double Frontage Lots:* The required front yard shall be provided on each street.
- 4.11.06 *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

Section 4.12 Accessory Buildings and Uses X

- 4.12.01 No accessory building shall be constructed upon a lot for more than six (6) months prior to beginning construction of the principal building. No accessory building shall be used for more than six (6) months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling.
- 4.12.02 Any accessory structure attached to the principal building shall be considered as part of the principal building and shall meet the same requirements as specified for the principal building in said district. An accessory building attached to the principal building shall share a wall that is equal to ten percent (10%) of the distance of the side of the principal building to which the accessory building is attached or six (6), whichever is the greater distance, and shall have a doorway within that wall which separates the accessory building from the principal building that shall serve as a passageway between the accessory building and the principal building.
- 4.12.03 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
- 4.12.04 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 4.12.05 Garages and outbuildings in Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction, including colored metal siding and roofing.
- 4.12.06 Caretakers quarters are permitted in all districts, providing said use is incidental to the principal use.
- 4.12.07 Fire hazardous Accessory Uses – No accessory use shall be located within five feet (5') of a residential dwelling that creates fire hazard or would subject the residential structure to a potential fire, such as fireplace, barbecue ovens, flammable liquid storage, etc.
- 4.12.08 Regulation of accessory uses shall be as follows:

- 4.12.08.01 Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- 4.12.08.02 Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen feet (15') from street lines.
- 4.12.08.03 Storage of an unlicensed boat, boat trailer, camp trailer, or other vehicle shall not be permitted in any required yard, unless provided in Section 7.13.

Section 4.13 Permitted Modifications of Height Regulations

- 4.13.01 The height limitations of this Ordinance shall not apply to:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Conveyors
Towers less than 125 feet in height	Air-Pollution Prevention Devices
Cooling Towers	Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Flag Poles	
- 4.13.02 Radio and Television Towers shall be held to height limitations for any zoning district but must not conflict with any airport approach or land zone or with any other regulations.
- 4.13.03 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five feet (75') when each required yard line is increased by at least one foot (1') for each one foot (1') of additional building height above the height regulations for the district in which the building is located.

Section 4.14 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

Section 4.15 Non-Conforming, General Intent

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 4.16 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the board of adjustment.

Section 4.17 Nonconforming Structures

- 4.17.01 *Authority to continue:* Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size

Section 5.05 TA - Transitional Agriculture District

5.06.01. *Intent:* The (TA) Transitional Agriculture District is established for the purpose of preserving agricultural resources while encouraging uses that are compatible to urban type uses. It is not intended for commercial feedlot operations for livestock or poultry.

5.06.02 *Permitted Uses:*

1. Farming, pasturing, truck gardening, and orchards, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than nineteen (300) animal units shall be established.
2. Residential dwellings for use by the owners and their families, tenants, and employees.
3. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities and natural wildlife habitats and preserves.
4. Railroads, not including switching, terminal facilities or freight yards.
5. Public overhead and underground local distribution utilities.
6. Churches.
7. Public services such as police, fire, and emergency facilities.
8. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries or museums.
9. Roadside stands offering the sale of agriculture products produced on the premises.

5.05.03 *Permitted Conditional Uses:*

- 1 Commercial auction yards and barns.
- 2 Commercial production and husbandry of livestock, poultry, fish and small animals.
- 3 Retail sale and distribution of agricultural products that have been produced on the premises.
- 4 Commercial feedlots.
- 5 Feed mills.
- 6 Mining and extraction of natural resources.
- 7 Commercial greenhouses.
- 8 Agricultural storage facilities for equipment and grain.
- 9 Educational institutions, including public and private primary schools, secondary schools including universities, colleges, vocational schools, and business schools.
- 10 Hospitals, nursing and convalescent homes.
- 11 Radio, television and wireless communication towers and transmitters, pursuant to Section 7.11.
- 12 Cemeteries, provided all structures are located at least one hundred feet (100') from all property lines.
- 13 Water supply and storage facilities, wastewater treatment, sewage disposal, and solid waste disposal facilities.
- 14 Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
- 15 Home occupations, pursuant to Section 7.10.
- 16 Veterinarians' offices and hospitals, and boarding kennels, provided that no structure or building used to house horses or other animals is located closer than one-hundred feet (100') to any residential use.
- 17 Livestock feeding operations, and the raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations, provided no such facility shall have more than three-hundred (300) animal units.
- 18 Wind energy systems on tracts of more than ten (10) acres, pursuant to Section 7.17.
- 19 Public campgrounds.
- 20 Kennels and stables, and riding clubs, provided that no structure or building used to house horses or other animals, provided that no structure or building used to house horses or other animals is located closer than one-hundred feet (100') to any residential use.
- 21 Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
- 22 Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
- 23 Bed and Breakfast establishments.

5.05.04 Permitted Accessory Uses:

- 1 Buildings and uses customarily incidental to the permitted and conditional uses.
- 2 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 3 Signs pursuant to Sections 7.06 through 7.09.
- 4 Parking pursuant to Sections 7.01 through 7.05.
- 5 Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
- 6 Storage or parking of vehicles, boats, campers and trailer, pursuant to Section 7.13.

5.05.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height
Residential Dwelling (private well and/or private septic)	3 acres	300 feet	*	**	***	35 feet
Residential Dwelling (public water and public sewer)	10,000 sq.ft.	100 feet	*	**	***	35 feet
Other Permitted Uses	3 acres	660 feet	*	**	***	35 feet
Permitted Conditional Uses	20 acres	660 feet	*	**	***	35 feet
Accessory Buildings	-	-	*	**	***	35 feet

* Front yard setback shall be fifty feet (50') when abutting a State Highway or County Road, or shall be thirty-five feet (35') when abutting any other street or road.

** Side yard setback shall be fifty feet (50') when abutting a State Highway or County Road, or shall be thirty-five feet (35') when abutting any other street or road, and shall be seven feet (7') from interior property lines.

*** Rear yard setback shall be fifty feet (50') when abutting a State Highway or County Road, or shall be thirty-five feet (35') when abutting any other street or road, and shall be twenty-five feet from interior property lines.

5.06.06 Other Applicable Provisions:

- 1 The following uses shall be located a minimum of one-thousand three-hundred twenty feet (1,320') from any adjacent residential, commercial, industrial, or public use, as measured from the nearest point on the lot line.
 - a. Commercial auction yards or barns.
 - b. Commercial production and husbandry of poultry, fish, and small animals.
 - c. Commercial feedlots.
 - d. Mining and extraction of natural resources.
 - e. Feed mills.
 - f. Veterinarians' offices and hospitals, and boarding kennels, applicable only to any structure or building used to house horses or other animals.
 - g. Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
 - h. Kennels, stables, and riding clubs, applicable only to any structure or building used to house horses or other animals.
 - i. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
 - j. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
- 2 No new residential, commercial, industrial, or public use shall be located nearer than one-thousand three-hundred twenty feet (1,320') to any existing use listed in Section 5.06.06 (1)

Section 5.06 LDR-1 Low Density Residential District

5.07.01 *Intent:* The (LDR-1) Low Density Residential District is intended to permit low-density residential developments in the outlying areas of Pierce's Jurisdiction to accommodate single-family residential and compatible uses.

5.07.02 *Permitted Uses:*

- 1 Single family dwellings.
- 2 Public and private schools.
- 3 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 4 Funeral homes and mortuaries.
- 5 Public service facilities.
- 6 Publicly owned and operated services such as: Community Centers, Libraries, Auditoriums, or Museums.

5.07.03. *Permitted Conditional Uses:*

- 1 Child Care Center and Child Care Home.
- 2 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 3 Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
- 4 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
- 5 Home Occupations, pursuant to Section 7.10.
- 6 Bed and Breakfast establishments.

5.06.04 *Accessory Uses:*

- 1 Buildings and uses customarily incidental to the permitted uses.
- 2 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 3 Parking for permitted uses pursuant to Sections 7.01 through 7.05.
- 4 Signs pursuant to Sections 7.06 through 7.09.
- 5 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 6 Landscaping pursuant to Section 7.16.

5.06.05 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height
Single Family Dwelling	2 1/2 Acres*	70 feet	25 feet	6 feet	10 feet	35 feet
Other Permitted Uses	2 1/2 Acres*	100 feet	25 feet	6 feet	10 feet	35 feet
Permitted Conditional Uses	2 1/2 Acres*	100 feet	25 feet	6 feet	10 feet	35 feet
Accessory Buildings	-	-	25 feet	6 feet	6 feet *	20 feet

* If an alley is located at the rear of the lot the accessory rear yard setback may be reduced to 3 feet.

Section 5.07 LDR-2 Low Density Residential District

5.07.02 *Intent:* The (LDR-2) Low Density Residential District is intended to permit low-density residential developments adjacent to the urban areas of Pierce to accommodate single-family residential and compatible uses.

5.07.02 *Permitted Uses:*

1. Single family dwellings.
2. Public and private schools.
3. Churches, temples, seminaries, convents, including residences for teachers and pastors.
4. Funeral homes and mortuaries.
5. Public service facilities.
6. Publicly owned and operated services such as: Community Centers, Libraries, Auditoriums, or Museums.

5.07.04. *Permitted Conditional Uses:*

1. Two-family dwellings.
2. Child Care Center and Child Care Home.
3. Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
4. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
5. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
6. Home Occupations, pursuant to Section 7.10.
7. Bed and Breakfast establishments.

5.07.04 *Accessory Uses:*

1. Buildings and uses customarily incidental to the permitted uses.
2. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
3. Parking for permitted uses pursuant to Sections 7.01 through 7.05.
4. Signs pursuant to Sections 7.06 through 7.09.
5. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
6. Landscaping pursuant to Section 7.16.

5.07.05 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height
Single Family Dwelling	8,000 sq.ft.	70 feet	25 Feet	6 feet	10 Feet	35 feet
Other Permitted Uses	10,000 sq.ft.	100 feet	25 Feet	6 feet	10 Feet	35 feet
Permitted Conditional Uses	10,000 sq.ft.	100 feet	25 Feet	6 feet	10 Feet	35 feet
Accessory Buildings	-	-	25 Feet	6 feet	6 Feet *	20 feet

* If an alley is located at the rear of the lot the accessory rear yard setback may be reduced to 3 feet.

Section 5.08 MDR-1 Medium Density Residential District

5.08.01 *Intent:* The (MDR-1) Medium Density Residential District is intended to permit an increased density of residential development to include two-family units, as well as other compatible uses.

5.08.02 *Permitted Uses:*

- 1 Single family dwellings.
- 2 Two-family dwellings
- 3 Public and private schools
- 4 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5 Funeral homes and mortuaries.
- 6 Publicly owned and operated parks, playgrounds, fire stations, community centers, and libraries
- 7 Public service facilities.

5.09.03. *Permitted Conditional Uses:*

- 1 Lodging and boarding houses
- 2 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
- 3 Home Occupations, pursuant to Section 7.10.
- 4 Child Care Center and Child Care Home
- 5 Bed and Breakfast establishments.

5.08.04 *Accessory Uses:*

- 1 Buildings and uses customarily incidental to the permitted uses.
- 2 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 3 Signs pursuant to Sections 7.06 through 7.09.
- 4 Parking pursuant to Sections 7.01 through 7.05.
- 5 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 6 Landscaping pursuant to Section 7.16.

5.08.05 *Height and Lot Requirements:* The height and minimum lot requirements shall be follows:

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height
Single-family, detached	6,000	50 Feet	25 Feet	6 Feet	10 Feet	35 Feet
Single-family, attached	5,000 per unit	50' per unit	25 Feet	*	10 Feet	35 Feet
Two-family Dwelling	10,000	100 Feet	25 Feet	6 Feet	10 Feet	35 Feet
Condominiums and Townhouses	3,000 per unit	25' per unit	25 Feet	*	10 Feet	35 Feet
Other Permitted Uses and Conditional Uses	8,000	75 Feet	25 Feet	25 Feet	10 Feet	45 Feet
Accessory Buildings	-	-	50 Feet	6 Feet	6 Feet **	17 Feet

* Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.

** If an alley is located at the rear of the lot the accessory rear yard setback may be reduced to 3 feet.

Section 5.09 HDR-1 High Density Residential District

5.09.01 *Intent:* The (HDR-1) High Density Residential District is intended to permit dense residential development to include two-family and multi-family units, as well as other compatible uses.

5.09.02 *Permitted Uses:*

1. Single family dwellings.
2. Two-family dwellings
3. Public and private schools
4. Churches, temples, seminaries, and convents including residences for teachers and pastors.
5. Funeral homes and mortuaries.
6. Publicly owned and operated parks, playgrounds, fire stations, community centers, and libraries
7. Public service facilities.

5.09.03. *Permitted Conditional Uses:*

- 1 Multiple family dwellings, provided:
 - a. The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents or other openings in the common wall.
 - b. Not more than twelve (12) units shall be attached in this district.
 - c. No unit shall have a depth greater than four times its width.
 - d. Any exterior wall, which is not a common wall, must meet all yard requirements.
 - e. Each lot must have direct access to a public street.
 - f. The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.
 - g. The application for such conditional use must include a plat plan with the general location of buildings, parking areas, driveways, fences and other structures, the location of easements and utility lines, the number and type of all dwelling units, and the property lines within the proposed development.
- 2 Lodging and boarding houses
- 3 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
- 4 Home Occupations, pursuant to Section 7.10.
- 5 Child Care Center and Child Care Home
- 6 Bed and Breakfast establishments.

5.09.04 *Accessory Uses:*

- 7 Buildings and uses customarily incidental to the permitted uses.
- 8 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 9 Signs pursuant to Sections 7.06 through 7.09.
- 10 Parking pursuant to Sections 7.01 through 7.05.
- 11 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 12 Landscaping pursuant to Section 7.16.

ARTICLE 5: ZONING DISTRICTS: HDR-1 HIGH DENSITY RESIDENTIAL DISTRICT

5:09.05 Height and Lot Requirements: The height and minimum lot requirements shall be follows:

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height
Single-family, detached	6,000	50'	25'	6'	10'	35'
Single-family, attached	4,000 per unit	50' per unit	25'	6'	10'	35'
Two-family Dwelling	8,000	100'	25'	6'	10'	35'
Condominiums and Townhouses	2,500 per unit	25' per unit	25'	**	10'	35'
Multi-family Dwelling***	Per Unit					
1-Story	3,000	100'	30'	**	10'	45'
2-Story	2,500	100'	30'	**	10'	45'
3-Story	1,750	100'	30'	**	10'	45'
Other Permitted Uses and Conditional Uses	8,000	75'	25'	10'	10'	45'
Accessory Buildings	-	-	50'	10'	6'*	17'

* If an alley is located at the rear of the lot the accessory rear yard setback may be reduced to 3 feet.

** Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.

Section 5.12 C-2 General Commercial District

5.12.01 *Intent:* The (C-2) General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.12.02 *Permitted Uses:*

- 1 Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment.
- 2 Child care/day care.
- 3 Dance studio, not including uses defined in Adult Establishment.
- 4 Meeting hall, not including uses defined in Adult Establishment.
- 5 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - a. Agricultural implement sales and service centers.
 - b. Apparel shop.
 - c. Appliance store.
 - d. Antique store.
 - e. Automobile displays, sales, service, and repair.
 - f. Automobile parking lot.
 - g. Automobile parts and supplies store.
 - h. Bakery shop.
 - i. Bar and tavern.
 - j. Barber and Beauty shop.
 - k. Bookstore, not including uses defined in Adult Establishment.
 - l. Business or professional school.
 - m. Building materials retail sales.
 - n. Clothing and tailoring shops.
 - o. Commercial greenhouses.
 - p. Communication services.
 - q. Computer store.
 - r. Department store.
 - s. Drug stores and prescription shops.
 - t. Dry cleaners and establishments (not over two-thousand (2,000) square feet in floor area) with one dry cleaning unit having a capacity not to exceed 35 pounds per cycle using nonflammable or non-explosive solvents.
 - u. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - v. Floral shop.
 - w. Furniture store or showroom.
 - x. Gift and curio shop.
 - y. Grocery store.
 - z. Gun Store
 - aa. Hardware store.
 - bb. Hobby, craft, toy store.
 - cc. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.
 - dd. Laundry and dry cleaning pick-up and delivery stations.
 - ee. Liquor store.
 - ff. Medical and dental clinics.
 - gg. Mortuaries and funeral chapels.
 - hh. Newsstands, not including uses defined in Adult Establishment.
 - ii. Outdoor amusement and entertainment establishment, including miniature golf, but not including outdoor movie theaters.
 - jj. Photography studio.
 - kk. Picture framing shop.
 - ll. Restaurants, cafes, and fast food establishment.

- mm. Second hand stores.
- a. Shoe store.
- b. Tanning salon.
- c. Variety store, not including uses defined in Adult Establishment.
- d. Video store, not including uses defined in Adult Establishment.
- e. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- f. Telephone exchange.
- g. Telephone answering service.
- h. Public overhead and underground local distribution utilities.

5.12.03 Permitted Conditional Uses:

- 1 Assembly, fabrication, and processing of products inside an enclosed building, except for hazardous or combustible materials.
- 2 Temporary structure for festivals or commercial events.
- 3 Recreational establishments.
- 4 Amusement arcades.
- 5 Garden supply and retail garden center.
- 6 Pool hall.
- 7 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 8 Temporary greenhouses.
- 9 Totally enclosed, automated and conveyor-style car washes.
- 10 Outdoor Entertainment.
- 11 Convenience store with limited fuel sales.
- 12 Residences in conjunction with the principle use when located above the ground floor.
- 13 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 14 Printing and publishing.
- 15 Retail motor vehicle sales and service.
- 16 Car wash.
- 17 Garden supply and retail garden center.
- 18 Retail building material sales.
- 19 Service station and minor automobile repair services.
- 20 Tire store and minor automobile repair service.
- 21 Self-storage units.
- 22 Motel/hotel.

5.12.04 Accessory Uses

- 1 Buildings and uses customarily incidental to the permitted uses.
- 2 Parking pursuant to Sections 7.01 through 7.05.
- 3 Signs pursuant to Sections 7.06 through 7.09.
- 4 Temporary buildings and uses incidental to construction work, which will be removed upon completion or abandonment of the construction, work.
- 5 Landscaping pursuant to Section 7.16.

5.12.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Permitted Uses	*	**	45 feet
Permitted Conditional Uses	*	**	45 feet
<u>Accessory Buildings</u>	*	**	45 feet

* None, except that when adjacent to any residential district, the Side Yard shall be ten feet (10).

** None, except that when adjacent to any residential district, the Rear Yard setback shall be twenty-five feet (25').

5.12.06 Use Limitations:

- 1 When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within fifteen feet (15') of such residential district.
- 2 When adjacent to any residential district, new construction shall provide a six foot (6') high permanent screen in order to minimize impacts on residentially zoned property, pursuant to Section 7.16.04.
- 3 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

ARTICLE 5: ZONING DISTRICTS: C-2 GENERAL COMMERCIAL DISTRICT

- 4 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 5 When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.

Section 5.13 C-3 Highway Commercial District

5.13.01 *Intent:* The (C-3) Highway Commercial District is intended to establish standards that will foster and maintain a specific area of commercial development that will benefit the entire community and enhance the highway corridor approaching Pierce.

5.13.02 *Permitted Uses:*

1. Car Washes.
2. Indoor Skating rinks.
3. Nursery and Garden Stores.
4. Package Liquor Stores.
5. Private Clubs and Lodges.
6. Restaurants.
7. Taverns.
8. Veterinarian or animal hospital provided any such building, kennel, or exercise runway is located at least one hundred feet (100') away from any residential district boundary.

5.13.03 *Permitted Conditional Uses:*

1. Agriculture implement sales and services.
2. Automobile, motorcycle, and truck sales and services.
3. Commercial Recreation Center.
4. Construction equipment rental and sales.
5. Convenience store with limited fuel sales.
6. Electric and telephone substations.
7. Lumber and building materials sales yard.
8. Mobile Home and Trailer sales and rentals.
9. Outdoor amusement establishments (amusement parks, permanent carnival and kiddie-parks, miniature golf, driving ranges).
10. RV parks.
11. Self-storage units.
12. Service Stations.
13. Warehouses and retail businesses for agricultural purposes.

5.13.04 *Permitted Accessory Uses:*

- 1 Buildings and uses customarily incidental to the permitted uses.
- 2 Parking pursuant to Sections 7.01 through 7.05.
- 3 Signs pursuant to Sections 7.06 through 7.09.
- 4 Temporary buildings and uses incidental to construction work that shall be removed upon completion or abandonment of the construction work.
- 5 Landscaping pursuant to Section 7.16.

5.13.05 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Use	10,000 sq.ft.	100 feet	30 feet	5*	**	45 feet***	25%
Permitted Conditional Use	10,000 sq.ft.	100 feet	30 feet	5*	**	45 feet***	25%
Accessory Buildings	-	-	-	5*	**	45 feet***	25%

* When located adjacent to any residential use, the side yard setback shall be ten feet (10').

** The Rear Yard setback shall be the lesser of 25 feet or twenty percent (20%) of the lot depth. With buildings three stories or greater having a rear yard setback of 30 feet.

*** The maximum height of any use shall be decreased to thirty-five feet (35') when located within one-hundred feet (100') of any residential district.

5.13.06 *Use Limitations:*

- 1 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in the required front yard within fifteen feet (15') of such district.

ARTICLE 5: ZONING DISTRICTS: C-3 HIGHWAY COMMERCIAL DISTRICT

- 2 When adjacent to any residential district, new construction shall provide a six foot (6') high permanent screen in order to minimize impacts on residentially zoned property, pursuant to Section 7.16.04.
- 3 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
- 4 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 5 All developments shall include access roads and an interior circulation system.

Section 5.14 I-1 Limited Industrial District

5.14.01. *Intent:* It is the intent of the Limited Industrial District Regulations to provide standards for area suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

Adult Entertainment Facilities are included in this Zoning District. The intent of the Pierce Zoning Ordinance in including these uses in this district is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.14.02 *Permitted Uses:*

- 1 Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
- 2 Manufacture and assembly of electrical and electronic appliances.
- 3 Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- 4 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5 Public local distribution and main transmission utilities.
- 6 Warehouses and wholesale businesses.
- 7 Building materials yards with enclosed and screened storage areas.
- 8 Highway maintenance yards or buildings.
- 9 Self storage units.

5.14.03 *Permitted Conditional Uses:*

1. Radio, television and communication towers and transmitters, pursuant to Section 7.11.
2. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
3. Auction Sales.
4. Grain Storage.
5. Construction and heavy equipment sales and service.
6. Farm implement sales and service.
7. Truck terminal and dock facilities to include truck washing.
8. Auto body repair and shops.
9. Perimeter security fencing above six (6) feet in height.
10. Adult Entertainment establishments, provided:
 - a. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district or use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the closest point on the property line of such other adult business, residential district or use, religious use, educational uses and recreational use.
 - b. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
 - c. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 - d. No adult business shall be open for business between the hours of twelve midnight (12:00 am) and 6:00 a.m.
 - e. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
 - f. Such use shall not impair an adequate supply of light and air to surrounding property.

ARTICLE 5: ZONING DISTRICTS: I-1 – LIMITED INDUSTRIAL DISTRICT

- g. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
- h. Such use shall not diminish or impair established property values in adjoining or surrounding property.
- i. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Pierce, Nebraska.
- j. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
- k. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- l. Prohibited Activities of Adult Businesses are as follows:
 - i. No adult business shall employ any person under eighteen (18) years of age.
 - ii. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
 - iii. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
 - iv. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.04 Accessory Uses:

- 1. Buildings and uses customarily incidental to the permitted uses.
- 2. Parking pursuant to Sections 7.01 through 7.05.
- 3. Signs pursuant to Sections 7.06 through 7.09.
- 4. Temporary buildings and uses incidental to construction work, which will be removed upon completion or abandonment of the construction, work.
- 5. Landscaping pursuant to Section 7.16.

5.14.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000 sq.ft.	100 feet	30 feet	5 feet	25 feet	60 feet*	35%
Permitted Conditional Uses	10,000 sq.ft.	100 feet	50 feet	5 feet	25 feet	60 feet*	35%
Accessory Buildings	-	-	-	-	-	60 feet*	20%

* The maximum height of any use shall be decreased to forty-five feet (45') when located within one-hundred-fifty feet (150') of any residential district.

5.14.06 Use Limitations:

- 1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within fifteen feet (15') of such residential district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, pursuant to section 7.16.04.
- 2. When adjacent to any residential district, new construction shall provide a six foot (6') high permanent screen in order to minimize impacts on residentially zoned property, pursuant to Section 7.16.04.

- 3 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
- 4 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 5 All developments shall include access roads and an interior circulation system.

5.14.07 *Performance Standards*: See Section 7.14 of the Supplemental Regulations

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The City Council may, by conditional use permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 6.02 Application for Conditional Use Permits

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City upon forms prescribed for the purpose. A drawing or site plan and other such plans shall accompany the application, as well as data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied with a non-refundable fee.

Section 6.03 Public Hearing

Before issuance of any conditional use permit, the Council will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Pierce, one time at least 10 days prior to such hearing.

Section 6.04 Decisions

A majority vote of the Council shall be necessary to grant a conditional use permit. No order of the Council granting a conditional use permit shall be valid for a period of longer than twelve months from the date of such order, unless the Council specifically grants a longer period of time upon the recommendation of the City Planning Commission.

Section 6.05 Standards

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

- 6.05.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- 6.05.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 6.05.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 6.05.04 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- 6.05.05 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- 6.05.06 The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 6.05.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- 6.05.08 The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
- 6.05.09 The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway.
- 6.05.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 6.05.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
- 7.09.03 Signs hung from canopies and awnings shall be no closer than seven and one-half feet (7-1/2') from the bottom edge of the sign to grade below.

Section 7.10 Home Occupations X

Home Occupations shall be conditional uses permitted in the TA, LDR-1, LDR-2, MDR-1, HDR-1, and RM Districts, subject to the following conditions:

- 7.10.01 *Intent.* A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the primary use of the premises as a residence, and not construed as a business. An application for a home occupation shall be made to the Zoning Administrator on a form provided. Said application will be presented to planning commission for recommendation to the City Council.
- 7.10.02 *Purpose.* Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional service, including, but not limited to:
1. Such domestic crafts as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work, and furniture repair.
 2. Such professions as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring, ~~provided, however, the service is limited to advice and consultation and the premises are not used for the general practice of the profession.~~
 3. Child Nurseries or Child Care Homes in accordance with Neb. Rev. Stat. §71-1902 (R.R.S.1997).
 4. Barber and Beauty Shops, limited to one (1) chair.
 5. Therapeutic Massage Parlors, not including adult entertainment establishments, limited to serving one (1) client at any given time.
 6. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
 7. Services provided outside the home such as lawn care, snow removal, and other similar uses.
- 7.10.03 Permitted home occupations shall be subject to all the regulations of the applicable zone district. Permitted home occupations shall not affect adversely the residential character of the zone district or interfere with the reasonable enjoyment of adjoining properties. Prohibited uses are those uses that are deemed to be in violation of the Performance Standards of this Ordinance.
- 7.10.04 *Performance Standards.*
1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
 2. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises. This standard applies only when the primary service is conducted within the confines of the residence.
 3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
 4. No more than twenty-five percent (25%) of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
 5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
 6. ~~Home occupations conducted within an Accessory Building shall be confined to the structure of the said Accessory Building.~~
 7. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

8. No provision for extra off-street parking or loading facilities, other than the requirements and permitted facilities, and no additional driveway to serve such home occupations shall be permitted.
9. No display of goods or external evidence of the home occupation shall be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two (2) square feet in total surface area.
10. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

7.10.05 *Revocation:*

1. *Conditions.* A home occupation permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
 - a. That any condition of the home occupation permit has been violated;
 - b. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - c. That the permit was obtained by misrepresentation or fraud;
 - d. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
 - e. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. *Appeal.* Within five (5) working days of a revocation, an appeal may be made to the City Council, through the Zoning Administrator. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation action, shall report his or her findings of fact and decision to the City Council. The City Council shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation permit in accordance with the Board's final determination.
3. *Nontransferable.* A home occupation permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 7.11 Wireless Communication Towers

7.11.01 *Intent:* The Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act), grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication services, telecommunication facilities, towers and antennas in the City, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

7.11.02 *Definitions:* All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

7.11.02.01 **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.