

ZONING ORDINANCE

City of Ralston Zoning Ordinance

Adopted: Ord. 1254, 07/07/2020

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ARTICLE ONE

GENERAL PROVISIONS

1-1 Title

Chapter 11 of the Ralston Municipal Code shall be known as the Zoning Ordinance of the City of Ralston.

1-2 Jurisdiction

The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Ralston and its two-mile extraterritorial jurisdiction as provided by Section 14, Revised Statutes of Nebraska, 1943.

1-3 Purpose

The purposes of the Zoning Ordinance of the City of Ralston are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan of the City of Ralston.

1-4 Consistency with Comprehensive Development Plan

The City of Ralston intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Development Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.

1-5 Conflicting Provisions

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Ralston, or any applicable State or Federal law, the more restrictive provision shall apply.

1-6 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

1-7 Severability of Provisions

If any chapter, section, subsection, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE TWO

DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of this Ordinance and any illustration explaining the text, the text shall apply.

c. Shall and May

"Shall" is always mandatory. "May" is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.
2. "Or" indicates that the connected items or provisions may apply singly or in any combination.

3. "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Ralston.

2-3 Definitions of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions, which are additional to those listed here. Where terms are not specifically defined, definitions or terms specified by the latest adopted Ralston Uniform Building Code shall govern. Where not specifically defined, definitions in the most current version of Webster's Unabridged Dictionary shall apply.

2-4 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A detached structure, which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use, which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
6. **Alley:** A public right of way, which is used as a secondary means of access to abutting property.
7. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

2-5 B

1. Base District: A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
2. Basement: That part of a building or structure, wholly or partly below grade level, in which the greater part of the distance between its floor and ceiling is below grade level.
3. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
4. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the city limits of Ralston.
5. Buffer-yard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
6. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.
7. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
8. Building Line: The outer boundary of a building established by the location of its exterior walls.
9. Building Official: The designee of the Mayor or City Council, responsible for supervision and operation of the building and land use regulations of the City of Ralston.
10. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

2-6 C

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.
2. Change of Use: The replacement of an existing use by a new use.
3. City: The City of Ralston, Nebraska.

4. City Council: The City Council of Ralston, Nebraska.
5. Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
6. Cluster Subdivision: a wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
7. Collector Street: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
8. Common Area: An area held, designed, and designated for common or cooperative use within a development.
9. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
10. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
11. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Ralston.
12. County: Douglas County, Nebraska.
13. Court: An approved private right-of-way, which provides access to residential properties. To be designated a court under this ordinance, such a right-of-way must meet at least three of the following conditions:
 - (a) A court must serve twelve or fewer housing units or platted lots.
 - (b) A court shall not function as a local street because of its alignment, design, or location.
 - (c) A court is completely internal to a development.
 - (d) A court does not exceed 600 feet in length.
14. Courtyard Housing: A medium- to large-sized structure consisting of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or up to three units may share a common entry.

2-7 D

1. Deck: A projecting platform built upon structural footings and permanently attached to, or abutting the principal building.
2. Density: The amount of development per specific unit of a site.
3. Drive-in Services: Uses, which involve the sale of products or provision of services to occupants in vehicles.
4. Detached: Fully separated from any other building or joined to another building in such a manner as not to constitute an enclosed or covered connection.
5. Driveway: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
6. Dwelling Unit: A building or portion of a building arranged for an intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.
7. Dwelling, multiple: A building or portion thereof designed for or occupied as the home of three (3) or more families or households living independently of each other. Includes tenement houses, apartment houses and apartment hotels.

2-8 E

1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land by one owner to another.
2. Enclosed: A roofed, or covered space fully surrounded by walls.

2-9 F

1. Family: One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 3 of who may be unrelated. The following persons shall be considered related for the purpose of this title:
 - (a) Persons related by blood, marriage, or adoption;
 - (b) Persons residing with a family for the purpose of adoption;
 - (c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
 - (d) Not more than eight persons 19 years of age or older residing with a family for the

purpose of receiving foster care licensed or approved by the State of Nebraska.

(e) Person(s) living with a family at the direction of a court.

(f) Not more than 8 persons residing in a group home or care facility for purposes of treatment of illness or disability.

2. Federal: Pertaining to the Government of the United States of America.
3. Fence: A structure or object erected or positioned as a barrier to the passage of persons, animals or vehicles. The term fence shall include screening walls.
4. Floor Area Ratio: The quotient of gross floor area divided by gross site area.
5. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court.

2-10 G

1. Garage: An accessory structure, or an attached portion of a principal structure built, primarily intended and used for the storage of vehicles and/or materials.
2. Garage Sale: A temporary use of a garage by the family or families residing on the premises for the sale of household goods to the public, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.
3. Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
4. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, air spaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

2-11 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, shed, or gambrel roofs. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.
2. Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for an intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

2-12 I

1. Impervious Coverage: The total horizontal area of all buildings roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

2-13 J

2-14 K

2-15 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, groundcover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
 - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
 - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Douglas County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking, shall be considered a single lot for purposes of these Zoning Regulations. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Cluster Subdivision.
 - (a) Corner Lot: A lot located at the intersection of two streets, private ways or courts or on two segments of a curved street, private way or court forming an angle of no more than 135 degrees.
 - (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts.

(c) Interior Lot: A lot other than a corner lot.

4. Lot Area: The total horizontal area within the lot lines of a lot.

5. Lot Depth: The average horizontal distance between the front and rear lot lines.

6. Lot Line: The lines bounding a lot as herein defined.

(a) Front Lot Line: For an interior lot, the lot line separating the lot from the street, private way or court. For a corner lot, the shorter lot line abutting a street, private way or court, or the line designated as the front lot line on a subdivision plat or parcel map. For a double frontage lot, the lines separating the lot from both streets, private ways or courts.

(b) Rear Lot Line: The lot line which is opposite and most distant from the front lot line.

(c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

7. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

2-16 M

1. Manufactured Home Dwelling: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:

(a) The home shall have at least 900 square feet of floor area;

(b) The home shall have an exterior width of at least 18 feet;

(c) The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run;

(d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;

(e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;

(f) Permanent utility connections shall be installed in accordance with local regulations;

(g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and

(h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

For the purposes of this Ordinance, Manufactured Home Dwellings shall be regulated in the same manner as Single Family Detached residential structures.

2. Mixed Use Building: A building or structure that incorporates two or more use types within it.
3. Mixed Use Development: A single development, which incorporates two or more use types within its site boundaries.
4. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U.S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
5. Mobile Home Park: A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
6. Mobile Home Subdivision: A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

2-17 N

1. **Nonconforming Development:** A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance, but which complied with applicable regulations at the time of construction.
2. **Nonconforming Use:** A lawful use of land, other than a sign, which does not comply with the use regulations for its zoning district set forth by this Zoning Ordinance, but which complied with applicable regulations at the time the use was established.
3. **Nuisance:** An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

2-18 O

1. **Open Space:** Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
2. **Overlay District:** A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.
3. **Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

2-19 P

1. **Parcel:** A piece of real estate or property.
2. **Parking Facility:** An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
3. **Parking Spaces:** An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and town home residential uses shall be considered to have a means of access to a public street.
4. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
5. **Planned Unit Development:** A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed

series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

6. Premises: A tract of land consisting of one or more lots or sites, which are contiguous, and under common ownership or control.
7. Private Garage: A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.
8. Property Line: The line separating parcels under different ownerships or between different developments.
9. Porch: An improved, unenclosed, horizontal surface at the entrance to a building that projects beyond the front wall of such building. A porch may or may not be covered.

2-20 R

1. Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers, campers, motor coach homes, converted buses and trucks, boats, and boat trailers.
2. Regulation: A specific requirement set forth by this Zoning Ordinance, which must be followed.
3. Renovation, Significant: A remodel or renovation of an existing structure is considered significant if the cost (materials and service fees) are greater than thirty percent (30%) of the building's valuation.
4. Remote Parking: A supply of off-street parking at a location not on the site of a given development.
5. Right-of-Way: A publicly owned and dedicated parcel for street, utility and other public purposes.

2-21 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
2. Setback: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building face may come to that lot line.

3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, a portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
6. Special Permit Use: A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council.
7. State: The State of Nebraska.
8. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.
9. Street, Local: A street, which is used primarily for access to the abutting properties.
10. Story: The level of a building contained between the surface of any floor and the surface of the next floor above; or if there is no floor above, then the space between any floor and the ceiling next above.
11. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.
12. Swimming Pool: A contained pool structure, either in-ground or aboveground, intended for water-based recreation.

2-22 T

1. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
2. Townhouse Structure: A building formed by two or more contiguous townhouses with common or abutting walls.

2-23 U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

2-24 V

1. Value: The estimated cost to replace a structure in kind based on current replacement costs.

2-25 X

2-26 Y

1. Yard: A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Zoning Ordinance.

(a) Front Yard: A required yard extending the full width of a lot, between the front lot line and the front setback line. The block face containing the outlet of the driveway or main entrance of a structure shall be considered the front, unless otherwise determined by the building official.

(b) Rear Yard: A required yard extending the full width of a lot, between the rear lot line and the rear setback line.

(c) Interior Side Yard: A required yard extending the depth of a lot from the front to rear lot lines, between the interior side lot line and the side setback line.

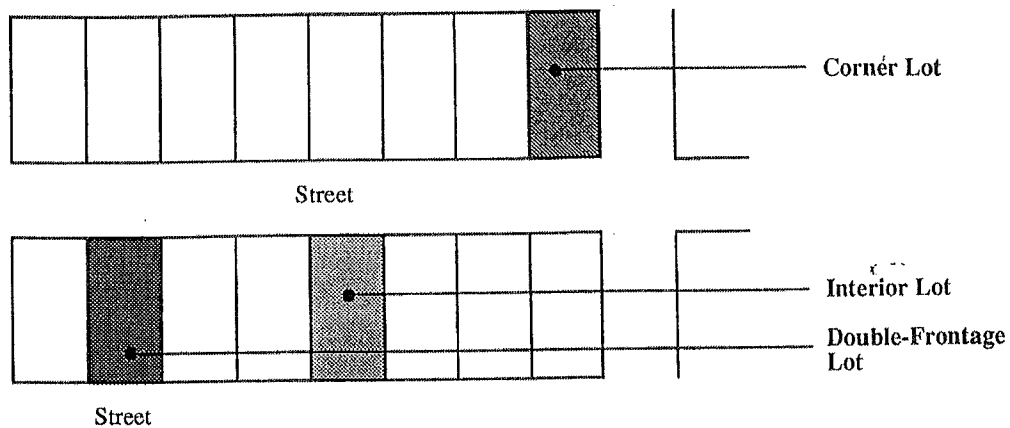
(d) Street Side Yard: On a corner lot, a required yard extending the depth of a lot from the front to rear lot lines, between the street side lot line and the street side setback line.

2-27 Z

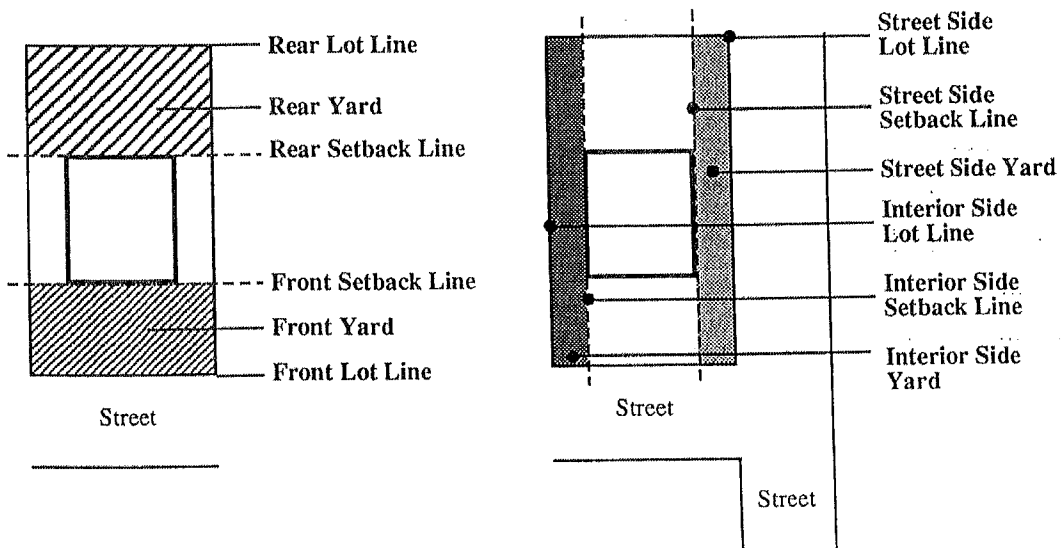
1. Zone Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district, and can provide such yards and other open spaces that are required by the district regulations.
2. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

■ DEFINITIONS ■

Lot Types



Yards



ARTICLE THREE

ZONING DISTRICT REGULATIONS

3-1 Purpose

Article Three presents the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

3-2 Establishment of Districts

The following base districts and overlay districts are hereby established.

<u>Map Code</u>	<u>District Name</u>
DR	Development Reserve District
R-1	Single-Family Residential District (Large Lot)
R-2	Single-Family Residential District (Moderate Lot)
R-3	Urban Single-Family Residential District
R-4	Multiple-Family Residential
MH	Mobile Home Planned Park District
LO	Limited Office District
LC	Limited Commercial
TC	Town Center District
GC	General Commercial District
LI	Limited Industrial District
GI	General Industrial District
F	Floodplain Overlay District
PUD	Planned Unit Development Overlay District

Purposes of Zoning Districts

Title	Purpose
(DR) Development Reserve	The DR District provides for the agricultural and very low-density residential development in close proximity to developed urban areas. The district is designed to provide for the orderly transition of land use from agricultural or other open land uses to urban uses where appropriate.
(R-1) Single-Family Residential	This district is intended to provide for low-density

(Large Lot)	residential neighborhoods, characterized by single-family dwellings on large lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
(R-2) Single-Family Residential (Moderate Lot)	This district is intended to provide for medium density residential neighborhoods, characterized by single-family dwellings on small to moderately sized lots with supporting community facilities. It provides special regulations to encourage innovative forms of housing development. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
(R-3) Urban Single-Family Residential	This district is intended to provide for medium-density residential neighborhoods, with single-family characteristics, while permitting latitude in the physical design of housing. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
(R-4) Multiple-Family Residential	This district is intended to provide locations for a variety of housing types, including multiple-family housing, with supporting and appropriate community facilities. The district integrates some appropriate non-residential uses in order to develop fully urban neighborhoods.
(MH) Mobile Home Planned Park District	This district accommodates planned mobile home developments, based on standards for good quality development contained within the Zoning Ordinance. The standards are designed to provide for provision of good quality circulation, utility, and open space systems within mobile home developments, and provide for the safety of the residents of such developments.
(LO) Limited Office	This district reserves appropriately located area for office development and distinguishes office uses from other, more intensive commercial activities and to provide suitable office environments in the city. The office district is also designed to permit a mixture of uses that are compatible with office development and to facilitate planning for traffic generation.

(LC) Limited Commercial	This district provides for neighborhood shopping facilities, which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are generally compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
(TC) Town Center	This district is intended to provide appropriate development regulations for Downtown Ralston. Mixed uses are encouraged within the TC District. The grouping of uses is designed to strengthen Downtown's role as a center for trade, service, and civic life. The Ralston Downtown/Hinge Master Plan provide the vision, framework, principles and guidelines for development in this district.
(GC) General Commercial	This district provides for a variety of commercial, office, and service uses and is adapted to commercial districts outside of Downtown. Uses and developments in the GC District may develop substantial traffic, creating potential land use conflict with adjacent residential neighborhoods. This district is most appropriate along arterials or in areas that can be well buffered from residential districts.
(LI) Limited Industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
(GI) General Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

3-3 Application of Districts

A base district designation shall apply to each lot or site within the village and its planning jurisdiction. A site must be in one base district.

The Floodplain and Planned Unit Development Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base district designation.

3-4 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those developmental reserve, residential, commercial, and industrial base zoning districts established in Section 3-2, and shall represent a progression from the DR Development Reserve District as the least intensive to the GI General Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.

3-5 Development Regulations

The Development Regulations for each zoning district are set forth in Tables 3-1 and 3-2. Table 3-1 presents the uses permitted in each zoning district. Table 3-2 presents the Site Development Regulations for each zoning district.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 3- 1.

3-6 Zoning Map

a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the City Clerk. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance.

b. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Twelve. Such changes shall be reflected on the Zoning Map. The City Clerk shall keep a complete record of all changes to the Zoning Map.

3-7 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.

b. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be considered the district boundary.

- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
- d. The City Council shall determine any other uncertainty regarding district boundaries not covered in this section.

3-8 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each site of such right-of-way shall be extended to the former centerlines. The regulations applicable to the abutting properties shall also apply to the area of the vacation.

Table 3-1: Permitted Uses by Zoning District

P-Permitted Uses by Right: C-Permitted by Conditional Use Permit: Blank-Uses not Permitted

Use Types	DR	R-1	R-2	R-3	R-4	MH	LO	LC	TC	GC	LI	GI	Supp. Regulations
Residential Uses													12-2
Single-Family Detached	P	P	P	P	P	P	P	C	P	C			6-3
Single-Family Attached			C	P	P	P	P	C	P	C			6-3
Duplex				P	P		P	C	P	C			
Two-Family				P	P		P	C	P	C			6-3
Townhouse				P	P		P	C	P	C			6-3
Multiple-Family					P		P	C	P	C			
Group Residential					P		P	C		C			4-20
Mobile Home Residential						P							6-3
Civic Uses													12-2
Administration	C						P	P	P	P	P	P	
Cemetery	P												
Clubs	C		C	C	C	C	P	P	P	P	P	P	6-4
College/University	C		C	C	C		P	P	P	P			
Convalescent Services					P		P	P		P			4-20
Cultural Services	C	C	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	C	C	
Day Care (General)	C	C	C	C	P	C	P	P	P	P	C	C	
Group Care Facility	C	C	C	C	P	C	P	P		P	C	C	4-20 and 6-4
Group Home	P	P	P	P	P	P	P	P		P			4-20 and 6-4
Guidance Services					P		P	P	P	P	P	P	
Health Care					P		P	P	P	P	P	P	
Maintenance Facilities	C									P	P	P	4-20
Park & Recreation	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities					C		P	P	P	P	P	P	
Primary Education	P	P	P	P	P	P	P	P	P	C			
Public Assembly							C	C	P	P	P		4-20
Religious Assembly	C	P	P	P	P	P	P	P	P	P	P	P	4-20
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education	C	C	C	C	C	C	C	C	C	C			
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	

Table 3-1: Permitted Uses by Zoning District
P-Permitted Uses by Right: C-Permitted by Conditional Use Permit: Blank-Uses not Permitted
Ord. 1265 11-3-2020

Use Types	DR	R-1	R-2	R-3	R-4	MH	LO	LC	TC	GC	LI	GI	Supp. Regulations
Office Uses													12-2
General Offices					C		P	P	P	P	P	P	
Commercial Uses													12-2
Agricultural Sales/Service										P		P	4-20
Automotive Rental/Sales										P	P	P	4-20 and 6-5
Auto Services								C	P	P	P	P	4-20 and 6-5
Body Repair										C		P	4-20 and 6-5
Equipment Rental/Sales										P		P	4-20
Equipment Repair										P	P	P	4-20
Vehicle Storage										C	P	P	4-20
Bed & Breakfast				C	P		C	P	P	P			
Business Support Services							P	P	P	P	P	P	
Business/Trade Schools									P	P	P	P	
Campground	C									C			4-20 and 6-5
Cocktail Lounge									P	P	P	P	
Commercial Recreation									P	P	P	P	
Communication Services							C	P	P	P	P	P	
Construction Sales/Service										P	P	P	4-20
Consumer Services								P	P	P	P	P	
Convenience Storage									C		P	P	4-20 and 6-5
Food Sales (Limited)					C			P	P	P	P	P	
Food Sales (General)								C	P	P	P	P	
Funeral Services								P		P	P	P	4-20
General Retail Services								P	P	P	P	P	
Kennels	C									C			4-20
Laundry Services									P	P	P	P	
Liquor Sales									P	P	P	P	
Lodging					C			C	P	P	P		
Personal Improvement								P	P	P	P	P	
Personal Services					C		P	P	P	P	P	P	
Pet Services	C							P	P	P	P	P	
Research Services							C	P		P	P	P	4-20
Restaurants (Drive-In)									C	P		P	
Restaurants (General)								P	P	P	C	P	
Stables													
Surplus Sales									P	P		P	
Veterinary Services	C								P	P	P	P	
Gaming Facilities									P	P	P	P	
Food Truck (Ord. 1265)		P	P	P	P		P	P	P	P	P	P	
Parking Uses													12-2
Off-Street Parking	C					P	P	P	P	P	P	P	Article Nine

Table 3-1: Permitted Uses by Zoning District

P-Permitted Uses by Right: C-Permitted by Conditional Use Permit: Blank-Uses not Permitted

Use Types	DR	R-1	R-2	R-3	R-4	MH	LO	LC	TC	GC	LI	GI	Supp. Regulations
Industrial Uses													12-2
Custom Manufacturing									P	P	P	P	
Light Industry									C	C	P	P	4-20
General Industry											C	P	
Heavy Industry												C	
Resource Extraction												P	6-6
Salvage Services												C	6-6
Warehousing											P	P	
Construction Yards												P	
Transportation Uses													12-2
Aviation													
Railroad Facilities									C	C	P	P	
Truck Terminal												P	
Transit Stops									P	P			
Miscellaneous Uses													12-2
Broadcasting Tower	C	C	C	C	C	C	C	C	C	C	C	C	
Construction Batch Plant												C	6-10
WECS	C	C	C	C	C	C	C	C	C	C	C	C	
Landfill (Non-Putrescible)											C	C	6-7
Landfill (Putrescible)													6-7
Wireless Telecommunications Towers							C	C	C	C	C	C	Article Thirteen
Solar Roof Panels	P	P	P	P	P	P	P	P	P	P	P	P	

Table 3-2: Summary of Site Development Regulations

Regulator	DR	R-1	R-2	R-3	R-4	MH
Minimum Lot Area (square feet)	20000	7500	6000	5000	5000	2 Acres
Minimum Lot Width (feet)	75	60	50	50 (2)	50	100
Site Area per Unit (square feet)	20000	7500	6000	5000 (SF) 3000 (Other)	2000 (3)	4000
Front Yard	35	35 (5)	35 (5)	25	25	35
Street Side Yard	20	15	15	15	15	35
Interior Side Yard	12	12	5 (1)	5 (1)	5-30 (1,4)	35
Rear Yard	25	25	25	20	20	35
Maximum Height (feet)	36	36	36	36	72	36
Maximum Building Coverage	NA	30%	40%	50%	60%	NA
Maximum Impervious Coverage	NA	40%	50%	60%	75%	50%
Floor Area Ratio	NA	NA	NA	NA	2.00	NA

Note 1:

See Section 6-3 for supplemental regulations governing single-family attached, courtyard housing and townhouse residential use types.

Note 2:

See Section 6-3 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 3:

Density of multi-family residential may exceed this maximum, subject to approval of a Conditional Use Permit by the Planning Commission.

Note 4:

Interior side yard is equal to five feet for each story of height.

Note 5:

Front yard setback shall be 25 feet for cul-de-sacs.

Table 3-2: Summary of Site Development Regulations

Regulator	LO*	LC*	TC	GC*	LI*	GI*
Minimum Lot Area (square feet)	6000	5000	None	5000	5000	10000
Minimum Lot Width (feet)	50	50	None	50	50	100
Site Area per Unit (square feet)	2000 (3)	2000 (3)	500	2000 (3)	NA	NA
Front Yard	35	25	0	25	25	15
Street Side Yard	15	15	0	20	10	10
Interior Side Yard	10	15	0	0	10	0
Rear Yard	25	15	0	20	20	10
Maximum Height (feet)	36	45	No Limit	42	72	72
Maximum Building Coverage	50%	50%	100%	70%	70%	85%
Maximum Impervious Coverage	70%	70%	100%	90%	90%	100%
Floor Area Ratio	0.50	0.50	6.0	1.0	1.0	2.0

Note 3:

Density of multi-family residential may exceed this maximum, subject to approval of a Conditional Use Permit by the City Council

***Uses in the LO, LC, GC, LI and GI Districts are subject to landscape and screening provisions contained in Article 9.**

ARTICLE FOUR
OVERLAY DISTRICTS

4-1 General Purpose

Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City of Ralston.

The Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the City which require specific regulation.
- b. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

PUD PLANNED UNIT DEVELOPMENT DISTRICT

4-2 Purpose

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council, assures specific development standards for each designated project.

4-3 Permitted Uses

- a. Uses permitted in a PUD Overlay District are those permitted in the underlying base district.

4-4 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

- a. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
- b. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.

c. Yard areas and setbacks, which are less than required in the base district, may be approved to achieve a more desirable arrangement of buildings and open space. In no case shall the exterior yards be less than 10 feet, nor shall the street side yard setbacks be less than 15 feet.

4-5 Access to Public Streets

Each PUD District must abut a public street for at least 50 feet and gain access from that street.

4-6 APPLICATION PROCESS

a. Development Plan

The application for a Planned Unit Development District shall include a Development Plan containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.
2. A land use plan identifying land features and topography; designating specific uses for the site; and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area requirements.
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans showing the location, size and type of plant materials.
4. A circulation plan, including location of existing and proposed vehicular and pedestrian facilities and location and general design of parking and loading facilities.
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, preliminary floor plans, elevations and general architectural design.
6. Agreements, provisions or covenants, which govern the use, maintenance, and continued protection of the planned unit development and any of its common areas.

4-7 Adoption of District

a. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application according with the site plan review criteria in table 12-1. The City may impose reasonable conditions as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.

b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.

- c. The Planning Commission may recommend amendments to PUD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District.
- f. An Ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable vote of one more than a simple majority of the City Council for approval if the Planning Commission recommends denial of the Ordinance.
- g. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

4-8 Amendment Procedure

- a. Major amendments to the Development Plan must be approved according to the same procedure set forth in Article 12.

4-9 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

4-10 Termination of PUD District

If no substantial development has taken place in a Planned Unit Development District for two years following approval of the District, the Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

F FLOODPLAIN/ FLOODWAY OVERLAY DISTRICT (*Ord.1265, 11/03/2020*)

4-11 Purpose

The F Floodplain/Floodway Overlay District is intended to protect public health, safety, and general welfare and to minimize losses of life and property in flood-prone areas. The District is designed to:

- a. Require development standards, which protect uses that are vulnerable to flood damage.
- b. Protect prospective purchasers of land that is unsuitable for intended uses.

- c. Assure that property owners within the community are eligible to purchase flood insurance under the National Flood Insurance Program.
- d. Comply with the minimum standards of the State of Nebraska Flood Plain Regulation Act.

4-12 Designation of Districts (*Ord. No. 1265 11-3-2021*)

a. F Floodplain Overlay District

Those lands within the area of one-hundred-year flood or within an area of specialized flood hazard, as shown on the flood hazard boundary map, flood boundary and floodway maps or flood insurance rate map issued by the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA), and including Zone A within the F Floodplain Overlay District as defined in Chapter 15, Floodways & Flood Fringe District, of the Ralston City Code.

4-13 Permitted Uses (*Ord. No. 1265 11-3-2021*)

Use regulations within the F Floodplain Overlay District shall be the same as those of the underlying base district.

4-14 Site Development Regulations in F District (*Ord. No. 1265 11-3-2021*)

The F Floodplain Overlay District shall be subject to the site development regulations of the underlying base district and supplementary regulations as adopted in Chapter 15, Floodways & Flood Fringe District, of the Ralston City Code.

HINGE OVERLAY DISTRICT

4-18 Purpose

The purpose of the Hinge Overlay District is to implement the vision of the 2014 Ralston Comprehensive Plan by creating the framework and guidelines to revitalize downtown Ralston and the corridor between downtown and the arena, identified as the Hinge area in the Comprehensive Plan, and surrounding areas pursuant to the 2019 Ralston Downtown/Hinge Master Plan and any future supplements or amendments to those plans. The goal is to create a walkable urban district, characterized by mixed use development consisting primarily of medium density housing and retail commercial activity, by limiting permitted uses and through the use of design guidelines to ensure the compatibility of development in the Hinge area with these purposes.

4-19 Boundaries

The boundaries of the Hinge Overlay District shall be shown on the Zoning Map maintained by the City Clerk pursuant to section 3-6 of this zoning ordinance. Such boundaries may be

changed from time to time by ordinance, following the procedures set forth in section 12-4 of the zoning ordinance, and such changes shall be reflected on the Zoning Map.

4-20 Permitted Uses

All uses permitted in the underlying base zoning districts are permitted in the Hinge Overlay District except those specifically restricted by this section.

1. The following residential uses shall not be permitted:
 - a. Group Residential
2. The following civic uses shall not be permitted:
 - a. Convalescent Services
 - b. Group Care Facility
 - c. Group Home
 - d. Maintenance Facilities
 - e. Clubs, Public Assembly, and Religious Assembly facilities exceeding 5,000 total square feet.
3. The following commercial uses shall not be permitted:
 - a. Agricultural Sales/Services
 - b. Automotive and Equipment Services other than service stations and car washes
 - c. Campground
 - d. Construction Sales and Services
 - e. convenience storage, except as an accessory use to a mixed use or multi-family structure for the building occupants and not to exceed more than 10% of the gross floor area.
 - f. Funeral services
 - g. Kennels
 - h. Research Services

4-21 Supplemental Regulations: (Ord. No. 1283 4-20-2021)

The following supplemental regulations shall expand or restrict regulations otherwise applicable to the base districts within the Hinge Overlay District:

1. If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of one year, any subsequent use must conform to all use regulations applicable to the zoning district.
2. Should any structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds the tax assessed value of the structure, the nonconforming use shall no longer be permitted.
3. Non-compliant, prohibited, and non-conforming signs, as defined by Article 11 of Chapter 11, which are erected, altered, moved, or maintained within the Hinge Overlay District may be allowed based on one or more of the following criteria:
 - a. Provide for the preservation of the City of Ralston’s unique character, history, and identity, as reflected in the sign’s historic or iconic value.

- b. The sign is found to exemplify the cultural, economic, and historic heritage of Ralston.
- c. The sign exhibits extraordinary aesthetic quality, creativity, or innovation.

4-22 Design Standards (Ord. 1258, 09/15/2020)

Design Standards (Base Tier for renovations of existing buildings and all new construction) that are essential to Codify in order to ensure adherence to the plan/walkable urbanism within the district:

Building Placement

General: Buildings should be built to the sidewalk/property line

- All buildings should front onto and activate the street/sidewalk
- All buildings must front onto, and provide direct access to, a public street. In cases where a building is also adjacent to a park, plaza, mews, promenade, or similar public space, the building must also front onto and provide direct access to this feature
- Principal buildings should occupy a minimum of 75% of the primary street lot frontage

Ground Level Uses

General: Ground level active uses should be in locations identified in the master plan

- Buildings should be designed to house ground level retail uses along primary streets and at key nodes as identified in the Section D of the Ralston Downtown Hinge Design guidelines.
- Buildings should provide storefronts / retail frontages in the locations shown in the master plan

Building Frontage

General: Building fronts must be “permeable”

- Storefronts should be no less than 70% glazed on the first floor in clear glass and shaded with a canopy overhanging the sidewalk
- In mixed-use buildings with ground-floor retail, ground floors should have facades containing storefronts with significant glazing, canopies, and common lobby entrances for upper-level uses
- All multi-family buildings should be required to have ground-level, street-facing entrances to residential units.

Building Entrances

General: Primary entrances to all buildings should be from the street

- Buildings should have **primary entrances** along their front façade (from the street) and have secondary, **functional (convenience) entrances** from rear parking lots/structures

Building Facades

General: Buildings fronting onto primary streets or public spaces (plazas, parks, etc.) should have enhanced facades

- Buildings should have enhanced facades (design and materials) along primary streets and public spaces
- Building facades should be designed with a base, middle, and top
- Building facades along street frontages should be divided vertically into bays in order to establish a rhythm along the street

Building Heights

General: Building heights should be contextual with adjacent structures

- Building heights should be contextual with adjacent buildings (i.e. 1 – 4 stories Downtown and taller in the Hinge)
- Buildings should be no greater or less than twenty feet in height than the average height of the existing buildings on the same block face, unless approved by the City Council.

Building Roofs

General: Building roofs should be simple and keyed to their use/style

- Buildings may have flat or pitched roofs, mansard roofs are highly discouraged

Building Setbacks

General: Buildings should have uniform setbacks along all streets

- New buildings in Downtown Ralston should have no setback and front onto the property line/sidewalk – a 5’ setback is allowed to account for desired building projections such as canopies, balconies and/or stoops
- Buildings within the hinge can have a greater diversity of setbacks, but should be uniform along the block frontage
- Buildings with park frontage should generally be placed as close to the property line as possible in order to help “enclose” the open space

Parking and Access

General: Parking lots are prohibited in front of buildings

- On-street parking should be provided whenever possible
- Parking areas (both parking lots and structures) should always be located to the rear of their respective buildings or interior of their respective block and accessed by alleys in order to shield them from view unless approved by the City Council.
- Entries into off-street parking areas should be limited from the street in order to promote a comfortable and safe pedestrian environment
- Parking should be accommodated either on-street or in district parking lots/structures located to the rear of buildings
- Surface parking lots should incorporate shade trees and heavily landscaped islands/medians and perimeter landscaping
- Garage entrances (townhomes, mews homes, pocket neighborhoods, etc.) should be from a rear alley and not the street

ARTICLE FIVE

USE TYPES

5-1 Purpose

Article Five shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

5-2 Determinations

a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building Official of the City of Ralston shall have the authority to determine the appropriate use type. A determination of the Building Official may be appealed to the Planning Commission. In making such determinations, the Building Official and the Planning Commission shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

b. Records

The Building Official shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

5-3 Agricultural Use Types

Agricultural use types include the on-site production of plant and animal products by agricultural methods.

a. Horticulture

The growing of horticultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

b. Crop Production

The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

c. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, and/or poultry farming.

d. Commercial Feedlots

Use of a site of more than 15,000 square feet where the principal business is the feeding of livestock and/or poultry.

5-4 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family, including a Manufactured Home Dwelling Unit, but excluding a mobile home unit.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on one lot, with no physical or structural connection to any other dwelling unit.
2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on one lot and is attached by a common vertical wall to only one other adjacent dwelling unit on an adjacent lot.

b. Duplex Residential

The use of a site for two dwelling units, each occupied by one family within a single building, excluding a mobile home unit.

c. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.

d. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical sidewalls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

e. Multiple-Family Residential

The use of a site for three or more dwelling units within one or more buildings.

f. Group Residential

The use of a site for a residence by more than three unrelated persons, not defined as a family, on a weekly or longer basis.

g. Mobile Home Residential

Use of a site for one or more mobile home units.

5-5 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses, which are strongly vested with public or social importance.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, non-profit or noncommercial association, primarily for use by members and guests.

d. College and University Facilities

An educational institution of higher learning, which offers a course of study, designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Convalescent Services

A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

f. Cultural Services

A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

g. Day Care Services (Limited)

A facility, or use of a building or portion thereof, licensed by the State of Nebraska for daytime care of twelve (12) or fewer individuals. This term includes nursery schools, preschools; day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

h. Day Care Services (General)

A facility, or use of a building or portion thereof, licensed by the State of Nebraska for daytime care of at least twelve (12) individuals. This term includes nursery schools, preschools; day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities and non-commercial day shelters.

i. Group Care Facility

A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long term overnight occupancy of more than three unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work release, and probationary programs.

j. Group Home

A facility licensed by the State of Nebraska in which at least four but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.

k. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

l. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

m. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

n. Park and Recreation Services

Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.

o. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

p. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Nebraska.

q. Public Assembly

Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

r. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto but excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities. A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute *prima facie* evidence of religious assembly use.

s. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

t. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the public schools of the State of Nebraska.

u. Utilities

Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

5-6 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. General Offices

Use of a site for business, professional, medical or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; medical offices; banks or financial offices; or professional offices.

5-7 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Agricultural Sales and Services

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
2. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
3. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
4. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
6. **Vehicle Storage:** Long-term storage of operating or non-operating vehicles. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage.

c. Bed and Breakfast

Conversion of a structure or group of structures for lodging use, providing no more than ten units, one of which must be occupied by the owner of the premises, and furnishing guests with breakfast and other incidental services.

d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

f. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents.

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

h. Commercial Recreation

Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. Typical uses include driving ranges, theaters, private dance halls, or private skating facilities.

i. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

j. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, or materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

k. Consumer Services

Establishments, which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

l. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

m. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Limited Food Sales: Establishments occupying facilities of 10,000 square feet or less; and characterized by sales of specialty foods or a limited variety of general items. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.
2. General Food Sales: Establishments selling a wide variety of commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.

n. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals and preparing the human dead for and performing cremations. Typical uses include funeral homes, mortuaries and crematories.

o. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Ralston and/or the State of Nebraska.

p. General Retail Services

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

q. Kennels

Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog-training centers. Police regulations and municipal code provisions shall govern these uses, in combination with this Zoning Ordinance.

r. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.

s. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

t. Lodging

Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, or bed-and-breakfasts.

u. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

v. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

w. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

x. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

y. Restaurants

A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.

1. Restaurant (Drive-in or Fast Food): An establishment, which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility on on-site accommodations, self-service, and short stays by customers.
2. Restaurant (General): An establishment characterized by table service to customers and/or accommodations to walk-in clientele. Typical uses include cafes, coffee shops, and restaurants.
3. Restaurant (Food Truck): A motor vehicle or trailer equipped with facilities for cooking and selling food and beverages. Food Trucks regulations are contained in Chapter 10, Article 18, of the Ralston Municipal Code.

z. Stables

Boarding, breeding, or raising of horses not owned by the occupants of the premises or riding of horses by other than occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables. Police regulations and municipal code provisions shall govern these uses, in combination with this zoning ordinance.

aa. Surplus Sales

Business engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

bb. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

5-8 Parking Use Types

a. Off-Street Parking

Parking use types include parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility, other than accessory to a principal use.

5-9 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

a. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods and by hand manufacturing, within closed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing and candle making shops.

b. Limited, or Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrications, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and

include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.

c. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

d. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials; except for those uses defined as Agricultural Industries.

e. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries; borrow pits, sand and gravel operations, and mining.

f. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling, or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards.

g. Warehousing

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards.

h. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

5-10 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

b. Railroad Facilities

Railroad yards, equipment servicing facilities and terminal facilities.

c. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

5-11 Miscellaneous Type Uses

a. Broadcasting and/or Receiving Tower

A structure for the transmission or receiving of radio, wireless telecommunications, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Radio towers not exceeding fifty feet in height, and satellite dishes are excluded from this definition.

b. Construction Batch Plant

A temporary demountable facility used for the manufacturing of concrete, asphalt, or other paving materials intended for specific construction projects.

c. Wind Energy Conservation System (WECS)

Any device, which converts, wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

d. Landfill (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

e. Landfill (Putrescible and Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency. Typical disposal material would include non-putrescible wastes and vegetation, tree parts, agricultural wastes (garbage) and manure.

ARTICLE SIX

SUPPLEMENTAL USE REGULATIONS

6-1 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Three of this Ordinance.

1. Hinge Overlay District development is subject to the Master Plan Design Guidelines and shall be reviewed by the Design Review Committee.

6-2 Supplemental Use Regulations: Agricultural Uses

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

a. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the Development Reserve District, subject to the following requirements:

1. Garden Centers

(a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

(b) Garden centers must conform to all site development regulations for the zoning district.

(c) Any garden center adjacent to a residential district must maintain a 30-foot landscaped bufferyard, consistent with the standards established in Article 9.

2. Roadside Stands

(a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

(b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.

(c) A roadside stand may operate for a maximum of 180 days in any one year.

6-3 Supplemental Use Regulations: Residential Uses

a. Zero-Lot Line Single-Family Detached Residential

Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

1. The side yard opposite to the zero yard must equal at least twice the normal required side yard.
2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
3. An easement for maintenance of the zero-lot line facade is filed with the Douglas County Register of Deeds and the City Clerk at the time of application for a building permit.

b. Single-Family Attached

When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.

c. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The site area per unit must be 5,000 square feet in the R-3 and R-4 Districts and 3,000 square feet in all other districts where permitted.
2. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.
3. Coverage percentages are computed for the site of the entire townhouse common development.

d. Two-Family Residential

1. Two family residential is a permitted use in R-3, R-4, LO and TC Districts, and is allowed with a Conditional Use Permit in LC and GC Districts. When permitted, the second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of 25 feet.
2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public right-of-way adjacent to the lot.

e. Mobile Home Residential

Mobile homes parks are permitted subject to the following regulations:

1. **Setbacks.** Within the mobile home park development, each mobile home shall have a 10-foot front setback. The minimum separation between mobile homes, including an attached accessory structure, shall be 15 feet provided that in no case shall there be a side or rear setback of less than 5 feet on any mobile home lot.
2. **Community facilities.** Each mobile home unit lot shall have access to a hard surfaced drive not less than 25 feet in width. All mobile home units shall be connected to a community water and disposal facilities. Fire hydrants with adequate water supply for fire protection shall be provided. There shall be 1.5 off-street hard surfaced parking spaces provided for each mobile home unit lot.
3. All mobile home units shall be tied down in a manner approved by the Building Official.
4. **Landscaping and Open Space.** Not less than 10 percent of the total mobile home park site shall be designated and used for park, playground and recreational purposes. All perimeter yards, park and open space areas shall be landscaped.
5. **Site Development Permit.** Each mobile home park development shall obtain a site development permit. The permit shall be issued upon approval by the City Council of a site development plan. The site development plan shall present information and maps regarding the development, including:
 - (a) Site map showing property lines, rights-of-way, utilities, easements, topography and all other existing conditions.
 - (b) Proposed development plan including but not limited to the layout and dimensions of mobile home unit lots; all utilities; drives; parking spaces; landscaping; drainage systems; community facilities and all other major improvements.

6-4 Supplemental Use Regulations: Civic Uses

a. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than fifteen feet along the common boundary with such residential use.

b. Group Care Facilities and Group Homes

Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

6-5 Supplemental Use Regulations: Commercial Uses

a. Auto Repair. Equipment Repair and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building.
2. Any spray painting must take place within structures designed for that purpose and approved by the State Fire Marshall or appropriate local government official.

b. Auto Washing Facilities

1. Each conveyor-operated auto washing facility shall provide 200 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.
3. Stacking spaces may not be located within a required front yard.

c. Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be hard-surfaced.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Campgrounds

1. Minimum Size: Each campground established after the effective date of this title shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances.

e. Convenience Storage

When permitted in the LI, and GI and Districts, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be two acres.

2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
3. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
5. No storage buildings may open into required yards.
6. Facilities must maintain landscaped bufferyards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article Nine.

6-6 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility if necessary, to meet this standard.
2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the City Council.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (a) Restoration of slopes to a gradient not exceeding three to one.
 - (b) Installation of perimeter safety screening.
 - (c) Installation of visual screening adjacent to any property within a residential or public use district.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion.

b. Salvage Services

1. Screening: The perimeter of each facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
2. No Salvage Services use may be established within 300 feet of the nearest property line of a residential or public use-zoning district.

6-7 Supplemental Use Regulations: Miscellaneous Uses

a. Landfills

1. Compliance with Codes: Each landfill must comply with all relevant City, County, State, and Federal codes and statutes.
2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.
3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Ralston. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
4. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any State or Federal Highway.
5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within twelve months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the Douglas County Health Department and the State of Nebraska's Department of Environmental Quality.
6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Ralston and its extra-territorial jurisdiction.

6-8 Supplemental Use Regulations: Accessory Uses

a. Home Occupations

Home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. The activity must be secondary to the residential use of the dwelling unit.

2. A home occupation may employ one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available, and used by that non-resident employee.
3. No commodity, merchandise or material may be received, exchanged, manufactured, or stored on the premises except that which is clearly incidental to the service provided. No external storage is permitted.
4. No equipment or process shall be used in such activity, which creates noise, vibration, glare, fumes, odors, bright lights, electrical interference or other external effects attributed to the home occupation and noticeable beyond the dwelling unit from any adjacent property or public right of way.
5. Deliveries or service by commercial vehicles or trucks over 10 tons is prohibited.
6. A home occupation may not include on-premise signs, display, purchase or sale of commodities, except as provided herein.
7. No residential structure shall be used for a home occupation unless it is in conformance with these regulations and has received a permit. An application for a permit for a home occupation shall be submitted to the City Clerk, who shall review application to ensure that all requirements have been met. The City Clerk may issue the permit if all requirements have been met. In the event that the application does not clearly meet requirements, the City Clerk shall place the application on the next regularly scheduled City Council agenda for final determination of the approval or denial of the permit. Upon issuance, the permit shall be valid for a period of 1 year from the date of issue. The City Council shall establish by resolution the fee for the issuance of a permit for a home occupation.

b. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

1. Private garages and parking for the residential use.
2. Recreational activities and uses by residents.
3. Home occupations, subject to Section 6-8 (a) of these regulations.
4. Residential convenience services for multi-family uses or mobile home parks.
5. Garage sales, provided that items offered for sale are residential items, and that the sale operate no more than four (4) days in any ninety (90) day period.

6. No accessory structure may exceed the greater of 600 square feet or 25% of the footprint of the primary residential structure. The maximum height of such accessory structure shall not exceed one-half the permitted maximum height for the zoning district.

c. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

1. Parking for the principal use.
2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided that such manufacturing is totally contained within the structure housing the principal use.
3. Services operated for the sole benefit of employees of the principal use.

d. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands.
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

6-9 Supplemental Use Regulations: Outdoor Storage

Outdoor storage is prohibited in all zoning districts except the GI General Industrial and LI Limited Industrial zoning districts, except as provided in this section.

a. Agricultural Use Types

Outdoor storage is permitted where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.
2. Outdoor storage is permitted where incidental to Body Repair, provided that such storage is completely screened at property lines.

d. Industrial and Miscellaneous Use Types

1. Light Industry within the TC Town Center zoning district may not include outdoor storage.
2. Outdoor storage is permitted where it is incidental to Limited Industry outside of the TC Town Center zoning district. Any such outdoor storage is subject to screening requirements set forth in Article Nine.
3. Outdoor storage is permitted where incidental to landfills.

6-10 Supplemental Use Regulations: Temporary Uses.

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities; when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a TC or more intensive zoning district.
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.

9. Construction Batch Plants, provided that:

(a) No plant may be located within 600 feet of a developed residential use, park, or school.

(b) The facility is located no more than one mile from its job site. The Building Official may extend this distance to three miles, if such extension avoids use of local streets by plant related vehicles.

(c) Hours of operation do not exceed 12 hours per day.

(d) The duration of the plant's operation does not exceed 180 days.

10. Additional temporary uses that the Building Official determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Building Official may establish other conditions, which he/she deems necessary to ensure compatibility with surrounding land uses.

d. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Building Official and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
2. The Building Official may authorize a temporary use only if he/she determines that
 - (a) The use will not impair the normal operation of a present or future permanent use on the site.
 - (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
 - (c) The duration of the permit shall be explicitly stated on the permit.
3. Decisions of the Building Official may be appealed to the Board of Adjustment.

ARTICLE SEVEN

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-1 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

7-2 Setback Adjustments

a. Lots Adjoining Alleys

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than three feet to the near side of the alley.

b. Exceptions to Openness of Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Windowsills, belt courses, cornices, eaves, flutes, and chimneys, and ornamental features may project two feet into a required yard.
2. Unenclosed porches, patios, decks, and ornamental features, which serve as an entrance of a structure, may project 6 ft. into a required yard. However, all projections must be setback at least 3 ft. from an adjacent side lot line.
3. Fire escapes fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 ½ feet into required yard, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Accessory buildings in residential districts, including private and community garages, may be located a minimum of three feet from the side or rear lot line if set back sixty feet

or more from the front lot line. Any such accessory building must be located at least ten feet from the main structure, and may not occupy more than thirty percent (30%) of the rear yard.

7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.
8. Accessibility ramps for use by disabled persons may be constructed parallel to the front or side of any building, provided that a minimum front yard setback of twenty-five (25) feet, and/or minimum side yard setback of two (2) feet is maintained.

c. Setback Adjustments

These provisions apply if fifty percent or more of the buildings on that block face have front yard setbacks less than those required for the specific district.

1. If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
2. If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
3. If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the block face.

d. Rear Yard Exceptions - Residential Uses

When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.

e. Double Frontage Lots

Residentially zoned double frontage lots on a major street, and with no access to that street, may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

f. Parabolic Antennas

1. Parabolic antennas which are accessory to a primary use and are designed to receive microwave, radio or television signals from satellites shall not be located within any front yard or street side yard.

2. Such antennas shall be located no less than fifteen feet from the property line of an adjacent property within a residential zoning district.

7-3 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projections

Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may exceed the height limit of any district by not more than 25 percent.

b. Radio Towers

1. Radio towers, operated by licensed amateur radio operators, may exceed the height limit of any district by not more than 25 percent. This exception does not apply to parabolic antennas, designed to receive signals from satellites.
2. Such radio towers shall not be located within any street yard and shall be located no less than 25 feet from a property line of an adjacent property within a residential zoning district.

c. Microwave and ~~Cellular Phone Towers~~ Wireless Telecommunication Towers

1. Microwave relays may exceed the height limit of any district by not more than 25 percent. This exception does not apply to parabolic antennas, designed to receive signals from satellites.
2. Such microwave shall not be located within any street yard of the primary use, and shall be located no less than 25 feet from a property line of an adjacent property within a residential zoning district.
3. Wireless telecommunication towers are subject to the provisions of Article Thirteen.

d. Special Permit Uses

After receiving a recommendation of the Planning Commission, the City Council may grant an exception from the height limit for a zoning district for a special permit use, as part of its approval of that use. The limit or extent of this exception shall be a specific part of the Conditional Use Permit.

e. Federal Aviation Administration Rules

No structure may be built in any zoning district, which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Ralston.

7-4 Exceptions to Site Development Regulations for Creative Subdivisions

a. Purpose

Creative subdivisions allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and encourage the preservation of common area and open space. These special regulations and exceptions apply only to creative subdivisions.

b. Regulations Governing Application Procedures, Approval and Termination

The procedures for the application, subdivision, approval or termination of a Creative Subdivision shall follow the process set forth for conventional developments in Article 12.

c. Site Area Per Unit

1. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.
2. In the Development Reserve (DR) District, the minimum site area per unit may be reduced by 50 percent in creative subdivisions.

d. Perimeter Yards

1. The required setback for any structure within a creative subdivision from a perimeter public street shall be the required setback for the zoning district.
2. The required setback for any structure within the subdivision from any property line, which forms the boundary of the subdivision, shall be 20 feet.

e. Area and Yards for Individual Lots

1. Individual lots within a creative subdivision are exempt from minimum lot area or yard setback requirements set forth elsewhere in this Ordinance, unless provided for by the regulations for a specific zoning district. A creative subdivision must be planned and

developed as a common development. A minimum separation of ten feet shall be established for all residential structures not attached to one another.

2. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 25 feet from that public street or private way.

f. Coverage and Landscaping Requirements

Individual lots in a creative subdivision are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district. However, the subdivision, as a whole, (including streets, walks, and access ways) must comply with the building and impervious coverage regulations for its zoning district.

7-5 Fence Regulations (*Ord. 1288 8-3-2021*)

a. Location Restriction

Unless otherwise provided by this title or other sections of the Ralston Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.

b. Required Openings

Unless otherwise provided by this title or other sections of the Ralston Municipal Code, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

c. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Ralston Municipal Code shall be built within a triangle formed by the adjacent side, back-of-curb lines of two intersecting streets (or an intersection with a dedicated alley) and a line connecting points 30 feet on each leg from their point of intersection.

d. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

e. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be six feet.

2. The maximum height for nonresidential uses within residential areas as defined in table 3-2 shall not exceed 10 feet.
3. Exception for Street Side Yards: On corner lots, a fence built along the street side yard in conformance with the required street yard setback may have a maximum height of six feet above grade.
4. Exception to Openness Requirement: Fences built on residential property behind the required front or street side yard setback lines may exceed 50 percent closed construction.
5. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial or collector street, or expressway as defined in the Comprehensive Development Plan of the City of Ralston; and if such frontage does not provide primary access to the property.
6. Materials: Fences shall be constructed of wood, chain-link, vinyl, wrought iron, aluminum, stone or masonry, or other materials as approved by the City only. Wood fences shall utilize standard building lumber only. Chicken wire, snow fence, non-decorative welded wire, and barbed wire and/or electrified fences are not permitted. Barbed wire and/or electrified fences are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

f. Office, Commercial, and Industrial Fences

Fences constructed in commercial, office and industrial districts are subject to the following special provisions:

1. LO, LC, and TC Districts: The maximum height of a fence in the LO, LC, or TC Districts may not exceed six feet.
2. GC, LI, and GI Districts: The maximum height of a fence within a required front yard or street side yard setback shall be six feet. The maximum height for a fence outside of required front yard or street side yard setbacks shall be ten feet.

7-6 Fence Permit & Application (*Ord 1288 8-3-2021*)

- A. No permanent fence 4 ft. or taller shall be erected, replaced, moved, added to, or structurally altered without a permit being issued by the City of Ralston.
- B. Fence applications and permits shall be submitted, issued, and enforced in accordance with the provisions set forth in Section 12-6.

7-7 Appeals (*Ord 1288 8-3-2021*)

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Zoning Board of Adjustment, as set forth in Article Twelve.

ARTICLE EIGHT

NONCONFORMING DEVELOPMENT

8-1 Purpose

Article Eight shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- a. To allow for reasonable use of legally created lots of record, which do not meet current minimum requirements for their respective zoning districts.
- b. To provide for reasonable use of legally constructed structures, which do not meet current site development regulations for their respective zoning districts.
- c. To allow for the reasonable continuation of legally established uses, which do not meet current use regulations for their respective zoning districts.
- d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

8-2 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

8-3 Nonconforming Lots

a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Ordinance.

b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

8-4 Nonconforming Structures

These regulations apply to buildings and structures, which were legally constructed under regulations in effect before the effective date of this Ordinance.

a. Continuation

A lawful nonconforming structure existing on the effective date of this Title may be continued, repaired, maintained, or altered, subject to the provisions of this Article.

b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
 - (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
 - (b) The nonconforming building and impervious surface coverage on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.
 - (c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
2. No permitted addition to a nonconforming structure may place a wall within six feet of a window of an adjacent pre-existing residential structure.
3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.

c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

d. Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with Floodplain development regulations.

e. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

f. Applicability of Landscaping and Screening Regulations

A pre-existing structure, building, or development shall be exempt from Article Nine, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Ordinance shall be subject to Article Nine.

8-5 Nonconforming Uses

a. Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

b. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

c. Abandonment of Nonconforming Use

If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of six months, any subsequent use must conform to all use regulations applicable to the zoning district.

d. Change of Use

1. A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal or less intensive than that normally required for the previous use.

e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

f. Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

g. Nonconforming Uses and Conditional and Conditional Use Permits

A lawful pre-existing use, which would require a Conditional Use Permit in its zoning district, shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Article Twelve.

h. Historic Preservation

The limitations in these regulations do not apply to alterations or maintenance required by existing health, sanitary, building, safety codes; nor to the historical preservation activities undertaken upon structures designated by the City Council as local historical landmarks, or which are certified rehabilitations of structures listed on the National Register of Historic Places.

ARTICLE NINE

LANDSCAPING AND SCREENING REGULATIONS

9-1 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Ralston by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the City of Ralston.

9-2 Applicability

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

9-3 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 9- 1.

TABLE 9-1: REQUIRED LANDSCAPING DEPTH

Zoning District	Depth of Landscaping Adjacent to Street Property Line
DR	35 feet
R-1	20 feet
R-2	20 feet
R-3	15 feet
R-4	15 feet
MH	35 feet
LO	15 feet
LC	15 feet
GC	10 feet
TC	No Requirement on site – streetscape per Downtown/Hinge Master Plan
LI	15 feet
GI	10 feet

9-4 Buffer Yard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 9-2.

- a. The bufferyard dimensions set forth in Table 9-2 apply to zoning districts, which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 9-2.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances, provided, however that a bufferyard may contain paving if all of the following requirements are met:
 - 1. The Building Official determines that said bufferyard area provides the only reasonable means of ingress and egress to the lot to serve both the restricted access requirement and safe traffic movement;
 - 2. The point of entry to such ingress and egress from the abutting roadway has been fixed by State, County, or Federal authority restricting vehicular traffic;
 - 3. The area proposed to be paved within the bufferyard be no more than necessary to accomplish ingress and egress so as to allow use of the lot within its use classification.

Table 9-2: Buffer yard Requirements (feet)

Less Intensive District

	DR	R-1	R-2	R-3	R-4	MH
R-4	20	20	20	15		
MH	30	30	30	30	20	
LC, LO	20	20	15	15	10	15
GC	30	30	30	30	20	30
LI	60	60	60	60	50	60
GI	80	80	80	80	70	80

More Intensive District

9-5 Screening Standards

a. Application

Screening is required between adjacent zoning districts indicated in Table 9-2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.

1. The rear elevations of buildings.
2. Outdoor storage areas of storage tanks, unless otherwise screened.
3. Loading docks, refuse collection points, and other service areas.
4. Major machinery or areas housing a manufacturing process.
5. Major on-site traffic circulation areas or truck and/or trailer parking.
6. Sources of glare, noise, or other environmental effects.

b. Opaque Barrier

A six-foot opaque barrier shall be provided as follows, to visually screen the conditions listed in Article 9-5 (a) from less intensive uses:

1. A solid wood and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Location of Screening Wall

1. A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required bufferyard.

d. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

9-6 General Provisions

a. Time of Application

The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made.

b. Maintenance of Required Lands

Upon installation of required landscape materials, each owner shall take appropriate actions to insure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.

c. Obstruction of View

Landscaping installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

d. Exceptions

A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

ARTICLE TEN

OFF-STREET PARKING

10-1 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

10-2 General Applications

a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

b. Exemptions

Any use within the TC Town Center District is exempt from the off-street parking requirements provided by Article 10-3. Any off-street parking facility constructed in the TC District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

10-3 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 10- 1.

a. Computation

1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in affect for the City of Ralston at the time the use is established.

Table 10-1: Off-Street Parking Requirement

Agricultural Use Type	
Horticulture	1 space per 1,000 square feet of sales area
Crop Production	No requirement
Animal Production	No requirement
Commercial Feedlots	No requirement
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit
Duplex Residential	2 spaces per dwelling unit
Two-Family Residential	2 spaces per dwelling unit
Multi-Family Residential	2 spaces per dwelling unit; 1 space per 2 units for elderly housing
Group Residential	1 space for each two residents
Mobile Home Residential	1 space per dwelling unit
Civic Use Types	
Administration	1 space per 500 square feet
Cemetery	No requirement
Clubs	1 space per 5 person capacity
Convalescent Services	1 space per 4 beds
Cultural Services	1 space per 1000 square feet
Day Care Services	1 space per 5 person licensed capacity
Group Care Facility	1 space per 4 person capacity
Group Home	1 space per 4 person capacity
Guidance Services	1 space per 300 square feet
Health Care	1 space per 300 square feet
Maintenance Facilities	See Schedule A
Park & Recreation	No requirement
Postal Facilities	See Schedule A
Primary Education	1 space per employee of maximum shift
Public Assembly	1 space per 4 person capacity
Religious Assembly	1 space per 4 person capacity in largest assembly area
Safety Services	1 space per employee for maximum shift
Secondary Education	1 space per employee of maximum shift, and 1 space for each for 11th and 12th grade students
Utilities	1 space per employee of maximum shift
Commercial Use Types	
Agricultural Sales/Service	See Schedule A
Auto Rental & Sales	See Schedule A
Auto Service	Three times service capacity

5/27/2004

Table 10-1: Off-Street Parking Requirement

Body Repair	Four spaces per repair stall
Business Support Services	1 space per 500 square feet
Campground	1 space per camping unit
Cocktail Lounge	1 space per 200 square feet
Commercial Recreation	1 space per 4 person capacity
Communications Services	1 space per 500 square feet
Construction Sales	See Schedule A
Consumer Services	1 space per 300 square feet
Convenience Storage	1 space per 10 storage units
Equipment Sales/Service	See Schedule A
Food Sales	1 space per 300 square feet
General Retail Services	1 space per 250 square feet
Liquor Sales	1 space per 300 square feet
Lodging/Bed & Breakfasts	1 space per unit and 1 space per employee of maximum shift
Personal Improvement	1 space per 300 square feet
Personal Services	1 space per 500 square feet
Pet Services	1 space per 500 square feet
Restaurants (Drive-in)	1 space per 50 square feet of customer service area
Restaurants (General)	1 space per 4 person capacity in dining area
Stables/Kennels	1 space per employee
Surplus Sales	See Schedule A
Veterinary Services	1 space per 500 square feet
Office Use Types	
General Offices	1 space per 300 square feet
Miscellaneous Use Types	
Broadcasting Tower	No requirement
Non-Putrescible Landfill	No requirement
All Landfills	No requirement
Industrial Use Types	
Agricultural Industries	See Schedule A
Limited Industry	See Schedule A
General Industry	See Schedule A
Heavy Industry	See Schedule A
Railroad Facilities	See Schedule A
Resource Extraction	1 space per employee on largest shift
Salvage Services	See Schedule A
Warehousing	See Schedule A
Construction Yards	See Schedule A

5/27/2004

Schedule A

This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics.

Function of Element	Requirement
Office or Administration	1 space per 300 square feet
Indoor Sales, Display, or Service Area	1 space per 500 square feet
Outdoor Sales, Display, or Service Area	1 space per 2,000 square feet
Equipment Servicing or Manufacturing	1 space per 1,000 square feet
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet

5/27/2004

10-4 Parking Facility Location

a. Residential Parking

1. Off-street parking for residential uses shall be located on the same lot or site as the use.
2. Off-street parking areas for multi-family or group residential uses shall be at least six feet from any main building; and shall not be located within a required front yard or street side yard.

b. Non-residential Parking

Off-street parking for non-residential uses shall be located on the same lot or site as the use or within 300 feet of that use if the parking site is zoned for such parking.

10-5 Parking for People with Disabilities

Each off-street parking facility shall provide the number of parking spaces set forth in table 10-2, designed and designated for use by people with handicaps. Design criteria and dimensions are set forth in the Off-Street Parking Design Standards. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement. In all cases, parking provided must conform to applicable federal and state regulations, including the Americans with Disabilities Act.

Table 10-2: Accessible Parking Requirements

Number of Stalls	Number of Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
1001 and over	20, plus 1 for each 100 stalls over 1000

Van Accessible Stalls: One in every eight accessible spaces, but not less than one, shall be served by an access aisle with a minimum width of 96 inches and shall be designated as "Van Accessible".

10-6 Off-Street Parking Design Standards

a. Dimensions

1. Standard parking stalls shall be 9 feet wide and 18 feet long.
2. Parking facilities may provide up to 40% of their total stalls as designated compact stalls. Compact parking stalls shall be a minimum of 8.5 feet wide and 16 feet long.
3. Spaces designated for the handicapped shall have a minimum width of 8 feet and an adjacent access aisle with a minimum width of 5 feet. Each handicapped space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. In all cases, parking stalls standards must conform to applicable federal and state regulations, including the Americans with Disabilities Act.
4. Van Accessible Stalls: One in every eight accessible spaces, but not less than one, shall be served by an access aisle with a minimum width of 96 inches and shall be designated as "Van Accessible." An additional sign "Van-Accessible" shall be mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

b. Pavement and Drainage

1. Off-street parking facilities shall be hard surfaced and maintained with materials sufficient to prevent mud, dust, or loose material.
2. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights of way.

c. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
2. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature, which blocks the sight

line of headlights into a residential property, may satisfy this requirement, subject to the determination of the Building Official.

4. Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the GI District shall be exempt from this requirement.
5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article Nine.

d. Entrances and Exits

1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.

e. Safety Features

1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

f. Maintenance

All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

g. Adjustment

For uses subject to Conditional Use Permit procedures, the Planning Commission or City Council may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

10-7 Off-Street Loading

a. Loading Requirement

Any use, which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

Table 10-3: Off-Street Loading Requirements

Gross Floor Area of Use (Square feet)	Number of Required Loading Spaces
5,000 or less	None
5001 - 25,000	1
25,001 to 75,000	2
Larger than 75,000	3

b. Schedule of Loading Spaces

Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 10-3.

c. Design Standards

1. Each loading space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
2. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.

10-8 Parking for Personal and Recreational Vehicles

(Ord. No. 1235, 11/5/2019; Reenacted Ord. No. 1266, 10/06/2020)

a. Applicability

This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include passenger cars, passenger vans, pickup trucks, recreational vehicles, recreational trailer and boat trailers.

b. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
2. Parking is permitted outside of an enclosed structure in the side yard behind the line of the required front yard setback or in the rear yard, subject to the following conditions:
 - (a) Parking is permitted only on parking pads that are hard surfaced and maintained with materials sufficient to prevent mud, dust, or loose materials. Pervious surfaces that still provide a hard surface are permitted.
 - (b) Such pads shall abut either a driveway or a public street or alley unless the vehicle being parked thereon is a motorcycle, an off-road vehicle exempt from title and registration by the Nebraska Department of Motor Vehicles, or a single axle trailer with a maximum registered weight of 2,000 pounds.
 - (c) The total area of all parking pads in such side and rear yards shall be limited to 600 square feet per each single-family residential dwelling unit located on the property. Driveways used solely for access to said parking pads shall not be included in the total area but all parking pads and driveways shall be subject to all applicable restrictions on the maximum amount of impervious coverage allowed for the property.
3. Parking is permitted outside of an enclosed structure within the required front yard setback, subject to the following conditions:
 - (a) The parking space is provided on a paved, hard-surfaced driveway or paved pad adjacent to the driveway.
 - (b) The vehicle is parked perpendicular to the front curb.
 - (c) The vehicle does not encroach on public right-of-way.

c. Special Provisions for Recreational Vehicles

Parking and storage of recreational vehicles, recreational trailers, and boats is subject to the following additional conditions:

1. The vehicle is maintained in a clean, well-kept state.
2. If the vehicle is equipped with liquefied petroleum gas containers, such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.

3. The vehicle may be used only by non-paying guests for a maximum of three consecutive days or fourteen days during any calendar year.
4. The vehicle may not be permanently connected to utility lines.
5. The vehicle may not be used for the storage of goods, materials, or equipment other than those items, which pertain to the use of the vehicle.
6. The length of the vehicle shall not exceed twenty feet if the vehicle is parked or stored in a required front yard or street side yard.
7. The length of the vehicle shall not exceed forty-five feet if the vehicle is parked in an interior side yard or rear yard.

ARTICLE ELEVEN

SIGN REGULATIONS

(Ord No. 1242, 12/17/2019; Reenacted Ord No. 1257, 08/08/2020)

11-1 Applicability

Any sign erected, altered, or maintained in the City of Ralston after the effective date of this Ordinance shall conform to the following regulations.

11-2 Purpose & Intent

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within the City of Ralston to ensure that they are appropriate for their respective uses, in keeping with the appearance of the surrounding built environment, and protective of the public health, safety, and general welfare by:

- A. Setting standards and providing uniform controls that strengthen the economy of Ralston by promoting the development of new and existing businesses.
- B. Encouraging signs that create a visually interesting streetscape while avoiding visual clutter and confusion.
- C. Promoting high-quality and compatible signage practices with respect to scale, design, placement and lighting.
- D. Ensuring that signs located in the TC district enhance the distinctive small-town and historic character of downtown Ralston.
- E. Promoting signs that reinforce the pedestrian-oriented character of downtown Ralston, while allowing signs that balance the needs of both pedestrians and drivers.
- F. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.

11-3 Definitions

Words and terms used in this ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of 90 days.

Address Sign: A sign that designates the street number and/or street name for identification purposes as designated by the United States Postal Service. (Also known as: nameplate sign)

Animated Sign: A sign depicting action, motion, or light or color changes through electrical or mechanical means.

Architectural Detail: Decorative elements of a building facade such as cornices, lintels, brackets, fish scale shingles, columns, fluting, and quoins that give the building its character.

Artisan Sign: A temporary sign giving the name or names of principal contractors responsible for painting or construction on the site where the sign is placed.

Awning: A canvas or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning Sign: Any sign painted on, or applied to, an awning.

Balloon Sign: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Beacon Lighting: Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Building Frontage: The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

Canopy: A structure other than an awning made of canvas or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign: Any sign that is part of, or attached to a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual, changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

Channel Letter Sign: A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

Civic Event Sign: A noncommercial temporary sign, posted to promote and advertise an activity sponsored by the city, school district, church, public agency, civic or charitable association or other similar noncommercial organization on the premises where the event is to be held.

Clearance: The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Community Event Flyer. Flyers or posters advertising community events.

Development Sign: A temporary sign indicating that the premises is in the process of subdivision or development. May include architects, contractors and lending institutions.

Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional Sign: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Directory Sign: A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or business campuses, and similar large complexes which have a variety of tenants and/or uses.

Electronic Sign: A sign capable of displaying text, graphics, video, symbols, or images that can be electronically or mechanically changed by remote or automatic means, and which directs attention to a business, activity, product, commodity, service, entertainment, or communication, which may or may not contain an electronic display screen or an electronic message center. The following shall not be considered electronic signs, digital display screens or an electronic message centers:

1. Signs utilized by the Police Department, other law enforcement personnel and/or emergency service providers.
2. Signs that indicate only the date, time and/or temperature, provided that the remainder of the sign remains static at all times.
3. Scoreboards for athletic events (indoor and outdoor), provided the use of the scoreboard is limited to only the time the athletic event is occurring.

Feather Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff, anchored on two perpendicular edges, and mounted vertically. Feather Flags shall be a category separate and distinct from Flags.

Festoon Lighting: A type of illumination comprised of either: (a) a group of light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

Foot-candle: A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. foot candle or light meter. One (1) foot candle is equal to one (1) lumen per square foot.

Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. (See ground signs and pole signs)

Gas Station Canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

Gas Station Canopy Sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

General Purpose Sign: A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered on the premises where the sign is displayed.

Government/Regulatory Sign: Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

Ground Sign: An on-premise, freestanding sign with the appearance of a solid base. The width of such base shall be at least 75% of the width of the sign; however, a sign with a base of at least six feet in width is deemed to be a monument sign. (Also known as *monument sign*)

Holiday Decorations. Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as *seasonal decorations*)

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

Halo Illumination: A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as *back-lit illumination*)

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Sign: A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Incidental Window Sign: Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Institutional: Schools, hospitals, churches and other community resources.

Legibility: The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Memorial Sign: A memorial plaque or tablet, including grave markers of persons or events, which is not used for a commercial message. Memorial signs of a temporary nature, including

accumulations of flowers, photographs, and other remembrances, may be placed for up to ninety days.

Message Center: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

Message Sequencing: The spreading of one message across more than one sign structure.

Neon Sign: A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

Nonconforming Sign: A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Off-Premises Sign: An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a *third-party sign*, *billboard*, or *outdoor advertising*)

Official Traffic Sign: Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

On-Premises Sign: A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Personal Expression Sign: An on-premises sign or flag that expresses an opinion, interest, position, support for a political candidate, governing unit or entity (i.e. country, state or city), sports team, educational institution, religious organization, charity, holiday or other non-commercial message.

Pole Sign: A freestanding sign that is supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure, with a clearance of greater than three feet from the ground and where the support encompasses less than 75% of the width of the sign.

Portable Sign: A sign designed to be transported or moved and not permanently attached to the ground, building, or other structure.

Sandwich Board Sign: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as an A-frame sign).

Vehicular Sign: A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Private Drive Sign: A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as *blade sign*)

Public Sign: A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Real Estate Sign: A non-permanent sign erected for the purpose of advertising a property for rent or sale.

Reflective Sign: A sign containing any material or device which has the effect of intensifying reflected light.

Revolving Sign: A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Roof Sign: A building-mounted sign erected upon, against, or over the roof of a building.

Security Sign: An on-premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign. (Also known as *warning sign*)

Sight Triangle: A vision clearance area defined by a triangle with legs of thirty feet from the point at which the curbs or edges of two intersecting streets, private ways, or courts; or an intersecting street, private way or court and driveway meet.

Sign: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See §6.C. for standards for measuring sign area.

Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height: The vertical dimension of a sign as measured using the standards in §6.D.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, rocks, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as a *bandit sign*)

Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Street Pole Banner: A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

Temporary Sign: A type of non-permanent sign that can be displayed for no more than 60 consecutive days at one time. Temporary signs shall conform to dimensional requirements of this ordinance.

Tri-Vision Boards: An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: *fascia sign, parallel wall sign, or band sign*)

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

11-4 Prohibited Signs

The following signs are unlawful and prohibited:

A. Abandoned signs.

B. Snipe signs. Snipe signs may be immediately removed by the City

- C. Banners, except as otherwise permitted by Section 11-5.R. of this ordinance.
- D. Pennant strings and streamers.
- E. Animated signs, flashing signs, or signs that scroll or flash any text or graphics, other than the word “Open”.
- F. Inflatable devices or balloon signs, with the exception of inflatable devices and balloons used in temporary situations, which must be removed within ten days of installation.
- G. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals or create a safety hazard for pedestrians and vehicles.
- H. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- I. Reflective signs or signs containing mirrors, with the exception of official government traffic regulation signs.
- J. Interactive signs.
- K. Signs incorporating beacon or festoon lighting.
- L. Roof signs.
- M. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the City of Ralston.
- N. Any sign that promotes illegal activity.
- O. Tri-vision boards
- P. Portable signs, not to include:
 - 1. Signs placed in private parking areas temporarily to advise drivers of parking or traffic restrictions.
 - 2. On-premises sandwich boards, provided that such signs are only displayed while the premises is open to the general public and do not obstruct a public right of way.
- Q. Revolving and mechanical movement signs.
- R. Off-premises signs.
- S. Signs painted directly on building surfaces except on historic buildings when appropriate. Sign design and execution should complement the building façade in the same way as structural signs as provided in this ordinance.

T. Signs on the public right-of-way; 13-foot set-back from curb line required for all free-standing signs.

U. Pole Signs.

V. Feather flags except as otherwise permitted by section 11-5.S. of this ordinance.

11-5 Signs Exempt from Permit Requirements

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

A. Official traffic signs that comply with the Manual on Uniform Traffic Control Devices.

B. Government/regulatory signs.

C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.

D. Holiday and seasonal decorations. Holiday decorations must be removed or disabled within 21 days of the celebration of the holiday.

E. Personal expression signs of any sign type, including flags, provided that they do not exceed sixteen (16) sq. ft. in area per side, are non-commercial in nature, and not illuminated.

F. Address signs

G. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.

H. Private drive signs - One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.

I. Security and warning signs - These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.

1. *Residential districts.* Signs not to exceed four (4) sq. ft. in area.

2. *Non-residential districts.* Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.

J. Legal notices.

K. Memorial signs

L. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

- M. Incidental and security signs, including incidental window signs.
- N. Directional signs, provided they do not contain any commercial messaging.
- O. Real estate signs for up to six (6) months provided that the maximum size of such signs are limited to four (4) sq. ft. in residential districts and thirty-two (32) sq. ft. in all other districts.
- P. Community Event Flyers. Flyers or posters advertising community events may be displayed on the inside of windows of businesses, provided the owner of the business approves of the placement of such posters, for up to thirty (30) days prior to an event, and must be removed within forty-eight (48) hours after the event.
- Q. Barbershop Poles.
- R. Temporary banners on premises, displayed parallel to the building façade and limited to only one per facade, provided that:
 1. Banners shall not be used in lieu of permanent signs.
 2. No individual banner may be displayed for more than 30 consecutive days, except as provided herein, and no individual banner may be displayed for more than two such 30 day periods per year. Two 30 day periods may be used consecutively, for a total of 60 continuous days to display an individual banner, but shall then constitute the yearly limit for display of such banner.
 3. No combination of banners may be displayed on any premises in excess of six such 30 day periods per year, for a cumulative total of 180 days per year.
 4. Banners shall not be affixed or displayed form public property or fixtures.
- S. Feather Flags on premises provided that only one feather flag may be displayed per lot and shall not encroach on a public right of way.
- T. Flags with a maximum area of no greater than 16 square feet, provided that such flags meet all other requirements of this ordinance.
- U. Sandwich Boards with a maximum height no greater than 48 inches and a maximum width no greater than 26 inches.

11-6 General Regulations

- A. Sign location.
 1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

2. No sign may occupy a sight triangle.
3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
4. Signs shall be designed and located on the building or on the premises in a manner that is compatible with the mass and scale of the building to which the sign applies. Signs shall not obscure architectural details of the building or cover doors, windows, or other integral elements of the facade.
5. Sign shall comply with the setbacks set forth in Table 11-1.

TABLE 11-1:

Zoning District	DR, R-1, R-2, R-3	R-4, MH	LO	LC	TC	GC	LI	GI
Front Yard Setback (ft.)	5	10	10	10	0	10	10	10
Side Yard Setback (ft.)	10	10	10	10	0	5	5	0

(Ord.1265,11/03/2020)

B. Sign Materials & Construction: Every permanent sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in strict accordance with applicable city codes; and shall be maintained in safe condition and good repair at all times so that all elements of the sign, including logos, artwork, bracing and support structures are not deteriorated and the information presented on the sign is clearly legible. Signs and associated lights, bracing and support structures shall be constructed of materials that complement the associated building. Sign materials shall be compatible with the character of the building façade.

1. Approved Materials

- a. Aluminum: Framing and panels
- b. PVC: Tube or flat stock
- c. Acrylic: Plexiglas
- d. HDU: High Density Urethane
- e. ACP: Aluminum Composite Paneling – DI-Bond, Max Metal, Econo Board
- f. EIFS: Exterior Insulation Finishing System – Stucco
- g. Steel: Copper, stainless, others
- h. Wood or lumber composites
- i. Coated EPS Foams
- j. Exterior stone or tile
- k. Cloth, plastic or canvas as otherwise allowed by this ordinance in the construction of a flag or a canopy or awning sign.

C. Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
3. Signs may be double-sided.
 - a. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 25 degrees, and the two faces are not more than 18 inches apart.
 - b. Where the faces are not equal in size, but the interior angle formed by the faces is less than 25 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
 - c. When the interior angle formed by the faces is greater than 25 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
4. If elements of a sign are movable or flexible, such as a banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

D. Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the public right-of-way closest to the sign. In the case of a sign located greater than 50 feet from a public street, height shall be measured to the mean grade at the base of the sign. (Specific height restrictions can be found in Appendix 1.)
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

E. Sign Illumination.

Internally illuminated signs (with the exception of neon) are not permitted in the Town Center and adjacent GI and R4 zones. Where permitted, signs shall be illuminated only in accordance with the following regulations:

1. Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists.

2. Intensity of illumination shall be static.
3. There shall be no changing colors.
4. In the case of external illumination, the light source shall be stationary and directed solely at the sign. Light fixtures shall have a simple design and not obscure the visibility of the sign or architectural details of the building. Limited sign lighting recessed in the building soffit is permissible, provided the light is directed to the ground and complies with all other requirements of this section.
5. Electrical Standards.
 - a. Permits for illuminated signs will not be issued without an approved electrical permit.
 - b. All work shall be completed in full compliance with applicable City of Ralston codes.
 - c. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.

11-7 Regulations by Sign Type

A. Wall Signs.

1. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met. Signs may not project above the roof or eave line of the building.
2. Wall signs shall not extend beyond the corner of the wall to which they are attached.
3. Wall signs shall fit the scale of the building.
4. Wall signs shall be located above the street-level windows/door. For multi-story buildings, a wall sign shall be located below the sills of second-story windows.
5. Wall signs shall not be located so as to obscure the architectural details of the building.

B. Canopy or Awning Signs.

1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
2. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.

3. Sign Placement.

- a. Letters or numerals shall be located only on the front face (valance) of the awning or canopy.
 - b. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three (3) square feet. No more than one emblem or logo is permitted on any one awning or canopy.
 - c. Sign placement shall be centered on the awning.
4. Sign Height: The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
5. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.
6. Illumination: External illumination, lit from above, required. No internal or back lighting.
7. In the TC zone, traditional shed-style awnings are permitted. Other styles are prohibited. In all zones, canopies and awnings shall be constructed of canvas, canvas blend, and acrylics that resemble canvas. Vinyl, metal, glass, and shiny materials are prohibited.

C. Projecting or “Blade” Signs.

1. Projecting signs shall be located near the building entrance, just above the door or to the side of the door. Projecting signs shall be located below the sills of the second floor windows, if applicable.
2. No portion of a projecting signs shall project more than four (4) feet from the face of the building over a sidewalk less than twelve (12) feet wide or more than five (5) feet over a sidewalk twelve (12) feet wide or wider. Under no circumstances shall a projecting sign project past the curb line.
3. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.
4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 6.F. Sign Illumination.
 - a. External illumination, lit from above, required.

5. Projecting signs shall have a visible mounting bracket that projects out from the building façade with the sign hanging below rather than the sign itself being attached directly to the building.

D. Storefront Window Signs.

1. Area. The area of a window sign, as determined pursuant to Section 6.C., on any storefront window adjacent to a primary entrance, shall not exceed 50% of the total window area of the window upon which the sign is applied, painted, affixed to, or placed within three (3) feet of the glass as defined in Section 3, Window Signs. An additional 10% of the total window area may be used for a temporary sign. Temporary window signs must be removed after 60 days of display.
2. Illumination: Exposed neon or LED signs, either individual neon letters or neon tubing script shall be permitted subject to the regulations in Section 6.F. Sign Illumination, and Section 4.E. Prohibited Signs

E. Electronic Signs.

The purpose of this subsection is to regulate the use of electronic signs within the City to minimize the impact of such signs that may distract drivers and be detrimental to neighboring properties, and to limit the aesthetic impact that a proliferation of electronic signs could have on city properties.

Where permitted, all electronic signs shall comply with the following requirements:

1. Message display:
 - a. Each message displayed on an electronic sign must be static or depicted for a minimum of 10 seconds.
 - b. Where text is displayed on a background, the text shall be brighter than the background, i.e., dark text shall not be displayed on a bright background.
 - c. Each complete message must fit onto one screen, i.e., no scrolling or incomplete messages permitted.
 - d. Electronic signs may not contain animation or any flashing, scrolling, or moving lights, text or graphics or any type of video.
 - e. One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - f. The electronic sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

2. Illumination.

- a. Lighting from the sign must not exceed an intensity of 0.5 foot-candle of light at the property line, as measured with a portable hand-held light sensor.
- b. Each electronic sign shall be equipped with automatic day/night dimming software (using photocell technology), to reduce the illumination intensity of the sign as ambient lighting conditions change.
- c. The sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

3. Content.

- a. The display of electronic signs may only be used to advertise goods and services sold on the premises, time and temperature, and public service announcements.
- b. No more than one electronic sign is permitted per premises, regardless of number of other signs permitted or the number of uses on the premises.
- c. Electronic signs shall comply with other applicable sign regulations.
- d. Sign Spacing. No electronic sign shall be closer than 500 feet from any other electronic sign.

F. Flags:

1. Location. No portion of any flag or flagpole may encroach on or over a public right of way below a minimum height of seven feet above the surface of such right of way.
2. Height. Flagpoles shall have a maximum height of 30 feet in commercial zoning districts and 25 feet in residential zoning districts.
3. Number. No more than two (2) flags per lot in residential districts; no more than three (3) flags per lot in all other districts.
4. Size. Maximum flag size is 16 square feet. No flag shall be permitted which is of such size and location as to obstruct the view of any pedestrian or operator of a motor vehicle to pass by such flag safely or which otherwise creates any undue risk to any person or property.

11-8 Deteriorated, Unsafe, Unlawful, and Abandoned Signs

A. Deteriorated, Unsafe, and Unlawful Signs.

1. It is the obligation of the owner of every sign erected to maintain the sign at all times. It shall constitute a violation of this ordinance when the sign exhibits conditions of deterioration, including, but not limited to, the following:
 - a. Peeling, chipping or other deterioration of any portion of the sign face.
 - b. Faded colors.
 - c. Rust on any sign component, including supporting structures.
 - d. Broken or missing sign elements, including supporting structures.
 - e. The sign is no longer legible.

Upon discovery of a sign in need of maintenance, the City of Ralston shall give written notice to the owner, person or firm responsible for maintaining the sign. This notice shall state the item or items requiring repair or maintenance. The owner shall have thirty (30) days in which to abate the violation before a citation is issued.

2. Upon written notice by the City of Ralston, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or is unlawfully erected in violation of any of the provisions of this Article. The owner shall have thirty (30) days in which to repair the sign before a citation is issued.
3. Signs declared non-conforming pursuant to Ordinance #938, including without limitation pole signs, continue to be subject to Section 11-13 of said ordinance and are therefore illegal. Such signs shall be removed or shall conform upon thirty (30) days of demand by the City of Ralston.
4. The City of Ralston may remove or cause to be removed the sign at the expense of the owner in the event of the owner, person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the City of Ralston may remove the sign immediately upon posting written notice on the property and providing subsequent written notice to the owner, person, or firm maintaining the sign.
5. The City of Ralston may immediately remove or cause to be removed illegal signs on public property, including but not limited to snipe signs, temporary freestanding signs, and banners, without providing notice to the owner thereof. Any such sign constructed on non-permanent materials such as paper or cardboard may be immediately disposed of by the City. All other signs shall be retained by the City for 30 days, during which time the owner thereof may make a written demand for the return of such sign. Any sign for which no such demand has been received by the City within 30 days may thereafter be permanently disposed of.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 90 days of the sign becoming abandoned. Removal

of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign within 90 days, the City of Ralston may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the City of Ralston may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

11-9 Permits & Applications

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the City of Ralston without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in Section 5. Exempt Signs.
- B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to the City of Ralston:
 1. Name of owner and location.
 2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
 3. Contact person and contact information.
 4. Description of the activities occurring on the site where the sign will be installed.
 5. Description of any existing signage that will remain on the site.
 6. Identification of the type of sign(s) to be erected by the applicant.
 7. Site plan depicting the locations of proposed signage and existing remaining signage.
 8. A plan drawn to scale depicting:
 - a. Lot dimensions, building frontage, and existing streets/alleys, rights-of-way and driveways.
 - b. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
 - c. Current photographs of the building showing existing signs on the premises.
 - d. A computer-based rendering of the proposed sign, including a depiction of its placement on the building.
 9. A permit fee, to be established from time to time by resolution of the City of Ralston shall be paid.
- C. Permit applications that do not require review by the City of Ralston Planning Commission shall be issued ten business days following receipt of a complete application, provided the sign complies with the regulations contained herein. Applications that are for a sign permit alone, and not as part of a larger building permit application, shall not be considered a use requiring Site Plan review by the Planning Commission under the provisions of Chapter 11, Article 12-2c of the Ralston Municipal Code.

- D. An application for a sign permit may be denied by the City of Ralston if the application fails to comply with the standards contained herein. The City of Ralston shall inform the applicant of the reasons for denying the application for sign permit by mail.
- E. Upon denial of an application for a sign permit, the applicant shall have 30 business days to revise and resubmit the application for review by the City or Ralston. In the alternative, the applicant may also appeal the decision to the city council within the 30 business day time period. At its next regularly scheduled meeting, the city council shall review the denial of the application.
- F. These permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (*i.e.*, repairs that costs more than 50% of the replacement cost of the damaged sign); the owner must apply for a new sign permit, and pay an additional fee.

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11-10 Nonconforming Signs

- A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:
 - 1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
 - 2. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.
 - 3. An alteration in the structure of a sign support.
 - 4. A change in the mechanical facilities or type of illumination.
 - 5. A change in the material of the sign face.
 - 6. Upon application and approval of a site plan or site plan amendment requiring a public hearing.
- C. Notwithstanding the requirements of Section 11-10.B, nonconforming signs may be repainted or repaired up to 50% of the sign area, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.

Appendix 1. Sign Uses and Restrictions			
<u>Zone</u>	<u>Use of Premises</u>	<u>Sign Type</u>	<u>Form</u>
<u>Restrictions and Guidelines</u>			
<p>How to use this chart: Starting with the first column on the left, determine what zone your premises is located in; then determine the use of the premises (i.e., single-family, retail or direct service); determine the type of sign you wish to erect (see the definitions in the sign ordinance); then select the form of the sign allowed in that district that you want to use; and finally look to the last column for the restrictions associated with that sign. Some signs forms have special regulations; please see the ordinance. Please see the ordinance for details.</p>			
All Zones	All Uses	Artisan and Development	Freestanding, Wall
All Zones	All Uses	Directional Sign	Freestanding - ground
All Zones	All Uses	Memorial Sign	Freestanding - ground; Wall
All Zones	All Uses	Personal Expression	Wall, Freestanding - ground, Window
All Zones	All Single-Family Residential Neighborhoods	Address Sign	Wall, Projecting; Freestanding-ground
All Zones	Multi-Family and Non-Residential Areas	Address Sign	Awning, Canopy, Freestanding - ground, Projecting, Wall

<u>Zone</u>	<u>Use of Premises</u>	<u>Sign Type</u>	<u>Form</u>	<u>Restrictions and Guidelines</u>
All Zones	Nonresidential	Civic Event Sign	Banner, Window, Freestanding - ground	Maximum area and height: 18 square feet; 11 feet high. May not be erected more than 30 days before event and must be removed within 72 hours after event.
R-1, R-2, R-3	Institutional	General Purpose	Awning, Canopy	Maximum area: 24 square feet.
R-1, R-2, R-3	Institutional	General Purpose	Freestanding - ground	Maximum area: 32 square feet. Maximum height: 8 feet.
R-1, R-2, R-3	Institutional	General Purpose	Projecting	Maximum area: 15 square feet.
R-1, R-2, R-3	Institutional	General Purpose	Wall	Maximum 32 square feet.
R-3, R-4	Multi-Family	General Purpose	Awning/Canopy	Maximum area: 24 square feet.
R-3, R-4	Multi-Family	General Purpose	Freestanding - ground	Maximum area: 24 square feet; Maximum height: 6 feet.
R-3, R-4	Multi-Family	General Purpose	Wall	Maximum area: 24 square feet.
R-3, R-4	Institutional	General Purpose	Awning, Canopy	Maximum area: 24 square feet.
R-3, R-4	Institutional	General Purpose	Freestanding - ground	Maximum area: 32 square feet. Maximum height: 6 feet.
R-3, R-4	Institutional	General Purpose	Projecting	Maximum area: 15 square feet.
R-3, R-4	Institutional	General Purpose	Wall	Maximum 32 square feet.

<u>Zone</u>	<u>Use of Premises</u>	<u>Sign Type</u>	<u>Form</u>	<u>Restrictions and Guidelines</u>
TC (Maximum 3 signs; maximum area of all signs combined: 2 square feet for each 1 linear foot of street frontage, up to a maximum of 100 square feet. Windows and directory signs are excluded from maximum number of signs and area limitation.)	Retail and Direct Service Stores, Multi-Family	General Purpose	Awning, Canopy	Maximum area: 24 square feet.
TC	Retail and Direct Service Stores, Multi-Family	General Purpose	Banner	Maximum area: 15 square feet.
TC	Retail and Direct Service Stores, Multi-Family	General Purpose	Freestanding- ground	Maximum area: 32 square feet. Maximum height: 10 feet.
TC	Retail and Direct Service Stores, Multi-Family	General Purpose	Projecting sign	Maximum area: 15 square feet. Minimum clearance: 8 feet.
TC	Retail and Direct Service Stores, Multi-Family	General Purpose	Wall sign	Maximum area: 32 square feet.
TC	Retail and Direct Service Stores, Multi-Family	General Purpose	Window sign	May not exceed 30% of glass area.

<u>Zone</u>	<u>Use of Premises</u>	<u>Sign Type</u>	<u>Form</u>	<u>Restrictions and Guidelines</u>
TC	Shopping center, office park with more than one use on premises	Directory	Freestanding-ground	Maximum area: 1 square foot for each 2 feet of street frontage up to a maximum of 350 square feet. Maximum height: 20 feet. Maximum 1 sign per premises.
GC, LC, LO, GI, LI (Maximum 3 signs; maximum area of three signs combined: 150 square feet. Window signs are excluded from maximum number of signs and area limitation. Shopping center directory sign not included in limitation of number of signs or area.)	All permitted uses		Electronic sign	Up to 30% or 24 square feet of the total sign area (whichever is less) of a new or conforming existing sign may be an electronic message center or digital display screen.
GC, LC, LO, GI, LI	Shopping Center, industrial park with more than one use on premises	Directory	Freestanding - ground	Maximum area: 1 square foot for each 2 feet of street frontage up to a maximum of 350 square feet. Maximum height: 20 feet. Maximum 1 sign per premises.
GC, LC, LO, GI, LI	Individual business within shopping center or industrial park	General Purpose	Awning, Canopy	Maximum Area: 24 square feet.
GC, LC, LO, GI, LI	Individual business within shopping center or industrial park	General Purpose	Banner	Maximum area: 32 square feet

<u>Zone</u>	<u>Use of Premises</u>	<u>Sign Type</u>	<u>Form</u>	<u>Restrictions and Guidelines</u>
GC, IC, LO, GI, LI	Individual business within shopping center or industrial park	General Purpose	Freestanding - ground sign	Maximum area: 1 square foot for each 2 feet of street frontage. Maximum height: 15 feet
GC, IC, LO, GI, LI	Individual business within shopping center or industrial park	General Purpose	Wall	Maximum area: 50 square feet
GC, IC, LO, GI, LI	Individual business within shopping center or industrial park	General Purpose	Window sign	May not exceed 30% of glass area.
GC, IC, LO, GI, LI	All other uses except sexually-oriented	General Purpose	Awning, Canopy	Maximum area: 24 square feet.
GC, IC, LO, GI, LI	All other uses except sexually-oriented	General Purpose	Banner	Maximum area: 32 square feet
GC, IC, LO, GI, LI	All other uses except sexually-oriented	General Purpose	Freestanding - ground	Maximum Area: 1 sq. ft. for every 2 feet of linear street front. Maximum height: 15 feet
GC, IC, LO, GI, LI	All other uses except sexually-oriented	General Purpose	Wall	Maximum area: 50 square feet
GC, IC, LO, GI, LI	All other uses except sexually-oriented	General Purpose	Window sign	May not exceed 30% of glass area.
GC, IC, LO, GI, LI	Sexually-oriented	General Purpose	Freestanding - ground, Wall sign	1 sign per premises. Sign may only identify name of business and hours of operation. Maximum area: 32 square feet. Maximum height: 10 feet.

ARTICLE TWELVE

ADMINISTRATION AND PROCEDURES

12-1 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Zoning ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending the Zoning Ordinance; and granting variances. All applicants shall submit a drawing and the general intent of the proposed development to the City Clerk for a Preapplication Meeting. Said meeting shall determine the proper procedure for development approval.

12-2 Site Plan Review Procedure (*Ord. 1258, 09/15/2020*)

a. Purpose

The Site Plan Review Procedure provides for the administrative review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

b. Administration

To accomplish these purposes, the City Clerk shall be responsible for administration of the site plan review procedure. The City Clerk shall review, evaluate and act on all site plans submitted pursuant to this procedure with the advice and recommendations of the City Building Inspector and City Engineer as necessary. An applicant may appeal any required modifications, a denial, or revocation of any application by the City Clerk, pursuant to this section, to the Board of Adjustment.

c. Uses Requiring Site Plan Review

The following uses shall follow the Site Plan Review procedure prior to the issuance of a building permit:

1. Commercial
2. Industrial
3. Office
4. Civic uses
5. All uses in the Hinge Overlay District
6. Attached residential uses of two or more units.
7. Any use which will alter or modify public infrastructure (streets, sidewalks, trails, utilities, drainage...)

d. Application Requirements

The owner(s) of a property, or the owner's authorized agent, shall file an application for a Site Plan Review with the City Clerk. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.

3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - (c) The location, size, and use of proposed and existing structures on the site.
 - (d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, utilities, service areas, fencing, screening, landscaping, and lighting.
 - (e) Location of any major site feature, including drainage and contours at no greater than five-foot intervals.
 - (f) Any other information that may be required for review by the Building Official or City Clerk.
5. Payment of an application fee.

e. Administrative Approval Process

The City Clerk must act upon each complete application for Site Plan Review within 10 business days and make the following findings before approval of a site plan:

1. That the proposed site development, together with any modifications applicable thereto, is compatible with the criteria established in Table 12-1 and section 4-21 when applicable.
2. That any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
3. The site plan complies with this chapter

f. Modification of Site Plan

The City Clerk with the advice and recommendations of the City Building Inspector and City Engineer as necessary may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may be deemed necessary to protect the public health, safety, or welfare.

g. Term and Modification of Approval

1. A Site Plan or Design Guidelines approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period. Any project that is not completed or

substantially under construction within one year of the date of the site plan approval shall submit a written report on progress of the project to the Building Official.

2. The City Clerk shall have the authority to grant a one-year extension of such approval at its discretion.
3. The City Clerk may recommend to the City Council that an approval be revoked, if it determines that the development is not complying with the terms and conditions of the approval. Such revocation shall be determined by the City Council.

h. Approval to Run with Land

An approval pursuant to this section shall run with the land until the expiration date of such approval.

Table 12-1: Criteria for Site Plan Review		
Type	Criteria	
		Site Plan
Height and Scale		
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be no greater than twenty (20) feet.	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X
Site Development		
Frontage	Project frontage along a street should be similar to lot width and no less than 75 percent	X
Parking and Internal Circulation	Parking should serve all structures	X
	All structures must be accessible to public safety vehicles.	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved. Site Plan review shall comply with Article Nine of this Ordinance.	X
Operating Characteristics		
External Traffic Effects	Project design should direct nonresidential traffic away from residential areas.	X

Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X
Public Facilities		
Sanitary Waste Disposal	Development within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety or welfare.	X
	Sanitary sewer must have adequate capacity to serve development.	X
Stormwater Management	Development should handle stormwater adequately to prevent overloading of public stormwater management systems.	X
	Development should not inhibit development of other properties.	X
	Development should not increase probability of erosion, flooding landslides, or other runoff-related effects.	X
Utilities	Project must be served by utilities.	X

12-3 Conditional Use Permit Procedure (*Ord. 1258, 09/15/2020*)

a. Purpose

The conditional use permit procedure provides for the review and discretionary approval of uses which, in certain zoning districts, have site development or operating characteristics that require special consideration. These provisions are intended to encourage public review of proposed projects incorporating these uses. The procedures are further designed to allow these uses to operate according to certain conditions without requiring rezoning to high-intensity districts, which may not conform to comprehensive planning objectives.

b. Administration

The City Clerk or his/her designee shall review and evaluate each application and transmit its recommendation to the Planning Commission. The Planning Commission shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

c. Application Requirements

An application for a Conditional Use Permit (CUP) may be filed by the owner(s) of a property or the owners' authorized agent with the City Clerk. The application shall include the following information:

1. Name and address of the applicant.
2. Address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:

- (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - (c) The location, size, and use of proposed and existing structures on the site.
5. Any other graphic information necessary to describe the proposed use or mitigating features to approving agencies.
 6. Payment of Conditional Use Permit application fee.

d. Approval Process

1. The Planning Commission, following proper notice, shall hold a public hearing on each Conditional Use Permit and, following such public hearing, shall approve, amend or deny the application.

The Planning Commission shall review and approve the Conditional Use Permit application based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.

1. A Conditional Use Permit shall run with the land. However, the Planning Commission may, at its discretion, apply a Conditional Use Permit to a specific owner or applicant or timeframe.
2. The denial of a Conditional Use Permit may be appealed to the City Council. The City Council, after publication and public hearing, shall act on the appeal at the next regularly scheduled City Council meeting. For purposes of such appeals, the City Council shall exercise the powers of the Planning Commission according to the same standards and procedures contained in this section and shall approve or deny the Conditional Use Permit independent of the decision of the Planning Commission.

g. Lapse and Revocation of Permit

1. A Conditional Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period. The Planning Commission shall have the authority to grant a one-year extension of the permit at its discretion.
2. The Planning Commission may revoke a Conditional Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

h. Previously Approved Permits

Any Special Use Permit approved under regulations in affect before the effective date of this Ordinance shall be considered to have a valid Conditional Use Permit, subject to requirements imposed at the time of its approval.

Table 12-2: Criteria for Conditional Use Permit Review		
Type	Criteria	
		CUP
Land Use Compatibility		
Development Density	Site area per unit or Floor Area Unit should be similar to surrounding uses if not separated by major natural or artificial features.	X
Height and Scale		
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X
Site Development		
Frontage	Project frontage along a street should be similar to lot width	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles	X
	All structures must be accessible to public safety vehicles.	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved. Site Plan review shall comply with Article Nine of this Ordinance.	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.	X
Operating Characteristics		
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X
External Traffic Effects	Project design should direct nonresidential traffic away from residential areas.	X

Operating Hours	Projects with long operating hours must minimize affects on surrounding residential areas.	X
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X
Age Sensitivity	The location of use types that offer age restricted services (such as: Body Art Services, Gun Sales, Tobacco Sales, Cocktail Lounge, Gaming Facilities, and Liquor Sales) should be compatible with surrounding existing uses. Also, grouping of these use types should generally be discouraged.	X
Public Facilities		
Sanitary Waste Disposal	Development within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety or welfare.	X
	Sanitary sewer must have adequate capacity to serve development.	X
Stormwater Management	Development should handle stormwater adequately to prevent overloading of public stormwater management systems.	X
	Development should not inhibit development of other properties.	X
	Development should not increase probability of erosion, flooding landslides, or other runoff-related effects.	X
Utilities	Project must be served by utilities.	X
Comprehensive Plan	Projects should be consistent with the City of Ralston's Comprehensive Development Plan.	X

12-4 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or documented authorized agent; the Planning Commission; or the City Council.

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Building Official. The application shall include the following information:

1. Name and address of the applicant and any documented authorized agent.
2. Address and legal description of the property.
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, or other drawings, necessary to describe the proposed use to approving agencies.
5. Names and addresses of all property owners within 300 feet of the perimeter of the parcel.

d. Amendment Process

1. The Planning Commission, following proper notice, shall hold a public hearing on each proposed text amendment or rezoning and, following such public hearing, shall recommend action to the City Council.
2. The City Council, after publication and public hearing, shall act on the proposed amendment. If the Planning Commission recommends denial of the amendment, a majority plus one of the City Council is required for approval.

e. Required Notice and Publication

Prior to consideration of ending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided as follows:

1. Notice: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.
2. Publication: At least ten days before the date of hearing the City Clerk shall have published in a local newspaper having a general circulation in the City of Ralston a Notice of the time, place and subject matter of such hearing.
3. Adjacent Property Owners: The City Clerk shall mail notice of the proposed action to property owners located within 300 feet of the perimeter of the parcel upon which action is pending.

12-5 Extension of the Extra-Territorial Jurisdiction

Upon the automatic extension of the two-mile Extra-Territorial Jurisdiction due to annexation, the City Council shall zone properties within the newly established Jurisdiction concurrent with adoption of the annexation ordinance. The zoning shall consider the Comprehensive Development Plan of the City of Ralston and the present use of the land.

12-6 Building Permits and Certificates of Occupancy (*Ord 1267 10-6-2020*)

a. Administration and Enforcement.

The Building Official shall administer and enforce this ordinance. The City Council may direct other persons to assist him/her.

If the Building Official shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No non-farm building or other non-farm structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of any applicable site plan approval, Conditional Use Permit, and all other provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

c. Application for Building Permit,

All applications for non-farm building permits shall include plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Building Official, after he/ she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

d. Certificates of Occupancy. (Ord No. 1267, 10/6/20)

It shall be unlawful to use, occupy or permit the use or occupancy of any building, structure, premises, or part thereof hereafter erected, altered, or changed in use, occupancy or structure until a Certificate of Occupancy has been issued by the Building Official stating that the building, structure or premises has been inspected for compliance with the requirements of the Ralston Municipal Code and that the proposed use of the building or land conforms to the requirements of this ordinance. Issuance of a Certificate of Occupancy shall not be construed as an approval of any violation of any city ordinance or verification that no such violations exist.

1. Exemptions: The following shall not require the issuance of a Certificate of Occupancy:
 - (a) Occupancies of vacant land for non-commercial agricultural, horticultural, and recreational uses.
 - (b) Changes in occupancy for office and residential use types, provided that a Certificate of Occupancy has previously been issued to the current owner of any building serving an office use type or a residential use type consisting of four or more dwelling units.
2. The Building Official may issue a Temporary Certificate of Occupancy before the completion of any work covered by a permit or repairs required by the Building Official provided that the building, structure or premises may be occupied safely.
3. Within five working days after application for a Certificate of Occupancy and notification that a building, structure or premises is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection and to issue a Certificate of Occupancy or a written notice of refusal to issue a Certificate of Occupancy stating the specific reasons for such refusal.

e. Expiration of Building Permit

If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Official; and written notice thereof shall be given to the persons affected. The Ralston Municipal Code and Uniform Building Code shall govern extensions beyond this limit.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, as indicated by inspections performed every 180 days, said permit shall expire and be cancelled by the administrative official. Upon expiration, written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the building official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed to be in violation of this ordinance, and punishable as provided by this Article.

12-7 Schedule of Fees, Charges and Expenses.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the building official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

12-8 Board of Adjustment.

a. Establishment

1. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided by this Section. The Board shall consist of five regular members, plus one additional alternate member who shall attend and vote only when one of the regular members is unable to attend for any reason.
2. Each member shall be appointed by the Mayor with the approval of the City Council for a three-year term and is removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the laws of the State of Nebraska pursuant to Sections 19-901 to 19-914 of Nebraska Revised Statutes. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Presence of four members of the Board shall constitute a quorum for the transaction of business.

b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment within thirty (30) days of the cause of the appeal through the office of the Building Official in written form as determined by the Building Official. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Building Official certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on notice to said officer and on due cause shown.
2. The Board shall provide a minimum of ten days notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the City of Ralston; and by written notice to the appealing party.
3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any building official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to affect any variation in such ordinance.

12-9 Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have only the following powers and duties:

- a. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.
- b. **Interpretation of Zoning Map.** To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
- c. **Variances to Relieve Hardships Relating to Property.** To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.
 1. **Requirements for Grant of a Variance.** No such variance shall be authorized by the Board unless it finds that:
 - (a) Strict application of the zoning ordinance will produce undue hardship.

(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.

(f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

2. Findings by Board. The Board of Adjustment shall make findings that the requirements of Article 12-9 have been met by the applicant for a variance.

3. Conditions for Grant of Variance.

(a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 12 of this Ordinance.

(b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(c) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(d) Board has Powers of Building Official on Appeals: Reversing Decisions of Building Official.

In exercising the above mentioned powers the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination, as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance.

12-10 Appeals from the Board of Adjustment.

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

12-11 Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal.

a. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Building Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building Official, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.

b. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance as provided by law; (2); of review and approval of Conditional Use Permits and Site Plans; and (3) of establishing a schedule of fees and charges as stated in Article 12 of this Ordinance.

12-12 Severability Clause.

Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

12-13 Complaints Regarding Violations.

Whenever a violation of this resolution occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Building Official. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this resolution.

12-14 Penalties for Violation.

a. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 100.00 or imprisoned for not more than 30 days, or both, and in addition shall

pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

c. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

**ARTICLE THIRTEEN
WIRELESS TELECOMMUNICATIONS TOWER
AND FACILITIES**

13-1 Purposes

The general purpose of this Ordinance is to regulate the placement, construction, and modification of Towers and Telecommunications Facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

Specifically, the purposes of this Ordinance are:

- a. To regulate the location of Towers and Telecommunications Facilities in the City;
- b. To protect residential areas and land uses from potential adverse impact of Towers and Telecommunications Facilities;
- c. To minimize adverse visual impact of Towers and Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
- d. To promote and encourage shared use/collocation of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers;
- e. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new Tower structures to support antenna and Telecommunications Facilities;
- f. To avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and
- g. To ensure that Towers and Telecommunications Facilities are compatible with surrounding land uses.

13-2 Definitions

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a. *Antenna Support Structure* means any building or structure other than a Tower, which can be used for location of Telecommunications Facilities.
- b. *Applicant* means any Person that applies for a Tower development permit.
- c. *Application* means the process by which the Owner of a parcel of land within the City submits a request to develop, construct, build, modify, or erect a Tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in

whatever form or forum, made by an Applicant to the City concerning such a request.

d. *Engineer* means any engineer licensed by the State of Nebraska.

e. *Owner* means any Person with fee title or a long-term (exceeding ten (10) years) leasehold to any parcel of land within the City who desires to develop, or construct, build, modify, or erect a Tower upon such parcel of land.

f. *Person is* any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

g. *Stealth* means any Tower or Telecommunications Facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and Towers designed to look other than like a Tower such as light poles, power poles, and trees. The term Stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole Tower designs.

h. *Telecommunications Facilities* means any cables, wires, lines, wave-guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a Person seeks to locate or has installed upon or near a Tower or Antenna Support Structure. However, Telecommunications Facilities shall not include:

(1) Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial; or

(2) Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.

(i) *Tower* means a self-supporting lattice, guyed, or monopole structure constructed from grade, which supports Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.

13-3 Development of Towers

a. No person shall build, erect, or construct a Tower upon any parcel of land within any zoning district unless a Conditional Use Permit shall have been issued in the manner provided in this chapter and Chapter 12 of the Land Development Ordinance for the City of Ralston. No person shall build, erect, or construct a Tower upon any parcel of land within any zoning district designated R-1, R-2, R-3, R-4 or MH.

b. Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of one hundred and fifty (150) feet. Towers may be permitted in excess of one hundred and fifty (150) feet in accordance with 13-17 "Criteria for Site Plan Development Modifications."

c. No new Tower shall be built, constructed, or erected in the City unless the Tower is capable of supporting another Person's operating Telecommunications Facilities comparable in weight, size, and surface area to the Telecommunications Facilities installed by the Applicant on the

Tower within six (6) months of the completion of the Tower construction.

d. An Application to develop a Tower shall include:

(1) The name, address, and telephone number of the Owner and lessee of the parcel of land upon which the Tower is situated. If the Applicant is not the Owner of the parcel of land upon which the Tower is situated, the written consent of the Owner shall be evidenced in the Application.

(2) The legal description and address of the parcel of land upon which the Tower is situated.

(3) The names, addresses, and telephone numbers of all owners of other Towers or fusible Antenna support Structures within a one-half (1/2) mile radius of the proposed new tower site, including City-owned property.

(4) A description of the design plan proposed by the Applicant must identify its utilization of the most recent technological design, including microcell design, as part of the design plan. The applicant must demonstrate the need for Towers and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the Applicant's telecommunications services.

(5) An affidavit attesting to the fact that the Applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the Applicant's Telecommunications Facilities on City-owned Towers or usable Antenna Support Structures located within a one-half (1/2) mile radius of the proposed Tower site.

(6) An affidavit attesting to the fact that the Applicant made diligent, but unsuccessful, efforts to install or collocate the Applicant's Telecommunications Facilities on Towers or usable Antenna Support Structures owned by other Persons located within a one-half (1/2) mile radius of the proposed Tower site.

(7) Written technical evidence from an Engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another person's Tower or usable Antenna Support Structures owned by other Persons located within one-half (1/2) mile radius of the proposed Tower site.

(8) A written statement from an Engineer(s) that the construction and placement of the Tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.

(9) Written, technical evidence from an Engineer(s) that the proposed structure meets the standards set forth in 13-5, "Structural Requirements", of this Ordinance.

(10) Written, technical evidence from a qualified Engineer(s) acceptable to the Fire Marshall and the building official that the proposed site of the Tower or

Telecommunications Facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.

(11) In order to assist City staff and the planning and zoning board in evaluating visual impact, the Applicant shall submit color photo simulations showing the proposed site of the Tower with a photo-realistic representation of the proposed Tower as it would appear viewed from the closest residential property and from adjacent roadways.

(12) The Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the City to condition or deny on the basis of RF impacts the approval of any Telecommunications Facilities (whether mounted on Towers or Antenna Support Structures) which meet FCC standards. In order to provide information to its citizens, the City shall make available upon request copies of ongoing FCC information and RF emission standards for Telecommunications Facilities transmitting from Towers or Antenna Support Structures. Applicants shall be required to submit information on the proposed power density of their proposed Telecommunications Facilities and demonstrate how this meets FCC standards.

e. The Planning Commission may require an Applicant to supplement any information that the Commission considers inadequate or that the Applicant has failed to supply. The Commission or the Council may deny an Application on the basis that the Applicant has not satisfactorily supplied the information required in this subsection. Applications shall be reviewed by the City in a prompt manner and all decisions shall be supported in writing setting forth the reasons for approval or denial.

13-4 Setbacks

a. All Towers up to one-hundred (100) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of one hundred (100) feet in height shall be set back one (1) additional foot per each foot of Tower height in excess of one hundred (100) feet.

b. Setback requirements for Towers shall be measured from the base of the Tower to the property line of the parcel of land on which it is located.

c. Setback requirements may be modified, as provided in 13-17, when placement of a Tower in a location, which will reduce the visual impact, can be accomplished. For example, adjacent to trees which may visually hide the Tower.

13-5 Structural Requirements

All Towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the applicable Building Code, and any other standards outlined in this Ordinance. All Towers in operation shall be fixed to land.

13-6 Separation or Buffer Requirements

For the purpose of this Section, the separation distances between Towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed Tower. Tower separation distances from residentially zoned lands shall be measured from the base of a Tower to the closest point of residentially zoned property. The minimum Tower separation distances from residentially zoned land and from other Towers shall be calculated and applied irrespective of City jurisdictional boundaries.

- a. Towers shall be separated from all residentially zoned lands by a minimum of two hundred (200) feet or two hundred (200) percent of the height of the proposed Tower, whichever is greater.
- b. Proposed Towers must meet the following minimum separation requirements from existing Towers or Towers, which have been granted a Conditional Use Permit but are not yet constructed at the time a Conditional Use Permit is granted pursuant to this Code:
 - (1) Monopole Tower structures shall be separated from all other Towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred and fifty (750) feet.
 - (2) Self-supporting lattice or guyed Tower structures shall be separated from all other self-supporting or guyed Towers by a minimum of fifteen hundred (1,500) feet.
 - (3) Self-supporting lattice or guyed Tower structures shall be separated from all monopole Towers by a minimum of seven hundred and fifty (750) feet.

13-7 Method of Determining Tower Height

Measurement of Tower height for the purpose of determining compliance with all requirements of this Section shall include the Tower structure itself, the base pad, and any other Telecommunications Facilities attached thereto which extend more than twenty (20) feet over the top of the Tower structure itself. Tower height shall be measured from grade.

13-8 Illumination

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a Tower, in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the Tower from the Tower and when required by federal law, dual mode lighting shall be requested from the FAA.

13-9 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the appropriate reviewing body.

13-10 Landscaping

All landscaping on a parcel of land containing Towers, Antenna Support Structures, or Telecommunications Facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the Tower, Antenna Support Structure, or Telecommunications Facilities are located. The City may require landscaping in excess of the requirements in the City Code in order to enhance compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing.

13-11 Access

A parcel of land upon which a Tower is located must provide paved access to at least one (1) paved vehicular parking space on site.

13-12 Stealth Design

Stealth design is encouraged. The issue of stealth design will be considered as an element of the Building Design criteria on Table 12-1 as part of the issuance of the Conditional Use Permit.

13-13 Telecommunications Facilities on Antenna Support Structures

Any Telecommunications Facilities, which are not attached to a Tower, may be permitted on any Antenna Support Structure at least fifty (50) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications Facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the City Clerk, establish the following at the time plans are submitted for a building permit:

- a. That the height from grade of the Telecommunications Facilities shall not exceed the height from grade of the Antenna Support Structure by more than twenty (20) feet;
- b. That any Telecommunications Facilities and their appurtenances, located above the primary roof of an Antenna Support Structure, are set back one (1) foot from the edge of the primary roof for each one (1) foot in height above the primary roof of the Telecommunications Facilities. This setback requirement shall not apply to Telecommunications Facilities and their appurtenances, located above the primary roof of an Antenna Support Structure, if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the City. Setback requirements shall not apply to Stealth antennas which are mounted to the exterior of Antenna Support Structures below the primary roof, but which do not protrude more than eighteen (18) inches from the side of such an Antenna Support Structure.

13-14 Modification of Towers (*Ord. 1276 1-5-2021*)

a. A Tower existing prior to the effective date of this Ordinance, which was in compliance with the City's zoning regulations immediately prior to the effective date of this Ordinance, may continue in existence as a legal nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this Article, other than Sections 13-6, 13-15, and 13-16, provided that:

- (1) The Tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six (6) months of the completion of the modification or rebuild, additional Telecommunications Facilities comparable in weight, size, and surface area to the discrete operating Telecommunications Facilities of any Person, as defined in section 13-2(f), currently installed on the Tower.
- (2) An Application for a Conditional Use Permit is made in the manner provided in this Chapter and Chapter 12 except that minor modifications of an existing tower as the result of required equipment repair or routine equipment upgrades may be approved by the Building Inspector instead. The grant of a Conditional Use Permit pursuant to this Section allowing the modification or demolition and rebuild of an existing nonconforming Tower shall not be considered a determination that the modified or demolished and rebuilt Tower is conforming.
- (3) The height of the modified or rebuilt Tower and Telecommunications Facilities attached thereto do not exceed the maximum height allowed under this Ordinance.

b. Except as provided in this Section, a nonconforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than one hundred eighty (180) days. This Ordinance shall not be interpreted to legalize any structure or use existing at the time this Ordinance is adopted which structure or use is in violation of the Code prior to enactment of this Ordinance.

13-15 Certifications and Inspections

a. All Towers shall be certified by an Engineer to be structurally sound and in conformance with the requirements of the Building Code and all other construction standards set forth by the City's Code and federal and state law. For new monopole Towers, such certification shall be submitted with an Application pursuant to 13-3 of this Ordinance and every five (5) years thereafter. For existing monopole Towers, certification shall be submitted within sixty (60) days of the effective date of this Ordinance and then every five (5) years thereafter. For new lattice or guyed Towers, such certification shall be submitted with an Application pursuant to 13-3 of this Ordinance and every two (2) years thereafter. For existing lattice or guyed Towers, certification shall be submitted within sixty (60) days of the effective date of this Ordinance and then every two (2) years thereafter. The Tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the Tower is jeopardized.

b. The City or its agents shall have authority to enter onto the property upon which a Tower is located, between the inspections and certifications required above, to inspect the Tower for the

purpose of determining whether it complies with the Building Code and all other construction standards provided by the City Code and federal and state law.

c. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the Tower owner. All expenses related to such inspections by the City shall be borne by the Tower owner.

13-16 Maintenance

a. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

b. Tower owners shall install and maintain Towers, Telecommunications Facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

c. All Towers, Telecommunications Facilities, and Antenna Support Structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any Person.

d. All maintenance or construction of Towers, Telecommunications Facilities, or Antenna Support Structures shall be performed by licensed maintenance and construction personnel.

e. All Towers shall maintain compliance with current RF emission standards of the FCC.

f. In the event that the use of a Tower is discontinued by the Tower owner, the Tower owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

13-17 Criteria for Site Plan Development Modifications

a. Notwithstanding the Tower requirements provided in this Ordinance, a modification to the requirements may be approved by the Board of Adjustment as a variance in accordance with the following:

(1) In addition to the requirement for a Tower Application, the Application for modification shall include the following:

(i) A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.

(ii) A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.

(iii) A technical study that documents and supports the criteria submitted by the Applicant upon which the request for modification is based. The technical study shall be certified by an Engineer and shall document the

existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.

(iv) For a modification of the setback requirement, the Application shall identify all parcels of land where the proposed Tower could be located, attempts by the Applicant to contract and negotiate an agreement for collocation, and the result of such attempts.

(v) The Board of Adjustment may require the Application to be reviewed by an independent Engineer under contract to the City to determine whether the antenna study supports the basis for the modification requested. The cost of review by the City's Engineer shall be reimbursed to the City by the Applicant.

(2) The Board of Adjustment shall consider the Application for modification based on the following criteria:

(i) That the Tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.

(ii) Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.

(iii) In addition, the board may include conditions on the site where the Tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed Tower and mitigate any adverse impacts which arise in connection with the approval of the modification.

b. In addition to the requirements of subparagraph (a) of this Section, in the following cases, the Applicant must also demonstrate, with written evidence, the following:

(1) In the case of a requested modification to the setback requirement, 13-4, that the setback requirement cannot be met on the parcel of land upon which the Tower is proposed to be located and the alternative for the Person is to locate the Tower at another site, which is closer in proximity to a residentially zoned land.

(2) In the case of a request for modification to the separation and buffer requirements from other Towers of 13-6, "Separation or Buffer Requirements," that the proposed site is zoned LI or GI and the proposed site is at least double the minimum standard for separation from residentially zoned lands as provided for in 13-6.

(3) In the case of a request for modification of the separation and buffer requirements from residentially zoned land of 13-6, if the Person provides written technical evidence from an Engineer(s) that the proposed Tower and Telecommunications Facilities must be located at the proposed site in order to meet the coverage requirements of the Applicant's wireless communications system and if the Person is willing to create approved landscaping and other

buffers to screen the Tower from being visible to residentially zoned property.

(4) In the case of a request for modification of the height limit for Towers and Telecommunications Facilities or to the minimum height requirements for Antenna Support Structures that the modification is necessary to: (i) facilitate collocation of Telecommunications Facilities in order to avoid construction of a new Tower; or (ii) to meet the coverage requirements of the Applicant's wireless communications system, which requirements must be documented with written, technical evidence from an Engineer(s) that demonstrates that the height of the proposed Tower is the minimum height required to function satisfactorily, and no Tower that is taller than such minimum height shall be approved.

c. In addition to the foregoing, the Applicant must demonstrate that by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of his property, the strict application of any enacted regulation under this article would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property. The Board of Adjustment may authorize a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution. No such variance shall be authorized by the board unless it finds that: (a) The strict application of the zoning regulation would produce undue hardship; (b) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; (c) the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and (d) the granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

13-18 Abandonment

a. If any Tower shall cease to be used for a period of 365 consecutive days, the City Council shall notify the Owner, with a copy to the Applicant, that the site will be subject to a determination by the City Council that such site has been abandoned. The Owner shall have thirty (30) days from receipt of said notice to show, by a preponderance of the evidence, that the Tower has been in use or under repair during the period. If the Owner fails to show that the Tower has been in use or under repair during the period, the City Council shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the Owner shall, within seventy-five (75) days, dismantle and remove the Tower.

b. To secure the obligation set forth in this Section, the Applicant [and/or Owner] shall post a bond in an amount to be determined by the City Council at the time of the approval of the issuance of the Conditional Use Permit based on the anticipated cost of removal of the Tower.

13-19 Severability

That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

13-20 Conflicts Repeal of Ordinances

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.