

**CHAPTER 11  
MUNICIPAL PLANNING AND ZONING**

**ARTICLE 1 ZONING REGULATIONS**

**§11-101 ZONING REGULATIONS; SHORT TITLE**

This Article shall be known and may be cited as the Zoning Regulations of Friend, Nebraska.

**§11-102 ABBREVIATIONS AND ACRONYMS**

For these regulations this section contains a list of abbreviations and acronyms used throughout the document.

Abbreviation	Acronym
ADA	Americans with Disabilities Act
A.U.	Animal Unit
CFR	Code of Federal Regulations
DU	Dwelling Unit
DNR	Department of Natural Resources
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
GFA	Gross Floor Area
HUD	Department of Housing and Urban Development
KV	Kilovolt
KW	Kilowatt
DWEE	Nebraska Department of Water, Energy, & Environment
NDOR	Nebraska Department of Roads
NEMA	Nebraska Emergency Management Agency
NHHS	Nebraska Department of Health and Human Services
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
USC	United States Code
USACE	United States Army Code of Engineers
USDA	United States Department of Agriculture

## **§11-103 ZONING REGULATIONS; DEFINITIONS**

For the purpose of this Article, the following words and terms as used herein are defined to mean the following.

Words used in the present tense include the future; words in the singular form include the plural; and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” or the word “must” is mandatory; the term “used for” includes the meaning “designed for or intended for.”

***Abandonment*** – Shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short-term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

***Abut*** – Shall mean to border on, be contiguous with, or have common property or district lines, including property separated by an alley.

***Access or Access Way*** – Shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this regulation.

***Accessory Living Quarters*** – Shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

***Accessory Building or Structure*** – Shall mean a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds.

***Accessory Use*** – Shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building.

***Acreage*** – Shall mean any tract or parcel of land used for single-family residential purposes, that does not qualify as a farm or farmstead.

***Acreage*** – Shall mean any tract or parcel of land which does not qualify as a farm or development.

***Addition*** – Any construction which increases the size of the building or structure in terms of site coverage, height, length, width, or gross floor area.

***Adjacent*** – Shall mean near, close or abutting. An industrial district, for example, across the street or highway from a residential district shall be considered “adjacent” to the residential district.

**Advertising Structure** – Shall mean any structure used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structure.

**Agricultural or Farm Buildings** – Shall mean any building or structure which is necessary or incidental to the normal conduct of a farming operation, including but not limited to, residence of hired persons, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills, and water storage tanks.

**Agricultural Farm or Operation** – A tract of land or a combination of tracts of land utilized primarily for agricultural purposes which either singularly or jointly consist of at least ten acres or more of farm products each year.

**Agriculture** – Shall mean the use of land for agricultural purposes, for obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.

**Alley** – Shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

**Alteration, Structural** – Shall mean any change, addition, or modification to the construction or occupancy of an existing structure.

**Amendment** – Shall mean a change in the wording, context, or substance of this ordinance, or an addition, deletion, or change in the district boundaries or classifications upon the official zoning map.

**Amusement Arcade** – Shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

**Animal Domestic** – see Household Pet.

**Animal Hospital** – Shall mean a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

**Animal Unit** – Shall mean any farming operation or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where animals are confined for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 animal units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a

common area of the system for the disposal of livestock waste. Animal Units (AU) are defined as follows:

Type of Animal	Animal Units (AU)
Cow/Calf Combination	1.0
Slaughter, Feeder Cattle	1.0
Horse	0.5
Mature Dairy Cow	0.7
Swine (55 pounds or more)	2.5
Weaned Pig (less than 55 pounds)	25.0
Sows with Litters	2.0
Sheep	10.0
Chickens	100.0
Turkeys	50.0
Ducks	5.0

**Antenna** – Shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also, see Satellite Dish Antenna and Tower.

**Antique Shops** – Shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, that is at least thirty years old.

**Apartment** – Shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended, or designed as a place of residence for a single-family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also, see Dwelling Unit.

**Apartment Complex** – Shall mean a building or buildings containing apartments used as a place of residence for more than two households.

**Apartment House** – see Dwelling, Multiple Family.

**Applicant** – Shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, Building Permit, or certificate of occupancy and other similar administrative permits have been requested. Consent shall be required from the legal owner or his/her legal representative in writing except for Building Permits.

**Appropriate** – Shall mean fitting the context of the site and the whole community.

**Approving Authority** – The City of Friend, Nebraska or its designee.

**Appurtenances** – Shall mean the visible, functional objects accessory to any part of buildings.

**Artisan Production Shop** – Shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

**Artist Studio** – Shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

**Attached** – Shall mean a foundation, wall, or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

**Automatic Teller Machine** – Shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

**Automobile Wrecking Yard** – Shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

**Automotive and Machinery Repair Shop** – Shall mean a building used for the repair of motor vehicles or machinery when such repair shall be wholly within a completely enclosed building. This definition also includes body repair and painting.

**Automotive Sales Area** – Shall mean an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Nebraska, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

**Bar** – Shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also, see Nightclub and Tavern.

**Base Flood** – Shall mean the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

**Base Flood Elevation** – Shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater change of flooding in any given year.

**Base Zoning District** – A district established by this ordinance which prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.

**Basement** – Shall mean a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

**Beacon** – Shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source, also any light with one or more beams that rotate or move.

**Bed and Breakfast Inn** – (including “Airbnb” and “Vrbo”) Shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided.

**Bedroom** – Shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**Berm** – Shall mean a raised form of earth to provide screening or to improve the aesthetic character.

**Best Interests of Community** – Shall mean interests of the community at large and not interest of the immediate neighborhood.

**Billboard** – see Sign, Billboard.

**Block** – Shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, non-platted land, city or county boundaries, or adjoining property lines.

**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 corporate limits of Friend.

**Block Frontage** – Shall mean that section of a block fronting on a street between two intersecting streets or another block boundary.

**Board of Adjustment** – Shall mean that the Board has been created by the city and which has the statutory authority to hear and determine appeals from, interpretations of, and variances to the zoning regulations.

**Boarding or Rooming (Lodging) House** – Shall mean a building other than a hotel or motel but containing a single dwelling unit and provisions for three but not more than twenty guests, where lodging is provided with or without meals for compensation.

**Brew-On Premises Store** – Shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor unless the owner of the brew-on-premises store holds the appropriate liquor license.

**Brew Pub** – Shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes waste, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments annually produce no more than 10,000 barrels of beer or ale. The area, by definition, used for brewing, including bottling and kegging shall not exceed 25 percent of the total floor area of the commercial space. Also see Brewery, Craft.

**Brewery** – Shall mean a facility for brewing ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that annually manufactures more than 10,000 barrels of beverage (all beverages combined).

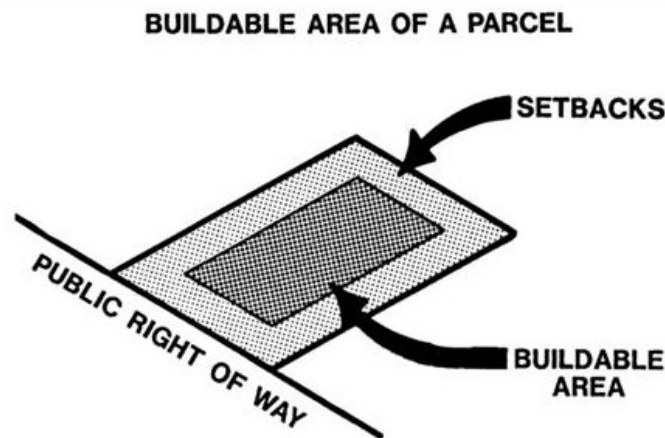
**Brewery, Craft** – Shall mean a brew pub or a micro-brewery.

**Brewery, Micro** – Shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premises, with a capacity of not more than 10,000 barrels a year. The development may include other uses such as standard restaurants, bars, or live entertainment as otherwise permitted in the zoning district.

**Buffer** – Shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

**Buffer Area** – Shall mean an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

**Buildable Area** – Shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.



**Building** – Shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in “Structure, Temporary.” Trailers, with or without wheels, shall not be considered buildings.

**Building Area** – Shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

**Building Code** – Shall mean the various codes of the City of Friend that regulate construction and require building, electrical, mechanical, plumbing, and other permits to as well as other codes adopted by the City that pertain to building construction.

**Building Coverage** – The area of a site covered by buildings or roofed area, excluding allowed projecting eaves, balconies, and similar features.

**Building Envelope** – The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

**Building Height** – Shall mean the vertical distance measured from the lowest point of finished grade on the lot within 25 feet of the building to the uppermost point of the roof.

Proposed method for Measuring the height of a Structure

**Building Line** – A line parallel or nearly parallel, to either the street line or the lot line not abutting the street and at a specified distance from the street or lot line which marks the minimum distance from either line that a building may be erected. In the case of a cul-de-sac, the building line shall be measured around the curvature of the street line.

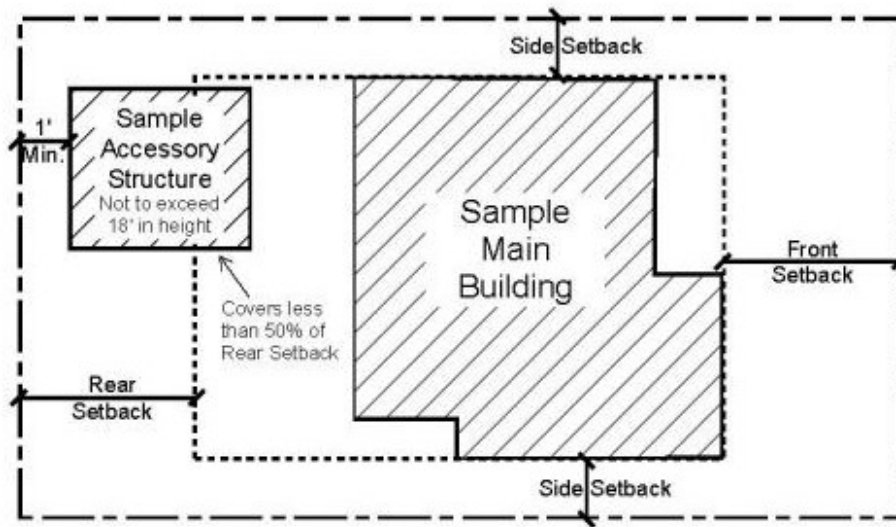
**Building Official** – The person or persons designated by the governing body to administer a subdivision ordinance whether such person or persons be entitled building official, building inspector, administrative official, or zoning administrator.

**Building Permit** – A document that must be issued by the city prior to erecting, constructing, enlarging, altering, moving, improving, removing, converting, or demolishing any building or structure on a platted lot or parcel.

**Building Setback Line** – means a line indicating the minimum horizontal distance required between a building or structure and a street right-of-way line. In case of a cul-de-sac, the building line shall be measured around the curvature of the street line.

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**Bulk Regulations** – Shall mean regulations controlling the size and relationship of structures and uses to each other to open areas and lot lines. Bulk regulations include regulations controlling: 1-maximum height, 2-maximum lot coverage, and 3-minimum size of yard and setbacks.

**Business** – Activities that include the exchange or manufacture of goods or services on a site.

**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.

**Business Services** – Shall mean uses providing services to people, groups, businesses, dwellings, and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting, and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, and photographic studios.

**Campground** – Shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational and having open areas that are natural in character.

**Car Wash** – Shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

**Carport** – Shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

**Cellar** – Shall mean a building space having less than one-half of its height below the average adjoining grade lines.

**Cemetery** – Shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematorium, and mausoleum.

**Centerline Offset** – The distance between the centerline of roads intersecting a common road from the same or opposite sides.

**Certificate of Occupancy** – An official certificate issued by the City of Friend, prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this ordinance.

**Channel** – Shall mean the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

**Charitable** – Shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring for animals.

**Child Care Center** – Shall mean an operation in the provider’s place of residence, which serves at least four, but not more than eight children at any one time from families other than that of the provider. A family childcare home provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

**Child Care Home** – A private home providing care (for children) for compensation which is or should be licensed by the Nebraska Department of Health and Human Services.

**Church, Storefront** – Shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings, and single-family dwellings.

**City** – Shall mean the City of Friend, Nebraska. Also, “City Council” or “Governing Body.”

**City Attorney** – Shall mean the City Attorney of the City of Friend or his/her authorized deputy, agent, or representative.

**City Council** – Shall mean the Friend City Council.

**City Engineer** – Shall mean the City Engineer as hired or appointed by the Mayor and City Council or his/her authorized deputy, agent, or representative.

**City Limits** – Shall mean the established corporate boundary of the City of Friend.

**Clear View Zone** – see Sight Triangle.

**Club** – Shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

**Code** – Shall mean the Municipal Code of the City of Friend, Nebraska.

**Coffee Kiosk** – Shall mean a retail food business in a freestanding building that sells coffee, or other non-alcoholic beverages, and pre-made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

**Commission** – Shall mean the Friend Planning Commission.

**Common Area or Property** – Shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.

**Communication Tower** – Shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves.

**Community Center** – Shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

**Compatibility** – Shall mean harmony in the appearance of two or more external design features in the same vicinity.

**Compatible Use** – Shall mean a land use that is suitable with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be caused by pedestrian or vehicular traffic generation, the volume of goods handled, and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or groundwater, aesthetics, vibration, electrical interference, and radiation.

**Comprehensive Plan** – Shall mean the comprehensive development plan of Friend, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the *Nebraska Revised Statutes 19-903 (RRS 1997)*.

**Conditional Use** – A use which is allowed in a zone when specified conditions have been complied with as identified for each district as a conditional use. A conditional use permit is reviewed and issued by the zoning administrator.

**Conditional Use Permit** – Shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make a conditional use of property in accordance with provisions and any additional conditions placed upon or required by said permit.

**Condominium** – Shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, pursuant to the Nebraska Condominium Act as set forth in *Nebraska Revised Statutes* 76-825 to 76-894 (RRS 1997).

**Conflicting Land Use** – Shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, mass, or layout of adjacent uses or results in loss of privacy.

**Congregate Housing** – Shall mean a residential facility for four or more persons aged 55 years or over and their spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also, see Life Care Facility.

**Conservation** – Shall mean the management of natural resources to prevent waste, destruction, or degradation.

**Conservation Area** – Shall mean an area of environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in the case of an overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

**Conservation Easement** – Shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

**Convenience Store** – Shall mean a one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies, and may also sell gasoline, to customers who purchase only a relatively few items (in contrast to a supermarket). It is dependent on and is designed to attract and accommodate large volumes of stop-and-go traffic.

**Contiguous** – see Abut.

**Corporate Limits** – Shall mean all land, structures, and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the city.

**County** – Saline, County, Nebraska.

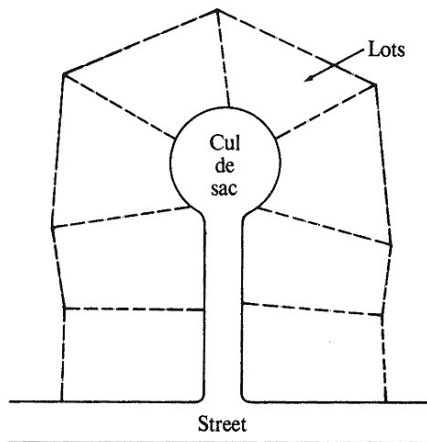
**Court** – Shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.

**Court, Inner** – Shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

**Court, Outer** – Shall mean a court enclosed on all but one side by exterior walls of a building or buildings or lot lines on which fences, hedges, or walls are permitted.

**Covenant** – Written promise or pledge.

**Cul-De-Sac** – Shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.



**Culvert** – A transverse drain that channels water under a bridge, street, or driveway.

**Curb** – A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

**Curve Lot** – see Lot, Curve.

**Date of Substantial Completion** – Shall mean the date certified by the local Building Inspector or zoning administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

**Deciduous Screen** – Shall mean landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

**Deck** – Shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure, is open.

**Demolition** – Shall mean the action or process of demolishing a structure. The City of Friend requires a permit for the demolition process.

**Density** – Shall mean the number of dwelling units per gross acre of land.

**Detention Basin** – Shall mean a facility for the temporary storage of stormwater runoff.

**Developer** – Shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit, or sign permit.

**Development** – Shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

**Development Agreement** – An agreement between the city and subdivider whereby the subdivider guarantees to complete all improvements and terms for payment of costs for same.

**Development Concept Plan** – see Site Plan.

**Development Review** – Shall mean the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

**District or Zone** – Shall mean a section or sections of the zoning area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are established.

**Dog Kennel** – see Kennel, Boarding or Training, and Kennel, Commercial.

**Dog Run** – a primary enclosure in which dogs are kept to a limited amount of space and which provides sufficient space to allow each dog to turn about freely, stand, sit, and lie in a comfortable, normal manner. Each dog—including weaned puppies—must be provided a minimum amount of floor space, calculated as follows: (length of dog from the tip of its nose to the base of its tail in inches + six) x (length of dog from the tip of its nose to the base of its tail in inches + six) = total, then divide that number by 144 to find the required floor space in square feet.

**Domestic Animals** – see Household Pet.

**Downzoning** – Shall mean a change in zoning classification of land to a less intensive or more restrictive district, such as from a commercial district to a residential district or from a multiple family residential district to a single-family residential district.

**Drainageway** – Shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

**Drive-In Facility** – Shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

**Driveway** – Shall mean any vehicular access to an off-street parking or loading facility.

**Dump** – Shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal, or dead animals. Such use shall not involve any industrial or commercial process.

**Duplex** – see Dwelling, Two Family.

**Dwelling** – Shall mean any building or portion thereof, which is designed and used exclusively for single-family residential purposes, excluding mobile homes.

**Dwelling, Manufactured Home** – Shall mean 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, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the HUD.

**Dwelling, Mobile Home** – Shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home to relocate it to another site in accordance with manufacturer's recommendations.

Permanent Foundation: Base on which building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

**Dwelling, Modular** – Shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities, pursuant to the Nebraska Uniform Standards for Modular Housing Units Act, as set forth in *Nebraska Revised Statutes 71-1557 to 71-1568.01 (Cum.Supp.2000)*. Further, such dwellings must also meet or be equivalent to the construction criteria set forth in the Nebraska Uniform Standards for Modular Housing Units Act. Such dwelling is considered a conventional type single-family dwelling, and those that do not meet the above criteria shall be considered a mobile home.

**Dwelling, Multiple** – Shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.

***Dwelling, Single-family*** – Shall mean a building having accommodations for or occupied exclusively by one family, which meets all the following standards. This definition applies to all “double-wide” mobile or manufactured homes that meet the following standards.

- a. The home shall have no less than 800 square feet of floor area, above grade, for single-story construction.
- b. The home shall have no less than a twenty (20) feet exterior width.
- c. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run.
- d. The exterior material shall be of a color, material, and scale comparable with existing site-built, single-family residences.
- e. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock.
- f. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed.
- g. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
- h. The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

***Dwelling, Single-family Attached*** – Shall mean a portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

***Dwelling, Townhouse*** – Shall mean a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

***Dwelling, Two Family*** – Shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

***Dwelling Unit*** – Shall mean one or more rooms connected, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet, and sleeping facilities.

***Easement*** – Shall mean a grant, made by a property owner, to the use of his/her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

***Educational Institution*** – Shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) offer general academic

instruction equivalent to the standards established by the State Board of Education; or (2) confer degrees as a college or university or undergraduate or graduate standing; or (3) conduct research; or (4) give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, and commercial or private trade schools are not included in this definition.

***Effective Date*** – Shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.

***Encroachment*** – Shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

***Engineer*** – One, licensed by the State of Nebraska, designated by Friend’s City Council to act for the city.

***Erected*** – Shall mean constructed upon or moved onto a site.

***Ethanol Plant*** – Shall mean a facility where the conversion of biomass into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

***Evergreen or Coniferous Screen*** – Shall mean landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.

***Expressway*** – Shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

***Extraterritorial Jurisdiction (ETJ)*** – Shall mean the area beyond the corporate limits of the City, in which the State has granted the City the power to exercise zoning jurisdiction and building regulations.

***Façade*** – Shall mean the exterior wall of a building exposed to public view from the building’s exterior.

***Factory*** – Shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

***Family*** – Shall mean one or more persons occupying a single dwelling unit, provided, that all members are related by blood, marriage, or adoption, and living as a single housekeeping unit. A family may include, in addition, not more than three people who are unrelated, but provided further domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

**Farm** – Shall mean an area containing at least twenty acres or more which is used for growing or storage of the usual farm products such as vegetables, fruit, and grain, as well as for the raising thereon of the usual farm poultry and farm animals, and which produces \$1,000 dollars or more per year of farm products raised on the premises. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

**Farm Residence** – Residential dwellings located on a farm, including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.

**Farmstead** – Any building site that includes at least two buildings used for farming/agricultural purposes.

**Fascia** – A parapet-type wall used as part of the façade of a flat-roofed building and projecting no more than six feet from the adjacent building face. Such wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.

**Feedlot, Commercial** – Shall mean a lot or building or combination of lots and buildings intended to be used for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure.

**Fence** – Shall mean a structure serving as an enclosure, barrier, or boundary above ground.

**Fence Height** – Shall mean the height above grade to the top rail. Decorative posts shall not be included in the height.

**Fence, Invisible** – Shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

**Fence, Open** – Shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

**Fence, Solid** – Shall mean any fence, which does not qualify as an open fence.

**Fireworks Stand** – Shall mean any structure used for the retail sale of fireworks, on a temporary basis.

**Fireworks Storage** – Shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there are no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

**Flood** – Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**Floodplain** – Shall mean any land area susceptible to being inundated by water from any source. See the definition of flood.

**Flood Proofing** – Shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway** – Shall mean the channel of a watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floor Area** – Shall mean the square feet of floor space within the outside line of the walls, including the total area of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

**Food Sales** – Shall mean 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.

**Freestanding Canopy** – Shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

**Front Lot Line** – a lot line separating a lot and a public or private street right-of-way easement: 1) for an interior lot: the lot line separating the lot from the right-of-way or easement. 2) for a corner lot: the lot line abutting a public or private street or easement which street contains the address of the property as determined by the United States Postal Service.

**Front Yard** – the area between the front lot line and main building on the lot.

**Frontage** – a length of the property abutting on one (1) side street measured along the dividing line between the property and the street.

**Garage, Private** – Shall mean a detached accessory building up to and including 1,000 square feet including carports on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling.

**Garage, Public** – Shall mean any garage other than a private garage designed or used for equipment, repairing, hiring, servicing, selling, or storing motor driven vehicles.

**Garage, Repair** – Shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see Service Station.

**Garage, Storage** – Shall mean a detached accessory building over 1,000 square feet on the same lot as a dwelling, used to house vehicles, recreational vehicles, and other consumables owned by the occupants of the dwelling.

**Garbage** – Shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

**Gasoline Service Station** – A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced, self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul.

**Governing Body** – The City Council of Friend, Nebraska.

**Grade** – Shall mean the average of the finished ground level at the center of all walls of a building. In the case of walls that are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**Green Area** – Same as common or public open space.

**Greenhouse** – Shall mean a building or premises used for growing plants, preparing floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

**Greenhouse, Noncommercial** – Shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables, or other plants intended for private use and not for sale.

**Greenway** – Shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation, usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.

**Groundcover** – Shall mean plant material used in landscaping which remains less than twelve inches in height at maturity.

**Groundwater** – Shall mean water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

**Group Care Home** – Shall mean a home, which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.

**Group Home for the Handicapped** – Shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in

community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term “handicapped” shall mean having: (1) a physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently, or (2) a record of having such an impairment.

**Group Housing** – Shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

**Guest Room** – Shall mean a room, which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

**Half-Story** – Shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

**Halfway House** – Shall mean a licensed home for individuals on release from more restrictive custodial confinement on initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

**Hazardous Waste** – Shall mean any discarded material, refuse, or waste products, in solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

**Health Club** – Shall mean a privately owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

**Hedge** – Shall mean a plant or series of plants, shrubs, or other landscape material, so arranged as to form a physical barrier or enclosure.

**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 the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

**Hike-Bike Pedestrian Trail** – A recreational trail prohibiting all non-emergency or public maintenance motorized vehicles.

**Home Occupation** – Shall mean an “in-home” or “home based” or entrepreneurial business operating from a residential dwelling within Friend. Any portion of a residential property, including a home phone, computer, mailing address, for example, used in deriving income or sales, will require a resident to obtain a Home Occupation Permit. Childcare Homes and Child Care Centers are not considered a Home Occupation.

**Homeowners Association** – Shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

**Hospice** – Shall mean a facility serving as a medical and residential facility for end of life treatment, providing inpatient services and support services for families of the residents and patients.

**Hotel** – Shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word “hotel” includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

**Household Pet** – Shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

**Impervious Surface** – Shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

**Improvement** – Street pavement or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of land into building sites.

**Incidental Use** – Shall mean a use, which is subordinate to the main use of a premise.

**Industry** – Shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**Infill Development** – Shall mean the construction of a building on a vacant parcel located in a predominantly established area.

***Infill Site*** – Shall mean any vacant lot, parcel, or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided.

***Infrastructure*** – Shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, and schools.

***Inoperable Motor Vehicle*** – Shall mean any motor vehicle which (1) does not have a current state license plate, or (2) which is disassembled or wrecked in part or in whole, or is unable to move under its own power, or (3) is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside any legally enclosed trailer.

***Institution*** – Shall mean a building occupied by a non-profit corporation or a non-profit establishment for public use.

***Intensity*** – Shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensity uses.

***Intensive Livestock, Confinement Facilities*** – Shall mean any buildings, lots, pens, pools, or ponds or other confined spaces, which normally are not used for raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding, or management of animals for more than 180 days within any calendar year, beginning January 1.

***Intent and Purpose*** – Shall mean that the Commission and City Council by the adoption of this regulation have made a finding that the health, safety, and welfare of the community will be served by the creation of the district and by the regulations prescribed therein.

***Junk*** – Shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

***Junk Yard*** – Shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, including motor vehicles, parts, and equipment for dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see Automobile Wrecking Yard.

***Kennel, Boarding, or Training*** – Shall mean a use on any lot or premises in which dogs, cats, or any other household pets, at least four months of age, are raised, boarded, bred, or trained.

***Kennel, Commercial*** – Shall mean an establishment where four or more dogs or cats, or a combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred, or boarded.

***Kennel, Private*** – Shall mean an establishment where four or more dogs or cats, or a combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred, or boarded.

***Lagoon*** – Shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock waste. All lagoons shall meet the minimum design criteria established by NDEE. All lagoons shall have proper permits approved prior to starting construction.

***Landfill*** – A disposal site employing an engineering method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day and in conformance with the requirements of the Nebraska Department of Water, Energy, & Environment and Nebraska Department of Health and Human Services.

***Landscape*** – Shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

***Landscaping*** – Shall include the original planting of suitable vegetation in conformity with the requirements of this regulation and the continued maintenance thereof.

***Laundry, Self-Service*** – Shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

***Life Care Facility*** – Shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals, culminating in full health, and continuing care nursing home facility. Also, see Congregate Housing.

***Limits of Grading*** – Shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

***Liquid Manure*** – Shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons, and which can be sprayed or injected beneath the surface.

***Liquid Manure Storage Pits*** – Shall mean earthen or lined pits wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.

***Livestock Feeding Operation (LFO)*** – Shall mean any farming operation exceeding the per acre Animal Unit ratio as defined under “farming” or the feeding, farrowing, or raising cattle, swine,

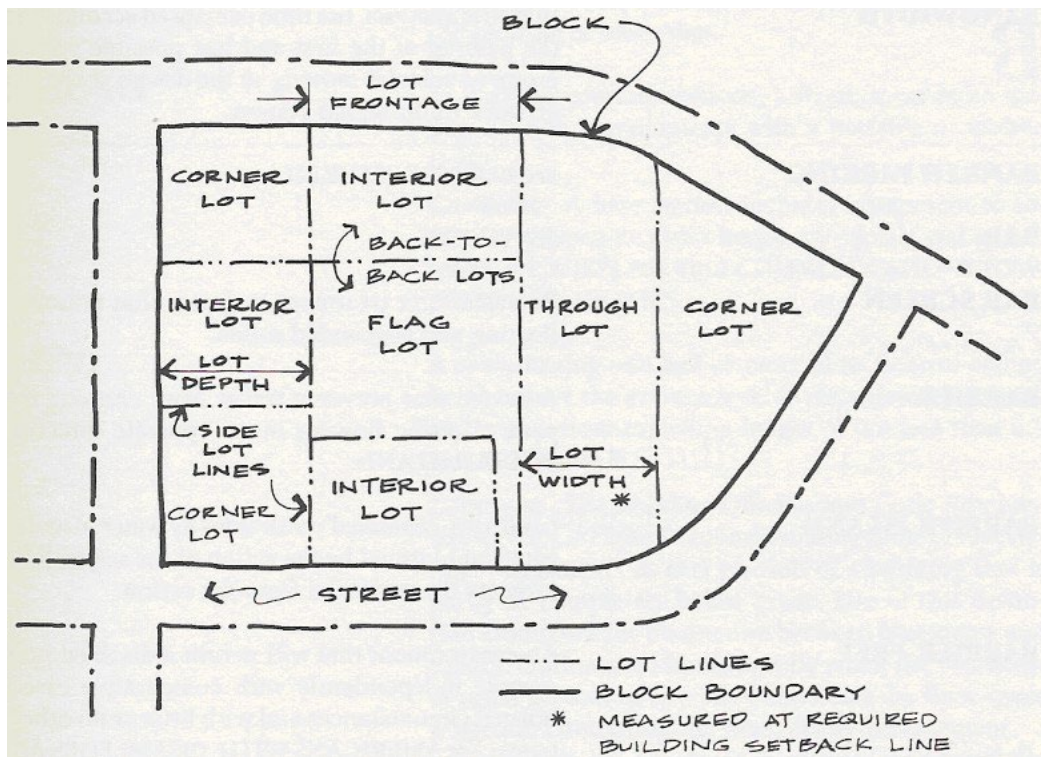
sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The defined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFOs under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of the system for the disposal of livestock waste.

**Livestock Wastes** – Shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

**Loading Space** – Shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

**Lot** – a parcel of land occupied by a use permitted in this article, including one (1) main building together with its accessory buildings, the open spaces, and parking required by and fronting upon a street.

**Lot Area** – Shall mean the total area, on a horizontal plane, within the lot lines of a lot.



**Lot, Corner** – Shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an “Interior Lot.” The setbacks for a front yard shall be met on all abutting streets.

**Lot Coverage** – Shall mean the portion of a lot or building site which is occupied by any building or structure, except paved areas, walks, and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

**Lot Depth** – Shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot, Double Frontage, or Through** – Shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**Lot, Flag** – Shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

**Lot, Frontage** – Shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

**Lot, Interior** – A lot other than a corner lot which has frontage on one street only.

**Lot Line** – A property boundary line(s) of record that divides one lot from another lot per plat of record.

**Lot Line, Front** – Shall mean the property line abutting a street.

**Lot Line, Rear** – Shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

**Lot Line, Side** – Shall mean any lot line, not a front lot line or rear lot line.

**Lot, Nonconforming** – Shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the Saline County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this regulation.

**Lot of Record** – A tract of land described as an integral portion of a subdivision plat which is properly recorded in the office of the Saline County Clerk.

**Lot, Through** – A “through lot” means an interior lot having frontage on two parallel or approximately parallel streets. Through lots only allowed on arterial street.

**Lot Width** – Shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Main Building** – The primary structure on the lot which determines the use of the property consistent with the zoning district’s permitted principal use and structure or permitted special use. In a residential zone, the residential structure shall be the main building.

**Manufactured Home** – 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, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built to compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes bearing the seal of the Department of Health and Human Service System.

**Manufactured or Mobile Home Park (Mobile Home Court)** – Shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured or mobile housing used or to be used for dwelling purposes and where manufactured or mobile home spaces are not offered for sale or sold. The terms “manufactured home park” or “mobile home park” do not include sales lots on which new or used manufactured or mobile homes are parked for the purposes of storage, inspection, or sale. The terms “manufactured home park” or “mobile home park” shall include the term “trailer camp,” as defined in the Friend Code.

**Manufactured or Mobile Home Subdivision** – Shall mean a parcel of land that has been subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured or mobile homes.

**Manufacturing** – Shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

**Massage Parlor** – Shall mean an establishment other than a regularly licensed and established hospital or dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Also, see Adult Uses.

**Master Fee Schedule** – Shall mean a fee schedule maintained by the City of Friend and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities. Failure to follow the fee schedule established by the City may lead to additional fines.

**Maximum Building Coverage** – This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a twenty thousand square foot building on a forty thousand square foot site has a building coverage of 50 percent. This is a method of regulating the scale of buildings in an area.

**Mechanical Equipment** – Shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**Medical Office** – Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical professionals licensed for practice in the State of Nebraska.

**Mini-Storage or Mini-Warehouse** – see Self-Service Storage Facility.

**Miscellaneous Structures** – Shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.

**Mixed Use** – Shall mean properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

**Mobile Home** – A year-round, transportable structures which is a single-family dwelling unit suitable for permanent, more than thirty days of living quarters, more than eight feet wide and forty feet in length and built to be towed on its own chassis with or without a permanent foundation when connected to the required utilities. This portable dwelling may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or two or more units, separately towable but designed to be jointed as one integral unit. Nothing in this definition shall be construed so as to include prefabricated, modular, precut dwelling units or these manufactured in sections or parts away from the site and transported thereto for assembly. Also see Dwelling, Mobile Home.

**Mobile Home Park** – Any area of land which two or more mobile homes are parked, connected to utilities and used by one or more persons for living or sleeping purposes. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirting or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for one or more mobile homes, connected to utilities and used by one or more persons living, or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

**Mobile Home Subdivision** – see Manufactured or Mobile Home Subdivision.

**Modular Home** – Any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling units, which are movable or portable until placed on permanent foundation and connected to utilities. All modular homes shall bear a label certifying that it was built to compliance with the Nebraska Department of Health and Human Services as established in Section 71-1557 of the Nebraska Revised Statutes.

**Monuments** – Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

**Motel** – see Hotel.

**Motor Freight Terminal** – Shall mean a building or area in which freight brought by motor truck is received, assembled, or stored and dispatched for routing by motor truck which may include motor truck storage.

**Motor Vehicle** – Shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled wheelchairs.

**Nightclub** – Shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also, see Bar.

**Noncommunity Water Supply System** – Shall mean any public water supply system that is not a community water supply system.

**Nonconforming Building (Structure)** – Shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**Nonconforming Lot of Record** – A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the approval date of this ordinance and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

**Nonconforming Use** – Shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure, or land but is no longer allowed.

**Non-Farm Buildings** – Shall mean all buildings except those buildings utilized for agricultural purposes on a farm.

**Nuisance** – Shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

**Nursery** – Shall mean the use of premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

**Nursing Homes or Convalescent Homes** – Shall mean an institution or agency licensed by the State of Nebraska for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

**Office** – Shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

**Official Zoning District Map** – Shall mean a map delineating the boundaries of zoning districts which, along with the zoning text is officially adopted by the Friend City Council.

**Off-Street Parking Area** – Shall mean all off-street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

**Open Lots** – Shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

**Open Space** – Shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

**Open Space, Common** – Shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

**Out Lot** – Property shown on a subdivision plat outside of the boundaries of the land which is developed and which is to be excluded from the development of the subdivision.

**Outdoor Advertising** – see Advertising Structure and Sign.

**Overlay District** – Shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

**Owner** – Shall mean one or more persons, including corporations, who have title to the property, building, or structure in question.

**Package Liquor Store** – Shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

**Paintball Course** – Shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit-by-visit basis that allows individuals to participate in paintball activities.

**Parcel** – Shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

**Park** – Shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

**Parking Area, Private** – Shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

**Parking Area, Public** – Shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

**Parking Lot** – Shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

**Parking Space, Automobile** – Shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by twenty feet, plus such additional area as is necessary to afford adequate ingress and egress.

**Parking Space, Off-Street** – Off-street parking means an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress.

**Pedestrian Ways** – A tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets and properties.

**Performance Guarantee** – Shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

**Permanent Foundation** – Shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

**Permanent Tree Protection Devices** – Shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.

**Permitted Use** – Shall mean any land use allowed without condition within a zoning district.

**Permanently Attached** – Shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from the permanent foundation, or structural change in such structure in order to relocate it to another site.

**Person** – Shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district, or any other group or combination acting as an entity, except that it shall not include Friend, Nebraska.

**Personal Services** – Shall mean users providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to but include grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services, and temporary personal in-home care.

**Pet Shop** – Shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

**Planned Development** – Special development of certain tracts of land, planned and designed as a unit for one or more land uses under the regulations and procedures contained in this article.

**Planning Area** – The statutory zoning jurisdiction of the City of Friend.

**Planning Commission** – shall mean the Planning Commission of Friend, Nebraska.

**Plant Materials** – Shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, bulbs, and other such vegetation.

**Plat** – Shall mean a map showing the location, boundaries, and legal description of individual properties.

**Plot** – A parcel of ground.

**Pole Building** – Shall mean a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass, or wood covering to form the building.

**Policy** – Shall mean a statement or document of the City, such as the Comprehensive Plan, that forms the basis for enacting legislation or making decisions.

**Premises** – Shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

**Preservation** – Shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

**Principal Structure** – Shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located.

**Prohibited Use** – Shall mean any use of land, other than nonconforming, which is not listed as a permitted use, conditional use, or accessory use within a zoning district.

**Promotional Device** – Shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, fringe-type ribbons or piping shall be considered as a promotional device.

**Protected Zone** – Shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the zoning regulation.

**Public Utility** – Shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water, and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

**Public Water Supply** – Shall mean a water supply system designed to provide public piped water fit for human consumption if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

**Public Way** – An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Public Works Plan** – An improvement analysis, conducted and prepared by a city engineer, delineating what necessary sewer, water, drainage, street, storm water, floodplain, well head and easement improvements will be needed for all phases of a subdivision.

**Railroad** – Shall mean that land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

**Rear Lot Line** – The lot line which is opposite and most distant from the front line.

**Rear Yard** – The area between the rear lot line and the main building on the lot.

**Recreation, Indoor** – Shall mean a facility for relaxation, diversion, amusement, or entertainment where such activity occurs within a building or structure.

**Recreation, Outdoor** – Shall mean a facility for relaxation, diversion, amusement, or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

**Recreational Facility** – Shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, racetracks (including all motor power vehicles), and wildlife conservation areas (used for public viewing), and theme parks.

**Recreational Vehicle (RV)** – Shall mean a vehicle primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicles include motor homes, truck campers, travel trailers, camping trailers, and fifth wheels.

**Recreational Vehicle (RV) Park** – Shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

**Recycling Center** – Shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not a junkyard.

**Recycling Collection Point** – Shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

**Redevelopment** – Shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.

**Renewable Energy** – Shall mean energy sources including wind, solar power, biomass, and hydropower, that can be generated and that is much less polluting than nuclear or fossil fuels.

**Renewable Resource** – Shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

**Residence** – Shall mean a building used, designed, or intended to be used as a home dwelling place for one or more families.

**Restaurant** – Shall mean a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.

**Restaurant, Drive-In** – Shall mean a restaurant establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

**Restaurant, Entertainment** – Shall mean a restaurant establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades, or similar uses, billiards, and other forms of amusement.

**Restaurant, Fast Food** – Shall mean a restaurant establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, or drive-in, and where food and/or beverages are usually served in paper, plastic, or other disposable containers.

**Retail Sales** – Shall mean establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

**Retail Trade** – Shall mean selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Businesses engaged in retail trade sell merchandise to the general public or households for personal consumption.

**Retention Basin** – Shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.

**Rezoning** – Shall mean an amendment to or change in the zoning regulations either to the text, map, or both.

**Rezoning, Piecemeal** – Shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

***Right-of-Way (ROW)*** – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges.

***Road, Private*** – Shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-Way and Street.

***Road, Public*** – Shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

***Room*** – Shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

***Salvage (Junkyard)*** – A place where waste, discarded, or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned, and places or yards for the storage of salvaged metal, materials, and equipment, but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, boats or trailers presently in operable condition, and used furniture and household items in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing operations.

***Sanitary Landfill*** – A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial, or burning of garbage, sewage, trash, refuse, junk, discarded machinery, or motor vehicles, or parts thereof, or other waste, and which is in conformance with the requirements of the Nebraska Department of Water, Energy, & Environment and Nebraska Department of Health and Human Services.

***Sanitary Transfer Station*** – Shall mean a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

***Satellite Dish Antenna*** – Shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves. Also, see Antenna.

***School, Day, Pre-, or Nursery*** – Shall mean a school or center for children under school age, whether licensed as a daycare center or not. Such shall be approved by the Nebraska State Fire Marshall as being in conformance with safety provisions pursuant to the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

***Screening*** – Shall mean a structure or planting that conceals from the public view the area behind such structure or planting.

**Selective Clearing** – Shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

**Self-Service Station** – Shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks or motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**Self-Service Storage Facility** – Shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

**Separate Ownership** – Shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

**Septic Site** – Shall mean the area bound by the dimensions required for the proper location of the septic tank system.

**Service Station** – Shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

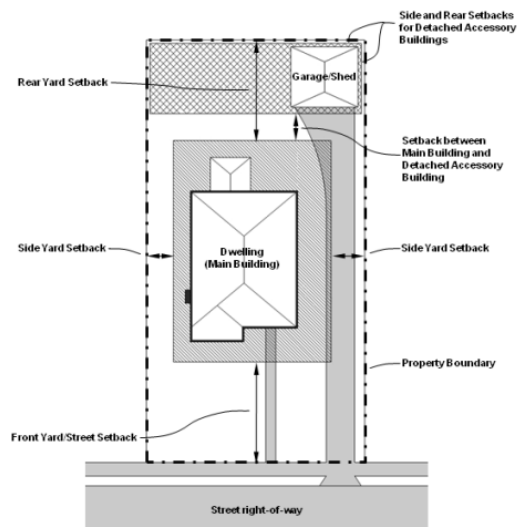
**Setback** – Shall mean the minimum distance, as prescribed by this regulation, measured from the edge of the eave or other similar building component located closest to the lot line.

**Setback Line, Front Yard** – see Yard, Front.

**Setback Line, Rear Yard** – see Yard, Rear.

**Setback Line, Side Yard** – see Yard, Side.

## Setback and Yard Requirements



**Sewers, On-Site** – A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

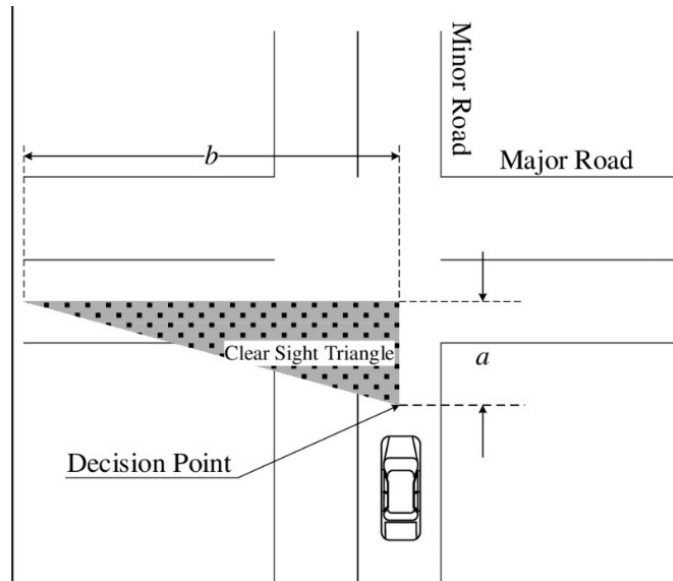
**Shrub** – Shall mean a multi-stemmed woody plant other than a tree.

**Side Lot Line** – Any lot that is neither a front nor rear lot line.

**Side Yard** – The area between the side lot line and the main building on the lot.

**Sidewalk** – A walk consisting of a paved or cemented area for pedestrians, usually beside a street or roadway but within the right-of-way.

**Sight Triangle** – Shall mean an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision.



**Sign** – Shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices: identification, informational, or directional signs erected or required by governmental bodies.

4. Integral decorative or architectural features of buildings, except letter, service marks, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

***Sign, Advertising*** – Shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related to or make reference to the primary use, business activity, or service conducted on the premises.

***Sign, Animated*** – Shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

***Sign, Announcement*** – Shall mean a small sign, not over six square feet in area, except that an announcement sign or bulletin board not over eighteen square feet in area, set back at least twenty feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

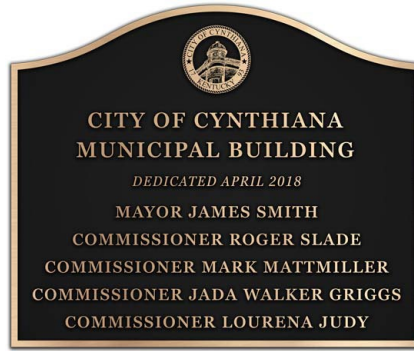
***Sign, Architectural Canopy*** – Shall mean an enclosed, illuminated, or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

***Sign, Area*** – Shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

***Sign, Awning or Canopy*** – Shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.



**Awning Sign**



**Commemorative Sign**



**Freestanding Sign**



**Rooftop Sign**

***Sign, Banner*** – Shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.

**Sign, Billboard** – Shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Sign, Building** – Shall mean any sign supported by, painted on, or otherwise attached to any building or structure.

**Sign, Building Marker** – Shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**Sign, Changeable Copy** – Shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this ordinance.

**Sign, Closed** – Shall mean a sign in which more than 50 percent of the entire area is solid, tightly closed, or covered.

**Sign, Commercial Message** – Shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Sign, Community or Civic** – Shall mean a sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the motoring public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local Chamber of Commerce or another civic organization or non-profit entity.

**Sign, Destination** – Shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

**Sign, Electronic Message Board** – Shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**Sign, Flashing** – Shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

**Sign, Freestanding** – Shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

**Sign, Ground** – Shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

**Sign, Illuminated** – Shall mean a sign illuminated in any manner by an artificial light source.

**Sign, Incidental** – Shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position of the zone lot on which the sign is located shall be considered incidental.

**Sign, Marquee** – Shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Sign, Nameplate** – Shall mean a sign not exceeding two square feet for each dwelling.

**Sign, Non-Conforming** – Shall mean any sign that does not conform to the requirements of this ordinance.

**Sign, Obsolete** – Shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

**Sign, Off-Premises** – Shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

**Sign, On-Premise** – Shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

**Sign, Open** – Shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

**Sign, Pennant** – Shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Sign, Pole** – Shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

**Sign, Portable** – Shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Sign, Projecting** – Shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.

**Sign, Real Estate** – Shall mean a temporary sign that identifies property or properties that are for sale or lease.

**Sign, Roof** – Shall mean a sign identifying the name of a business, enterprise, or product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

**Sign, Roof (Integral)** – Shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**Sign, Setback** – Shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

**Sign, Subdivision** – Shall mean the identification of a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

**Sign, Surface** – Shall mean the entire area of a sign.

**Sign, Suspended** – Shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Sign, Temporary** – Shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

**Sign, Wall** – Shall mean any sign attached parallel to, but within eight inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one single surface.

**Sing, Window** – Shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

**Similar Use** – Shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics, or other similarities.

**Site Break** – Shall mean a structural or landscape device used to interpret long vistas and create a visual interest in site development.

**Site Plan** – Shall mean a plan, prepared to scale, accurately showing and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

**Skate, In-Line** – Shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

**Skate Park** – Shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for the use of skateboards and in-line skates.

**Skateboard** – Shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

**Skateboard or Half Pipe** – Shall mean an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

**Skateboard Ramp** – Shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which is designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

**Slaughterhouse** – Shall mean a processing facility or plant where animals are processed, packaged, frozen, tanned, and/or rendered for commercial sale.

**Sludge** – Shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

**Solid Waste** – Shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

**Spot Zoning** – Shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the Comprehensive Land Use Plan and primarily promotes the private interest of

the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

**Standard System** – Shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

**Stockpiling** – Shall mean the accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one year.

**Storage** – Shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty days.

**Storm Drain** – Shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than polluted cooling water.

**Stormwater Detention** – Shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**Stormwater Management** – Shall mean the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

**Stormwater Retention Area** – Shall mean an area designed by a licensed Professional Engineer and approved by the City to retain water to control the flow of stormwater.

**Stormwater Runoff** – Shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

**Story** – Shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above.

**Story, Half** – Shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which a space not more than sixty percent of the floor area is finished off for use.

**Street** – Shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except as excluded in this regulation.

**Street, Arterial** – Shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City or County with controlled access to abutting property.

***Street, Center Line*** – The center line of a public street.

***Street, Collector*** – Shall mean a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

***Street, Curvilinear*** – Shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

***Street Line*** – A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.

***Street, Local*** – Shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

***Street, Looped*** – Shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

***Street, Major*** – Shall mean a street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.

***Street, Private*** – Shall mean an open, unoccupied space, other than a street or alley dedicated to the public but permanently established as the principal means of vehicular access to abutting properties. The term “private street” includes the term “place.”

***Street, Side*** – Shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

***Street Centerline*** – Shall mean the distance for which a lot line of a zoning lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

***Street Frontage*** – Shall mean the distance for which a lot line of a zoning lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

***Street Frontage Access*** – Shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

***Street Hardware*** – Shall mean man-made objects other than buildings that are part of the streetscape. Examples include but are not limited to lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

***Street Line*** – Shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.

**Streetscape** – Shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

**Structure** – Shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

**Structural Alteration** – Shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

**Subdivider** – The owners, developers, or agents of persons or corporations affecting a subdivision.

**Subdivision** – Shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

**Surface Waters** – Shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

**Surveyor** – Any person registered in Nebraska to practice surveying.

**Swimming Pool, Private** – Shall mean a pool which is an accessory use for a residence and for the exclusive use of the occupants of the residential building and their guests.

**Tanning Studio** – Shall mean and business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

**Tattoo Parlor/Body Piercing Studio** – Shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

Tavern – see Bar.

**Temporary Use** – Shall mean a use intended for a limited duration to be located in a zoning district not permitting such use.

**Terrace** – Shall mean a raised earthen embankment with the top level. A terrace may be supported by a retaining wall.

**Theater** – Shall mean a building or structure used for dramatic, operatic, motion pictures, or other performances, for admission to which entrance money is received and limited audience participation or mean service.

**Thoroughfare, Street, or Road** – The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

**a. Alley** – A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

**b. Arterial Street** – A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.

**c. Collector Street** – A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

**d. Cul-de-sac** – A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

**e. Dead-end Street** – A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**f. Local Street** – A street which provides direct access to abutting land and local traffic movement, whether in business, industrial, or residential land.

**g. Marginal Access Street** – A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called frontage street or service road).

**Tower** – Shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also, see Antenna.

**Townhouse** – Shall mean a one-family dwelling unit, with a private entrance in a group of three or more units where the unit and land are in the ownership of the same owner, which part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**Tract** – Shall mean a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

**Trailer, Automobile** – Shall mean a vehicle without motive power, designed, and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

**Trailer, Court** – Shall mean any lot or parcel used for one or more trailer coaches, houses, or camp cars or other portable or mobile shelters used for living purposes.

**Tree Cover** – Shall mean an area directly beneath the crown and within the dripline of the tree.

**Truck Repair** – Shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

**Truck Wash** – Shall mean a mechanical facility for the washing, waxing, and vacuuming of heavy trucks and buses.

**Uninhabited** – Shall mean a structure that does not have a permanent business or resident in the structure.

**Uninhabitable** – Shall mean a place unsuitable for living in.

**Upper Story Housing** – Shall be defined as one or more dwelling units located above the first floor were allowed within a commercial district.

**Upzoning** – Shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from a residential district to a commercial district or from a single-family residential district to a multiple family residential district.

**Use** – Shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**Use, Best** – Shall mean the recommended use or uses of land confined in an adopted Comprehensive Plan. Such use represents the best use of public facilities and promotes health, safety, and general welfare.

**Use, Conditional** – Shall mean a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

**Use, Highest** – Shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

**Use, Permitted** – Shall mean any land use allowed as a use by right within a zoning district.

**Use, Nonconforming** – shall mean a use that was valid and legal when brought into existence, but by subsequent regulation becomes no longer conforming.

**Use, Principal** – Shall mean the main use of land or structure, as distinguished from an accessory use.

**Used Materials Yard** – Shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include “junkyards” or “automobile wrecking yards.”

**Utilitarian Structure** – Shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

**Utility Easement** – see Easement.

**Utility Hardware** – Shall mean devices such as poles, cross arms, transformers, and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

**Utilities, Overhead or Underground “Local Distribution System of”** – Shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

**Utilities, Overhead or Underground “Transmission Line, Supply Line, Wholesale Carrier or Trunk Line, Main Feeder Line”** – or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

**Utility Service** – Shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil, and communications into a building or development.

**Variance** – Shall mean relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

**Vegetation** – Shall mean trees, shrubs, and vines.

**Vehicle** – Shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.

**Vehicle, Motor** – see Motor Vehicle.

**Vicinity Map** – A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Friend to better locate and orient the area in question.

**Visual Obstruction** – Shall mean any fence, hedge, tree, shrub, wall, or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys, or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

**Warehouse** – Shall mean a building used primarily for the storage of goods and materials.

**Warehouse and Distribution** – Shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**Wastewater Lagoon** – see Lagoon.

**Watercourse** – Shall mean natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. Includes waterways that have been channelized, but does not include man-made channels, ditches, and underground drainage and sewage systems.

**Waters of the State** – Shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies of accumulations of water surface or underground, natural, or artificial, public or private, situated wholly within or bordering upon the state.

**Wetland** – Shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

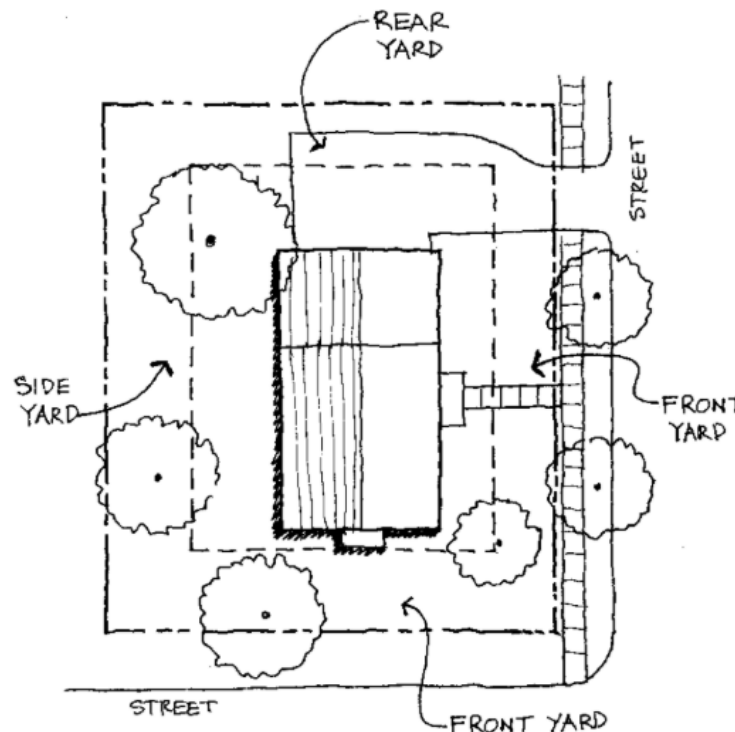
**Wetland, Saline** – Shall mean an area that is saturated by salty soils and water at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of salt-tolerant vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

**Wholesale Establishment** – Shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**Wholesale Trade** – Shall mean the selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or buyers acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting, and grading goods in large lots, breaking bulk and types of promotion such as advertising and label designing.

**Wireless Communication Tower** – Shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding fifty feet in height shall not be considered wireless communication towers.

**Yard** – Shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this regulation.



**Yard, Front** – Shall mean a space between the front yard setback line and the front lot line or highway setback line and extending the full width of the lot.

***Yard, Rear*** – Shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

***Yard, Required*** – The required minimum open space between the property line and the yard line. The required yard shall contain no building or structure other than the projection of the usual steps, or open porches, or as otherwise provided in these regulations.

***Yard, Side*** – Shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

***Zoning Administrator*** – Shall mean the person or persons authorized and empowered by the City of Friend, Nebraska to administer and enforce the requirements of this chapter.

***Zoning Board of Adjustment*** – The legally appointed board empowered to hear and decide appeals from and to provide interpretations of the terms of the zoning ordinance and official maps as defined within this ordinance and in accordance with the laws of the State of Nebraska.

***Zoning District*** – The term “zoning district” means an area delineated on a zoning map for which uniform use regulations are specified.

***Zoning District, Change of*** – Shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.

***Zoning Map*** – The term “zoning map” means a map or maps officially enacted by the governing body as part of this ordinance showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the city clerk as an official record of the city.

## §11-104 ZONING REGULATIONS; DISTRICTS AND GENERAL REQUIREMENTS

1. For the purpose of this Article, the City of Friend is hereby divided into seven zoning districts to be known as follows.

- A-1 Agriculture District**
- R-1 Residence District**
- R-2 Multiple Dwelling District**
- B-1 Highway Business District**
- B-2 Business District**
- M-1 Light Industrial District**
- M-2 Heavy Industrial District**

The boundaries of these districts are shown on the official “Zoning District Map” which made part of this Article and shall be identified by the signature of the Mayor attested by the City Clerk under the following statement:

“This is to certify that this is the official Zoning District Map referred to in Section III, of Ordinance No. 344 of the City of Friend, Nebraska, passed this 22<sup>nd</sup> day of June, 1967.”

The official Zoning District Map shall be on file in the office of the City Clerk and shall be final authority as tot the current zoning status of the land.

No changes shall be made to the Zoning District Map except as may be required by amendments to this Article. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance No., nature of change, and date of change noted on the map.

2. No building shall be erected, enlarged, move, or structurally altered except in conformity with the use, height, yard, area per family, parking and other regulations prescribed herein for the district in which such lot is located; every part of the required yard shall be open to the sky unobstructed, except as provided, and no yard or lot area shall be reduced as to be smaller than the applicable district requirement.

3. Every building hereafter erected or structurally altered shall be located on a lot as defined as in Section 11-103 and in no case shall more than one residential building be located on a lot except as provided herein.

## **§11-105 ZONING REGULATIONS; A-1 AGRICULTURAL DISTRICT**

**A. PERMITTED USES.** The following uses are permitted in the A-1 Agricultural District.

- (a) Agriculture or truck gardening, except for feeding and raising of livestock, provided that any building for the enclosure for the shelter of animals shall be at least fifty (50) feet from all street and lot lines.
- (b) Single-family dwellings.
- (c) Church, school, or library.
- (d) Public park, playground, or community center.
- (e) Golf course or private club not operated for profit.
- (f) Colleges.
- (g) Educational, religious, or philanthropic institutions, but not including penal or mental institutions.
- (h) Nursing homes.
- (i) Home occupation.
- (j) Parking for permitted uses as required by Section 11-113.
- (k) Accessory building or use customarily incidental to the above uses, including a church, school, or similar bulletin board or sign not exceeding then (10) square feet in area, pertaining to the lease, hire, or sale of the building or premises or the sale of products grown only on the premises, provided that any accessory building is not constructed prior to beginning construction of the main building.

### **B. LOT AND BUILDING HEIGHT REGULATIONS**

The following are permitted in this district except as provided in Section 11-112.

Lot Area: Average within a block of fifteen thousand (15,000) square feet, but no less than ten thousand (10,000) square feet per family.

#### Minimum Yards:

Front:	30 feet
Side:	7 feet for one-story dwellings 8 feet for two or more story dwellings
Rear:	35 feet
Lot Width:	60 feet minimum
Height:	2-1/2 stories or 35 feet maximum

## **§11-106 ZONING REGULATIONS; R-1 RESIDENCE DISTRICT**

**A. PERMITTED USES.** The following uses are permitted in the R-1 Residence District.

- (a) Any uses permitted in the A-1 Agricultural District except for the feeding and raising of livestock.
- (b) Two-family dwellings.
- (c) Office of a resident physician, dentist, attorney, or similar professional person when located within their residence, including one name place not over one (1) square foot in area.
- (d) Parking for permitted uses as required in Section 11-113.
- (e) Accessory building or use customarily incidental to the above uses.

### **B. LOT AND BUILDING HEIGHT REGULATIONS**

The following are permitted in this district except as provided in Section 11-112.

Lot Area: Average within a block of 7,500 square feet, but no less than 6,000 square feet per family.

Minimum Yards:

Front:	30 feet
Side:	7 feet for one-story dwellings 8 feet for two or more story dwellings
Rear:	35 feet
Lot Width:	60 feet minimum
Height:	2-1/2 stories or 35 feet maximum

This section does not apply to accessory buildings which are specifically covered under section subsection (4) of Section 11-112.

## **§11-107 ZONING REGULATIONS; R-2 MULTIPLE DWELLING DISTRICT**

**A. PERMITTED USES.** The following uses are permitted in the R-2 Multiple Dwelling District.

- (a) Single-family dwellings.
- (b) Multiple dwellings.
- (c) Boarding and lodging houses.
- (d) Group housing projects.
- (e) Fraternities and sororities.
- (f) Parking for permitted uses as required by Section 11-113.
- (g) Accessory building or use customarily incidental to the above uses.

### **B. LOT AND BUILDING HEIGHT REGULATIONS**

The following are permitted in this district except as provided in Section 11-112.

Lot Areas: 3,000 square feet per family, but in no case less than 6,000 square feet.

Minimum Yards:

Front:	30 feet
Side:	7 feet for one-story dwellings 8 feet for two or more story dwellings
Rear:	35 feet
Lot Width:	60 feet minimum
Height:	2-1/2 stories or 35 feet maximum

## §11-108 ZONING REGULATIONS; B-1 HIGHWAY BUSINESS DISTRICT

**A. PERMITTED USES.** The following uses are permitted in the B-1 Highway Business District.

- (a) Agriculture or truck gardening, provided that any building for the enclosure for the shelter of animals shall be at least fifty (50) feet from any street and lot lines.
- (b) Billboard, when at least fifty (50) feet from any “R” district boundary.
- (c) Filling station.
- (d) Motels or hotels.
- (e) Laundries or dry cleaning establishments.
- (f) Commercial green house.
- (g) Farm implement display or sales room.
- (h) Barber shops and beauty parlors.
- (i) Professional offices.
- (j) Business offices.
- (k) Antique sales.
- (l) Veterinarian or animal hospital, provided any such building, kennel, or exercise runway is located at least one hundred (100) feet from any “R” district boundary.
- (m) When located at least one hundred (100) feet away from any “R” district boundary: bowling alley, drive-in restaurant or similar establishment, drive-in theater, other similar places of entertainment or amusement.

### **B. LOT AND BUILDING HEIGHT REGULATIONS**

The following are permitted in this district except as provided in Section 11-112.

Lot Areas: No minimum required.

Minimum Yards:

Front:	25 feet.
Side:	None except along the side of a lot abutting a lot in any “R” district in which case ten (10) feet shall be provided.
Rear:	None except for a lot abutting any “R” district in which case twenty-five (25) feet shall be provided.
Lot Width:	No minimum for commercial purposes.
Height:	3 stories or 45 feet maximum

## §11-109 ZONING REGULATIONS; B-2 BUSINESS DISTRICT

**A. PERMITTED USES.** The following uses are permitted in the B-2 Business District.

- (a) Any use permitted in the B-1 Highway Business District.
- (b) Stores or shops where goods are sold primarily at retail or where personal services are rendered, including a grocery, drug store, meat market, bank, beauty parlor, electrical repair or similar retail sales, services, or repair shops.
- (c) Public garage, when located at least fifty (50) feet from any “R” district boundary.
- (d) Business or commercial school or dancing or music academy.
- (e) Clinic.
- (f) Printing shop.
- (g) Automobile or trailer display or sales room or when located at least fifty (50) feet from any “R” district, an automobile or trailer sales or storage lot.
- (h) Lumberyard.
- (i) Frozen food locker.
- (j) Milk distributing station.
- (k) Undertaking establishment or mortuary.
- (l) Painting, plumbing, tinsmithing, upholstering or similar general service shop.
- (m) Off-street parking as required in Section 11-113.
- (n) Accessory building or use customarily incidental to a permitted use, including an advertising sign or bulletin board.

### **B. LOT AND BUILDING HEIGHT REGULATIONS**

The following are permitted in this district except as provided in Section 11-112.

Lot Areas: No minimum required.

Minimum Yards:

Front:	None.
Side:	None except along the side of a lot abutting a lot in any “R” district in which case ten (10) feet shall be provided.
Rear:	None except for a lot abutting any “R” district in which case twenty-five (25) feet shall be provided.
Lot Width:	No minimum for commercial purposes.
Height:	3 stories or 45 feet maximum.

## §11-110 ZONING REGULATIONS; M-1 LIGHT INDUSTRIAL DISTRICT

**A. PERMITTED USES.** The following uses are permitted in the M-1 Light Industrial District.

- (a) Any use permitted in the B-2 Business District.
- (b) Bottling works.
- (c) Carting, express, or storage yard.
- (d) Coal or coke yard.
- (e) Any other business, industry, or manufacturing use where the process of manufacture or treatment of other activity is such that only a nominal amount of dust, odor, gas, smoke or noise is emitted and not more than ten (10) percent of the lot or tract is used for the open storage of products, materials, or equipment.
- (f) Off-street parking.

### **B. LOT AND BUILDING HEIGHT REGULATIONS**

The following are permitted in this district except as provided in Section 11-112.

Lot Areas: No minimum required.

Minimum Yards:

- |            |   |
|------------|---|
| Front:     | 25 feet.  |
| Side:      | None except along the side of a lot abutting a lot in any “R” district in which case ten (10) feet shall be provided. |
| Rear:      | None except for a lot abutting any “R” district in which case twenty-five (25) feet shall be provided.                |
| Lot Width: | No minimum for commercial purposes.   |
| Height:    | 3 stories or 45 feet maximum.   |

## **§11-111 ZONING REGULATIONS; M-2 HEAVY INDUSTRIAL DISTRICT**

**A. PERMITTED USES.** The following uses are permitted in the M-2 Heavy Industrial District.

- (a) Contractor's yard.
- (b) Grain elevator.
- (c) Livestock auction or sale barn.
- (d) Auto wrecking yard or junk yard only when located inside a building or when wholly enclosed by a well-maintained wooden fence not less than 8 feet in height and in which the openings or cracks are less than fifteen (15) percent of the total area.
- (e) Any other use not in conflict with local or state enacted laws regulating nuisances, provided that no use emitting or likely to emit substantial amounts of dust, odor, gas, smoke or noise and none of the following specific uses shall be permitted without approval of the Mayor and City Council after a review and report of the Planning Commission subject to such requirements as it may deem necessary to protect adjacent property and prevent objectionable, deteriorating or offensive conditions:

1. Acid or chemical manufacture,
2. Distillation of bones,
3. Explosives, manufacture or storage,
4. Fat rendering,
5. Fertilizer manufacture,
6. Garbage, offal or dead animal reduction or dumping,
7. Glue manufacture,
8. Stockyards, or retail bulk storage of gas and propane
9. Any similar use that would be hazardous to public health, safety, or welfare.
10. Feed lots.

## §11-112 ZONING REGULATIONS; EXCEPTIONS AND MODIFICATIONS

(1) Lot Area and Width. Any lot of record at the time of the passing of these regulations having less than area width than herein required may be used provided that all yard requirements are met.

(2) Front Yard. Where thirty percent (30) or more of a block front is improved with buildings, no part of any new building shall project beyond the front line of the two nearest buildings, except that no building shall be required to provide a front yard greater than fifty (50) feet. Any new structure constructed on any lot or lots in an A-1, R-1, or R-2 district which is occupied by an existing structure located within the required front yard setback shall not be constructed so as to project beyond the front line of the existing structure, but may be located within the front yard setback required for that district under the following conditions:

- (a) The new structure is permanently attached to the existing structure.
- (b) The existing structure is not subsequently demolished by voluntary action of the owner or occupant.

A corner lot shall have a front yard on each street, except that on a lot of record the building width shall not be reduced to less than forty (40) feet and no accessory buildings shall project beyond either required front yard, except as provided above.

(3) Side Yard. The side yard may be reduced to ten (10) percent of the lot width on lots of record less than sixty (60) feet in width, provided, however that no side yards shall be less than five (5) feet.

(4) Rear Yard. On lots of record, the rear yard may be reduced to twenty percent (20) of the depth of the lot.

An accessory building may be built within a required rear yard when located at least five feet from the rear and two feet from the side lot and when occupying not more than thirty percent (30) of the area of such required rear yard.

(5) All Yards. The ordinary projections of sills, belt courses, cornices, and ornamental features may be permitted not to exceed eighteen (18) inches into any required yard.

An open, uncovered porch or paved terrace may not extend more than ten (10) feet into any required yard.

(6) Height. Chimneys, cooling or water towers, elevators, bulk heads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any safe height not in conflict with any other local ordinances.

Public, semi-public or public service buildings, hospitals, institutions, churches and schools, when permitted in the district, may be erected to a height of not exceeding sixty (60) feet, provided all required yards are increased one foot for each foot a building height above the height limit otherwise provided (*Amended by Ordinance No. 02-583, 8/2/2002*).

## **§11-113 ZONING REGULATIONS; OFF-STREET PARKING REQUIREMENTS**

No building shall be erected, enlarged, or changed in use unless there is provided on the lot or tract of land space for the parking of automobiles or trucks together with drives, entrances, and exits in accordance with the following minimum requirements.

Dwellings	One parking space for each dwelling unit.
Commercial Uses	One parking space for each 200 square feet of gross floor space area, except in the B-2 Business District, where no minimum is required.
Industries	One parking space for every three employees.
Places of Public Assembly	One space for each ten seating capacity in the main auditorium.

## §11-114 ZONING REGULATIONS; CONDITIONAL USE PERMIT

Council may, by conditional use permit, after a public hearing and after a review and recommendation of the planning commission and imposing such conditions and protective restrictions that are deemed necessary, authorize the following special uses in any district in which they are otherwise prohibited.

- (a) Cemetery or mausoleum.
- (b) Greenhouse or nursey, not less than 100 feet from all property lines.
- (c) Hospital, clinic, or institution, except for the mentally ill or those with contagious diseases provided that less than 40 percent of the total land area is occupied by buildings and that all the required yards are increased by one foot for each foot of building height.
- (d) Landing field or strip for aircraft.
- (e) Radio tower or broadcasting station.
- (f) Removal of gravel, top soil, or similar natural materials, with safeguards for protection of adjoining property and community as a whole.
- (g) Riding stable.
- (h) Roadside stand, commercial amusement, or recreational development for temporary or seasonal periods.
- (i) Sanitary fill for the disposal of garbage and trash.
- (j) Trailer camp observing all appropriate state and county regulations, provided there is at least 2,000 square feet of lot area per trailer, no trailer or service building is closer than twenty-five feet to any side or rear lot line, and such hard surface drives, landscaping and other similar improvements as may be deemed necessary for its proper development and for the protection of the surrounding area are provided.
- (k) Housing projects. The owner or owners of any tract of land comprising an area of not less than three acres in the A-1, R-1, or R-2 districts, may submit to the planning commission a plan for the use and development of all the tract of land for residential purposes and shall present specific evidence and facts showing whether or not the proposed plan meets the following conditions:
  - (1) That property adjacent to the area included in the plan will not be adversely affected.
  - (2) That the plan is consistent with the intent and purpose of these regulations to promote public health, safety, morals, and general welfare.
  - (3) That the building shall be used only for single-family dwellings and the usual accessories, such as garages, storage space, or community or administrative activities.
  - (4) That the average lot area contained in a site will not be less than 2,000 square feet per family.
  - (5) That the buildings do not exceed two stories in height.

The plan need not provide for the customary street and lot layout or the normal application of the yard and area requirements to individual building units.

If the planning commission and the city council approve the plans, after public hearing thereon, building permits may be issued even though the location of the building to be erected in the area, and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations or the district in which it is located.

## **§11-115 ZONING REGULATIONS; NON-CONFORMING USES**

The lawful use of a building existing at the time of adoption of this Article or of a change in the district classifications may be continued even though such use does not conform with the provisions thereof. If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted classification but whenever a non-conforming use, it shall not thereafter be changed to a less restrictive use.

The non-conforming use of a building may be extended throughout these parts which were manifestly arranged or designed for prior to the adoption of these regulations.

No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty percent (60) of its reproduction value shall be restored except in conformity with the district regulations.

In the event that the non-conforming use of a building or premises is discontinued for a period of two years or more, such building or premises shall be thereafter used only in conformity with the regulations of the district of which it is located.

## **§11-116 ZONING REGULATIONS; ENFORCEMENT AND ADMINISTRATION**

A. It shall be the duty of the person designated by the Mayor and confirmed by the City Council as an Administrative Official to take force and administer the regulations contained in this Article.

B. No building shall be constructed or altered without a building permit as required by this section. Application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the name of the applicant, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape, and location as may be necessary for the enforcement of these regulations.

A record of Building Permits shall be kept on file in the office of the Administrative Official.

## **§11-117 ZONING REGULATIONS; AMENDMENT**

A. This Article may from time to time be amended by the City Council after a public hearing and a recommendation of the Planning Commission in accordance with the codes of the State of Nebraska.

B. Before any final action is taken on any amendment to these regulations and District Map, it shall be submitted to the Board of Education in writing and such Board shall within thirty days recommend in writing to the Governing Body that such amendment be approved or disapproved in whole or in part or with such changes as may be desirable. This recommendation shall be advisory and failure of the Board of Education to make written recommendation within thirty days shall be construed as an approval of the proposal as submitted.

C. The Planning Commission shall hold one public hearing on every amendment to these regulations. If no report is received from the Commission in sixty days, it may be assumed that said Commission has approved the amendment. Before any action shall be taken as provided in this section, the party or parties proposing a change in the Zoning Ordinance or District Boundary, shall deposit to the City Treasurer the sum of fifteen dollars (\$15.00) to cover the approximate cost of this procedure and under no condition shall said sum or part thereof be refunded for failure of said change to be adopted by the City Council.

## **§11-118 ZONING REGULATIONS; INTERPRETATION**

A. In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, moral, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between the parties, except that if these regulations impose a greater restriction, these regulations shall control.

B. In respect to the boundaries of a district as shown on the District Map, if uncertainty exists, the following rules shall apply.

1. The district boundaries are either streets or alleys unless otherwise shown and where the district designated on the map is bounded approximately by a street or alley line, the street or alley shall be construed to be the boundary.
2. Where the district boundary is not otherwise indicated and where the property has been or may hereafter be construed to the lot lines and where the district designated on the District Map is bounded approximately by lot lines, such lot lines shall be construed to be the boundary of the districts unless otherwise indicated on the map.
3. In unsubdivided property the district boundaries shall be determined by use of the scale appearing on the District Map.

## **§11-119 ZONING REGULATIONS; VIOLATION AND PENALTY**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Article shall be deemed guilty of an offense and shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day that such violation continues shall constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or a building, structure, or land is used in violation of these regulations, the City of Friend, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, alteration, maintenance or use, or to correct or abate such violation or to prevent the occupancy of such building, structure, or land.

## **§11-120 ZONING REGULATIONS; MANUFACTURED HOMES; STANDARDS**

- (1) A manufactured home may be used as a residential structure in any zone in which residential uses are permitted if such manufactured home bears an appropriate seal which indicates that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, the Nebraska Uniform Standards for Modular Housing Units Act, or the United States Department of Housing and Urban Development.
- (2) Manufactured homes permitted pursuant to this section shall be located and installed according to the following standards which are applicable to site built, single-family dwellings.
  - (a) The home shall be located and installed on a permanent perimeter foundation.
  - (b) The home shall be installed with permanent utility connections.
  - (c) The home shall comply with all setback and lot requirements of the residential zone in which it is located.
  - (d) The home shall comply with the minimum square footage requirements of the residential zone in which it is located.
- (3) Manufactured homes shall also meet the following standards.
  - (a) The home shall have no less than nine hundred (900) square feet of floor area.
  - (b) The home shall have no less than an eighteen-foot (18') exterior width.
  - (c) The roof shall be pitched with a minimum vertical rise of two and one-half inches (2-1/2") for each twelve inches of horizontal run.
  - (d) The exterior material shall be of a color, material, and scale comparable with those existing in residential site built, single-family construction.
  - (e) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock.
  - (f) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.
- (4) Nothing in this section shall be deemed to supersede any valid restrictive covenants of record.
- (5) For purposes of this section, manufactured home shall mean the following.
  - (a) 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, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 CFR 3280 et seq. promulgated by the United States Department of Housing and Urban Development.
  - (b) A modular housing unit as defined in Section 71-1557 RS Neb., bearing a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act (*Ref. 19-902 RS Neb.*).

(6) The locating or placement of any manufactured home within the corporate limits of the Municipality for any use, including use as a residential structure, shall not be allowed, unless such manufactured home meets all of the standards and requirements set forth above and herein (*Ord. No. 538, 1/4/2000*) (*Amended by Ord. No. 03-667, 11/4/2003*).

## §11-121 ZONING REGULATIONS; RECREATIONAL VEHICLES AND BOATS

### (A) Definitions

(1) Boat – shall mean any waterborne vessel and its trailer designed for transporting a boat to and from bodies of water.

(2) Recreational Vehicle – shall mean and include any vehicular, portable structure built on a chassis, either self-propelled or pulled, which is designed to be used as a temporary dwelling for travel, recreation, and vacation usage and is permanently identified as a travel trailer or motor home by the manufacturer.

### (B) Parking and Storage of Recreational Vehicles and Boats

(1) A recreational vehicle or boat may be parked or stored as hereafter provided in an R1 or R2 zoning district, as determined from time to time by the then most current zoning map and ordinances of the City provided that the owner of the recreational vehicle or boat is also the owner of or rents the residence of the property as his or her permanent residence where the recreational vehicle or boat is parked or stored.

(2) A recreational vehicle or boat may be parked outside of an enclosed structure in the required front yard on a concrete driveway or its equivalent so long as no portion of the recreational vehicle or boat extends over the public sidewalk or other public right-of-way.

(3) Parking of a recreational vehicle or boat is allowed in the rear yard, outside of an enclosed structure.

(4) Parking of a recreational vehicle or boat is allowed in the side yard, except when the side yard to be used is contiguous to a city street.

(5) A recreational vehicle or boat may be parked on a city street for the limited purpose of loading or unloading in preparation of its use, however at no time may a recreational vehicle equipped with a “slide out” section, open the slide out while on a city street or right-of-way.

### (C) Recreational Vehicle, Use as Residence

(1) Parking of a recreational vehicle or boat is permitted only for storage and shall not be used for residential dwelling purposes for more than twenty-one calendar days in a calendar year.

(2) A recreational vehicle or boat may not be permanently connected to sewer lines, water lines, or electricity other than within the confines of a trailer court or trailer park zoned by the City of Friend for such purposes.

(3) Recreational vehicles or boats may be temporarily connected to electricity or water only for charging batteries and when preparing the vehicle for use (*Ord. No. 05-677, 2/1/2005*).

## **§11-122 FENCES; DEFINITION**

**1.0 FENCE** – Any vertical structure, other than a building or plant material, which is for the purpose of obstructing visual observation or for the purpose of obstructing pedestrian, automotive, or animal movement or for the purpose of beautification and which is attached to the ground or to a building but excluding retaining walls.

## **2.0 FENCES; GENERAL REQUIREMENTS**

Except as otherwise specifically provided in other codes, ordinances, or resolutions, the following regulations shall apply to the construction and placement of fences.

- (1) No fence shall be constructed which will constitute a traffic hazard.
- (2) No fence shall be constructed in such a manner to be of such design as to be hazardous or dangerous to persons or animals; specifically the use of barbed wire and electrical fences in any residential district is prohibited. Barbed wire, however, may be used on the top of fences on public grounds and barbed wire and electric fences may be used within the Agriculture District controlling the confinement of livestock.
- (3) No fence shall be constructed on public right-of-way unless approved by the City Council.
- (4) All fences constructed shall conform to the construction standards of the Building Code adopted by the City.
- (5) No fence shall be constructed or moved until a building permit has been procured from the Building Inspector and the appropriate fee paid. Permits are not required within the Agriculture District for fences controlling the confinement of livestock.
- (6) It is recommended that the owner have a completed survey locating the property lines and any easements of record where the fence is to be installed. It is the responsibility of a property owner to know where property lines are located.
- (7) Before digging or excavating an owner or contractor shall contact the one-call notification center also known as “diggers hotline.”
- (8) Access shall be allowed for the maintenance of all existing utility lines, poles, wires, transformers, or manholes.

## **3.0 FENCES; RESIDENTIAL DISTRICTS**

Fences in residential districts shall comply with the following requirements.

- (1) Front Yard – a fence may be no more than seventy-eight (78) inches in height and no more than thirty (30) inches within the sight triangle on a corner lot or the sight triangle adjacent to an alley.

(2) Corner Lot Second Frontage (Street Side Yard) – a fence may be no more than seventy-eight (78) inches in height and no more than thirty (30) inches within the sight triangle on a corner lot or the sight triangle adjacent to an alley.

#### **4.0 FENCES; BUSINESS AND INDUSTRIAL DISTRICTS**

Fences in Business and Commercial districts shall be located and constructed in accordance with the landscaping and screening requirements for the district, if any.

#### **5.0 FENCES; EASEMENTS**

(1) Any fence, or part thereof, erected within that part of any lot, block, or other tract of land which is subject to an easement for the construction, maintenance, operation, or replacement of any water, sanitary, or storm sewer line, gas line, electric line, cable television, or telephone line, or other utility poles, wires, or cables shall be constructed of such material and so designed as to be readily removable, as determined by the Building Inspector and appropriate departments or utilities. Such fences shall be subject to removal by the City or Utility or may be contracted by the City or Utility for removal whenever necessary for the construction, maintenance, or replacement of any utility line or apparatus. Fences shall be removed or replaced at the expense of the owner of the premises. Replacement shall be the responsibility of the owner of the premises.

(2) In the event that an existing fence violates the public right-of-way or an easement and the City deems it necessary to remove the fence for reasons of street or utility work, the fence shall be removed at the property owner's expense. Replacement shall be the responsibility of the owner of the premises.

#### **6.0 FENCES; CONSTRUCTION AND MAINTENANCE REQUIREMENTS**

(1) All fences shall be constructed of wood, metal, plastic, fiberglass, or masonry materials, shall be structurally sound, shall have a neat and finished appearance, and shall be straight and true.

(2) Fences shall be so constructed as to have the finished side facing adjacent properties and street frontages.

(3) Fences shall not be constructed within two (2) feet of any public sidewalk or within one (1) foot of any alley.

(4) Fences must be maintained in good repair. The Building Inspector may order any dilapidated, listing, dangerous, unsound, or nonconforming fence repaired or removed.

#### **7.0 FENCES; PERMIT FEES**

A permit fee of \$10.00 shall be paid upon application for fence permit (*Amended by Ord. No. 03-630, 4/1/2003*).

## **§11-123 ZONING OVERLAY DISTRICT; FLOODPLAIN MANAGEMENT ORDINANCE 60.3(B)**

### **1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood-prone area. Therefore, the City Council of Friend, Nebraska ordains as follows:

### **1.2 FINDINGS OF FACT**

#### **A. Flood Losses Resulting from Periodic Inundation**

The flood hazard areas of the City of Friend, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare.

#### **B. General Causes of the Flood Losses**

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

### **1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize those losses described in Section 1.2 by applying the provisions of this ordinance to:

- A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
- C. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

### **1.4 ADHERENCE TO REGULATIONS**

The regulations of this ordinance comply with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

## **SECTION 2.0**

### **2.1 LANDS TO WHICH ORDINANCE APPLIES**

This ordinance shall apply to all lands within the jurisdictions of the City of Friend identified on the Flood Insurance Rate Map (FIRM) panel 31151C0020D dated November 4, 2010, as Zone A and within the Zoning District established in Section 3.0 of this ordinance. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 4.0 and 5.0.

### **2.2 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map of the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit their own technical evidence, if so desired.

### **2.3 COMPLIANCE**

Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

### **2.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

### **2.5 INTERPRETATION**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

## **2.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Friend or any officer or employee thereof for any flood damage that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **2.7 SEVERABILITY**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

## **SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS**

The mapped floodplain areas within the jurisdiction of this ordinance are hereby established as the floodplain overlay district, as identified in the Flood Insurance Study dated November 4, 2010 and on accompanying FIRM panels as established in Section 2.1. The floodplain overlay district shall correspond to flood zone A. Within this district, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

## **SECTION 4.0 FLOODPLAIN MANAGEMENT ADMINISTRATION**

### **4.1 DESIGNATION OF FLOODPLAIN ADMINISTRATOR**

The designated floodplain administrator of the community is hereby designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local floodplain administrator position is unfilled, a community CEO shall assume the duties and responsibilities herein.

### **4.2 PERMITS REQUIRED**

A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

### **4.3 DUTIES OF THE FLOODPLAIN ADMINISTRATOR**

- A. Duties of the floodplain administrator shall include, but not be limited to the following:
- i. Review, approve, or deny all applications for floodplain development permits.
  - ii. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
  - iii. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.

- iv. Review all subdivision proposals and other proposed new developments including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
- v. Coordinate with the Nebraska Department of Natural Resources to obtain base flood elevation information when applicable and required.
- vi. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- vii. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- viii. Verify, record, and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including the basement, of all new or substantially improved structures in the floodplain.
- ix. Verify, record, and maintain a record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
- x. Verify, record, and maintain records of all improved or damaged structures to ensure compliance with standards in applicable sections. Track the value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
- xi. Ensure the comprehensive development plan as amended is consistent with this ordinance.
- xii. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this ordinance.

#### **4.4 APPLICATION FOR PERMIT AND DEMONSTRATION OF COMPLIANCE**

- A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
  - i. Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
  - ii. Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
  - iii. Indicate the use or occupancy for which the proposed development is intended.
  - iv. Be accompanied by plans and specifications for proposed construction.
  - v. Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
- B. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
  - i. All such proposals are consistent with the need to minimize flood damage;
  - ii. All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
  - iii. Structures will be anchored to prevent flotation, collapse, or lateral movement;
  - iv. Construction materials are flood resistant;
  - v. Appropriate practices to minimize flood damage have been utilized; and

- vi. Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
- C. For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
- D. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
- E. Any other such information as reasonably may be required by the floodplain administrator shall be provided.

#### **4.5 FLOOD DATA REQUIRED**

- A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
- B. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

#### **4.6 VARIANCE AND APPEALS PROCEDURES**

- A. The Board of Adjustment as established by the City of Friend shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this ordinance.
- C. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168 (for counties) and *Nebraska Revised Statutes* Section 19-192 (for municipalities).
- D. In evaluating such appeals and requests, the Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
  - i. The danger to life and property due to flooding or erosion damage;
  - ii. The danger that materials may be swept onto other lands to the injury of others;
  - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
  - iv. The importance of the services provided by the proposed facility to the community;
  - v. The necessity of the facility to have a waterfront location, where applicable;
  - vi. The availability of alternative locations that are not subject to flooding or erosion

- damage for the proposed use;
- vii. The compatibility of the proposed use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
- ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
- xi. The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

#### **4.7 CONDITIONS FOR VARIANCES**

- A. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
- B. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- C. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- G. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
- H. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

#### **4.8 ENFORCEMENT**

##### **A. Violations**

Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation

certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

#### B. Notices

When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided.

Such notice shall:

- i. Be in writing;
- ii. Include an explanation of the alleged violation;
- iii. Allow a reasonable time for the performance of any remedial act required;
- iv. Be served upon the property owner or their agent as the case may require; and
- v. Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

#### C. Penalties

i. 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, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

ii. The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.

iii. Nothing herein contained shall prevent the City of Friend or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

## **SECTION 5.0 STANDARDS FOR FLOODPLAIN DEVELOPMENT**

### **5.1 GENERAL PROVISIONS**

#### A. Alteration or Relocation of a Watercourse

i. A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood-carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.

ii. No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

## B. Encroachments

- i. When proposing to permit any of the following encroachments, the standards in Section 5.1 (B) (ii) shall apply:
  - a. Any development in Zone A without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
  - b. Alteration or relocation of a stream; then
- ii. The applicant shall:
  - a. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
  - b. Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.

## 5.2 ELEVATION AND FLOODPROOFING REQUIREMENTS

### A. Residential Structures

- i. In Zone A, all new construction and substantial improvements shall have the lowest floor, including the basement, elevated to or above one (1) foot above the base flood elevation.

### B. Nonresidential Structures

- i. In Zone A, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
  - a. The structure is watertight with walls substantially impermeable to the passage of water and
  - b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

### C. Space Below Lowest Floor

- i. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
- ii. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
  - b. The bottom of all openings shall not be higher than one (1) foot above grade, and
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwater.

#### D. Appurtenant Structures

- i. Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:
  - a. The structure shall not be used for human habitation.
  - b. The use of the structure must be limited to parking vehicles or storage of items readily removable in the event of a flood warning.
  - c. The floor area shall not exceed 400 square feet.
  - d. The structure shall have a low damage potential.
  - e. The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.
  - f. The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    1. A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
    2. The bottom of all openings shall not be higher than one (1) foot above grade, and
    3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwater.
  - g. No utilities shall be installed in the structure, except electrical fixtures which must be elevated or floodproofed to one (1) foot above base flood elevation.
  - h. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwater.
  - i. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

#### E. Manufactured Homes

- i. Require that all manufactured homes be placed or substantially improved within floodplains on sites:
  - a. Outside of a manufactured home park or subdivision,
  - b. In a new manufactured home park or subdivision,
  - c. In an expansion to an existing manufactured home park or subdivision, or
  - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.
- ii. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 5.2 (D) (b) be elevated so that either:
  - a. The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
  - b. The manufactured home chassis is supported by reinforced piers or other

foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.2 (F) (iv).

- iii. New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.3 (G).
- iv. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
  - b. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
  - c. Any additions to the manufactured home be similarly anchored.

#### F. Existing Structures

- i. The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 5.2 (G) (ii-iii) shall apply.
- ii. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
- iii. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

### **5.3 DESIGN AND CONSTRUCTION STANDARDS**

#### A. Anchoring

- i. All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

#### B. Building Materials and Utilities

- i. All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damage.
- ii. All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### C. Drainage

- i. Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwater around and away from proposed structures.

#### D. Water Supply and Sanitary Sewer Systems

- i. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damage to such systems and the infiltration of floodwaters into the systems.
- ii. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwater.
- iii. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

#### E. Other Utilities

- i. All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

#### F. Storage of Materials

- i. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- ii. The storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

#### G. Recreational Vehicles

- i. Recreational vehicles to be placed on sites within the floodplain shall:
  - a. Be on-site for fewer than 180 consecutive days; and
  - b. Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
  - c. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

#### H. Subdivisions

- i. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:
  - a. All such proposals are consistent with the need to minimize flood damage;
  - b. All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
  - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
  - d. Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

### **SECTION 6.0 NONCONFORMING USE**

A. A structure or use of a structure or premises that was lawful before the passage or amendment of this ordinance, but that is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

- i. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the floodplain administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
- ii. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

### **SECTION 7.0 AMENDMENTS**

A. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be taken until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Friend. At least 10 days shall elapse between the date of this publication and the public hearing.

B. A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

### **SECTION 8.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

***Appurtenant Structure (or “accessory structure”)*** shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure.

***Area of Shallow Flooding*** means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

***Base Flood*** means the flood having one (1) percent chance of being equaled or exceeded in any given year.

***Base Flood Elevation*** means the elevation to which floodwater is expected to rise during the base flood.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

**Building** means “structure.” See definition for “structure.”

**Development** means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

**Drainway** means “watercourse.” See definition for “watercourse.”

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas.

**Flood Fringe** is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

**Floodplain** means any land area susceptible to being inundated by water from any source (see definition of “flooding”). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.

**Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

***Floodway or Regulatory Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot.

***Freeboard*** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

***Highest Adjacent Grade*** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Historic Structure*** means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

***Lowest Floor*** means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

***Manufactured Home*** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

***Manufactured Home Park or Subdivision*** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

***New Construction*** for floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

***New Manufactured Home Park or Subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes

are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Obstruction** means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

**Overlay District** is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.  
**Post-FIRM Structure** means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated November 4, 2010, whichever is later.

**Pre-FIRM Structure** means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated November 4, 2010, whichever is later.

**Principally Above Ground** means that at least 51 percent of the actual cash value of the structure is above ground.

**Recreational Vehicle** means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Flood Elevation** means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.

**Special Flood Hazard Area (SFHA)** is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

**Start of Construction** means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the

installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

**Structure** means a walled and roofed building that is principally above ground, as well as a manufactured home and a gas or liquid storage tank that is principally above ground.

**Subdivision** means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

**Variance** is a grant of relief to an applicant from the requirements of this ordinance that allows construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Violation** means a failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means any depression two feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well-defined banks.

## §11-124 SOLAR ENERGY PROVISIONS

### 1.0 APPLICABILITY

No solar panel, neighborhood solar, or solar farm shall be installed or constructed within the zoning jurisdiction of the City of Friend unless a special exception, if applicable, and a building permit has been issued. All solar units shall be constructed in conformance with the City of Friend's adopted building and fire codes. For devices that include plumbing and/or heating elements, applicable permits shall also be obtained. Solar panels shall meet the requirements found in these regulations.

### 2.0 DEFINITIONS

**Accessory Solar Energy Systems** – Include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

**Concentrated Solar Power** – A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, into a small area. These include but are not limited to the following technologies: parabolic trough, solar power tower, enclosed trough, fresnel reflectors, and dish stirling.

**Development** – Any plat, subdivision, or planned unit development created under the City of Friend's subdivision and zoning regulations.

**Electric Utility** – The public electric utility providing retail service to a given area.

**Net Excess Generation** – With an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period.

**Net Metering** – Net metering means a system of metering electricity in which a local distribution utility:

1. Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of a customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other non-customer generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge.
2. Compensates the customer-generator for net excess generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by a customer generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of

each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period.

***Solar Access*** – The ability to receive sunlight across real property for any solar energy device.

***Solar access easement*** – A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures, or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

***Solar Conversion System (SCS)*** – An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly. This may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

***Solar Conversion System, Commercial*** – A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

***Solar Conversion System, Ground-Mounted*** – Any SCS which is directly supported and attached to the ground.



***Example of a Solar Conversion System, Ground-Mounted***

***Solar Conversion System, Individual*** – An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

***Solar Conversion System, Neighborhood*** – A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected in order to supply converted energy to a specific neighborhood and its uses.

***Solar Conversion System, Structure-Mounted*** – Any SCS which is directly connected to and supported by a building.



***Example of a Solar Conversion System, Structure-Mounted***

***Solar Skyspace*** – The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of a collector.

1. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between 9:00 a.m. and 3:00 p.m. local apparent time from September 22 through March 22 of each year.
2. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between 8:00 a.m. and 4:00 p.m. local apparent time from March 23 through September 21 of each year.

***Solar Oriented Subdivision*** – A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

### **3.0 GENERAL PROVISIONS APPLYING TO ISCS, NSCS, AND/OR CSCS**

The following provisions apply to two (2) or more of the different solar conversion systems in this section.

1. For commercial and neighborhood SCS: Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
2. For all SCSs: Applicant shall comply with specific requirements of the Friend Fire Department or the Rural Fire Department.

3. Maintenance: All systems and components shall be kept in operational condition, including appearance of all components. Additionally, ground beneath the SCS shall be kept in a presentable manner, free of weeds and in conformance with International Property Maintenance Code as adopted by the City of Friend.
4. Decommissioning: All systems when no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to by the City of Friend and the owner/developer.
5. Repowering: If any SCS is no longer operating for purposes of repowering, replacement, or maintenance, decommissioning provisions will not apply for up to six (6) months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six (6) months will be considered abandoned and decommissioning provisions will apply.
6. Repowering does not require a new special use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
7. Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
8. All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by an electric utility.
9. SCS may be installed in the floodway fringe given that all components are installed a minimum of one (1) foot above base flood elevation and subject to written authorization of the Floodplain Administrator.
10. No SCS shall be constructed in the identified floodway.
11. Concentrated solar power (CSP) systems are prohibited within the City of Friend and the extraterritorial jurisdiction (ETJ) boundary.
12. Solar hot water heating systems are exempt from these provisions.
13. Financial assurances shall be in place as part of the decommissioning plan.
14. The following spatial parameters act to guide solar developments in regard to size (megawatts) and land required (acres):

<u>Megawatts</u>	<u>Acres</u>
<b>1 MW</b>	<b>5-10</b>
<b>2 MW</b>	<b>10-20</b>
<b>20 MW</b>	<b>100-200</b>
<b>100 MW</b>	<b>500-1,000</b>
<b>200 MW</b>	<b>1,000-2,000</b>

#### **4.0 INDIVIDUAL SOLAR CONVERSION SYSTEMS**

##### **A. General Requirements for ISCS**

ISCSs shall conform to the required front, side, and rear lot setback requirements except as provided herein.

1. An SCS which is attached to an integral part of the principal building shall meet the building and fire codes adopted by the City of Friend.
  
2. A ground-mounted ISCS may be located only in the required rear yard provided it does not exceed eight (8) feet in height, maintains a forty (40) foot setback to all lot lines, and adheres to a three hundred (300) foot setback from existing dwellings.
  
3. No ground-mounted ISCS shall locate in the required side yard or front yard.
  
4. All ground-mounted ISCSs shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted ISCS is in place and operational.
  
5. The applicant for any ISCS shall provide evidence that they have a working net metering agreement with the electric utility.

##### **B. Structural Requirements**

The physical structure and connections to existing structures shall conform to the building and fire codes adopted by the City of Friend.

##### **C. Plot plan**

The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

##### **D. Preexisting Solar Panels**

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these regulations, pursuant to a valid building permit issued by the City of Friend, may continue to be utilized so long as it is maintained in operational condition.

##### **E. Decommissioning**

1. Whenever an ISCS ceases operation on a property, it shall be required to report this to the City of Friend Zoning Administrator and the electric utility.

2. Whenever a ground-mounted ISCS is no longer operating, the property owner shall have six (6) months to completely remove the structure and wiring. The location of the ISCS shall be returned to a usable state based related to surrounding property.

## **5.0 NEIGHBORHOOD SOLAR CONVERSION SYSTEMS**

### **A. General requirements for NSCS**

NSCSs shall meet the following requirements:

1. The NSCS shall be set on its own lot within the neighborhood/development.
2. The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development.
3. No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a net metering agreement.
4. The developer shall provide the City of Friend with all solar easements established, however, the City of Friend shall not be responsible for enforcing said easements.
5. A ground-mounted NSCS shall be protected from unauthorized access with fencing and/or bollards, unless the Planning Commission and City Council deem, as part of the conditions, it is not necessary.
6. All connections to the uses within the neighborhood shall be made underground.
7. An access agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of an emergency.
8. A net metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity.
9. All ground-mounted NSCSs shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted NSCS is in place and operational.

### **B. Structural Requirements**

The physical structure and connections to existing structures shall conform to the building and fire codes adopted by the City of Friend.

### **C. Solar Oriented Subdivision/Plot Plan**

1. Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot where the NSCS will be placed. Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving other lots in said subdivision.
2. The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
3. The developer shall install all underground wiring as prescribed by the electric utility.
4. All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.

5. The developer shall provide the City of Friend with as-builts of the wiring locations within the subdivision.

#### D. Decommissioning

A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The City of Friend may require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning.

### **6.0 COMMERCIAL SOLAR CONVERSION SYSTEMS**

#### A. Applicability

The purpose of this subsection is to provide standards for fixed panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, the City of Friend finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in urbanized, nonurbanized, or low-density areas with other uses.

#### B. Site Development Standards

1. Lot coverage for accessory structures: No more than one (1%) percent of the gross site area shall be occupied by enclosed buildings and structures.
2. Setbacks: A forty (40) foot setback shall be in place for all property lines and three hundred (300) foot setback measured from existing dwellings.
3. Height: The average height of ground mounted solar panel arrays shall not exceed eight (8) feet.
4. Landscaping buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
5. Stormwater management: Fixed panel solar arrays shall be considered pervious and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas, and buildings on the site.
6. A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required.
7. Signage shall conform to the City of Friend's sign regulations.
8. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.

9. Due the unique security requirements of this land use and to facilitate the educational value of seeing this land use, fencing a minimum of six (6) feet and a maximum of eight (8) feet in height provided the fencing material is predominantly open.

10. All state and federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis, and historic preservation.

### C. Districts

#### 1. Structure-Mounted Solar Conversion System

(a) Permitted in all zoning districts.

#### 2. Ground-Mounted Solar Conversion System

(a) Permitted in the A-1, M-1, and M-2 districts.

#### 3. Solar Conversion System, Neighborhood

(a) Permitted in the A-1 district.

(b) Special Exception approved in the M-1, M-2, R-1, R-2, B-1, and B-2 districts.

#### 4. Solar Conversion System, Commercial

(a) Special Exception approved in the M-1 and M-2 districts.

(b) Not allowed in any residential and/or commercial districts.

### D. Submittal Requirements

All plans shall contain the following:

1. These requirements apply to both the special exception and building permit.
2. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of solar panels, the distances of solar panels to structures on the property as well as distances to the property lines.
3. The plot plan shall include any roads, electric lines and/or overhead utility lines.
4. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant power district.
5. A copy of the interconnection agreement with the local electric utility.
6. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant.
7. Structural engineering analysis for a solar panel, array and its foundation, as applicable.
8. Manufacturer's recommended installations, if any.
9. Documentation of land ownership and/or legal authority to construct on the property.
10. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Friend reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

#### E. Compliance with Other Regulations

1. Zoning permit applications for CSCSs shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State of Nebraska's electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines.
2. This subsection does not waive any requirements of any state or federal codes, electrical codes, or other technical codes as applicable.

#### F. Discontinuation

A CSCS shall be considered abandoned after one (1) year without energy production. The solar equipment owner shall remove all SCS equipment and appurtenances within ninety (90) days of abandonment.

## §11-125 WIND ENERGY REGULATIONS

### 1.0 PURPOSE

It is the purpose of this regulation to promote safe, effective, and efficient use of commercial/utility grade wind energy systems within the zoning jurisdiction of the City of Friend.

### 2.0 DEFINITIONS

The following are defined for the specific use of this section.

***Aggregate Project*** – means projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

***Commercial WECS*** – means a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

***Fall Zone*** – means the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

***Feeder Line*** – means any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

***Meteorological Tower*** – means for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

***Micro-Wind Energy Conversion System*** – means a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of forty feet or less.

***Public Conservation Lands*** – means land owned in fee title by state or federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, Federal Wildlife Refuges, and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

***Rotor Diameter*** – means the diameter of the circle described by the moving rotor blades.

**Small Wind Energy System** – means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**Substations** – means any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

**Total Height** – means the highest point above ground level reached by a rotor tip or any other part of the Wind Energy Conversion System.

**Tower** – means the vertical structures that support electrical, rotor blades, or meteorological equipment.

**Tower Height** – means the total height of the Wind Energy Conversion System exclusive of the rotor blades.

**Transmission Line** – means the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**Wind Energy Conservation System** – means an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to, power lines, transformers, substations, and meteorological towers operated by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

**Wind Turbines** – means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

**3.0 GENERAL STANDARDS:** All Wind Energy Systems (WES) located within the Extra Territorial Jurisdiction of the City of Friend shall conform to the following general standards:

- a. Clearance of rotor blades or airfoils for commercial/utility Wind Energy Systems must maintain a minimum of twenty (20) feet of clearance between their lowest point and the ground. Noncommercial WES shall have a minimum clearance of twelve (12) feet between their lowest point and the ground.
- b. On-site signage shall be limited to identification signs not to exceed six (6) feet and high voltage warning signs.
- c. All wind turbines part of a commercial/utility WES shall be installed with a monopole tower.
- d. All commercial/utility WES shall obtain a FAA permit and comply with all aviation warning requirements established by FAA regulations and permits.

e. All commercial/utility WES shall be white, grey or other neutral non-obtrusive, non-reflective color. Blades may be black in order to facilitate deicing.

f. All on-site communication and transmission feeder lines installed as part of the commercial/utility WES shall be underground.

g. Commercial/utility WES shall not exceed fifty (50) dba at the nearest occupied dwelling.

h. Commercial/utility WES shall obtain FCC permits where necessary and provide evidence of permit approval.

i. The commercial/utility WES, at the time of application for a conditional use, shall identify all county roads to be used for construction and maintenance of a WES. The conditional use applicant in coordination with the Friend Street Commissioner shall conduct a road condition survey and written report prior to construction. The conditional use applicant shall be responsible for restoration of the road(s) and bridges to preconstruction standards as established in the report. The applicant shall be responsible for the cost of retaining outside engineering firm(s) to evaluate road condition and cost for restoration if so determined by the Planning Commission.

j. The commercial/utility WES applicant shall be responsible for immediate repair of damage to drainage or irrigation systems stemming from construction, operation or maintenance of the WES.

k. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as oils, lubricants and solvents shall be removed from the site promptly and disposed of in accordance with all applicable local, State and Federal regulations.

l. A commercial/utility WES shall provide a decommissioning plan to the City Council at the time application is made. The plan shall include the method or means of removing the WES and accessory facilities, parties responsible for removal and site cleanup, evidence of a damage insurance liability policy, schedule for removal not to exceed ninety (90) days from approval of the plan. The applicant shall set aside three-fourths (3/4) of one percent (1%) of each tower's cost for future decommissioning upon approval of the application by the City Council. The funds are to be placed in a cash escrow account with a local bank.

m. A Conditional Use Permit for a commercial/utility WES shall be reviewed each year on the anniversary of issuance. A Conditional Use Permit for a commercial/utility WES shall be considered null and void if the WES has not begun within one (1) year following issuance of the WES Conditional Use Permit or produced energy for one (1) year, unless a plan is submitted to the Planning Commission outlining the steps and schedule for returning the WES to service.

n. A contractual agreement referred to as a Developers Agreement between the City Council and the commercial WES developer shall be created and made part of the Conditional Use Permit. The agreement shall detail road improvements, road reconstruction, additional right-of-way needs, location of transmission lines, easements, bond and payment requirements.

**4.0 NON-COMMERCIAL WIND ENERGY SYSTEMS:** All noncommercial wind energy systems located within the Extra Territorial Jurisdiction of the City of Friend shall conform to the following standards:

- a. Shall be systems installed to provide for full or partial onsite consumption of utility supplied electricity.
- b. Setbacks: Where allowed, Noncommercial WES shall be located in the rear yard of any Residential Districts; further, all towers shall adhere to the setbacks found in Table 2 within this Chapter.
- c. Tower Height: In all districts except the Agricultural Residential District tower heights shall not exceed thirty (30) feet. Any tower exceeding thirty (30) feet shall be required to submit an application for conditional use. In the Agricultural District there is no height limitation except those imposed by FAA regulations.
- d. Noncommercial WES shall not exceed fifty (50) dba, as measured at the closest neighboring inhabited dwelling unit. Temporary exceptions may include severe windstorms or power outages requiring higher demand.
- e. Compliance with this Ordinance:
- f. All non-commercial WES will require a permit.
- g. Permit application will include an engineered drawing showing compliance with nationally recognized building codes. The permit shall include standard drawings of the tower structure, turbine structure, footings, guy wire anchors and a professional engineer's stamp.
- h. Evidence of notification to the servicing utility informing the utility that the noncommercial WES will be connected to the utilities grid.
- i. Evidence that noncommercial WES, when located within one thousand three hundred and twenty (1,320) feet of any waters of the United States, has complied with the requirements found in Checklist 1 below.

**5.0 METEOROLOGICAL TOWERS:** All meteorological towers located within the Extra Territorial Jurisdiction of the City of Friend shall conform to the following standards:

- a. Shall be towers which are erected primarily to measure wind speed, direction, and record other data relevant to the site of a commercial WES.
- b. Meteorological towers shall be sited according to Table 1 within this Chapter.
- c. Meteorological towers shall be a conditional use and follow the same process as outlined in this Ordinance.

d. Meteorological towers, permanent or temporary, in excess of two hundred (200) feet in height, shall meet all FAA requirements and shall be required to apply for a permit prior to construction. Meteorological towers less than two hundred (200) feet in height shall have the guy wires clearly marked with devices common to overhead transmission lines and shall be required to apply for a permit prior to construction.

e. Setbacks: All meteorological towers shall adhere to the setbacks established in Table 2 below.

**6.0 COMMERCIAL/UTILITY WIND ENERGY SYSTEMS:** All commercial/utility wind energy systems located within the Extra Territorial Jurisdiction of the City of Friend shall conform to the following standards:

a. Commercial/utility WES shall be permitted as conditional uses within the districts as seen in Table 1 below.

b. The request for a Conditional Use Permit shall include the following:

c. Name(s) of project applicant.

d. Name(s) of project owner.

e. Legal description of the project.

f. Documentation of land ownership or lease of the property.

g. Site plan showing property lines, setbacks, proposed accessory buildings, wind turbine locations, transmission lines, adjacent subdivisions, homes or other structures, county and service roads, legend and scale, signature of surveyor or engineer.

h. Narrative description of the project including number, type, generating capacity, tower height, rotor diameter, total height of all wind turbines including meteorological towers, height of transmission lines and capacity, lastly proposed users of project.

i. Overview map of the area showing topography, location of WES owned or not owned by the applicant, public or private airfields within one mile of the proposed WES and other communication towers.

j. An acoustical report that certifies the WES will meet the noise requirements of this ordinance.

k. Evidence that other tower owners or lessees have been notified of the proposed WES and there will not be interference in communications.

l. An Environmental Assessment Worksheet shall be prepared by a qualified environmental engineering firm when a commercial WES is located within avian migratory routes. The Environmental Assessment Worksheet shall contain an avian assessment, map of the migratory routes and recommended mitigation practices.

- m. A decommissioning plan as required by this Ordinance.
- n. Meteorological and commercial/utility towers located within one (1) mile of any waters of the United States shall submit an Environmental Assessment Worksheet from the U.S. Environmental Protection Agency. Further a Conditional Use Permit shall not be issued until the applicant has completed Checklist 2 below.
- o. There shall be a flicker/strobe effect study provided.
- p. Aggregated Projects:
- q. Aggregated projects may be jointly submitted as a single application and reviewed as a single application, including public notices, public hearing and subsequent approvals or denials.
- r. Permits may be issued and recorded separately.
- s. Aggregated projects proposed shall be considered conditional uses and follow the requirements of this Ordinance.
- t. Joint projects will be assessed as one project.
- u. Setbacks: All commercial/utility towers shall adhere to the setbacks found in Table 2 below.

**CHECKLIST 1-Small Wind Energy Systems**

	<b>U.S. Fish and Wildlife Service</b>
	<b>Nebraska Game and Parks Commission</b>
	<b>Nebraska State Historical Society</b>
	<b>Nebraska Public Power District</b>
	<b>City of Friend Utilities</b>

**CHECKLIST 2-Commercial Wind Energy Systems**

	<b>U.S. Fish and Wildlife Service</b>
	<b>U.S. Army Corps of Engineers</b>
	<b>Nebraska Department of Aeronautics/Federal Aviation Agency (FAA)</b>
	<b>Nebraska Game and Parks Commission</b>
	<b>Nebraska State Historical Society</b>
	<b>Nebraska Department of Natural Resources</b>
	<b>Nebraska Department of Roads</b>
	<b>Nebraska Public Power District</b>
	<b>City of Friend Utilities</b>

**TABLE 1**

<b>Zoning District</b>	<b>Meteorological Tower</b>	<b>Non-Commercial WES</b>	<b>Commercial WES</b>
<b>Agriculture Residential District (AGR)</b>	<b>Conditional Use</b>	<b>Conditional Use</b>	<b>Not Permitted</b>
<b>Residential Single-Family District (R-1)</b>	<b>Not Permitted</b>	<b>Not Permitted</b>	<b>Not Permitted</b>
<b>Residential Single and Multi-Family District (R-2)</b>	<b>Not Permitted</b>	<b>Not Permitted</b>	<b>Not Permitted</b>
<b>Residential Mobile Home/Single and Multifamily District (R-3)</b>	<b>Not Permitted</b>	<b>Not Permitted</b>	<b>Not Permitted</b>
<b>Central Commercial District (C-1)</b>	<b>Not Permitted</b>	<b>Not Permitted</b>	<b>Not Permitted</b>
<b>Highway Commercial District (C-2)</b>	<b>Conditional Use</b>	<b>Conditional Use</b>	<b>Not Permitted</b>
<b>Industrial District (I)</b>	<b>Permitted</b>	<b>Conditional Use</b>	<b>Conditional Use</b>

**TABLE 2**

	<b>Wind Turbine, Non-Commercial</b>	<b>Commercial and Utility WES</b>	<b>Meteorological Towers</b>
<b>Property Lines</b>	<b>1.1 times the total height.</b>	<b>½ blade diameter or 150’, whichever is greater</b>	<b>1.1 times the tower height</b>
<b>All Road Rights-of-Way**</b>	<b>1.1 times the total height.</b>	<b>½ blade diameter or 150’, whichever is greater</b>	<b>1.1 times the tower height</b>
<b>Other Public or Private Utility Easements</b>	<b>1.1 times the total height.</b>	<b>½ blade diameter or 150’, whichever is greater</b>	<b>1.1 times the tower height</b>
<b>Public and Private Airfields</b>	<b>Per FAA regulations</b>	<b>Per FAA regulations</b>	<b>Per FAA regulations</b>
<b>Irrigation Canals</b>	<b>1.1 times the total height.</b>	<b>½ blade diameter or 150’, whichever is greater</b>	<b>1.1 times the tower height</b>

\*The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a common Wind Energy System.

\*\*The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-way is known.

## **§11-126 BOARD OF ZONING ADJUSTMENT**

### **1.0 CREATION, MEMBERSHIP**

The City Board of Zoning Adjustment is hereby created and shall be known as the City Board of Zoning Adjustment. The members of said board shall be appointed by the City Council. The legislative body of a City may provide by ordinance that it shall constitute a board of adjustment.

One member of said board shall be appointed from membership of the Planning Commission and the loss of membership on the planning commission by such member shall also result in the immediate loss of membership on the City Board of Adjustment.

Said board shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired terms of any member whose terms become vacant.

### **2.0 MEETINGS**

Meetings of the Board of Zoning Adjustment shall be held at the call of the Mayor and at such times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member for each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the City Clerk's office and shall be a public record.

### **3.0 INTERPRETATIONS AND VARIANCES**

The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these regulations, have the following powers.

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or planning commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures.
2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any maps, or for decisions on other special questions on which the Board is authorized by any such regulation to pass.
3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that :
  - a. The strict application of the 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.
- d. The granting of such variance is based on reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

4. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

5. In exercising the above mentioned powers such Board may, in conformity with the provisions of said sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appeal from, and may make such order, requirement, decision, or determination as shall be proper, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter on which it is required to pass under any such regulation or to effect any variation in such regulation.

#### **4.0 PROCEDURES FOR REQUESTING A VARIANCE**

The procedures to be followed by the Board of Zoning Adjustment shall be as follows:

1. Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the Zoning Administrator. Such appeal shall be made within ten days from the date of decision by any official or department. The appeal filed in writing shall define the appeal being requested and the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Adjustment all the paper constituting the record on which the action appealed from was taken.

2. The Chairperson of the Board shall set a hearing within thirty days of receipt of the appeal. The time, date, place of hearing, and description of the request shall be published in a local newspaper of general circulation ten days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time, and place.

#### **5.0 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT**

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the City, may seek review of such decision by the district court for the City in the manner provided by the laws of the State.

## **§11-127 SIGN REGULATIONS**

### **1.0 APPLICABILITY**

Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in the Sign Regulations specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of this Regulation, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a building permit, and a building permit shall be legally issued only when in compliance with this sign regulation. All signs shall be constructed in such a manner and of such materials that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the Zoning Administrator in application for a sign, permit for all signs.

### **2.0 CLASSIFICATION OF SIGNS**

1. Advertising Sign. A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
2. Bulletin Board Sign. A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
3. Business Sign. A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
4. Construction Sign. A temporary sign indicating names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project. This sign is permitted only during the construction period and only on the premises on which the construction is taking place.
5. Identification Sign. Sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognizable symbol.
6. Name Plate Sign. A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
7. Real Estate Sign. A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.

### **3.0 STRUCTURAL TYPES**

1. Awning, Canopy or Marquee Sign. A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.
2. Ground Sign. Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property, where the bottom edge of the sign is less than six (6) feet above the ground.
3. Pole Sign. Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property where the bottom edge of the sign is six (6) feet or more above the ground level.
4. Projecting Sign. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
5. Wall Sign. A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building.
6. Roof Sign. A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the building.

### **4.0 GENERAL STANDARDS**

1. Gross Area of Sign. Gross area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of a base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then only the largest side shall be computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area permitted by this regulation. For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all letters.
2. Sign Height. Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
3. Illuminated Signs. A sign designed to give forth artificial light or designed to reflect light derived from any source:
  - a. Illuminated signs shall be designed to reflect or direct light away from any residential dwelling district.
  - b. Lighted signs in direct vision of a traffic signal shall not be in red, amber or green illumination.

4. Flashing or Moving Signs. Any illuminated sign on which the artificial light is not constant in intensity or color at all times shall be considered as a flashing sign. For the purpose of this regulation, any revolving, rotating, moving, animated, signs with moving lights or signs which create the illusion of movement shall be considered as a flashing sign.

a. Flashing signs shall not be permitted in any district.

b. A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indicating time, temperature or other public messages. Such sign shall not in any case exceed 32 square feet in area.

5. Accessway or Window. No sign shall block any required accessway or window.

6. Signs on Trees or Utility Poles. No sign shall be attached to a tree or utility pole whether on public or private property.

7. Metal Signs. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically-wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.

8. Traffic Safety.

a. No sign shall be maintained at any location whereby reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.

b. Any sign located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign except wall signs and awnings, canopy or marquee signs be placed so as to project over any public right-of-way.

c. Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation.

9. Lineal Street Frontage. In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as follows:

a. For those tracts or parcels located on collector or arterial streets as designated in the Major Street Plan of the Comprehensive Plan, the lineal street frontage shall be the distance of that property line abutting the collector or arterial street.

b. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half the sum of all street frontages.

10. Portable Signs. Portable signs shall be permitted on a temporary basis in only the “C-1” and “C-2” Districts, subject to the following conditions:

- a. Portable signs shall not be placed in public right-of-way.
- b. An applicant may utilize a portable sign for a period of not more than seven consecutive days and shall be permitted to utilize a portable sign a maximum of four times per calendar year.
- c. No portable sign shall be utilized without first obtaining a building permit from the Zoning Administrator.
- d. A portable sign shall contain no more than 32 square feet of advertising space, including all sides of the sign.

## **5.0 EXEMPTIONS**

### **1. Total Exemptions.**

- a. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
- b. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossing and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
- c. Memorial signs, and tablets displayed on public or private property.
- d. Small signs, not exceeding three (3) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs.
- e. Scoreboards in athletic stadiums.
- f. Political campaign signs, not exceeding four (4) square feet in area, may be displayed for a period beginning on the last day of the statutory filing period and ending one-week after the general or special election. Political signs may remain in place between the primary and general elections except that signs for candidates who lost in the primary and signs that become deteriorated or partially destroyed shall be removed.
- g. Temporary signs for the sale of household goods at a residence (garage sales) for a period not to exceed three (3) days.

2. Exemptions from Building Permit. The following signs are exempt from the building permit section of this Article but shall comply with all of the other regulations imposed by this Article.

- a. Name plate signs not exceeding two (2) square feet in gross area accessory to a single-family or two-family dwelling.
- b. Bulletin board signs not exceeding 100 square feet in gross area accessory to a church, school or public or non-profit institution.
- c. Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
- d. Real estate signs not exceeding six (6) square feet in area.
- e. Construction signs not exceeding sixteen (16) square feet in area.

## **6.0 DISTRICT REGULATIONS**

1. “AGR” Agriculture Residential District. “R-1” Residential Single-Family District. “R-2” Residential Single and Multifamily District, and “R-3” Residential Mobile Home/Single and Multifamily District.

- a. Functional Types Permitted.
  - i. Business signs relating to a home occupation and subject to the sign requirements of the home occupation section of this regulation.
  - ii. Bulletin board signs.
  - iii. Construction signs.
  - iv. Identification signs.
  - v. Name plate signs.
  - vi. Real estate signs.
- b. Structural Types Permitted.
  - i. Ground signs.
  - ii. Wall signs.
- c. Number of Signs Permitted: One sign per zoning lot.
- d. Maximum Gross Area:
  - i. Business signs - home occupations only: 2 square feet.
  - ii. Bulletin board and Identification signs: 100 square feet.
  - iii. Construction signs: 32 square feet.
  - iv. Name plate signs: 2 square feet.
  - v. Real estate signs: 6 square feet, provided that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on said development. Said sign shall be removed at the end of three years or when seventy-five (75) percent of the lots have been sold, whichever occurs sooner.
- e. Maximum Height: 15 feet.
- f. Required Setback: No sign shall be placed closer to the front property line than the distance of the required front yard.
- g. Illumination: Bulletin boards and identification signs may be indirectly illuminated with incandescent or fluorescent lighting.

2. “C-1” General Business District, “C-2” Highway Business District and “I” Industrial District.

- a. Functional Types Permitted.
  - i. Advertising signs.
  - ii. Bulletin board signs.
  - iii. Business signs.
  - iv. Construction signs.
  - v. Identification signs.
  - vi. Name plate signs.
  - vii. Real estate signs.
- b. Structural Types Permitted.
  - i. Awning, canopy or marquee signs.
  - ii. Ground signs.
  - iii. Pole signs.
  - iv. Projecting signs.
  - v. Wall signs.
- c. Number of Signs Permitted.
  - i. Awning, canopy or marquee signs and wall signs: No limitations.
  - ii. Ground signs and pole signs: Two per zoning lot.

- iii. Projecting signs: One per zoning lot.
- d. Maximum Gross Surface Area: Four (4) square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 400 square feet.
- e. Maximum Height: 30 feet.
- f. Required Setback: None, except that advertising signs shall maintain the same setback that is required for principal structures.
- g. Illumination: Illuminated signs shall be permitted.

## **7.0 PROHIBITED SIGNS**

Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device, or in such a manner as to obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. This shall also mean pedestrian traffic on sidewalks. All road signs shall be maintained in a neat and presentable condition. The erection or maintenance of the following signs shall not be permitted:

1. Signs advertising activities that are illegal under Federal, State, or local laws or regulations.
2. Obsolete signs.
3. Signs that are broken or need substantial repair.
4. Signs that are not securely affixed to a structure.
5. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaches to intersections.
6. Signs erected or maintained upon trees or utility poles.
7. Movable signs which are painted, printed, or mounted and which are visible from the traveled way of any Federal-Aid Primary Highway.
8. Signs in officially designated scenic areas or in parkland which are visible from the traveled way of any Federal-Aid Primary Highway.

## **§11-201 ARTICLE 2; SUBDIVISION REGULATIONS; TITLE**

This Article shall be known and may be cited as the Subdivision Regulation for the City of Friend, Nebraska.

## **§11-202 SUBDIVISION REGULATIONS; PURPOSE AND APPLICATION**

(1) Purpose – these regulations are to provide for the orderly development of the City of Friend to obtain functional street layouts, adequate lot sizes, open spaces, adequate community facilities and utilities, and generally provide for the health, safety, and general welfare of the City.

(2) Application and Jurisdiction – any ordinal proprietor of any tract or parcel of land within Friend or one-half mile thereof, who has subdivided, or shall hereafter subdivide the parcel into two or more parts, for the purpose of laying out the City, or additional thereto, or part thereof, or suburban lots, shall cause a plat of said subdivision in accordance with these regulations (*Ref. 17-1002, 19-916, 19-921 RS Neb.*) (*Amended by Ord. No. 04-672, 7-6-2004*).

## **§11-203 SUBDIVISION REGULATIONS; DEFINITIONS**

For the purpose of these regulations certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular, the word “building” shall include the word “structure” and the word “shall” is mandatory and not directory.

(1) Alley – a public right-of-way which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

(2) City Council – City Council of Friend, Nebraska.

(3) Comprehensive Plan – a general plan for the improvement and development of Friend, Nebraska as adopted by the City Planning Commission and City Council.

(4) Easement – a right to use a parcel of land, granted to the general public, utility, corporation, or city, by the property owner.

(5) Lot – a portion of a subdivision or other parcel of platted land intended as a unit for transfer or ownership or for development.

(6) Frontage Street – minor streets which are parallel to and adjacent to major streets or highways and provide access to the abutting properties and protection from through traffic.

(7) Major Street – a street designated as a major street in the Comprehensive Plan for Friend, Nebraska.

(8) Minor Street – a street not designated as a major street in the Comprehensive Plan for Friend, Nebraska.

(9) Planning Commission – City Planning Commission of Friend, Nebraska.

(10) Plat – a map, drawing or chart on which the subdivider’s plan of the subdivision is presented to the Planning Commission and City Council for approval and which subdivider intends, in final form, to record.

(11) Street – a right-of-way dedicated to public use which affords a primary means of access.

(12) Subdivision – the division of a lot, tract or parcel of land into two more lots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development.

(13) Subdivider – a natural person, firm, partnership, association or any other group who submits a proposed subdivision for approval (*Amended by Ord. No. 04-672, 7/6/2004*).

## **§11-204 SUBDIVISION REGULATIONS; PROCEDURE FOR SUBMISSION AND APPROVAL**

(1) Preliminary Plat. In obtaining approval for a proposed subdivision, the subdivider shall submit a preliminary plat showing and including data specified in Section 11-205 and in accordance with the following procedure.

(a) Subdivider shall prepare a preliminary plat and file with the City Council eight copies of the preliminary plat and written application for conditional approval.

(b) Friend's City Council shall refer the proposed preliminary plat to the Planning Commission for their consideration. The preliminary plat shall be referred to the Planning Commission at least ten days prior to the meeting at which it is to be considered.

(c) The Planning Commission shall examine the plat as to its compliance with these regulations and the Comprehensive Plan of the community and shall have thirty days in which to submit a recommendation to the City Council for their consideration. In case of modification or disapproval, the Planning Commission shall give its reasons.

(d) The City Council upon receiving the Commission's recommendation, or after thirty days, or any extension thereof shall have passed, shall by resolution grant approval to or reject the preliminary plat. Approval of the preliminary plat by the City Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

(2) Final Plat. In obtaining approval for a proposed subdivision, the subdivider shall submit a final plat showing and including the data specified by Section 11-206 in accordance with the following procedure.

(a) A final plat shall be submitted within twelve (12) months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to the preparation of the final plat.

(b) Procedures for final plat shall be the same as set out for the preliminary plat in subsection (1).

(c) Upon approval of the final plat, a certification of approval signed by the Mayor and attested to by the County Clerk shall be affixed to the original of the final plat and copies of the same filed with the City Clerk, City Auditor, and County Recorder, along with such other certifications and instruments as may be required by law.

(3) Plats Outside Corporate Limits. Procedure for approval of preliminary and final plats of land within one mile of the corporate limits shall be the same as set out in subsections (1) and (2) of this section, except that five copies of the plat shall be filed and one copy referred to the County Surveyor with a request of their recommendations to be submitted to the Planning Commission. The Planning Commission shall not take action on the plat prior to receiving the recommendations of the County Surveyor.

(4) Submission to the School Board. Prior to any approval of the preliminary or final plats by the Planning Commission and City Council, a copy of each preliminary or final plat shall be submitted to the School Board for their consideration and recommendations. The Board shall within thirty days recommend in writing to the Governing Body that such plat be approved or disapproved in whole or in part or such changes as may be desirable. This recommendation shall be advisory and failure of the

Board of Education to make written recommendation within thirty day shall be construed as an approval of the proposal submitted.

(5) Professional Assistance. The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate plats as submitted (*Amended by Ord. No. 04-672, 7/6/2004*).

## §11-205 SUBDIVISION REGULATIONS; PRELIMINARY PLAT REQUIREMENTS

The preliminary plat shall contain the following information.

- (1) A location map showing the following.
  - (a) The subdivision name.
  - (b) An outline of the area to be subdivided.
  - (c) The existing streets and town utilities on adjoining property.
  - (d) North point and scale.
  
- (2) A preliminary plat of the subdivision drawn to the scale of one hundred feet to one inch, said preliminary plat to show the following.
  - (a) Legal description, acreage and name of proposed subdivision.
  - (b) Name and address of the owner.
  - (c) Name of person who prepared the plat, and date thereof.
  - (d) North point and graphic scale.
  - (e) Contours at five foot (5') intervals, or less.
  - (f) Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads, and buildings in the proposed subdivision.
  - (g) Layout of proposed blocks (if used) and lots including the dimension of each and the lot and block number in numerical order.
  - (h) Location and widths, other dimensions and names of the proposed streets, alleys, roads, utility and other easements, parks, and other open spaces or reserved areas.
  - (i) Names of adjacent property owners.
  - (j) Grades of proposed streets and alleys.
  - (k) A cross section of the proposed streets showing the roadway location, the type of curb and gutter, the paving and sidewalks to be installed.
  - (l) The layout of proposed water mains and sanitary sewers.
  - (m) The drainage of the land including proposed storm sewers, ditches, culverts, bridges, and other structures.
  - (n) Proposed building lines, if different than the yard requirements established in the zoning ordinance.
  
- (3) For subdivisions containing seven or more total lots, a grading plan and a storm sewer study shall also be required in addition to the above information (*Amended by Ord. No. 04-672, 7/6/2004*).

## **§11-206 SUBDIVISION REGULATIONS; FINAL PLAT REQUIREMENTS**

The final plat shall contain the following information.

- (1) It may include all or only part of the preliminary plat.
- (2) The plat shall be drawn to the scale of one hundred feet (100') to one inch (1").
- (3) The final plat shall contain the following.
  - (a) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in three thousand (3,000) feet.
  - (b) Accurate references to known or permanent monuments.
  - (c) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  - (d) Accurate legal description of the boundary.
  - (e) Street names.
  - (f) Complete curve notes for all curves including in the plan.
  - (g) Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines.
  - (h) Lot numbers and dimensions.
  - (i) Block numbers, if used.
  - (j) Building lines if different than yard requirements of zoning ordinance.
  - (k) Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use.
  - (l) Location, type, material, and size of all markers.
  - (m) Name of the subdivision.
  - (n) Name and address of owner and subdivider.
  - (o) North point, scale, and date.
  - (p) Certification by a land surveyor of the State of Nebraska.
  - (q) Certification of dedication of streets and other public property.
  - (r) Resolution and certificate for approval by the City Council and signatures of the Mayor and City Clerk.

## §11-207 SUBDIVISION REGULATIONS; DESIGN STANDARDS

### (1) Streets

(A) New subdivisions shall make provisions for continuation and extension of arterial and collector streets.

(B) Right of ways shall be provided as follows.

- (a) Thoroughfare streets – 80 feet.
- (b) Collector streets – 70 feet.
- (c) Residential streets – 60 feet.
- (d) Minor residential streets – 50 feet.
- (e) Cul-de-sacs – 110 feet in diameter.
- (f) Alleys, residential – 16 feet.
- (g) Alleys, commercial or industrial district – 20 feet.

(C) Pavements shall be provided as follows.

- (a) Thoroughfare streets – 45 feet.
- (b) Collector streets – 41 feet.
- (c) Residential streets – 31 feet.
- (d) Minor residential streets – 25 feet.
- (e) Cul-de-sacs – 85 feet in diameter.
- (f) Alleys, residential – 16 feet.
- (g) Sidewalks – 4 feet.

(D) Grades. No street grade shall be less than one-half of one percent and shall not exceed the following limits.

- (a) Thoroughfare streets – 6 percent.
- (b) Collector streets – 8 percent.
- (c) Residential streets – 10 percent.

(E) General considerations:

- (a) Intersections of more than two streets at a point shall not be permitted.
- (b) Jogs of less than 125 feet shall be avoided.
- (c) Intersection of street center lines shall be between 80 degrees and 100 degrees.
- (d) No dead-end streets and alleys will be permitted except at subdivision boundaries.
- (e) Cul-de-sacs shall not exceed 500 feet in length.
- (f) Arterial and collector streets in a subdivision shall extend through to the boundaries thereof.
- (g) Alleys shall be discouraged in residential districts but shall be provided in commercial and industrial districts.

(2) Easements – easements across lots that are centered on rear or side lot lines shall be provided for utilities, where necessary, and shall be at least twelve (12) feet wide.

(3) Blocks

(A) Except in unusual circumstances, the length of blocks shall not be less than 600 feet and not greater than 1,320 feet.

(B) Pedestrian crosswalks, not less than 10 feet wide, shall be required where deemed essential to provide circulation for or access to schools, playgrounds, shopping centers, and other community facilities.

(4) Lots

(A) Lot dimensions and area for lots served by a public sewer shall conform to the requirements of the zoning ordinance. However, in no case shall the width be less than 60 feet, nor less than 100 feet in depth, nor less than 6,000 square feet in area, and lots not served by public sewer shall not be less than 60 feet in width, nor 100 feet in depth, nor 10,000 square feet in area.

(B) Corner lots for residential use shall have adequate width to permit appropriate building setback from and orientation to both streets.

(C) The subdividing of land shall provide each lot with satisfactory access to a public street.

(D) Double frontage lots shall provide each lot with satisfactory access to a public street.

(E) Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated.

(F) Side lot lines shall be substantially at right angles or radial to street lines.

(5) Public Sites and Open Spaces. Where a proposed park, playground, school, or other public use shown on the Comprehensive Plan for Friend, Nebraska is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.

## **§11-208 SUBDIVISION REGULATIONS; IMPROVEMENTS**

The subdivider shall construct and install the improvements described in this section in accordance with the approved construction plan and specifications of the City Council and to its satisfaction.

- (1) Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, lot corners, and at the intermediate points as shall be required by the City Council.
- (2) Water Lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot and fire hydrants as approved by the City Council.
- (3) Sanitary Sewers. The subdivider shall provide the subdivision with a complete sewer system which shall connect with a sanitary sewer outlet approved by the City Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.
- (4) Storm Drains. The developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes, to provide for the collection and the removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
- (5) Sidewalks. A four (4') foot wide concrete sidewalk shall be provided adjacent to each lot frontage.
- (6) Grading. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council.
- (7) Curb and Gutter. Curb and gutter shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of Portland Cement Concrete in accordance with designs and specifications approved by the City Council. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council.
- (8) Surfacing. All roadways being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be asphaltic material or Portland Cement Concrete and shall be constructed in accordance with designs and specifications approved by the City Council and at grades established by the City Council.
- (9) Specifications. The type of construction, the materials, the methods, and standards of subdivision improvements shall be equal to the current specifications of the City for like work. Plans and specifications shall be submitted to the City Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.
- (10) Other Improvements. The City Council, upon recommendation of the Planning Commission, may require the installation of streetlights, street signs, and street trees.

## **§11-209 SUBDIVISION REGULATIONS; VARIANCES**

(1) Hardship. Where the City Council, upon the recommendation of the Planning Commission, finds that extraordinary non-self-inflicting hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these regulations.

(2) Conditions. In granting variances, the City Council, upon the recommendation of the Planning Commission, may require such conditions as will secure substantially the objectives of the standards or requirements so varied.

## **§11-210 SUBDIVISION REGULATIONS; ENFORCEMENT**

(1) No plat or subdivision of the City of Friend, or within one-half mile thereof shall be recorded or filed with the County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of these regulations and has been approved by the City Council as prescribed therein.

(2) Not more than two building permits shall be issued for each separate tract existing at the effective date of these regulations unless the tract shall have been platted in accordance with the provisions of these regulations.

(3) No public improvements over which the City Council has control and shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date of the adoption of these regulations and the street accepted by the City Council is a public street.

## **§11-211 SUBDIVISION REGULATIONS; FEES**

Before a preliminary plan may be considered by the Planning Commission, the subdivider shall deposit with the City Treasurer a fee of five hundred dollars (\$500.00), together with a unit fee of twenty-five (\$25.00) for each lot in the proposed subdivision. Before a final plat may be considered by the Planning Commission the subdivider shall deposit with the City Treasurer a fee of one hundred dollars (\$100.00), plus a unit fee of ten dollars (\$10.00) for each lot in the proposed subdivision (*Amended by Ord. No. 04-672, 7/6/2004*).

## **§11-212 SUBDIVISION REGULATIONS; SHORT FORM SUBDIVISIONS; PROCEDURES**

(1) Short-Form Subdivisions. The City Council is authorized to approve further subdivisions of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way is involved and such subdivision complies with existing ordinance requirements concerning minimum areas and dimensions of such lots and blocks if the following conditions are met.

(a) The tract of land has not been previously subdivided as a Short-Form subdivision.

- (b) The subdivision does not involve the dedication of public rights-of-way or easements.
- (c) The subdivision involves replatting, consolidation, or development of one or more lots into not more than four lots.
- (d) The subdivision would not require the vacation of any occupied utility easements.
- (e) In the opinion of the Council, upon advice of the Planning Commission, the plat is not contrary to the comprehensive plan or other plans for the area.

(2) Application for Short-Form Subdivision Approval. An application for Short-Form subdivision shall be submitted to the Building Inspector. The following shall be submitted with the application.

- (a) Application fee in the amount of fifty dollars (\$50.00).
- (b) Two reproducible mylar copies of the plat, which are at least 17" x 22" in size, at a scale of no more than 1' – 50' authorized by the Zoning Administrator.
- (c) Ten reduced copies of the plat which are 8-1/2 x 11 or 8-1/2 x 14.
- (d) Applicable information as required under Section 11-206 Final Plat Requirements of the Municipal Code.

(3) Review. Upon filing, the Building Inspector shall forward the application and supplemental information to the Planning Commission for its recommendation. The Planning Commission may seek input from the City Utilities Superintendent, the School District, and the Chief of Police in formulating its recommendation.

(4) Action. The Planning Commission shall forward the plat with its recommendations, if any, to the Council. The Council shall approve or disapprove the plat.

(5) Planning Commission and City Council Review and Action. If the plat does not qualify for administrative approval or has been disapproved by the Council, an application for subdivision shall be submitted in accordance with Sections 11-201 through 11-211 of the Municipal Code.

(6) Plat Information. The subdivision plat shall be prepared in accordance with the final plat standards in Section 11-206 of the Municipal Code.

(7) Subdivision Plat Filing. The City Clerk shall be responsible for filing said plat in the Register of Deeds' office in Saline County, Nebraska.

(8) Subdivision Filing Fees. The owner/subdivider shall be responsible for the payment of all plat filing fees (*Ord. No. 02-577, 4/2/2002*) (*Amended by Ord. No. 04-675, 8/3/2004*).

### **§11-213 SUBDIVISION REGULATIONS; AMENDMENTS**

The City Council may amend these regulations from time to time, provided, however, that such amendments shall not become effective until a recommendation from the Planning Commission is received and a public hearing has been held as required by law (*Amended by Ord. No. 02-577, 4/2/2002*).

### **§11-214 SUBDIVISION REGULATIONS; PENALTY**

Any person, firm, co-partnership, association, or corporation violating any of the provisions of this Article shall be guilty of an offense and shall upon conviction thereof be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment not to exceed six months, or both, at the discretion of the court. The sale of each and every lot sold in violation of this Chapter shall be considered a separate violation (*Ord. No. 02-577, 4/2/2002*).

### **ARTICLE 3**

#### **§11-301 PENAL PROVISION VIOLATION; PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(2) Whenever in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case (*Ref. 17-505, 18-1720, 18-1722 RS Neb.*) (*Amended by Ord. No. 00-20, 6/6/2000*).