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## ARTICLE 1: TITLE AND PURPOSE

**Section 1.01 Title** This Ordinance may be known and may be cited and referred to as the Zoning Ordinance of the City of Milford, Nebraska.

**Section 1.02 Purposes** This ordinance has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

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**ARTICLE 2: DEFINITIONS**

**Section 2.01 Rules** For the purpose of this ordinance the following rules shall apply:

- 2.01.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
- 2.01.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
- 2.01.03 The word "shall" is mandatory.
- 2.01.04 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
- 2.01.05 The word "commission" shall refer to the Planning Commission of Milford, Nebraska.
- 2.01.06 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.

**Section 2.02 Definitions.**

- 2.02.01 **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.
- 2.02.02 **ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley
- 2.02.03 **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.
- 2.02.04 **ACCESSORY BUILDING** (see Building, accessory)
- 2.02.05 **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.
- 2.02.06 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
- 2.02.07 **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.02.08 **ACREAGE** shall mean any tract or parcel of land which does not qualify as a farm or development.
- 2.02.09 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.02.10 **ADULT DAY CARE CENTER** shall mean a facility that provides care for the elderly and/or functionally impaired adults in a protective setting.
- 2.02.11 **ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.12 **ADULT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult

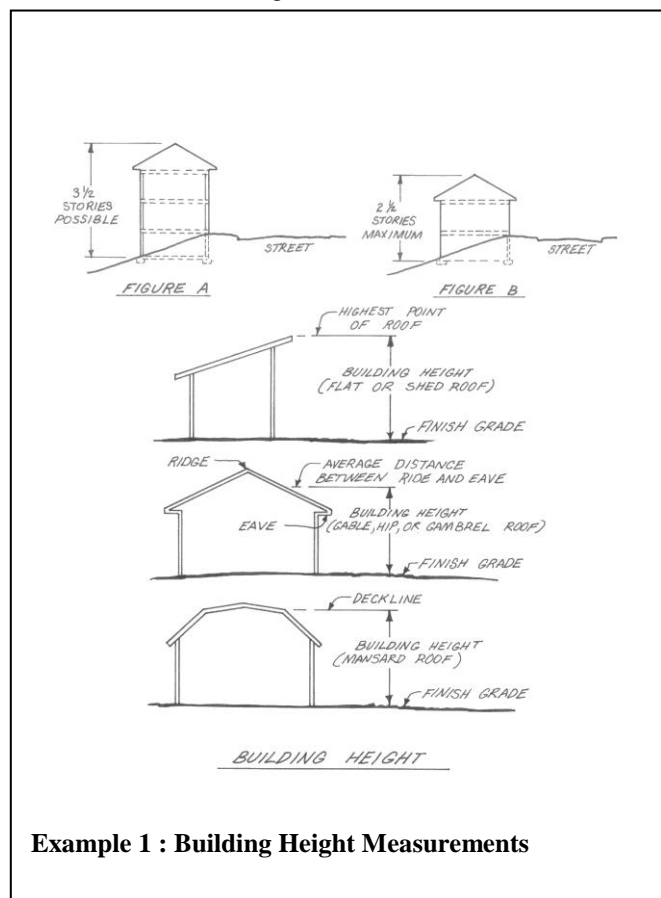
- novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
- 2.02.13 **ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- 2.02.14 **ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.15 **ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.02.16 **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- 2.02.17 **ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.02.18 **ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.
- 2.02.19 **ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.20 **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures 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.
- 2.02.21 **AESTHETIC ZONING** shall mean zoning to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.
- 2.02.22 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, 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.
- 2.02.23 **AGRICULTURE** shall mean the use of land for agricultural purposes, of 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. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.
- 2.02.24 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
- 2.02.25 **AIRPORT HAZARD ZONE** consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the Approach and Turning Zones.

- 2.02.26 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.
- 2.02.27 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
- 2.02.28 **ALTERATION, STRUCTURAL** (see Structural alteration)
- 2.02.29 **AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 2.02.30 **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.
- 2.02.31 **AMUSEMENT PARK** shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.
- 2.02.32 **ANIMAL HOSPITAL** (see Hospital, animal)
- 2.02.33 **ANIMALS, DOMESTIC** (see Household pet)
- 2.02.34 **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.)
- 2.02.35 **ANTIQUÉ 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, of belonging to the past, at least 30 years old.
- 2.02.36 **APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)
- 2.02.37 **APARTMENT HOUSE** (see Dwelling, multiple family)
- 2.02.38 **APPEARANCE** shall mean the outward aspect visible to the public.
- 2.02.39 **APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.
- 2.02.40 **APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.
- 2.02.41 **ARCHITECTURAL CANOPY SIGN** (see Sign, architectural canopy)
- 2.02.42 **ARCHITECTURAL CHARACTER** see Architectural Concept
- 2.02.43 **ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.
- 2.02.44 **ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.
1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
  2. **MASS** shall pertain to the volume, bulk of a building or structure.
  3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.
- 2.02.45 **ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.

- 2.02.46 **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.
- 2.02.47 **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.
- 2.02.48 **ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
- 2.02.49 **ATTRACTIVE** shall mean having qualities that arouse interest and pleasure in the observer.
- 2.02.50 **AUTOMATIC TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.
- 2.02.51 **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.
- 2.02.52 **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)
- 2.02.53 **BASEMENT** shall mean a building space partly underground, and having at least one-half of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.
- 2.02.54 **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.
- 2.02.55 **BED and BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
- 2.02.56 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
- 2.02.57 **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.
- 2.02.58 **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not interest of the immediate neighborhood.
- 2.02.59 **BIG BOX RETAIL** shall mean a singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.
1. **LARGE BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 200,000 square feet of gross floor area.
  2. **MEDIUM BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 120,000 square feet of gross floor area.
  3. **SMALL BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 40,000 square feet of gross floor area.
- 2.02.60 **BILLBOARD** see Sign, Billboard.
- 2.02.61 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.
- 2.02.62 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or another block boundary.
- 2.02.63 **BOARD OF ADJUSTMENT** shall mean that board that has been created by the City and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.



- 2.02.64 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.
- 2.02.65 **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.
- 2.02.66 **BREW PUB** shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. 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.
- 2.02.67 **BREWERY** shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.
- 2.02.68 **BREWERY, CRAFT** shall mean a brew pub or a micro brewery.
- 2.02.69 **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 per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.
- 2.02.70 **BROADCASTING TOWER** shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.
- 2.02.71 **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.)
- 2.02.72 **BUFFER ZONE** shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.
- 2.02.73 **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 as buildings.
- 2.02.74 **BUILDING ACCESSORY** shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.
- 2.02.75 **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- 2.02.76 **BUILDING CODE** shall mean the various codes of the City that regulate construction and requires Building Permits, electrical permits, mechanical permits, plumbing permits, and



- other permits to do work regulated by the International Building Code, and other codes adopted by the City that pertain to building construction.
- 2.02.77 **BUILDING, HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance at the exterior wall of the building. (Also, see Height.)
- 2.02.78 **BUILDING INSPECTOR** shall mean the Building Inspector of the City of Milford, Nebraska.
- 2.02.79 **BUILDING, PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Principal Use.)
- 2.02.80 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this regulation between any property line and the closed point of the building line or face of any building or structure related thereto.
- 2.02.81 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.
- 2.02.82 **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, not including semi-trailer tractors, buses, and commercial fleets.
- 2.02.83 **CAR WASH, INDUSTRIAL** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.
- 2.02.84 **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.
- 2.02.85 **CELLAR** shall mean a building space having more than one-half of its height below the average adjoining grade lines.
- 2.02.86 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.
- 2.02.87 **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainageway.
- 2.02.88 **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 of animals.
- 2.02.89 **CHILD CARE** shall mean the provision of care as follows:
1. To four or more children under age 13 at any time families other than that of the provider;
  2. For on the average of less than 12 hours per day;
  3. For compensation, either indirect or direct;
  4. On a regular basis; and
  5. By a person other than their parents/guardians.
- 2.02.90 **CHILD CARE CENTER** shall mean a facility licensed to provide child care for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
- 2.02.91 **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. Structures adapted for congregations including barns, stores, warehouses, old public buildings, and single-family dwellings.
- 2.02.92 **CITY** shall mean the City of Milford.
- 2.02.93 **CLEAR VIEW ZONE** shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Site Triangle.)

- 2.02.94 **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.
- 2.02.95 **CODE** shall mean the Municipal Code of the City of Milford.
- 2.02.96 **COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade 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.
- 2.02.97 **COHESIVENESS** shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.
- 2.02.98 **COMMISSION** shall mean the Milford Planning Commission.
- 2.02.99 **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.
- 2.02.100 **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.
- 2.02.101 **COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.
- 2.02.102 **COMPATIBLE USES** shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
- 2.02.103 **COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of Milford, Nebraska as adopted by the City Board, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 23-174.05, R.R.S. 1943, as the same may, from time-to-time, be amended.
- 2.02.104 **CONDITIONAL USE** shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
- 2.02.105 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.
- 2.02.106 **CONDOMINIUM** shall be as defined in the Nebraska State Statutes Section 76-824 - 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale.
- 2.02.107 **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, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
- 2.02.108 **CONGREGATE HOUSING** shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (Also see Housing for the elderly)
- 2.02.109 **CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

- 2.02.110 **CONSERVATION AREA** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
- 2.02.111 **CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
- 2.02.112 **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 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. (Also, see self-service Station.)
- 2.02.113 **CONTIGUOUS** shall mean the same as "Abut".
- 2.02.114 **COPY CENTER** shall mean a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.
- 2.02.115 **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.
- 2.02.116 **COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.
- 2.02.117 **COURT, OUTER** shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.
- 2.02.118 **CUL-DE-SAC** shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.
- 2.02.119 **CURVE LOT** see "Lot, Curve".
- 2.02.120 **DENSITY** shall mean the number of dwelling units per gross acre of land.
- 2.02.121 **DEPARTMENT STORE** see "Big Box Retail".
- 2.02.122 **DETENTION BASIN** shall mean a facility for the temporary storage of stormwater runoff.
- 2.02.123 **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.
- 2.02.124 **DEVELOPMENT** shall mean any manmade 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.
- 2.02.125 **DEVELOPMENT CONCEPT PLAN** (See Site Plan.)
- 2.02.126 **DEVELOPMENT REVIEW** shall mean the review, by the City of subdivision plats, site plans, rezoning requests, or permit review.
- 2.02.127 **DOG KENNEL** (See Kennel, commercial; and Kennel, private.)
- 2.02.128 **DOMESTIC ANIMALS** (See Household Pet.)
- 2.02.129 **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
- 2.02.130 **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 in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse.

- 2.02.131 **DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.
- 2.02.132 **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.
- 2.02.133 **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.
- 2.02.134 **DUPLEX** shall mean the same as "dwelling, 2 family".
- 2.02.135 **DWELLING** Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.
- 2.02.136 **DWELLING, 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 in compliance with standards promulgated by the United States Department of Housing and Urban Development.
- 2.02.137 **DWELLING, MOBILE HOME** 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 roller, 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.
1. 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 in order to relocate it on another site in accordance to manufacturers recommendations.
  2. Permanent Foundation: The 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" below the final ground level.
  3. Mobile homes, including replacement mobile homes, must comply with all current HUD standards for mobile homes and shall have a manufacturer's sticker or certificate of title establishing that said mobile home was manufactured on or after 6/15/1976.
- 2.02.138 **DWELLING, MODULAR** (Is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home.
- 2.02.139 **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.
- 2.02.140 **DWELLING, SEASONAL** shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.
- 2.02.141 **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:
1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
  2. The home shall have no less than an 18-foot exterior width;
  3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
  4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
  5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
  6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and

7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
  8. Permanent foundation: continuous perimeter 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.
- 2.02.142 **DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.
- 2.02.143 **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.
- 2.02.144 **DWELLING UNIT** One room, or 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.
- 2.02.145 **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.
- 2.02.146 **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, commercial, or private trade schools are not included in this definition.
- 2.02.147 **EFFECTIVE DATE** shall mean the date that this Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Ordinance because of such adoption or amendment.
- 2.02.148 **ELEEMOSYNARY INSTITUTION** shall mean any building or group of buildings devoted to and supported by charity.
- 2.02.149 **ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.
- 2.02.150 **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
- 2.02.151 **ERECTED** shall mean constructed upon or moved onto a site.
- 2.02.152 **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.
- 2.02.153 **EXTERIOR BUILDING COMPONENT** shall mean an essential and visible part of the exterior of a building.
- 2.02.154 **EXTERNAL DESIGN FEATURE** shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.
- 2.02.155 **EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.
- 2.02.156 **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.

- 2.02.157 **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.
- 2.02.158 **FAMILY** shall mean a household head and one or more persons related to the head by blood, marriage or adoption living together in a single dwelling unit.
- 2.02.159 **FAMILY CHILD CARE HOME I** shall mean a child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.
- 2.02.160 **FAMILY CHILD CARE HOME II** shall mean a child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.
- 2.02.161 **FARM** an area containing at least 20 acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. 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.
- 2.02.162 **FEEDLOT** shall mean a lot, yard, corral or other area in which livestock are confined, primarily for feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock can graze.
- 2.02.163 **FENCE** shall mean a structure serving as an enclosure, barrier or boundary.
- 2.02.164 **FENCE, OPEN** shall mean a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of fence, 50 percent or more of the surface area in open spaces which affords direct views through the fence.
- 2.02.165 **FENCE, SOLID** shall mean any fence which does not qualify as an open fence.
- 2.02.166 **FLOOD** see Section 5.20.18 of this Ordinance.
- 2.02.167 **FLOOD PLAIN** see Section 5.20.18 of this Ordinance.
- 2.02.168 **FLOODWAY** see Section 5.20.18 of this Ordinance.
- 2.02.169 **FLOOR AREA** whenever the term "floor area" is used in this Regulation as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.
- 2.02.170 **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.
1. **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.
  2. **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically, a supermarket.
- 2.02.171 **FRONTAGE** shall mean that portion of a parcel of property which abuts a dedicated public street or highway.
- 2.02.172 **GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
- 2.02.173 **GARAGE, PUBLIC** shall mean any garage other than a private garage.
- 2.02.174 **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.)

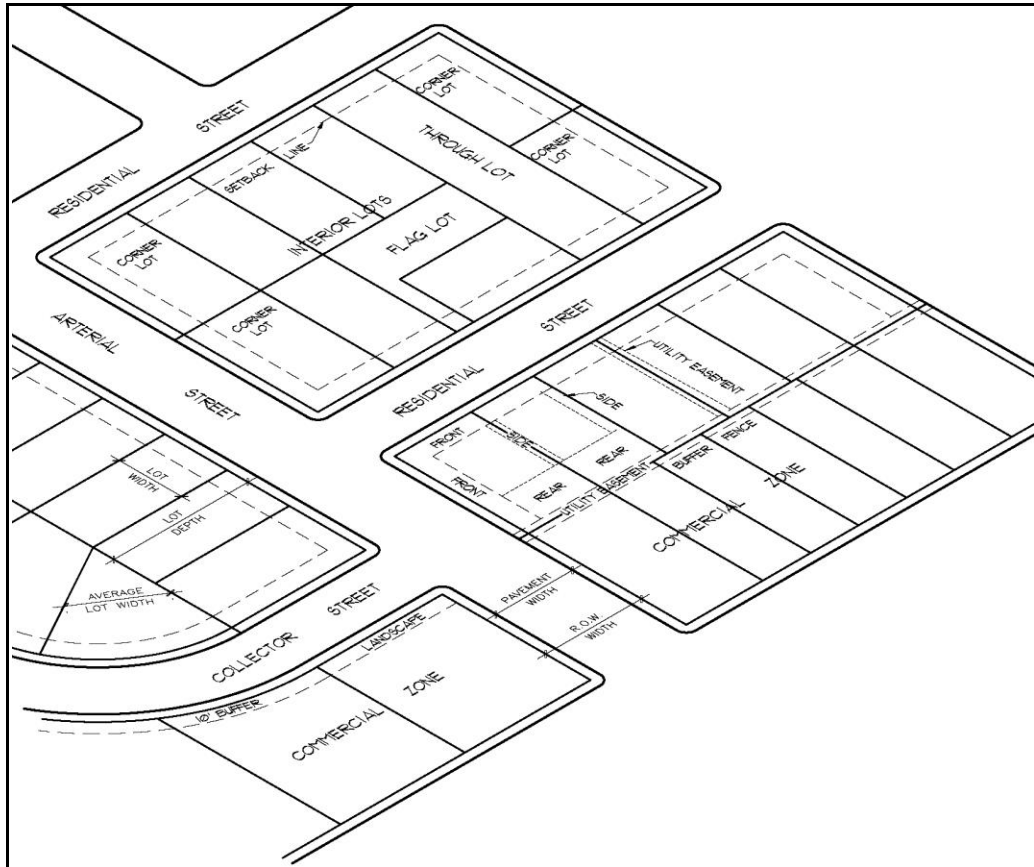
- 2.02.175 **GARBAGE** shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
- 2.02.176 **GATED COMMUNITIES** shall mean residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.
- 2.02.177 **GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
- 2.02.178 **GRAPHIC ELEMENT** shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.
- 2.02.179 **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
- 2.02.180 **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, bridal path, or other similar access-way.
- 2.02.181 **GROUND COVER** shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. (Also, see Landscaping.)
- 2.02.182 **GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
- 2.02.183 **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.
- 2.02.184 **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 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.
- 2.02.185 **GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.
- 2.02.186 **GUEST ROOM** shall mean a room which is designed to be occupied by one or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.
- 2.02.187 **HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than 3 feet above the floor of such story.
- 2.02.188 **HALFWAY HOUSE** shall mean a licensed home for individuals on release from more restrictive custodial confinement or 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.
- 2.02.189 **HARD SURFACED** shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed and paved with either asphalt or concrete.
- 2.02.190 **HARMONY** shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.



- 2.02.191 **HAZARDOUS WASTE** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
- 2.02.192 **HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.
- 2.02.193 **HEALTH RECREATION FACILITY** shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.
- 2.02.194 **HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
- 2.02.195 **HEIGHT OF BUILDING** shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
- 2.02.196 **HOME IMPROVEMENT CENTER** shall mean a facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.
- 2.02.197 **HOME OCCUPATION** shall mean an "in-home" or "home based" or entrepreneurial business operating from a residential dwelling within Milford. Home occupations are considered accessory uses to properties in all zoning districts.
- Home occupations include (but not limited to) art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial), instruction (music), consulting, wholesale/catalogue sales, personal service (Beauty/barber), shops, and renting of rooms for residential purposes. Any portion of a residential property, including a home phone, computer, mailing address, etc., used in deriving income or sales, will require a resident to obtain a Home Occupation Permit. Child care homes and Child Care Centers are exempt from Home Occupation Permits except for any signage restrictions.
- 2.02.198 **HOMEOWNERS ASSOCIATION** shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for owning, operating, and maintaining various common properties and facilities.
- 2.02.199 **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 motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.
- 2.02.200 **HOUSE TRAILER** (see Dwelling: Mobile Home)
- 2.02.201 **HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.
- 2.02.202 **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 rock, gravel, or clay and conventionally surfaced streets, roots, sidewalks, parking lots, and driveways.
- 2.02.203 **INCIDENTAL USE** shall mean a use, which is subordinate to the main use of a premise.
- 2.02.204 **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 including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
- 2.02.205 **INFILL DEVELOPMENT** shall mean the construction of a building or structure on a vacant parcel located in a predominately built up area.

- 2.02.206 **INFILL SITE** shall mean any vacant lot, parcel, or tract of land within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been constructed or are provided.
- 2.02.207 **INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
- 2.02.208 **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 intensive uses.
- 2.02.209 **INTENT AND PURPOSE** shall mean that the Commission and 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.
- 2.02.210 **JUICE BAR** (See Adult Establishment.)
- 2.02.211 **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.
- 2.02.212 **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, and including motor vehicles, parts and equipment resulting from 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".
- 2.02.213 **KENNEL, BOARDING AND TRAINING** shall mean any lot or premises on which four or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four months of age, are boarded, bred, or trained.
- 2.02.214 **KENNEL, COMMERCIAL** shall mean any lot or premises on which four or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four months of age, are groomed, bred, boarded, trained, or sold for a fee.
- 2.02.215 **LAGOON** shall mean a wastewater treatment facility which 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 wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.
- 2.02.216 **LANDFILL** shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.
- 2.02.217 **LANDSCAPE** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.
- 2.02.218 **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.
- 2.02.219 **LAUNDRY, SELF SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.
- 2.02.220 **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 and culminating in full health and continuing care nursing home facility. (Also, see Congregate Housing and Housing for the Elderly.)

- 2.02.221 **LIGHT CUT-OFF ANGLE** shall mean an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.
- 2.02.222 **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.
- 2.02.223 **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.
- 2.02.224 **LOGIC OF DESIGN** shall mean accepted principles and criteria of validity in the solution of the problem of design.



- 2.02.225 **LOT** shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.
- 2.02.226 **LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.
- 2.02.227 **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.
- 2.02.228 **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.
- 2.02.229 **LOT, CURVE** shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.

- 2.02.230 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- 2.02.231 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
- 2.02.232 **LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.
- 2.02.233 **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.
- 2.02.234 **LOT, INTERIOR** shall mean a lot other than a corner lot.
- 2.02.235 **LOT LINE** shall mean the property line bounding a lot.
- 2.02.236 **LOT LINE, FRONT** shall mean the property line abutting a street.
- 2.02.237 **LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.
- 2.02.238 **LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.
- 2.02.239 **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 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.
- 2.02.240 **LOT, THROUGH** shall mean a lot having frontage on two dedicated streets, not including a corner lot.
- 2.02.241 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulation establishing the zoning district in which the lot is located.
- 2.02.242 **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.
- 2.02.243 **MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.
- 2.02.244 **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for selling lots for occupancy by manufactured homes.
- 2.02.245 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material 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.
- 2.02.246 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Milford City Council.
- 2.02.247 **MASSAGE ESTABLISHMENT** shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed

- physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943
- 2.02.248 **MASSAGE PARLOR** (See Adult Uses.)
- 2.02.249 **MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of Milford and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.
- 2.02.250 **MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
- 2.02.251 **MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility.)
- 2.02.252 **MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.
- 2.02.253 **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.
- 2.02.254 **MOBILE HOME** (See Dwelling, Mobile Home)
- 2.02.255 **MOBILE HOME PARK** (See Manufactured Home Park.)
- 2.02.256 **MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision.)
- 2.02.257 **MONOTONY** shall mean repetitive sameness, lacking variety and variation, and/or reiteration.
- 2.02.258 **MOTEL** (See Hotel.)
- 2.02.259 **MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.
- 2.02.260 **NEBRASKA REVISED REISSUED STATUTES**, 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.
- 2.02.261 **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.)
- 2.02.262 **NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.
- 2.02.263 **NON-CONFORMING BUILDING** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- 2.02.264 **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.
- 2.02.265 **NON-FARM BUILDINGS** are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.
- 2.02.266 **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.
- 2.02.267 **NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and 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, such 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.
- 2.02.268 **NURSERY SCHOOL** see Preschool
- 2.02.269 **OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
- 2.02.270 **OFFICIAL MAP** (See Map, Official Zoning District.)
- 2.02.271 **OFF-STREET PARKING AREA or VEHICULAR USE** shall refer to 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.
- 2.02.272 **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.
- 2.02.273 **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.
- 2.02.274 **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.
- 2.02.275 **OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued on any private structures.
- 2.02.276 **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".
- 2.02.277 **OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.
- 2.02.278 **OWNER** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.
- 2.02.279 **PAINTBALL** shall mean all guns and other devices used for firing pellets containing a latex paint at a person or target.
- 2.02.280 **PAINTBALL COURSE, COMMERCIAL** shall mean a commercial recreational park containing obstacle courses for 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.
- 2.02.281 **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.
- 2.02.282 **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
- 2.02.283 **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.
- 2.02.284 **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.
- 2.02.285 **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 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

- 2.02.286 **PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.
- 2.02.287 **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.
- 2.02.288 **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.
- 2.02.289 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting to remove, relocate, or replace.
- 2.02.290 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.02.291 **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 Milford, Nebraska.
- 2.02.292 **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 such as horses, cattle, goats, sheep and poultry.
- 2.02.293 **PLANNED DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.
- 2.02.294 **PLANNING COMMISSION** shall mean the Planning Commission of Milford, Nebraska.
- 2.02.295 **PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.
- 2.02.296 **PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.
- 2.02.297 **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.
- 2.02.298 **PRESCHOOL** shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.
- 2.02.299 **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.
- 2.02.300 **PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
- 2.02.301 **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 this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.
- 2.02.302 **PROPORTION** shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.
- 2.02.303 **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 per the provisions of the Zoning Regulation.
- 2.02.304 **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.

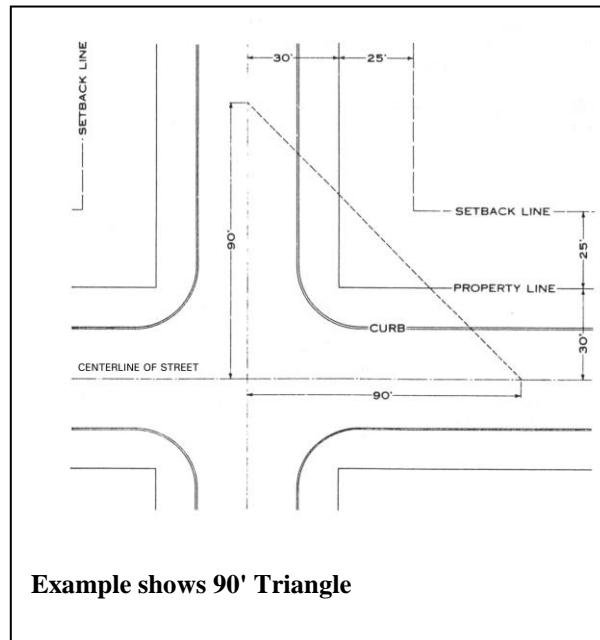
- 2.02.305 **PUBLIC WATER SUPPLY** shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals. This definition shall include: (1) Any collection, treatment, storage, 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.
- 2.02.306 **RAILROAD** shall mean the land use including the right-of-way (R. O. W.) 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.
- 2.02.307 **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, race tracks (including all motor-powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.
- 2.02.308 **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than 40 feet in overall length, eight feet in width, or 12 feet in overall height, 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 vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.
- 2.02.309 **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.
- 2.02.310 **REINSPECTION FEE** shall mean any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the City.
- 2.02.311 **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.
- 2.02.312 **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.
- 2.02.313 **RESTAURANT, DRIVE-IN** shall mean an 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.
- 2.02.314 **RESTAURANT, ENTERTAINMENT** shall mean an 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.
- 2.02.315 **RESTAURANT, FAST FOOD** shall mean an 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.
- 2.02.316 **RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.
- 2.02.317 **RETENTION BASIN** shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.
- 2.02.318 **REVERSE 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 that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.
- 2.02.319 **REZONING** shall mean an amendment to or change in the zoning regulations either to the text or map or both.



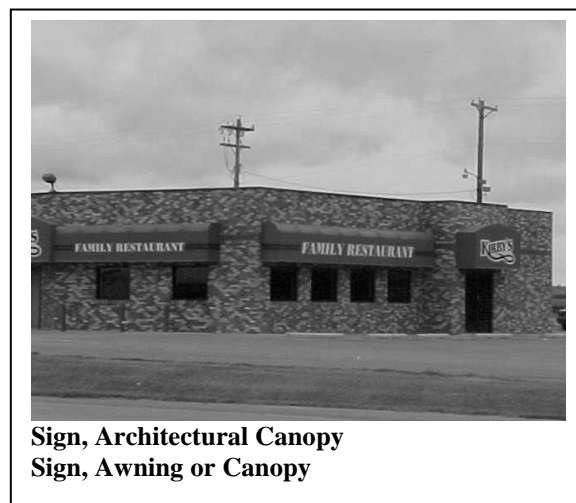
- 2.02.320 **REZONING, PIECEMEAL** shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.
- 2.02.321 **RIGHT-OF-WAY** shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.
- 2.02.322 **ROAD** shall mean the same as "Street".
- 2.02.323 **ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties not to exceed more than twelve lots served by such road.
- 2.02.324 **ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for street or road traffic. (Also, see right-of-way and Street.)
- 2.02.325 **ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.
- 2.02.326 **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.
- 2.02.327 **SCALE** shall mean a proportional relationship of the size of parts to one another and to the human figure.
- 2.02.328 **SCHOOL, DAY** shall mean a preschool or nursery school for children.
- 2.02.329 **SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with 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.
- 2.02.330 **SCREENING** shall mean a structure of planting that conceals from view from public ways the area behind such structure or planting.
- 2.02.331 **SELECTIVE CLEARING** shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
- 2.02.332 **SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.
- 2.02.333 **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
- 2.02.334 **SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
- 2.02.335 **SERVICE STATIONS** 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.
- 2.02.336 **SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.
- 2.02.337 **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.

- 2.02.338 **SHOPPING CENTER** shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.
- 2.02.339 **SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one City block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.
- 2.02.340 **SHOPPING CENTER, OUTLET** shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and City clustered style centers.
- 2.02.341 **SHRUB** shall mean a multi-stemmed woody plant other than a tree.
- 2.02.342 **SIDEWALK CAFE** shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

2.02.343 **SIGHT TRIANGLE** is 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 between a height of two and one-half and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 60 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 60-foot distance shall be increased to 90 feet for each arterial leg of the intersection.



- 2.02.344 **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. A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed 10 square feet.
  2. Sign less than 25 square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.
  3. Signs less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of Milford, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.



2.02.345 **SIGN, ADVERTISING** shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or refer to the primary use, business activity, or service conducted on the premises.

2.02.346 **SIGN, ANIMATED** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

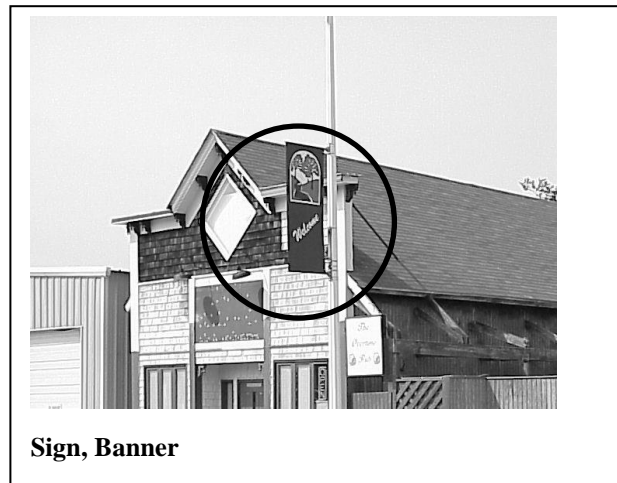
2.02.347 **SIGN, ANNOUNCEMENT** shall mean a small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

2.02.348 **SIGN, ARCHITECTURAL CANOPY** shall mean an enclosed, illuminated (backlit awning) 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.

2.02.349 **SIGN AREA** 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

2.02.350 **SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and/or sounds to attract attention.

2.02.351 **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.



Sign, Banner

2.02.352 **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. Banner signs shall not represent a commercial message.

2.02.353 **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.

2.02.354 **SIGN, BUILDING** shall mean any sign supported by, painted on or otherwise attached to any building or structure.

2.02.355 **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, Billboard  
Sign, Off-Premises

2.02.356 **SIGN, CENTER IDENTIFICATION** shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the

name of said development and may include, when permitted, the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs.

2.02.357 **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.

2.02.358 **SIGN, CLOSED** shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

2.02.359 **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.

2.02.360 **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.

2.02.361 **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.

2.02.362 **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.

2.02.363 **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, Monument  
Sign, Electronic Message  
Sign, Flashing**

2.02.364 **SIGN, GROUND MONUMENT** shall mean a sign mounted directly to the ground.

2.02.365 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

2.02.366 **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 off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be either attached or painted on the wall.



**Sign, Ground Monument  
Sign, Changeable Copy**

2.02.367 **SIGN, LOGO** shall mean signs owned and operated by an agent for the Nebraska Department of Roads. The signs are located in the right-of-way on interstate or primary highways. The signs are designed to accommodate businesses that furnish gas, food, lodging, or camping and meet any criteria established by the Nebraska Department of Roads.

2.02.368 **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.

2.02.369 **SIGN, NAMEPLATE** shall mean a sign not exceeding 2 square feet for each dwelling.

2.02.370 **SIGN, NON-CONFORMING** shall mean any sign that does not conform to the requirements of this ordinance

2.02.371 **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.

2.02.372 **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, Billboard  
Sign, Off-Premises**

2.02.373 **SIGN, ON-PREMISE** shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

2.02.374 **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.

2.02.375 **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.

2.02.376 **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.

2.02.377 **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 (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.



**Sign, Projecting**

2.02.378 **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.

2.02.379 **SIGN, REAL ESTATE** shall mean a temporary sign that identifies property or properties that are for sale or lease.

2.02.380 **SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the 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.

2.02.381 **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.

2.02.382 **SIGN, SETBACK** shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

2.02.383 **SIGN, SUBDIVISION** shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

2.02.384 **SIGN, SUBDIVISION ENTRANCE** shall mean a sign that is permanently constructed at the entrance(s) of the subdivision and includes the name of the subdivision in the form of attached letters or sign. The subdivision entrance sign may include specific types of landscaping such as water, stone, brick, etc.



**Sign, Subdivision**

2.02.385 **SIGN, SURFACE** shall mean the entire area of a sign.

2.02.386 **SIGN, SUSPENDED** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

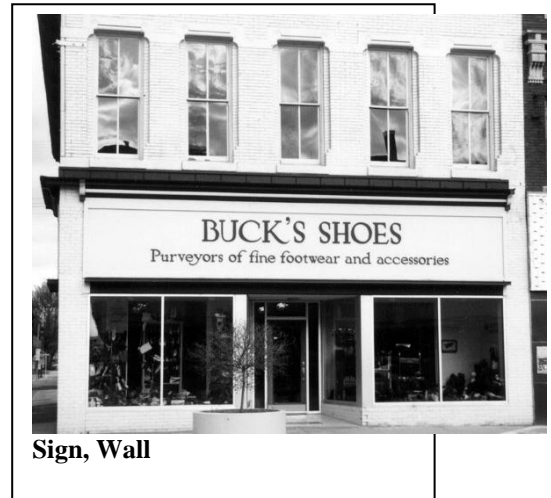
2.02.387 **SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.



2.02.388 **SIGN, TOURIST ORIENTED DIRECTIONAL** shall mean a sign owned and operated by a contracted agent of the Nebraska Department of Roads and located in the right-of-way on rural highways and cannot be erected on the interstate or interchanges on expressways. These signs shall meet all applicable criteria established by the Nebraska Department of Roads.

2.02.389 **SIGN, VIDEO** shall mean any on-premises or off-premises sign that convey either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

2.02.390 **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 sign surface.



**Sign, Wall**

2.02.391 **SIGN, 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 window panes or glass and is visible from the exterior of the window.

2.02.392 **SIGN BASE** shall mean any decorative, functional element extending upward from grade to the start of the sign.

2.02.393 **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.

- 2.02.394 **SITE BREAK** shall mean a structural or landscape device to interrupt long vistas and create visual interest in a site development.
- 2.02.395 **SITE PLAN** shall mean a plan, prepared to scale, showing accurately 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.
- 2.02.396 **SITE, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.
- 2.02.397 **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.
- 2.02.398 **SKATE PARK** shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for use with skateboards and in-line skates.
- 2.02.399 **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 lays upon the device while it is in motion.
- 2.02.400 **SKATEBOARD PIPE** shall mean an outdoor structure which is shaped into a half circle or oval, that are designed and principally intended to permit persons on skateboards to move continuously from one side to the other.
- 2.02.401 **SKATEBOARD RAMP** shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.
- 2.02.402 **SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
- 2.02.403 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
- 2.02.404 **SOLID WASTE COMPANY** shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.
- 2.02.405 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 2.02.406 **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:
1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
  2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
  3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
  4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
  5. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
  6. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
  7. Human excretion, urination, menstruation, vaginal, or anal irrigation.
- 2.02.407 **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.
- 2.02.408 **STABLE** shall mean a facility, either as a principal or accessory use that is designed for the maintenance, rental, or storage of non-domesticated animals.

- 2.02.409 **STANDARD SYSTEM** shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.
- 2.02.410 **STATE** shall mean the State of Nebraska.
- 2.02.411 **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 (30) days.
- 2.02.412 **STORM DRAIN** shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.
- 2.02.413 **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. Said detention shall be designed by a licensed professional engineer and approved by the City.
- 2.02.414 **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.
- 2.02.415 **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.
- 2.02.416 **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.
- 2.02.417 **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 not floor above, then the space between such floor and the ceiling or roof above.
- 2.02.418 **STORY, ONE-HALF** shall mean the same as "Half-Story".
- 2.02.419 **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.
- 2.02.420 **STREET, ARTERIAL** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.
- 2.02.421 **STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.
- 2.02.422 **STREET, COLLECTOR** shall mean a street or high way, which is intended to carry traffic from minor Street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
- 2.02.423 **STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.
- 2.02.424 **STREET FRONTAGE** shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
- 2.02.425 **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.
- 2.02.426 **STREET HARDWARE** shall mean man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.
- 2.02.427 **STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.



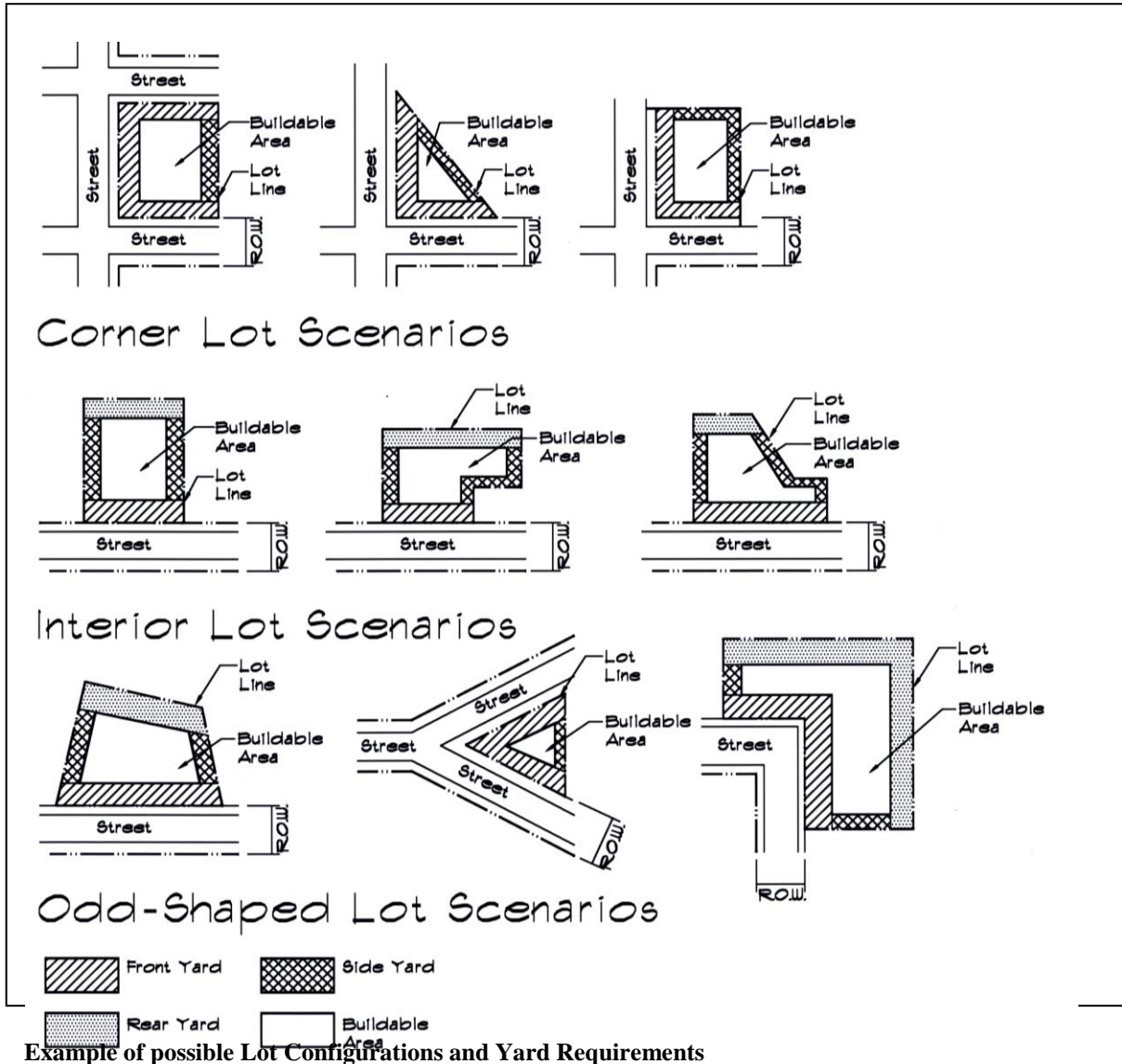
- 2.02.428 **STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.
- 2.02.429 **STREETS, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.
- 2.02.430 **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."
- 2.02.431 **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.
- 2.02.432 **STREETS LINE** shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.
- 2.02.433 **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.
- 2.02.434 **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.
- 2.02.435 **STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".
- 2.02.436 **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.
- 2.02.437 **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.
- 2.02.438 **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.
- 2.02.439 **SWIMMING POOL** shall mean a structure, and all appurtenant equipment, constructed either above or below grade with a depth of at least 18 inches utilized for the purposes of swimming, diving, or wading.
- 2.02.440 **TANNING STUDIO** shall mean any 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.
- 2.02.441 **TATOO 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.
- 2.02.442 **TAVERN** (See Bar.)
- 2.02.443 **TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use.
- 2.02.444 **THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.
- 2.02.445 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)

- 2.02.446 **TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, 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.
- 2.02.447 **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.
- 2.02.448 **TRANSFER STATION (REFUSE)** shall mean any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.
- 2.02.449 **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.
- 2.02.450 **UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.
- 2.02.451 **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.
- 2.02.452 **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.
- 2.02.453 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal.)
- 2.02.454 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".
- 2.02.455 **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.
- 2.02.456 **UTILITY EASEMENT** shall mean the same as "Easement".
- 2.02.457 **UTILITY HARDWARE** shall mean devices such as poles, crossarms, 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.
- 2.02.458 **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 be limited to 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.
- 2.02.459 **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.
- 2.02.460 **UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.
- 2.02.461 **VARIANCE** shall mean a relief from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

- 2.02.462 **VEGETATION** shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.
- 2.02.463 **VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.
- 2.02.464 **VEHICLE, MOTOR** (See Motor Vehicle.)
- 2.02.465 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.
- 2.02.466 **WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- 2.02.467 **WASTEWATER LAGOON** (See Lagoon.)
- 2.02.468 **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 or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.
- 2.02.469 **WETLAND** shall mean an area that is inundated or saturated by surface water or ground water 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.
- 2.02.470 **WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- 2.02.471 **WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or 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 redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.
- 2.02.472 **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.
- 2.02.473 **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.
- 2.02.474 **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
- 2.02.475 **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.
- 2.02.476 **ZONE LOT** shall mean a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.
- 2.02.477 **ZONING ADMINISTRATIVE OFFICER** shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this Ordinance.

2.02.478 **ZONING DISTRICT** shall mean the same as "District".

2.02.479 **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.



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## ARTICLE 3: DISTRICTS AND OFFICIAL MAP

**Section 3.01 Districts** In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within one-mile of the corporate boundaries, the City is hereby divided into districts.

### **Section 3.02 Provision for Official Zoning Map**

3.02.01 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. \_\_\_\_\_ of the City of Milford, Nebraska", together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ Ordinance No. \_\_\_\_\_ of the City of Milford, Nebraska."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

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## ARTICLE 4: GENERAL PROVISIONS

### Section 4.01 Planning Commission Recommendations

Pursuant to Section §19-901 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Commission.

### Section 4.02 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one time 10 days prior to such hearing.

### Section 4.03 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the City of Milford, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one mile, as established on the map entitled "The Official Zoning Map of the City of Milford, Nebraska", and as may be amended by subsequent annexation.

### Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

### Section 4.05 Zoning Affects Every Building and Use

No building or land shall hereafter be reused and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

### Section 4.06 Lot

4.06.01 Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.

4.06.02 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if approved by the City Council.

1. Institutional buildings
2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings
5. Home for the aged
6. Agricultural buildings

### Section 4.07 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

### Section 4.08 Obstructions to Vision at Street Intersections Prohibited

A corner lot, within the area formed by the center line of streets at a distance of 60 feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. At

the intersection of major or arterial streets, the 60-foot distance shall be increased to 90 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

#### **Section 4.09 Yard Requirements**

- 4.09.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 4.09.02 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.09.03 The City may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) more than 30 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2.) a minority of such structures have observed or conformed to an average setback line.

#### **Section 4.10 Through Lots**

- 4.10.01 Through Lots shall follow the following criteria:
1. Where a Through Lot abuts a major thoroughfare, such as U.S. Highway 6, etc., and access is made from the other frontage street and access along said thoroughfare is restricted, the Rear Yard setback for fences and screening devices shall be zero feet. The Rear Yard setback for accessory buildings shall follow the prescribed setback within the zoning district.
  2. Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of 4.10.01.01, while the other two frontages shall be treated as a Corner Lot with a Front Yard setback and a Street Side Yard setback.
  3. Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:
    - a. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.
    - b. Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory buildings.

#### **Section 4.11 Drainage**

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

#### **Section 4.12 Permitted Obstructions in Required Yards**

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

- 4.12.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting 24 inches or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than 18 inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
- 4.12.02 *Front Yards:* Bay windows projecting three feet or less into the yard are permitted.
- 4.12.03 *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems.
- 4.12.04 *Double Frontage Lots:* The required front yard shall be provided on each street, unless otherwise provided.
- 4.12.05 *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

#### **Section 4.13 Projections from Buildings**

- 4.13.01 Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than two feet into any required yard or into any required open space, provided that such required yard or open space meets the current minimum yard standards.



- 4.13.02 As a part of single and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 26 inches above grade of the lot on the side of the structure where such porch or deck is located, may extend:
1. Three feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all separation requirements between structures as determined in the City's Building Code, except gated fences providing access to the rear yard.
  2. Eight feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further 1.) That in no event may such porch or deck cover more than 96 square feet of the required front yard or extend beyond the side walls of the building structure, and 2.) Front decks or porches shall not be higher than 30 inches above ground and no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda-type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Inspector, and 3.) Covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed 12 inches.
  3. Safety railings shall be installed as per the City's Building Code and as approved by the Building Inspector.
  4. One-half of the distance into the required rear yard, but in no event closer than five feet to any property line.
- 4.13.03 Provided further, that no railing or other shall be placed around such deck or porch in a rear yard or side yard and no such barrier which interferes appreciably more than 25 percent with the passage of light or air shall be constructed within the required front yard or within five feet of any side or rear yard lot line. Any such deck or porch when located on a lot at the intersection of two streets or a street and an alley, shall comply with the provisions designed to ensure proper sight distances as set forth in this Ordinance for fences and hedges. Any side yard on a corner lot when such yard is 20 feet or more in width, may be considered as a front yard for purposes of determining permitted encroachments as provided herein.
- 4.13.04 Vertical supports shall meet the City's Building Code.

#### **Section 4.14 Accessory Building and Uses**

- 4.14.01 No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the principal building. No accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- 4.14.02 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure of the district, except in the Transitional Agriculture (TA) district.
- 4.14.03 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 4.14.04 Detached accessory buildings or structures shall be located no closer than six feet to any other accessory or principal building as provided in the local building code.
- 4.14.05 All accessory buildings, regardless of zoning district, shall be subordinate to the principal building with regard to size and building footprint except in agricultural, transitional agricultural, and R-2 Sub-Section I.
- 4.14.06 All accessory buildings shall be to the rear of the principal structure unless otherwise specified.
- 4.14.07 Garages and outbuildings in Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction. The sidewalls of said building shall not exceed 12 feet in height.
- 4.14.08 In all zoning districts, the size of any accessory structure shall not be larger in square feet than the principal structure, except R-2 Sub-section I.
- 4.14.09 In the R-1, R-2, R-3 and RS Residential Districts, the maximum square feet of two accessory structures shall not exceed the total of the first floor of the primary structure.
- 4.14.10 Regulation of accessory uses shall be as follows:
1. Except as here in provided, no accessory building shall project beyond a required yard line along any street.
  2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

#### **Section 4.15 Permitted Modifications of Height Regulations**

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

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio and Television

Conveyors	Towers less than 50 feet in height
Cooling Towers	Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Flag Poles	Air-Pollution Prevention Devices

4.15.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

#### **Section 4.16 Occupancy of Basements and Cellars**

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

#### **Section 4.17 Non-Conforming, General Intent**

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

#### **Section 4.18 Nonconforming Lots of Record**

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

#### **Section 4.19 Nonconforming Structures**

- 4.19.01 **Authority to continue:** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 4.19.02 **Enlargement, Repair, Alterations:** Any such structure described in Section 4.19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by or as specified in the Residential District. All enlargements shall meet all existing required setbacks unless provided elsewhere in this Ordinance.
- 4.19.03 **Damage or Destruction:** In the event that any structure described in Section 4.19.01 is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.19, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and may be extended six months upon an approved building Permit extension request.

#### *Exceptions:*

1. Complete reconstruction of a nonconforming structure and/or use may be allowed through a Conditional Use Permit if the structure is damaged or destroyed by natural means and not through intentional

- destruction or actions of the property owner or tenant. Reconstructed structures shall not be allowed to increase the level of nonconformity with regard to setbacks or lot coverage.
2. Nothing in this section is intended to prohibit the reconstruction of an existing residence in the Grover area.
- 4.19.04 **Moving:** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

#### **Section 4.20 Nonconforming Uses**

- 4.20.01 **Nonconforming Uses of Land:** Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
  2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
  3. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 4.20.02 **Nonconforming Uses of Structures:** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
  2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
  3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission and City Council, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission and/or City Council may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
  4. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
  5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
  6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming statutes of the land.
  7. The criteria within this section shall not be applied to mobile homes within a non-conforming mobile home park.
- 4.20.03 **Nonconforming Mobile Home Parks:** This section is intended to address the existing non-conforming mobile home parks within Milford. An existing non-conforming Mobile Home Park and trailers may continue, provided the following:
1. The Mobile Home Park shall not increase the area of the non-conformity as it existed at the time of original adoption of this section on October 7, 2008.
  2. The Mobile Home Park shall be limited to the number of spaces available at the time of original adoption of this section on October 7, 2008.
  3. The placement of trailers shall not encroach closer to the overall property line that existed at the time of original adoption of this section on October 7, 2008.
  4. The internal separation distances between trailers shall meet all applicable state requirements at the time of original adoption of this section on October 7, 2008.

5. *Replacement mobile homes shall meet all current HUD standards for mobile homes and must comply with all current HUD standards for mobile homes and shall have a manufacture's sticker or certificate of title establishing that said mobile home was manufactured on or after 6/15/1976.*

**Section 4.21 Repairs and Maintenance**

- 4.21.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
- 4.21.02 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 4.22 Uses under Special Use Permit not Nonconforming Uses** Any use for which a conditional use permit is issued as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

**Section 4.23 Fees** All fees for any zoning or subdivision related action shall be required prior to the issuance or investigation of any said permit request. Fees shall be a part of the Master Fee Schedule adopted by the City Council by separate Ordinance.

**ARTICLE 5: ZONING DISTRICTS**

5.01	Districts; Uses
5.02	Districts; Boundaries
5.03	District Boundaries; Interpretation
5.04	Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan
5.05	District (TA); Transitional Agricultural
5.06	District (RS); Residential Suburban
5.07	District (R-1); Low Density Residential
5.08	District (R-2); Medium Density Residential
5.09	District (R-3); High Density Residential
5.10	District (C-1); Central Business District
5.11	District (C-2); General Commercial
5.12	District (C-3); Highway Commercial
5.13	District (I-1); Light Industrial
5.14	District (I-2); Heavy Industrial
5.15	District (MUC); Mixed Use Corridor
5.16	District (CMD); Clustered/Mixed Use
5.17	District (RM); Mobile Home Residential District (Overlay)
5.18	District (FF/FW); Flood Plain (Overlay)

**Section 5.01 Districts; Use** For the purpose of this Ordinance, the Municipality is hereby divided into 14 districts, designated as follows:

(TA)	Transitional Agricultural (5 acres or more)
(RS)	Residential Suburban (1-4 acres)
(R-1)	Low Density Residential (10,000 sq. ft.)
(R-2)	Medium Density Residential (8,000 sq. ft.)
(R-3)	High Density Residential (8,000 sq. ft.)
(C-1)	Central Business District
(C-2)	General Commercial (8,000 sq. ft.)
(C-3)	Highway Commercial (10,000 sq. ft.)
(I-1)	Light Industrial (15,000 sq. ft.)
(I-2)	Heavy Industrial (5,000 sq. ft.)
(MUC)	Mixed Use Commercial (Overlay)
(MCD)	Clustered/Mixed Use
(RM)	Mobile Home Residential District (Overlay)
(FF/FW)	Flood Plain (Overlay)

**Section 5.02 Districts; Boundaries.**

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of Milford, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map. (Ref. §19-904 RS Neb.)

**Section 5.03 Rules for Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 5.03.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 5.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 5.03.03 Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- 5.03.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5.03.05 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

- 5.03.06 Boundaries indicated as parallel to or extensions of features indicated in subsections (A) -(E) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 5.03.07 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) - (F) above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 5.03.08 Where a district boundary line divides a lot, which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

**Section 5.04 Classification of Districts upon Annexation and Conformance with the Land Use Plan.**

Areas annexed into the corporate limits of Milford shall be zoned to conform to the Land Use Plan.

- 5.04.01 All uses not specifically listed are hereby prohibited.

## Section 5.05 TA Transitional Agriculture District

**5.05.01 Intent:** The Agricultural District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry because these uses are 1) not in the identified growth areas for the community, and 2) accommodating very low density residential development the district is designed to limit urban sprawl.

### 5.05.02 Permitted Uses.

The following principal uses are permitted in the TA District.

1. Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than 50 animals shall be established.
2. Farm dwellings for the owners and their families, tenants, and employees.
3. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
4. Railroads, not including switching, terminal facilities or freight yards.
5. Public overhead and underground local distribution utilities.
6. Single family dwellings.
7. Religious institutions.
8. Public services.
9. Publicly owned and operated facilities.
10. Roadside stands offering agriculture products for human consumption for sale on the premises.
11. Hydrogenation process
12. Kennels and Stables

### 5.05.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Radio, television and wireless communication towers and transmitters, as per Section 8.08.
2. Cemeteries provided all structures are located at least 100 feet from all property lines.
3. Wastewater treatment facilities.
4. Private recreation areas and facilities including voluntary clubs, golf courses (but not miniature golf), and swimming pools.
5. Home occupations, as per Section 8.07.
6. Campgrounds.
7. Hospital, nursing homes, assisted living, and convalescent facilities.
8. Construction batch plants that are temporary in nature.
9. Manufactured Housing provided the unit is placed on a permanent foundation and utilized for residential purposes.
10. Mobile Homes provided the unit is placed on a permanent foundation and utilized for residential purposes.
11. Indoor/Outdoor Recreation facilities.
12. Feedlots or yards for more than 50 animals.
13. Self-storage units.
14. Warehouse, wholesale business.
15. Automotive display, sales, services and repair.
16. Airports.

### 5.05.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses provided they are located to the rear or side of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Raising and care of animals for 4-H, FFA, recreational uses, or other rural/school organizations.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
7. Storage or parking of vehicles, boats, campers and trailer, as per Section 8.02.
8. Incidental public safety uses such as emergency sirens.
9. Amateur radio towers and associated facilities, as per Section 8.08

**5.05.05 Height and Lot Requirements:**

1. Nothing in this section shall prohibit continued use of property in the Grover area provided there shall be no increase in the number of units allowed by this section and no decrease in setback requirements.
2. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Residential Dwelling <sup>1</sup>	5	200'	50'	25'	25'	35'	-
Other Permitted Uses	5	200'	50'	25'	25'	45'	-
Conditional Uses	5	200'	50'	25'	25'	45'	-
Accessory Buildings	-	-	50'	25'	10'	35'	-

<sup>1</sup> Existing buildings and structures located in the Grover district will be required to maintain the yard and setback requirements in existence as of August 3, 1993.



## Section 5.06 RS Residential Suburban District

**5.06.01 Intent:** The Residential Suburban District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry. Because the areas are 1) not in the identified growth areas for the community, and 2) accommodating very low density residential development the district is designed to limit urban sprawl.

### 5.06.02 Permitted Uses

The following principal uses are permitted in the RS District.

1. Farm dwellings for the owners and their families, tenants, and employees.
2. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
3. Railroads, not including switching, terminal facilities or freight yards.
4. Public overhead and underground local distribution utilities.
5. Single family dwelling.
6. Public services.
7. Publicly owned and operated facilities.
8. Roadside stands offering agriculture products for human consumption for sale on the premises.

### 5.06.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RS District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Radio, television, and wireless communication towers and transmitters, as per Section 8.08.
2. Cemeteries provided all structures are located at least 100 feet from all property lines.
3. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
4. Home occupations, as per Section 8.07.
5. Manufactured Housing or mobile homes provided the unit is placed on a permanent foundation and utilized for residential purposes.
6. Mobile Homes provided the unit is placed on a permanent foundation and utilized for residential purposes.

### 5.06.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Section 7.01 through 7.04.
4. Parking as provided for in Section 8.01 through 8.06.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Storage or parking of vehicles, boats, campers and trailer, as per Section 8.02.
7. Incidental public safety uses such as emergency sirens.
8. Amateur radio towers and associated facilities, per Section 8.08

### 5.06.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Street Side Yd.	Max. Height	Max. Lot Coverage
Residential Dwelling	1 <sup>1</sup>	100'	50'	25'	25'	25'	35'	-
Other Permitted Uses	1 <sup>1</sup>	100'	50'	25'	25'	25'	45'	-
Conditional Uses	1 <sup>1</sup>	100'	50'	25'	25'	25'	45'	-
Accessory Buildings	-	-	100'	25'	10'	25'	20'	-

1. Three-acre minimum for lots with private wells/septic systems, 1.0 acres for any combination of public and private water/sewer systems.

**Section 5.07 R-1 Low Density Residential**

**5.07.01 Intent:** The Low Density Residential District is intended to permit single family residential developments and other compatible uses.

**5.07.02 Permitted Uses:**

The following principal uses are permitted in the R-1 District.

1. Single family dwellings.
2. Public and private schools.
3. Public Services.
4. Publicly owned and operated facilities.
5. Child care
6. Public and private recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pools.

**5.07.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
2. Religious institutions.
3. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
4. Non-conforming residential structure. To expand an existing non-conforming single family dwelling or accessory structure. In addition to the regular requirements of a conditional use permit, the following requirements must be met:
  - a. Limited to structures built before July 1974.
  - b. Permit cannot authorize a new type of non-conformity of use or structure
5. Home Occupations, as per Section 8.07.

**5.07.04 Permitted Accessory Uses:**

The following accessory uses are permitted in the R-1 Single-Family Residential District:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
4. Parking for permitted uses as per Section 8.01 through 8.06.
5. Signs allowed in Section 7.01 through 7.04.
6. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
7. Landscaping as required by Section 9.03
8. Incidental public safety uses such as emergency sirens
9. Amateur radio towers and associated facilities, per Section 8.08

**5.07.05 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Street Side Yd.	Max. Height	Max. Lot Coverage
Single-family Dwelling	10,000	70'	25'	8'	25'	15'	35'	35%
Other Permitted and Conditional Uses	10,000	70'	25'	8'	25'	25'	35'	35%
Accessory Buildings	-	-	50'	8'	5'	25'	20	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structure for single family does not exceed the ground floor area of the principal dwelling and the total lot coverage of all buildings and attached structure does not exceed 45%

## Section 5.08 R-2 Medium Density Residential

**5.08.01 Intent:** The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### 5.08.02 Permitted Uses:

The following principal uses are permitted in the R-2 District.

1. Single family detached dwellings
2. Single family attached
3. Two-family, duplex, dwellings
4. Child Care Center
5. Public and private schools
6. Publicly owned and operated facilities
7. Public Services
8. Public and private recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pool

### 5.08.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Bed and Breakfasts, provided that guest rooms shall be within the principal residential building only and not within an accessory building.
2. Religious institutions
3. Non-conforming residential structure. To expand an existing non-conforming single family dwelling or accessory structure. In addition to the regular requirements of a conditional use permit, the following requirements must be met:
  - a. Limited to structures built before July 1974.
  - b. Permit cannot authorize a new type of non-conformity of use or structure
4. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
5. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
6. Home Occupations as per Section 8.07.
7. Child Care Center
8. Congregate housing
9. Emergency Shelters
10. Adult Care Center
11. Mobile Homes and Manufactured Housing provided said unit is placed upon a permanent foundation.

### 5.08.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Landscaping as required by Section 9.03.
8. Incidental public safety uses such as emergency sirens
9. Amateur radio towers and associated facilities, per Section 8.08

**5.08.05 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>3</sup>	Rear Yard	Street Side Yd.	Max. Height	Max. Lot Coverage
Single-family Dwelling <sup>2</sup>	8,000	50'	25'	5'	25'	15'	35'	40%
Single-family Dwelling (future development) <sup>2</sup>	8,000	70'	25'	5'	25'	25'	35'	35%
Two-family Dwelling <sup>2</sup>	12,000	85'	25'	5'	25'	15'	35'	40%
Single-family attached	6,000 per unit	45' per unit	25'	5'	25'	15'	35'	40%
Other Permitted and Conditional Uses <sup>2</sup>	8,000	70'	25'	5'	25'	15'	35'	30%
Accessory Buildings	-	-	35'	5'	5'	15'	20'	10% <sup>1</sup>

<sup>1</sup> Provide total area of accessory structure for single family does not exceed the ground area floor of the principal dwelling and the total lot coverage of all buildings and attached structures does not exceed 50%.

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line. The actual side yard must equal twice the required side yard under normal circumstances.

**Section 5.08 R-2 Medium Density Restricted****5.08.01 Intent and Sub-boundaries:**

The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain and sound and pleasant environment for the inhabitants, and to provide a sub-district to be known as Subsection 1, Medium Density Residential Sub-Area in the original part of Milford which is platted with smaller lots.

**5.08.02 Subsection 1, Medium Density Residential Sub-Area Boundaries:**

The boundaries of the sub-district known as Subsection 1, Medium Density Residential Sub-area are: Davison and Culver's Addition, Sweasey's 1st and 2nd Additions, Runty's 1st and 2nd Additions, Brandon's 1st and 2nd Additions, Laune's 1st, 2nd and 3rd Additions and Stauffer Addition which are currently zoned as R-2, and specifically excluding the C-1, C-2 and Light Industrial (I-1) districts which are located within said subdivisions.

**5.08.02 Permitted Uses:**

The following principal uses are permitted in the R-2 District.

1. Single family detached dwellings
2. Single family attached
3. Two-family, duplex, dwellings
4. Residential Child Care within a residence, limited to not more than 8 children who are not household children.
5. Public and private schools
6. Publicly owned and operated facilities
7. Public Services
8. Public and private recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pool.

**5.08.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Bed and Breakfasts, provided that guest rooms shall be within the principal residential building only and not within an accessory building.
2. Religious institutions
3. Non-conforming residential structure. To expand an existing non-conforming single family dwelling or accessory structure. In addition to the regular requirements of a conditional use permit, the following requirements must be met:
  - a. Limited to structures built before July 1974.
  - b. Permit cannot authorize a new type of non-conformity of use or structure
4. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
5. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
6. Home Occupations as per Section 8.07.
7. Child Care Center as defined in Article 2, Section 2.02.90, or child care within a residence with more than 8 children who are not household children.
8. Congregate housing
9. Emergency Shelters
10. Adult Care Center
11. Manufactured Housing provided said unit is placed upon a permanent foundation.

**5.08.04 Permitted Accessory Uses:**

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.00 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.

7. Landscaping as required by Section 9.03.
8. Incidental public safety uses such as emergency sirens
9. Amateur radio towers and associated facilities, per Section 8.08

## R-2, Sub-Section 1, Medium Density Residential

### 5.08.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be follows **only for those properties within the Section 1. Medium Density Residential boundaries:**

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>3</sup>	Rear Yard	Street Side Yd.	Max. Height	Max. Lot Coverage
Single-family Dwelling <sup>2</sup>	7,000	50'	25'	5'	25'	15'	35'	40%
Two-family Dwelling <sup>2</sup>	12,000	85'	25'	5'	25'	15'	35'	40%
Single-family attached	6,000 per unit	45' per unit	25'	5'	25'	15'	35'	40%
Other Permitted and Conditional Uses <sup>2</sup>	8,000	70'	25'	5'	25'	15'	35'	30%
Accessory Buildings	-	-	35'	5'	5'	15'	20'	13% <sup>1</sup>

<sup>1</sup> Provide total area of accessory structure for single family does not exceed 900 sq. ft. and the total lot coverage of all buildings and does not exceed 53% and shall be subordinate to the side or rear of the principal structure.

<sup>2</sup> On corner Lots the following criteria apply to setbacks. In existing development areas, the Street Side Yard and Front Yard setback may conform to existing setbacks of existing structures along the street.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line. The actual side yard must equal twice the required side yard under normal circumstances.

## R-2, Sub-Section 1, Medium Density Residential

### 5.08.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be follows **for all properties within the R-2 zoning district EXCEPT R-2 Sub-Section I boundaries:**

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>3</sup>	Rear Yard	Street Side Yd.	Max. Height	Max. Lot Coverage
Single-family Dwelling (future development) <sup>2</sup>	8,000	70'	25'	5'	25'	25'	35'	35%
Two-family Dwelling <sup>2</sup>	12,000	85'	25'	5'	25'	15'	35'	40%
Single-family attached	6,000 per unit	45' per unit	25'	5'	25'	15'	35'	40%
Other Permitted and Conditional Uses <sup>2</sup>	8,000	70'	25'	5'	25'	15'	35'	30%
Accessory Buildings	-	-	35'	5'	5'	15'	20'	10% <sup>1</sup>

<sup>1</sup> Provide total area of accessory structure for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings does not exceed 50%, and shall be subordinate to the side or rear of the principal structure.

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line. The actual side yard must equal twice the required side yard under normal circumstances.

## Section 5.09 R-3 High Density Residential

**5.09.01 Intent:** The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and higher density residential development such as apartments in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

**5.09.02 Permitted Uses:**

The following principal uses are permitted in the R-3 District.

1. Single family detached dwellings.
2. Two-family, duplex, dwellings
3. Single family attached dwellings
4. Townhouses, Condominiums, and Multiple family dwellings of 4 units or less
5. Public and private schools
6. Publicly owned and operated facilities
7. Public Services.
8. Child care
9. Religious institutions.
10. Public and private recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pools.

**5.09.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Bed and Breakfast, provided guest rooms shall be within the principal residential building only and not within an accessory building.
2. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
3. Home Occupations, as per Section 8.07.
4. Child Care Center
5. Charitable clubs and organizations
6. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions.
7. Group care home
8. Community center
9. Emergency shelters
10. Adult Care Center
11. Non-conforming residential structure. To expand an existing non-conforming single family dwelling or accessory structure. In addition to the regular requirements of a conditional use permit, the following requirements must be met:
  - a. Limited to structures built before July 1974.
  - b. Permit cannot authorize a new type of non-conformity of use or structure
12. Manufactured Housing or mobile home provided said unit is on a permanent foundation.
13. Townhouses, Condominiums, and Multiple family dwellings of more than 4 units.

**5.09.04 Permitted Accessory Uses:**

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Landscaping as required by Section 9.03
8. Incidental public safety uses such as emergency sirens

**5.09.05 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>1</sup>	Rear Yard	Street Side Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling <sup>2</sup>	8,000	50'	25'	8'	25'	15'	35'	40%
Two-family Dwelling <sup>2</sup>	12,000	75'	25'	8'	25'	15'	35'	40%
Single-family attached <sup>2</sup>	6,000 per unit	45' per unit	25'	8'	25'	15'	35'	40%
Multi-family Dwelling	2,500 per unit	100'	25'	8'	-	15'	45'	50%
Townhomes/Condominiums	2,500 per unit	18' <sup>4</sup>	25'	8' <sup>3</sup>	-	15'	35'	50%
Other Permitted and Conditional Uses	8,000	75'	25'	8'	25'	15'	45'	30%
Accessory Buildings	-	-	35'	8'	5'	15'	20'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structure for single family does not exceed the ground floor area of the principal dwelling and the total lot coverage of all buildings and attached structures does not exceed 50%

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line. The actual side yard must equal twice the required side yard under normal circumstances

<sup>4</sup> The interior lots of two townhouses/condominiums may be as small as 18 feet in width; however, on groupings of two and on the ends of a grouping, the minimum lot width shall be 35 feet.



## Section 5.10 C-1 Central Business District

**5.10.01 Intent:** The Central Business District is intended for commercial and office development typically found in a downtown area. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

### 5.10.02 Permitted Uses:

The following principal uses are permitted in the C-1 District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
2. Museums, art galleries, and other public or semi-public cultural facilities.
3. Dance studio, not including uses defined in Adult Establishment.
4. Adult Day Care Center-State Controlled
5. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
  - A. Apparel/shoe store—Tailors, dress/dressmakers shop
  - B. Appliance store
  - C. Antique store
  - D. Automobile parts and supply store
  - E. Bakery shop (retail)
  - F. Barber and Beauty shop
  - G. Bicycle shop
  - H. Book store, not including uses defined in Adult Establishment
  - I. Brew-on premises store
  - J. Business or trade school
  - K. Camera store
  - L. Communication services—no definition
  - M. Computer store
  - N. Confectionary/Candy/Sweets store—need definition
  - O. Dairy products sales
  - P. Drug store (pharmacies)
  - Q. Dry cleaning and laundry pickup
  - R. Exercise, fitness & tanning spa, not including uses defined in Adult Establishment
  - S. Floral shop
  - T. Garden supply & retail garden center
  - U. Mail order services—no definition

### 5.10.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Theater, indoor, not including uses defined in Adult Establishment.
2. Automobile display, sales, service, and repair.
3. Auto body repair
4. Brew Pubs
5. Microbreweries when in conjunction with a restaurant
6. Coffee Kiosks
7. Automated Teller Machines when not within the interior of a primary use
8. Tavern and cocktail lounge, not including uses defined in Adult Establishment
9. Convenience store with limited fuel sales.
10. Religious institutions
11. Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
12. Department Stores
13. Health Clubs and tanning salon, not including uses defined in Adult Establishment
14. Health Recreation Facilities, not including uses defined in Adult Establishment
15. Child care center
16. Food Sales, general
17. Public and private higher educational institutions such as trade schools, colleges, and seminaries.

**5.10.04 Permitted Temporary Uses**

Temporary Uses require a permit from the City of Milford and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.

**5.10.05 Permitted Accessory Uses**

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Landscaping as required by Section 9.03

**5.10.06 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	0	0	0	0	0	NA	100%
Permitted Conditional Uses	0	0	0	0	0	NA	100%

**5.10.07 Use Limitations:**

1. When adjacent to residentially zoned land, no parking, drives or signs shall be within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

## Section 5.11 C-2 General Commercial District

**5.11.01 Intent:** The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage as a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City. The district is primarily designed to be used in areas noted as “General Commercial” in the Comprehensive Plan.

### 5.11.02 Permitted Uses:

The following principal uses are permitted in the C-2 District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment
2. Child care center.
3. Dance studio, not including uses defined in Adult Establishment
4. Museums, art galleries, and other publicly owned cultural facilities.
5. Community center
6. Public services
7. Public/private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools
8. Adult Day Care Center
9. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
  - A. Apparel shop
  - B. Appliance store
  - C. Antique store
  - D. Automobile parts and supply store
  - E. Bakery shop (retail)
  - F. Barber and Beauty shop
  - G. Bicycle shop
  - H. Book store, not including uses defined in Adult Establishment
  - I. Brew-on premises store
  - J. Camera store
  - K. Communication services
  - L. Computer store
  - M. Confectionery.
  - N. Dairy products sales
  - O. Drug store
  - P. Dry cleaning and laundry pickup
  - Q. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment
  - R. Floral shop
  - S. Mortuary
  - T. Food Sales (Limited)
  - U. Food Sales (General)
  - V. Furniture store or showroom
  - W. Gift and curio shop
  - X. Gunsmith
  - Y. Hardware store
  - Z. Hobby, craft, toy store
  - AA. Jewelry store
  - BB. Liquor store
  - CC. Locksmith
  - DD. Meat market, retail
  - EE. Medical Office
  - FF. Meeting Halls, not including Adult Establishment
  - GG. Music retail store
  - HH. Music studio
  - II. Newsstands, not including uses defined in Adult Establishment
  - JJ. Outlet retail store
  - KK. Paint store
  - LL. Pet shop
  - MM. Photographer

NN.	Picture framing shop
OO.	Reservation center
PP.	Restaurants, cafes and fast food establishment
QQ.	Retail trade enter,
RR.	Second hand stores
SS.	Self service storage facility
TT.	Shoe store
UU.	Sporting goods
VV.	Stamp and coin stores
WW.	Tailors and dressmakers
XX.	Tanning salon
YY.	Tattoo and body piercing parlor
ZZ.	Travel agencies
AAA.	Video store, not including uses defined in Adult Establishment
BBB.	Social club and fraternal organizations, not including uses defined in Adult Establishment
CCC.	Telephone exchange
DDD.	Telephone answering service
EEE.	Public overhead and underground local distribution utilities.

**5.11.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Recreational establishments.
2. Variety store, not including uses defined in Adult Establishment
3. Amusement arcades.
4. Bowling center.
5. Brew Pubs
6. Micro breweries when in conjunction with a restaurant
7. Coffee Kiosks
8. Automated Teller Machines when not within the interior of a primary use
9. Business or trade school.
10. Garden supply and retail garden center.
11. Commercial greenhouse.
12. Mail order services.
13. Pinball or video games business.
14. Tavern and cocktail lounge, not including uses defined in Adult Establishment
15. Totally enclosed, automated and conveyer-style car washes.
16. Convenience store with limited fuel sales.
17. Residences in conjunction with the principal use when located above the ground floor.
18. Religious institutions.
19. Car wash.
20. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
21. Service station with minor automobile repair services.
22. Tire store and minor automobile repair service.
23. Radio, television and communication towers and transmitters, as per Section 7.11
24. Automobile, display, sales, service, and repair.
25. Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
26. Health Clubs and tanning salon, not including uses defined in Adult Establishment
27. Health Recreation Facilities, not including uses defined in Adult Establishment
28. Restaurants with Drive-Thru facilities.

**5.11.05 Permitted Accessory Uses**

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Landscaping as required by Section 9.03
5. Incidental public safety uses such as emergency sirens

**5.11.04 Permitted Temporary Uses**

Temporary Uses require a permit from the City of Milford and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary greenhouses.
2. Temporary structures as needed for sidewalk and other outdoor sales events.
3. Fireworks stands provided the criteria are met as established by the City through separate Ordinances.
4. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
5. Temporary structure for festivals or commercial events.

**5.11.06 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Street Side Yard	Max. Height	Max. Lot Coverage
Permitted Uses	8,000	50	25 <sup>1</sup>	10'	10 <sup>2</sup>	15'	45'	60%
Permitted Conditional Uses	8,000	50	25 <sup>1</sup>	10'	10 <sup>2</sup>	15'	45'	60%

<sup>1.</sup> 20' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 50 feet.

<sup>2.</sup> 25 feet for through lots.

**5.11.07 Use Limitations:**

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 25 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
3. All uses over 20,000 sq. ft. in gross floor area shall be required to submit development plans and site plans to the governing body for approval.

## Section 5.12 C-3 Highway Commercial

**5.12.01 Intent:** This district is designed to accommodate numerous commercial uses, including those that may have significant visual or traffic impacts. It is designed for commercial uses that serve an area beyond the adjacent neighborhood. This district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City. The district is to be used in areas noted as “Future Commercial” in the Comprehensive Plan.

### 5.12.02 Permitted uses:

The following principal uses are permitted in the C-3 District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment
2. Child care center.
3. Dance studio, not including uses defined in Adult Establishment
4. Meeting hall, not including uses defined in Adult Establishment
5. Museum, art gallery
6. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
  - A. Apparel shop
  - B. Appliance store
  - C. Antique store
  - D. Automobile parts and supply store
  - E. Bakery shop (retail)
  - F. Barber and Beauty shop
  - G. Bicycle shop
  - H. Book store, not including uses defined in Adult Establishment
  - I. Brew-on premises store
  - J. Camera store
  - K. Communication services
  - L. Computer store
  - M. Confectionery
  - N. Dairy products sales
  - O. Drug store
  - P. Dry cleaning and laundry pickup
  - Q. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment
  - R. Food Sales (Limited)
  - S. Food Sales (General)
  - T. Floral shop
  - U. Mortuary
  - V. Furniture store or showroom
  - W. Gift and curio shop
  - X. Gunsmith
  - Y. Hardware store
  - Z. Hobby, craft, toy store
  - AA. Jewelry store
  - BB. Liquor store
  - CC. Locksmith
  - DD. Meat market, retail
  - EE. Music retail store
  - FF. Newsstands, not including uses defined in Adult Establishment
  - GG. Paint store
  - HH. Pet shop
  - II. Photographer
  - JJ. Picture framing shop
  - KK. Reservation center
  - LL. Restaurants, cafes and fast food establishments, including those with drive-thru facilities.
  - MM. Second hand stores
  - NN. Shoe store
  - OO. Sporting goods
  - PP. Stamp and coin stores
  - QQ. Tailors and dressmakers

- RR. Tanning salon
- SS. Tattoo and body piercing parlor
- TT. Travel agencies
- UU. Video store, not including uses defined in Adult Establishment
- VV. Social club and fraternal organizations, not including uses defined in Adult Establishment
- WW. Telephone exchange
- XX. Telephone answering service
- YY. Public overhead and underground local distribution utilities
- ZZ. Retail building material sales; provided that the following minimum standards are present:
  - A. All lumber shall be enclosed with the primary structure.
  - B. All year-round landscaping materials shall be enclosed within the primary structure.

### 5.12.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-3 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Recreational establishments
2. Big Box Retail, Large
3. Big Box Retail, Medium
4. Big Box Retail, Small
5. Retail trade center
6. Shopping center
7. Shopping center, commercial strip
8. Shopping center, outlet
9. Department Store
10. Variety store, not including uses defined in Adult Establishment
11. Amusement arcades
12. Brew Pubs
13. Coffee Kiosks
14. Micro breweries when in conjunction with a restaurant
15. Automated Teller Machines when not within the interior of a primary use
16. Theater, indoor, not including uses defined in Adult Establishment
17. Bowling center
18. Commercial greenhouse
19. Hotels and Motels
20. Truck Stops
21. Mail order services
22. Self storage
23. Pinball or video games business
24. Tavern and cocktail lounge, not including uses defined in Adult Establishment
25. Totally enclosed, automated and conveyor-style car washes
26. Convenience store with limited fuel sales
27. Garden supply and retail garden center
28. Outdoor storage in conjunction with another primary use
29. Pet Health Services, provided the following:
  - A. Said use is totally enclosed within a building
  - B. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets
  - C. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary, not exceeding 48 hours
  - D. Grooming shall only be associated with a medical appointment
  - E. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons
29. Outdoor storage, subject to the following requirements:
  - A. A landscape buffer shall be provided subject to the approval of the zoning administrator
  - B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street
  - C. All outdoor storage areas shall be screened by a fence or wall or a combination of both, and shall be located to the rear of the landscape buffer

**5.12.04 Permitted Accessory Uses:**

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as allowed in Section 8.01 through 8.06
3. Signs allowed in Section 7.01 through 7.04
4. Landscaping as required by Section 9.03
5. Incidental public safety uses such as emergency sirens

**5.12.05 Permitted Temporary Uses**

Temporary Uses require a permit from the City of Milford and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary greenhouses
2. Temporary structures as needed for sidewalk and other outdoor sales events
3. Fireworks stands provided the criteria are met as established by the City through separate Ordinances
4. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work
5. Temporary structures for festivals or commercial events

**5.12.06 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Street Side Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100'	25' <sup>1</sup>	10'	20'	15'	45'	70%
Permitted Conditional Uses	10,000	100'	25' <sup>1</sup>	10'	20'	15'	45'	70%

<sup>1</sup> 25 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 50 feet.

**5.12.07 Use Limitations:**

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district.
2. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.



## Section 5.13 I-1 Light Industrial

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

### 5.13.02 Permitted Uses:

The following principal uses are permitted in the I-1 District.

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials
2. Laboratories
3. Manufacture and assembly of electrical and electronic appliances
4. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials
5. Manufacture of light sheet metal products including heating and ventilation equipment
6. Printing and publishing business
7. Stone and monument works
8. Public local distribution and main transmission utilities
9. Warehouses and wholesale businesses
10. Building materials yards with enclosed and screened storage areas
11. Highway maintenance yards or buildings
12. Self-storage units
13. Veterinarian or animal hospitals
14. Outdoor storage facilities
15. Ancillary Parking
16. Construction and contractor storage yards
17. Recycling collection and processing facilities, both public and private
18. Railroads, including terminals, switching yards, and related facilities
19. Dry cleaning
20. Pet health services
21. Health clubs and tanning salons, not including those classified as an Adult Establishment
22. Dance studios, not including those classified as an Adult Establishment
23. Personal improvement services
24. Commercial recreation facilities, indoor and outdoor
25. Self service mini storage
26. Public services
27. Parks and recreation
28. General and Medical offices

### 5.13.03 Conditional Uses

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Radio, television and communication towers and transmitters, as per Section 8.08.
2. Fertilizer transmission lines
3. Utility substations, terminal facilities, and reservoirs.
4. Auction Sales
5. Construction and heavy equipment sales and service
6. Farm implement sales and service
7. Research facilities
8. Truck terminal and dock facilities to include truck washing
9. Auto body repair
10. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary as an accessory to permitted use
11. Cabinetry millwork
12. Restaurant
13. Correctional facilities
14. Kennels and stables

**5.13.04 Permitted Accessory Uses**

1. Buildings and uses customarily incidental to the permitted uses
2. Parking as permitted in Section 8.01 through 8.06
3. Signs allowed in Section 7.01 through 7.04
4. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.
5. Landscaping as required by Section 9.03

**5.13.05 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Street Side Yard	Max. Height	Max. Lot Coverage
Permitted Uses	15,000	100	50' <sup>1</sup>	10'	10'	15'	45'	70%
Conditional Uses	15,000	100	50' <sup>1</sup>	10'	10'	15'	45'	70%

<sup>1</sup> 50 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 75 feet

**Use Limitations:**

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05
2. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street

**5.13.06 Performance Standards:**

See Section 8.11 of the Supplemental Regulations

**Section 5.14 I-2 Heavy Industrial.**

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

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

**5.14.02 Permitted Uses:**

The following principal uses are permitted in the I-2 District.

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Laboratories.
3. Manufacture and assembly of electrical and electronic appliances.
4. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
5. Manufacture of light sheet metal products including heating and ventilation equipment.
6. Printing and publishing business.
7. Stone and monument works.
8. Public local distribution and main transmission utilities.
9. Warehouses and wholesale businesses.
10. Building materials yards with enclosed and screened storage areas.
11. Highway maintenance yards or buildings.
12. Self storage units
13. Bottling Works
14. Dairy products processing
15. Laboratory
16. Veterinarian or animal hospitals
17. Ice Plant
18. Laundry and dry cleaning plant
19. Manufacturing, compounding, processing, packaging or treatment of articles or merchandising from previously prepared materials such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber, and paint
20. Millwork, woodwork
21. Storage and sales of farm and agricultural products
22. Tire retreading and recapping
23. Processing of food products
24. Public services
25. General and Medical offices
26. Parks and recreation
27. Equipment rental, sales, and repair
28. Construction and contractor storage yard, sales, and repair
29. Self service mini storage
30. Dry cleaning services
31. Personal and Personal improvement services
32. Vehicle storage, short and long term
33. Ancillary parking
34. Warehousing
35. Airports
36. Railroads
37. Truck and transportation terminals
38. Construction batch plants that are temporary in nature
39. Adult entertainment establishments, provided that the following requirements are met:
  - a). No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district or use, religious use, educational use or recreational use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the closest point on the property line of such other adult business, residential district or use, religious use, educational use or recreational use.

- b). Said businesses shall be screened along adjoining property lines so as to prevent any direct visual contact of the adult business from the perimeter.
- c). Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
- d). No adult business shall be open for business between the hours of twelve-midnight (12:00 a.m.) and six a.m. (6:00 a.m.).
- e). The proposed location, design, construction and operation of the particular use shall provide adequate safeguards to protect the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
- f). Such use shall not impair an adequate supply of light and air to surrounding property.
- g). Such use shall not unduly increase congestion in the streets or public dangers, including fire and safety hazards.
- h). Such use shall not diminish or impair established property values in adjoining or surrounding property.
- i). Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Milford, Nebraska.
- j). Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property. The application shall also include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
- k). An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for admission to the premises.
- l). Prohibited Activities of Adult Businesses:
  - A. No adult business shall employ any person under 18 years of age
  - B. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
  - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
  - D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

#### 5.14.03 Conditional Uses

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Fertilizer transmission lines.
2. Utility substations, terminal facilities, and reservoirs.
3. Radio, television and communication towers and transmitters, as per Section 8.08
4. Auction Sales
5. Construction and heavy equipment sales and service
6. Farm implement sales and service
7. Research facilities
8. Truck terminal and dock facilities to include truck washing
9. Auto body repair
10. Auto Salvage
11. Central mixing plant for concrete, asphalt, or paving material
12. Scrap and salvage yard
13. Storage of bulk petroleum products
14. Storage or processing of non-hazardous material

- 15. Restaurants, including those with drive-thru facilities
- 16. Solid waste companies and associated facilities
- 17. Refuse transfer stations

**5.14.04 Permitted Accessory Uses**

- 1. Buildings and uses customarily incidental to the permitted uses.
- 2. Parking as permitted in Section 8.01 through 8.06.
- 3. Signs allowed in Section 7.01 through 7.04.
- 4. Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work.
- 5. Live-in quarters used by live-in watchman or custodians during periods of construction
- 6. Landscaping as required by Section 9.03

**5.14.05 Height and Lot Requirements:**

5.18.05.01 The height and minimum lot requirements shall be as follows:

Max. Lot Coverage	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Street Side Yard	Max. Height	Max. Lot Coverage
Permitted Uses	5,000	50'	50' <sup>1</sup>	10'	10'	15'	55'	80%
Permitted Conditional Uses	5,000	50'	50' <sup>1</sup>	10'	10'	15'	55'	80%

<sup>1</sup> 50 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 75 feet.

**5.14.06 Use Limitations:**

- 1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
- 2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

**5.14.07 Performance Standards:**

See Section 8.11 of the Supplemental Regulations

## Section 5.15 MUC Mixed Use Corridor Overlay District

**5.15.01 Intent:** The purpose of this overlay district is to permit high density residential, including single-family dwellings, two-family dwellings, and multi-family dwelling development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for residents and the community as a whole. This district is also intended to allow for a combination of residential, commercial, and other uses within the area designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into and through the City of Milford.

The mixed-use corridor overlay district shall apply to those areas lying within one quarter mile (1/4 mile) of either side of the right of way of US Highway 30. In the event the standards of this overlay district are in conflict with those of the underlying zoning district, the standards of the overlay district shall apply.

### 5.15.02 Permitted Uses:

The following principal uses are permitted in the MUC District.

1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.
2. Single family detached dwellings.
3. Two-family, duplex, dwellings
4. Single family attached dwellings
5. Townhouses, Condominiums, and Multiple family dwellings
6. Public and private schools
7. Publicly owned and operated facilities
8. Public Services.
9. Child care
10. Religious institutions.
11. Adult Care Center
12. Public and private recreation areas such as, country clubs, golf courses, lakes, common areas and swimming pools.

### 5.15.03 Permitted Conditional Uses:

1. Bed and Breakfasts, provided that guest rooms shall be within the principal residential building only and not within an accessory building.
2. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
3. Home Occupations, as per Section 8.07.
4. Child Care Center
5. Charitable clubs and organizations
6. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions.
7. Group care home
8. Community center
9. Emergency shelters

### 5.15.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Landscaping as required by Section 9.03

### 5.15.05 Criteria for Appearance

1. Relationship of Buildings to Site  
The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
  - A. Site planning in which setbacks and yards are in excess of standard commercial zoning restrictions is encouraged to provide an interesting relationship between buildings.

- B. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
  - C. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
  - D. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
  - E. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in Section 9.03.
2. Relationship of Buildings and Site to Adjoining Area
- A. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
  - B. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
3. Landscape and Site Treatment
- Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
- A. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development.
  - B. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
  - C. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
  - D. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
  - E. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
  - F. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings as stated in Section 9.03.
  - G. Screening of service yards and other places such as mechanical equipment, trash dumpsters, or other items that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer months.
  - H. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.
  - I. All residential fencing within this District shall not exceed six feet in height.
  - J. Fencing within the District and as part of an Industrial Development may be required to be a solid fence.
  - K. All off-street parking shall be to the rear of the building, and shall have a 6 feet wide planting buffer and screen wall at the public right of way or nearest lot line. Screen walls shall either be brick or ornamental ironwork, or be a combination of the two.
4. Building Design
- A. Architectural design and style are not restricted; however architectural style should be consistent throughout the subdivision. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
  - B. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
  - C. The primary building material of all portions of the structures shall be negotiated with the City, however, sample materials shall include but not be limited to materials of high quality, such as brick (clay), stucco, wood, glass, split faced concrete masonry units (CMU) with integrated color pigmentation and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development. The Milford staff may allow other primary building designs (of good architectural character i.e. CMU, poured-in-place concrete) for portions of the building not visible from public areas. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
  - D. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used

- for all building walls and other exterior building components wholly or partly visible from public ways.
- E. Materials shall be of durable quality.
- F. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- G. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
- H. Colors shall be harmonious and shall use only compatible accents
- I. Colors shall be of “low reflectance, subtle, neutral, or earth tones” and shall not be of high-intensity or metallic colors unless the colors are true to the materials beings used.
- J. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- K. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
- L. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- M. Building orientation shall be toward an arterial street, unless it is demonstrated that this would not be feasible. The second floors of existing two story structures, are encouraged to be converted to a residential use and/or office use.
- N. Structures where the upper floors are not utilized for residential or office use shall utilize decorative features such as displays, curtains, and other materials to enhance the appearance of the overall structure.
- O. Flat roofs on commercial buildings shall have parapets.
- P. Metal Buildings shall not be allowed to have visible exterior metal walls.
- Q. All openings in the façade of a building (windows, doorways, etc.) shall be proportioned to reflect pedestrian scale and designed in a manner that encourages interest at the street level. Main or primary entrances to buildings must be delineated using architectural detailing appurtenant to the architectural style of the building. The main or primary entrances shall be oriented toward the front or side street setback.
- R. Windows shall not carry the appearance of vacancy or deterioration, and shall utilize decorative features such as displays, curtains, and other materials to minimize an appearance of vacancy or deterioration. Windows shall maintain the architectural character of the structure they are a part of.
- S. Awnings or canopies shall be made of metal or of cloth material.
- T. Walkway coverings shall be of sheet metal, metal shingles or of standing-seam construction, or of canvas or cloth.
- U. Iron railings shall be of utilitarian styling as represented in the district.
- V. Planter boxes and screening walls, when used shall be compatible with the primary structure.
- W. Facades consisting of brick or masonry shall not be painted if they have not previously been painted.

**5.15.06 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Street Side Yd.	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling <sup>3</sup>	7,000	70'	25'	7.5'	15'	25'	35'	40%
Single-family Attached <sup>4</sup>	4,500 per unit	50' per unit	25'	7.5'	15'	25'	35'	40%
Two-family Dwelling <sup>3</sup>	10,000	75'	25'	7.5'	15'	25'	35'	40%
Townhouses/Condominiums <sup>4,5</sup>	2,500 per unit	25' per unit	25'	7.5'	15'	25'	35'	40%
Multi-family Dwelling <sup>3</sup>	2,500 per unit	100'	25'	7.5' <sup>1</sup>	15'	25'	45' <sup>1</sup>	40%
Other Permitted and Conditional Uses	8,500	75'	25'	7.5'	15'	25'	45'	30%
Accessory Buildings	-	-	35'	7.5'	15'	5'	17'	10% <sup>2</sup>

<sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and five feet additional side yard on each side shall be provided for each story in excess of 3 stories.

<sup>2</sup> Provided the total area of accessory structure for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings does not exceed 50%

<sup>3</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>4</sup> This applies to Condominiums and Townhouses where there are three or more units connected and where there is a minimum of two common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.

<sup>5</sup> Where there are three or more units connected the side yard at the ends shall meet this criterion otherwise the side yard setback shall e zero at common walls. The side yard not containing the common wall shall be double the normal required setback.



## Section 5.16 CMD Clustered/Mixed Use Development District

**5.16.01 Intent:** The Clustered / Mixed Use Development District (CMD) is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, to permit such creative design in buildings, open space, while promoting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

When a CMD District is requested, it will require a change of zone with the CMD being attached to the underlying district. Once the rezoning is approved, the allowed uses and standards herein shall modify the minimum requirements of the underlying district. When the use or the application of the CMD is within the boundaries of the MUC Mixed Use Commercial District, the standards of that district shall prevail.

### 5.16.02 Permitted Uses:

The following principal uses are permitted in the CMD District.

1. Single-family Dwellings
2. Single-family attached Dwellings containing three or fewer dwellings
3. Townhouses and Condominiums containing three or fewer dwellings
4. All other uses listed as a Permitted Use within the underlying zoning district

### 5.16.03 Conditional Uses

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the CMD District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Churches, temples, seminaries, and convents, including residences for pastors and teachers.
2. Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools.
3. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
4. Commercial uses provided the following are met as a minimum:
  - a. Established as part of a mixed-use development
  - b. That the commercial use is consistent with the residential uses of the development
  - c. The commercial use does not create any secondary effects that impact the health, safety, general welfare and morals of the other uses
  - d. The residential density exceeds the density of the commercial uses
  - e. The commercial uses provide ordinary services associated with residential uses
  - f. The commercial uses provide solid and/or natural buffering when adjacent to residential lots as required in the supplemental regulations of this Ordinance.
  - g. Proper access shall be provided to all commercial uses
5. Multi-family structures containing more than three dwelling units provided the following are met as a minimum:
  - a. Established as part of a mixed-use development
  - b. The multi-family density does not exceed the density of the single-family density
  - c. The multi-family dwellings provide solid and/or natural buffering when adjacent to single-family lots as required in this Ordinance.
  - d. Proper access shall be provided to all multi-family units
6. Community centers and/or clubhouses, provided the Development Plan reflects the location of such use and the structure is compatible with other structures within the development.
7. Single-family attached containing three or more dwellings.
8. Townhouses and Condominiums containing three or more dwelling.
9. All other uses listed as a Conditional Use within the underlying zoning district.

### 5.16.04 Temporary Uses:

The following temporary uses shall be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
2. Temporary structure for festivals or commercial events.

**5.16.05 Permitted Accessory Uses:**

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses in accordance with Article 6 of this Ordinance.
2. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.
3. Signs as required in Sections 7.06 through 7.08.
4. Parking as required in Sections 7.01 through 7.05.
5. Home Occupations in accordance with Section 7.09 of this Ordinance.
6. Decks, gazebos, elevated patios either attached or detached.
7. Family Child Care Home I

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

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Sq. ft.)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)	Max. Lot Coverage
Single Family	4,000	40	*	*	*	35	*
Multi-Family	1,500 per unit**	60	25	7 or 10 if over 30' in height	25	40	
Townhouses, Condominiums	2,500	18	*	*	*	*	*
Other Permitted Uses	*	*	*	*	*	40	*
Accessory Buildings	---	---	*	*	*	15	*

1 lot and yard requirements are dependent upon the development and may vary depending upon areas being conserved or special amenities being used or established and will be reviewed upon submittal of the Development Plan

\*\* Minimum Lot size is 7,500 square feet.

**5.16.07 Supplemental Requirements:**

1. The Planning Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a CMD plan approval, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.
  - a. Said CMD shall be in general conformity with the provisions of the Milford Comprehensive Plan.
  - b. Said CMD shall not have a substantially adverse effect on the development of the neighboring area.
  - c. The minimum size allowed for a CMD District by type of use shall be as follows:
    - Residential (only), three acres;
    - Residential - Commercial (combination), five acres.
  - d. Height, bulk, and yard requirements shall be reflected on the Development Plan and shall promote an efficient and creative use of land.
2. Use Limitations:
 

In District CMD no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in this District. All uses must be approved as shown on the Development Plan as specified in this division.
3. Standards and conditions for development:
 

A development proposed for land classified as the CMD district shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.

  - a. The applicant shall satisfy the Planning Commission and City Council that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction, if necessary. The proposed construction shall begin within a period of 12 months following the approval of the final application by the City Council. A minimum of 50% of the total planned construction shown on the final plan shall be completed within a period of five years following such approval or the approval shall expire. If the approval expires under this section, the applicant shall show good cause to the Planning Commission to extend the plan approval.
  - b. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.

- c. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
- d. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- e. The entire tract or parcel of land to be occupied by the CMD development shall be held in single ownership or control, or if there are two or more owners, the application for such CMD development shall be filed jointly by all owners. This provision may be waived provided that the land contains existing improvements.
- f. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a CMD development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved as shown on the Development Plan.
- g. Off-street parking and loading shall be provided in accordance with the parking and loading regulations of the City of Milford.
- h. When a commercial use within a CMD District abuts a residential district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any adjoining residential district; except in the event the adjacent residential use and the commercial use are separated by a street right-of-way.
- i. All residential and commercial buildings shall set back not less than 25 feet from the perimeter of the land zoned CMD. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the planning commission for protection of health, safety, and general welfare.
- j. Building coverage area shall not exceed the following percentages of the net developable area of each individual parcel of the total development:
  - Residential: 60 percent maximum;
  - Commercial: 50 percent maximum.

NOTE: Building coverage area, is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements such as but not limited to walkways, driveways, patios etc). The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

- k. A minimum of 20 percent of the net area of that part of a CMD development reserved for residential use shall be provided for Common Areas as defined by these regulations under subsection (p) below. The term "net area" shall be the gross area, measured in square feet, of the Development Plan devoted to residential use less the area dedicated for public streets. Common Areas shall be defined as playgrounds, street medians, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other. Common Areas for the leisure and recreation of development residents shall be owned and maintained in common by them, through a homeowner's association.
- l. The CMD District shall include such provisions for the ownership and maintenance of the Common Areas as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to ensure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. The applicant shall submit any protective covenants and organizational documents of the homeowner's association with the Development Plan.
- m. No residential use shall have direct access onto an arterial street unless approved by the City Council in the Development Plan.
- n. Any commercial use must reflect its traffic flow on the Development Plan. All commercial areas must have indirect access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.
- o. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the CMD development.
- p. Common Areas as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, community buildings, or accessory structures, except recreational structures. Common Areas shall include open space that is accessible and available to all owners or residents in common pursuant to an Owner's Association.

**5.16.08 Application for approval of Clustered / Mixed Use Development:**

1. An application for a CMD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
2. The applicant shall prepare and submit 11 copies of the development plan (the "Development Plan") of the proposed development in the CMD District for review and approval by the Planning Commission. The Development Plan shall include:
  - a. A site plan showing:
    - Contours at intervals of two feet or spot elevations on a one hundred foot grid shall be required on flat land;
    - Location, size, height, and use of all proposed structures and proposed yards on each lot;
    - All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
    - All streets adjoining subject property and the width of the existing right-of-way;
    - Areas set aside for Common Areas with the type of use or recreational facilities planned for each;
    - Designation of individual parcels if the proposed development is to be set up in separate construction phases;
    - Designation of individual lots if such lots are proposed to be sold to individual owners;
    - Location of required screening;
    - Location of natural features such as ponds, tree clusters, and rock outcropping;
    - Existing development on adjacent properties within 200 feet.
  - b. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
    - Net area in square feet of the development. (*Note:* Net area shall be computed as the gross area less the land dedicated or necessary to be dedicated for public street right-of-way.
    - Density of dwelling units per acre of the total dwelling units for the entire plan.
    - Building coverage of the net area of the development by individual parcel or total development.
    - The percentage of the Development Plan provided for common open space as defined by this regulation. (*Note:* 20 percent is the minimum).
    - If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
    - Required number of parking spaces and location.
    - Gross floor area proposed for commercial buildings.
    - All proposed land uses shall be listed by parcel.
  - c. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
  - d. The full legal description of the boundaries of the property or properties to be included in the CMD development.
  - e. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed CMD development.
  - f. An elevation drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
  - g. When a CMD development includes provisions for common space and/or recreational facilities, a statement describing how such open space and/or facility be owned and maintained when not under the ownership of a governmental entity. A homeowner association or other controlling entity shall provide the City of Milford with copies of the proposed articles of incorporation and bylaws of such entity.
3. The Planning Commission shall meet within 45 days of an application being filed. Plans shall be filed with the City at least four weeks prior to a scheduled Planning Commission meeting. After the application for a CMD development is filed, the Planning Commission shall hold a public hearing on said development after giving required notice for hearings in amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the planning commission

shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the Development Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the Development Plan and CMD requirements. The planning commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.

4. The City Council shall or shall not approve the Development Plan and authorize the submitting of the final Development Plan.
5. Substantial or significant changes in the preliminary plat and CMD design shall only be made after rehearing and reapproval unless the changes were otherwise required by the Planning Commission or the City Council.

#### **5.16.09 Final approval:**

1. After approval of a Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall apply for final approval with the CMD development compliance review committee. The CMD development compliance committee shall consist of members of the Milford Planning Commission, Milford City Council, the Zoning Administrator, the Milford City Attorney, and/ or the Milford City Engineer; this committee will be assembled only on an as needed basis. Said final application may include the entire CMD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include 11 copies of such drawings, specifications, covenants, easements, conditions, and any other conditions including but not limited to performance bonds. As set forth in the approval of the Development Plan preliminary plan and in accordance with the conditions established in this chapter for a CMD District. The final plan shall include the same information, as the preliminary plan except the following shall also be provided:
  - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
  - b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
  - c. All easements and appropriate building setback lines;
  - d. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
  - e. Lot and/or parcel numbers;
  - f. Location, size, height, and use of all proposed or present buildings;
  - g. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
  - h. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the Development Plan does not:
  - a. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
  - b. Increase by more than 10 percent the floor area proposed for non-residential use; nor
  - c. Increase by more than five percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
  - d. Substantially change the design of the plan to significantly alter:
    - Pedestrian or vehicular traffic flow.
    - The juxtaposition of different land uses.
    - The relation of open space to residential development.
    - The proposed phasing of construction.
    - Proposed use of one or more buildings to a more intensive use category as
    - delineated in this chapter.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The planning commission shall, within 30 business days of the time of filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.
4. In the event that the final plan submitted contains changes in excess of those permitted under Subparagraph (2) above, applicant shall resubmit the original plan. The Development Plan shall be modified in the same manner prescribed in this division as for original approval.

#### **5.16.10 Enforcement and modification of plan:**

1. To further the mutual interest of the residents and owners of the CMD development and of the public in the preservation of the integrity of the CMD plan, as finally approved, and to insure that modifications, if any, in

the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

- a. The use of land and the use, bulk, and location of buildings and structures; and
- b. The quality and location of common space; and
- c. The intensity of use or the density of residential units shall run in favor of the City and
- d. Shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law. The development of any land pursuant to an approved Development Plan shall be constructed in accordance with the requirements of Section 5.18 (if applicable), Section 5.19, and the approved Development Plan.

**5.16.11 Amendments:**

The CMD District agreement or an approved Development Plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment maybe made by the homeowner's association or 51 percent of the owners of the property within the CMD District.

**5.16.12 Platting:**

For unplatted tracts or tracts being replatted, the approval of the Development Plan shall be considered as the approval of a preliminary plan. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be 100 feet, 50 feet, or 20 feet to the inch.

**5.16.13 Fees:**

For the following applications, fees shall be paid to the City:

- a. Development Plan, filing fee shall be set by the City Council by separate ordinance;
- b. Final plan, filing fee shall be set by the City Council by separate ordinance.

These fees are separate and do not include any Preliminary and Final Plat Fees and/or any Change of Zone Fees required by the City of Milford.

**Section 5.17 RM Mobile Home Residential District**

**5.17.01 Intent:** The intent of the Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home court is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of Milford.

**5.17.02 Permitted Uses.**

The following principal uses are permitted in the RM District.

1. Church, educational facilities and parish house.
2. Manufactured home dwelling.
3. Mobile home dwelling.
4. Multi-unit dwellings provided such use is part of a Clustered/Mixed Use -Residential District.
5. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
6. Public Uses, including but not limited to recreational uses, fire stations, utilities and utility distribution systems, community centers, auditoriums, libraries or museums.
7. Public and private schools.
8. Single family dwelling.
9. Mobile and Manufactured Home Parks, provided they meet the following conditions:
  - A. Tie downs shall meet all manufacturers' recommendations.
  - B. All off-street parking shall be hard surfaced.
  - C. All Mobile homes shall comply with all other City Ordinances.

**5.17.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RM District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Child Care Home.
2. Nursery or day-care schools.

**5.17.04 Temporary Uses:**

The following temporary uses shall be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
2. Temporary structure for festivals or commercial events.

**5.17.05 Permitted Accessory Uses:**

1. Buildings and uses customarily incidental to the permitted uses.
2. Home occupation, pursuant to Section 7.09.
3. Fences as provided for in Section 7.11.
4. Parking pursuant to Sections 7.01 through 7.05.
5. Signs pursuant to Sections 7.06 through 7.08.
6. Decks, gazebos, elevated patios either attached or detached.

**5.17.06 Area and Lot Requirements:**

1. A mobile home park shall have an area of not less than two acres. No mobile homes or other structures shall be located less than 83 feet from the road centerline when contiguous to or having frontage to an improved hard surfaced public roadway. The setback on all other court property lines shall be 25 feet. These areas shall be landscaped. The minimum lot width for a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home shall have an area of not less than 5,000 square feet, excluding road R.O.W., and a width of not less than 50 feet for an interior lot, 80 feet for a corner lot, or 45 feet when facing a cul-de-sac turnaround or curve on a minor loop street. Each individual lot shall have:
  - a. Side yards shall not be less than eight feet on one side and not less than eight feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of 30 feet on the side abutting a street/road.
  - b. Front yard of not less than 30 feet.
  - c. A rear yard of not less than 25 feet.
  - d. There shall be a minimum livable floor area of 500 square feet in each mobile home.
3. Height of Buildings.
  - a. Maximum height for principal uses: 35 feet.
  - b. Maximum height for accessory uses: 20 feet.

4. Each lot shall have access to a hard-surfaced drive not less than 22 feet in width excluding parking.
5. Lot Coverage shall be no more than 45%.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.
7. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.
8. Not less than eight percent of the total court area shall be designated and used for park, playground and recreational purposes.
9. Storm shelters shall be required and shall meet the following criteria:
  - a. Shelter space equivalent to two persons per mobile home lot,
  - b. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
  - c. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
10. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
11. All trailers shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.

#### 5.17.07 Plan Requirements:

A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The area and dimensions of the park, playground and recreation areas.
5. The location and width of roadways and walkways.
6. The location of service buildings and any other proposed structures.
7. The location of water and sewer lines and sewage disposal facilities.
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.
9. Location and number of storm shelters proposed for the development.
10. Specifications, drawings and design calculations for all storm shelters on the park.

#### ~~5.17.08 Non-Conforming Existing Uses:~~

- ~~Any existing non-conforming mobile home structure(s) shall be permitted provided the following uses are met.~~
- ~~1. A mobile home park shall have an area of not less than .75 acres. No mobile homes or other structures shall be located less than 50 feet from the road centerline when contiguous to or having frontage to an improved hard surfaced public roadway. The setback on the side yard shall be 10 feet. These areas shall be landscaped. The minimum lot width for a mobile home court shall be 100 feet.~~
  - ~~2. Each lot provided for occupancy of a single mobile home shall have an area of not less than 5,000 square feet, excluding road R.O.W., and a width of not less than 50 feet for an interior lot, 80 feet for a corner lot, or 45 feet when facing a cul-de-sac turnaround or curve on a minor loop street.
 
    - ~~a. Side yards shall not be less than eight feet on one side and not less than eight feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of 10 feet on the side abutting a street/road.~~
    - ~~b. Front yard of not less than 10 feet.~~
    - ~~c. A rear yard of not less than 5 feet.~~
    - ~~d. There shall be a minimum livable floor area of 500 square feet in each mobile home.~~~~
  - ~~3. Height of Buildings.
 
    - ~~a. Maximum height for principal uses: 35 feet.~~
    - ~~b. Maximum height for accessory uses: 20 feet.~~~~
  - ~~4. Each lot shall have access to a hard-surfaced drive not less than 22 feet in width excluding parking.~~
  - ~~5. Lot Coverage shall be no more than 45%.~~
  - ~~6. Community water and community sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.~~
  - ~~7. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.~~
  - ~~8. Not less than eight percent of the total court area shall be designated and used for park, playground and recreational purposes.~~
  - ~~9. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.~~
  - ~~10. All trailers shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.~~



## Section 5.18 FF/FW Flood Plain District (Overlay District)

### 5.18.01 Local Administrator Responsibilities

The Building Inspector hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this Ordinance and all other Ordinances of the City now in force or hereafter adopted, related to zoning, subdivision or building codes.

### 5.18.02 Designation of Current FHBM/FIRM

The City hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map, for the City of Milford, Nebraska and amendments, as the official map to be used in determining those areas of special flood hazard.

### 5.18.03 Permits Required

Permits Required: No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this ordinance.

1. Within special flood hazard areas on the official map, separate floodplain development permits are required for all new construction, substantial improvements and other developments, including the replacement of manufactured homes.
2. Application: To obtain a floodplain development permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
  - A. Identify and describe the development to be covered by the floodplain development permit for which application is made.
  - B. 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 locate the proposed building or development.
  - C. Indicate the use or occupancy for which the proposed development is intended.
  - D. Be accompanied by plans and specifications for proposed construction
  - E. Be signed by the permitted or his authorized agent who may be required to submit evidence to indicate such authority.
  - F. Within designated floodplain areas, be accompanied by elevations of the lowest floor, including basement, or in the case of flood proofed non-residential structures, the elevation to which it shall be flood proofed. Documentation or certification of such elevations will be maintained by the City.
  - G. Provide such other information as reasonably may be required by the City (e.g., require a statement from the applicant that they are aware that elevating or flood proofing structures above the minimum levels will result in premium reduction, especially in the case of non-residential flood proofing when a minus one foot (-1') penalty is assessed at the time of rating the structure for the policy premium.)

### 5.18.04 Development Permit Applications Review

The Building Inspector shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law. In reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in this Ordinance), the administrator will:

1. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within special flood hazard areas on the official map that the following performance standards be met:
  - A. That until a floodway has been designated - No development or substantial improvement may be permitted within the identified 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 100-year flood more than one foot at any location.
  - B. Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.
  - C. Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is watertight with walls

substantially impermeable to the passage of water and with structural components having 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. Such certification shall be provided to the local administrator.

- D. Require for all new construction and substantial improvements - That fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding 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 minimum of two openings having a total net area of not less than one of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.
2. Require the use of construction materials that are resistant to flood damage.
  3. Require the use of construction methods and practices that will minimize flood damage.
  4. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  5. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
  6. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured and mobile homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame 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 the 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 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. all components of the anchoring system be capable of carrying a force of 4,800 pounds.
    - D. Any additions to manufactured homes be similarly anchored.
  7. Assure that all manufactured homes that are placed or substantially improved within special flood hazard areas on the community's official map 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 elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.06. of Federal Emergency Management Agency regulations.
  8. Assure that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's official map that are not subject to the provisions of Section 5.06 of Federal Emergency Management Agency regulations be elevated so that either:
    - A. The lowest floor of the manufactured home is at least one 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 7.F. of Federal Emergency Management Agency regulations.
  9. Require that recreational vehicles placed on sites within the identified special flood hazard areas on the community's official map either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**5.18.05 Subdivision Applications**

The City Council shall review all subdivision applications and other proposed new developments (including manufactured home parks or subdivisions) and shall make findings of fact and assure that:

1. All such proposed developments are consistent with the need to minimize flood damage.
2. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five acres or 50 lots, whichever is lesser, include within such proposals regulatory flood elevation data in special flood hazard areas.
3. Adequate drainage shall be shown and necessary easements provided so as to reduce exposure to flood hazards.
4. All public utilities and facilities are located so as to minimize or eliminate flood damage.

**5.18.06 Water and Sewage Systems**

New and replacement water and sewage systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

**5.18.07 Storage of Material and Equipment**

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. Storage of other material 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.

**5.18.08 Flood-Carrying Capacity Within Any Watercourses**

The City Council will ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office (Nebraska Natural Resources Commission) prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Disaster Protection Act of 1973, as amended.

**5.18.09 Variance Procedures**

1. The Board of Adjustment as established by the City shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Staff in the enforcement or administration of this ordinance.
3. Any person aggrieved by the decision of the Board or any taxpayer may appeal such decision to the District Court as provided in Section 23-168, R.R.S. 1943 (for counties); 19-912, R.R.S. 1943 (for municipalities).
4. In passing upon such applications, the Board shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and;
  - A. the danger that materials may be swept onto other lands to the injury of others;
  - B. the danger to life and property due to flooding or erosion damage;
  - C. the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - D. the importance of the services provided by the proposed facility to the community;
  - E. the necessity to the facility of a waterfront location, where applicable;
  - F. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - G. the compatibility of the proposed use with existing and anticipated development;
  - H. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - I. the safety of access to the property in times of flood for ordinary and emergency vehicles.
  - J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - K. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Conditions for Variances
  - A. 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 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - B. 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 and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - D. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, 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.
  - E. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### **5.18.10 Non-Conforming Uses**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
  - A. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance.
  - B. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
2. 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, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### **5.18.11 Penalties for Violation**

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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

#### **5.18.12 Abrogation and Greater Restrictions**

It is not intended by this ordinance 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.

#### **5.18.13 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 City Council and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.

#### **5.18.14 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 on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by

debris. This Ordinance does not imply that areas outside floodplain 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 or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made hereunder.

#### 5.18.15 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.

#### 5.18.16 Appeal

Where City Staff denies the applicant a request for a permit to develop or a variance the applicant may apply for such permit or variance directly to the Board of Adjustment.

#### 5.18.17 Conflicting Ordinances

This ordinance shall take precedence over conflicting Ordinances or parts of Ordinances. The City Council of Milford may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Floodplain Management Act.

#### 5.18.18 Definitions

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

1. **"Base Flood"** means the flood having one percent chance of being equaled or exceeded in any given year.
2. **"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.
3. **"Development"** means 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 or storage of equipment or materials.
4. **"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.
5. **"Expansion of Existing Manufactured Home Park or Subdivision"** 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).
6. **"Flood"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The usual and rapid accumulation of runoff of surface waters from any source.
7. **"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazards areas and the risk premium applicable to the community.
8. **"Flood proofing"** means 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.
9. **"Floodway"** means the channel of the 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 more than a designated height.

10. **"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 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.
11. **"Lowest floor"** means the lowest floor of the lowest enclosed area (including 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 so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
12. **"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".
13. **"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.
14. **"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.
15. **"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.
16. **"100-Year Flood"** means the condition of flooding having one-percent chance of annual occurrence.
17. **"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure is above ground.
18. **"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 projection; (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.
19. **"Regulatory Flood Elevation"** means the water surface elevation of the 100-year flood.
20. **"Special Flood Hazard Area"** is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
21. **"Start of Construction"** [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] 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

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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.

22. **"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.
23. **"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
24. **"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 "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."
25. **"Variance"** means a grant of relief to a person from the terms of a floodplain management ordinance.
26. **"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

LOT AND AREA REQUIREMENTS ZONING DISTRICT	MINIMUM LOT AREA		MIN. YARD SETBACK				MAX. HEIGHT	MAX. LOT COVERAGE
	LOT AREA	LOT WIDTH (feet)	FRONT (feet)	SIDE (feet)	REAR (feet)	STREET SIDE (feet)	IN FEET	PERCENT OF LOT AREA
<b>TA: Transitional Agricultural</b>								
Residential dwellings	5 acres	200	50'	25'	25'	-	35'	-
Other Permitted Uses	5 acres	200	50'	25'	25'	-	45'	-
Permitted Conditional Uses	5 acres	200	50'	25'	25'	-	45'	-
Accessory Uses	-	-	100'	25'	10'	-	35'	-
<b>RS: Residential Suburban</b>								
Residential dwellings	1.5 acres	100	50'	25'	25'	25'	35'	-
Other Permitted Uses	1.5 acres	100	50'	25'	25'	25'	45'	-
Permitted Conditional Uses	1.5 acres	100	50'	25'	25'	25'	45'	-
Accessory Uses	-	-	100'	25'	10'	25'	20'	-
<b>R-1: Low Density Residential</b>								
Single-family detached	10,000 s.f.	70	25'	7.5'	25'	15'/25'	35'	35%
Other Permitted Uses and Conditional Uses	10,000 s.f.	70	25'	7.5'	25'	15'	35'	35%
Accessory Uses	-	-	50'	5'	5'	35'	17'	10%
<b>R-2: Medium Density Residential</b>								
Single-family, dwelling	8,000 s.f.	70	25'	7.5'	25'	15/25'	35'	40%/35%
Two-family dwelling	12,000 s.f.	80	25'	7.5'	25'	15'	35'	40%
Single-family, attached	6,000 s.f. / du	45 per unit	25'	7.5'	25'	15'	35'	40% per unit
Other Permitted Uses and Conditional Uses	8,000 s.f.	60	25'	7.5'	25'	15'	45'	30%
Accessory Uses	-	-	35'	7.5'	25'	15'	15'	10%
<b>R-2C: Medium Density Restricted</b>								
Single-family, dwelling	7,000 s.f.	50	25'	5'	25'	15'	35'	40%
Two-family dwelling	12,000 s.f.	85	25'	5'	25'	15'	35'	40%
Single-family, attached	6,000 s.f. / du	45 per unit	25'	5'	25'	15'	35'	40% per unit
Other Permitted Uses and Conditional Uses	8,000 s.f.	70	25'	5'	25'	15'	35'	30%
Accessory Uses	-	-	35'	5'	5'	15'	20'	13%
<b>R-3: High Density Residential</b>								
Single-family, detached	8,000 s.f.	65	25'	7.5'	25'	15/25'	35'	40%
Single family, attached	6,000 s.f./du	45 per unit	25'	7.5'	25'	15/25'	35'	40% per unit
Two-family dwelling	12,000 s.f.	80	25'	7.5'	25'	15/25'	35'	40%
Townhouses	2,500 s.f. / unit	75	25'	7.5'	25'	15'	35'	50%
Multi-family dwellings	2,500 s.f./unit	75	25'	7.5'	25'	15'	45'	50%
Other Permitted Uses and Conditional Uses	8,000	75	25'	7.5'	25'	15'	20'	30%
Accessory Uses	-	-	35'	5'	5'	15'	15'	10%
<b>C-3: Highway Commercial</b>								
Permitted Uses	10,000	100'	25'	10'	20'	15'	45'	70%
Permitted Conditional Uses	10,000	100'	25'	10'	20'	15'	45'	70%
<b>C-2: General Commercial</b>								
Permitted Uses	8,000	50'	25'	10'	10'	15'	45'	60%
Permitted Conditional Uses	8,000	50'	25'	10'	10'	15'	45'	60%
<b>C-1: Central Business District</b>								
Permitted Uses	0	0	0	0	0	0	0	100%
Multi-family residential	0	0	0	0	0	0	0	100%
Permitted Conditional Uses	0	0	0	0	0	0	0	100%
<b>I-1: Light Industrial</b>								
Permitted Uses	15,000	100	50'	10'	10'	15'	45'	70%
Permitted Conditional Uses	15,000	100	50'	10'	10'	15'	45'	70%
<b>I-2: Heavy Industrial</b>								
Permitted Uses	5,000	50	50	10'	10'	15'	55'	80%
Permitted Conditional Uses	5,000	50	50	10'	10'	15'	55'	80%
<b>MUC: Mixed Use Corridor</b>								
Single-family, detached	7,000 s.f.	70	25'	7.5'	25'	15'	35'	40%
Single-family, attached	4,500 s.f. / du	50 per unit	25'	7.5'	25'	15'	35'	40% per unit
Two-family dwelling	10,000 s.f.	75	25'	7.5'	25'	15'	35'	40%
Multi-family dwellings	2,500 s.f.	100	25'	7.5'	25'	15'	45'	40%
Other Permitted Uses and Conditional Uses	8,500 s.f. / du	75	25'	7.5'	25'	15'	45'	30%
Accessory Uses	-	-	35'	7.5'	5'	15'	17'	10%



<b>CMD: Cluster/Mixed Use</b>				
Single-family, detached	7,000 s.f.		See Section 5.169.06	
Single-family, attached	4,500 s.f. / du			
Two-family dwelling	10,000 s.f.			
Multi-family dwellings	2,5000 s.f.			
Other Permitted Uses and Conditional Uses	8,500 s.f. / du			
Accessory Uses	-			
<b>RM: Mobile Home Residential District</b>	5,000 s.f.	50'	See Section 5.17.06	45%

**Additional requirements may apply to a Zoning District, please refer to the specific district, the General Requirements and the Supplemental Regulations for more information.**

## ARTICLE 6: CONDITIONAL USE PERMITS

### Section 6.01 General Provisions.

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

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

### Section 6.02 Application for Conditional Use Permits.

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

### Section 6.03 Planning Commission Public Hearing.

Before any proposal for a conditional use permit is considered by the City Council, the Planning Commission shall conduct a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Milford, one time at least 10 days prior to such hearing.

### Section 6.04 City Council Public Hearing.

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

### Section 6.05 Decisions.

A majority vote of the Council shall be necessary to grant a conditional use permit. No order of the Council granting a conditional use permit, which has not been acted upon by the applicant, shall be valid for a period longer than six months from the date of such order. Unless the following is completed:

- 6.05.01 The Zoning Administrator, in consultation with City Staff, has granted an additional six-month administrative extension provided:
1. The character (including uses, parking conditions, traffic, and others) of the area in which the use(s) were approved has not changed significantly,
  2. The applicant has made some effort to follow through with said permit or there were circumstances that slowed the applicants' progress.
  3. If the administrative extension of the second six-month period has lapsed without establishment of said conditionally permitted use; or, if staff deems the character of the area has changed within the initial six-month period, the applicant shall be required to reapply to both the Planning Commission and City Council for further approval(s).

### Section 6.06 Standards.

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

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

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

## ARTICLE 7: SIGN REGULATIONS

### Section 7.01 Purpose and Applicability

#### 7.01.01 Purpose

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance.

#### 7.01.02 Applicability

A sign may be erected, placed, established, painted, created, or maintained within the City and the City's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

#### 7.01.03 Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth in Section 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

#### 7.01.04 Computations

##### 1. *Computation of Area of Individual Signs*

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.

##### 2. *Computation of Area of Multi-Faced Signs*

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

##### 3. *Computation of Height*

The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

### Section 7.02 Design Criteria and Limitations

#### 7.02.01 Permitted Signs and Limitations

##### 1. *Ground Monument*

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use, unless they are located on one of the lots containing an advertised use.
- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. Setbacks for all ground monument signs are five feet.
- E. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
TA	50 square feet	10 feet	One per lot frontage.
RS	32 square feet	10 feet	One per lot frontage.
R-1	32 square feet	10 feet	One per lot frontage.
R-2	32 square feet	10 feet	One per lot frontage.
R-2	32 square feet	10 feet	One per lot frontage.
MUC	32 square feet	10 feet	One per lot frontage.
C-3	32 square feet	10 feet	Two per lot frontage.
C-2	50 square feet	10 feet	One per lot frontage.
C-1	20 square feet	5 feet	One per lot frontage.
I-1	32 square feet	10 feet	One per lot frontage.
I-2	32 square feet	10 feet	One per lot frontage.
CMD	32 square feet	10 feet	One per lot frontage.

2. **Center Identification Signs**
  - A. All Center Identification signs shall be a ground monument style sign.
  - B. All Center Identification signs shall be located on an easement or outlot within the development.
  - C. All Center Identification signs shall be constructed in a manner that is permanent and permeable.
  - D. Acceptable materials include:
    - Brick
    - Split face Concrete Masonry Units
    - Stone
    - Metal
    - Simulated Acrylic, or
    - Other materials provided said design is reflective of the character of the use.
  - E. All Center Identification signs shall advertise only the name of the development, or major tenants, unless in compliance with Subsection G below.
  - F. Setbacks for all Center Identification Signs shall be 20 feet along a street designated as an arterial or collector and 10 feet along any street designated as a local, minor or private street.
  - G. Change panels and/ or changeable copy may be allowed provided:
    - Panel may be translucent
    - Panels may be opaque
    - Panels shall not include any individual business logos
    - Signs shall only include business names
    - Fonts shall be similar to that of the development name
    - Said panels and / or copy to be consistent in color and material to the overall sign.
  - H. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
TA			
RS			
R-1			
R-2			
R-3			
MUC	100 square feet	20 feet	One per street frontage of the development
C-3	100 square feet	20 feet	One per street frontage of the development
C-2	150 square feet	24 feet	One per main entrance but not more than three
C-1	50 square feet	10 feet	One per street frontage of the development
I-1	100 square feet	20 feet	One per main entrance but not more than three
I-2	100 square feet	20 feet	One per main entrance but not more than three

3. **Wall Signs**
  - A. All wall signs shall be mounted to the primary face of the use.
  - B. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
TA	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
RS			
R-1			
R-2			
R-3			
MUC	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-3	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One per main frontage  One additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 200 sq. ft.	30 feet above grade	One per main frontage  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per main frontage  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per main frontage  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.

4. *Incidental Signs*
  - A. Incidental signs shall be placed in locations along the primary face of the building.
  - B. Incidental signs may be placed on a second building face, when the building has dual frontage.
  - C. The following criteria apply to Incidental Signs:

District	Design Limitations for Incidental Signs		
	Max. Size	Max. Height	Max. Number
TA	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
RS			
R-1			
R-2			
R-3			
MUC	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
C-2	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
C-3	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
C-1	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
I-1	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront
I-2	25 sq. ft. of area each	45 feet above grade	One per 40 lineal feet of storefront

5. *Other Permitted Signs*
  - I. Canopy
  - II. Identification
  - III. Projecting
  - IV. Real Estate
  - V. Nameplate
  - VI. Freestanding
  - VII. Subdivision
  - VIII. Temporary (see Section 7.03.02)
  - IX. Window
  - X. Marquee
  - XI. Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

Zoning District	TA	RS	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CMD	MUC
<b>Sign Type</b>												
<b>Real Estate</b>												
Max. Square Ft.	32	6	6	6	6	32	32	32	32	32	6	
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4	
Max. Number	2	1	1	1	1	1	1	1	1	1	1	
<b>Announcement</b>												
Max. Square Ft.	32	6	6	6	6	32	32	32	32	32	6	
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4	
Max. Number	1	1	1	1	1	1	1	1	1	1	1	
<b>Wall</b>												
Max. Square Ft.	-	-	-	-	-	200 <sub>1</sub>	400 <sub>1</sub>	400 <sub>1</sub>	400 <sub>1</sub>	400 <sub>1</sub>	400 <sub>1</sub>	
Max. Height Ft.	-	-	-	-	-	45	45	45	45	45	45	
Max. Number	-	-	-	-	-	1	1	1	1	1	1	
<b>Name Plate</b>												
Max. Square Ft.	2	2	2	2	2	2	2	2	2	2	2	
Max. Height	-	-	-	-	-	-	-	-	-	-	-	
Max. Number	1	1	1	1	1	1	1	1	1	1	1	
<b>Billboard</b>												
Max. Square Ft.	50	-	-	-	-	700	-	-	700	700	-	
Max. Height Ft.	10	-	-	-	-	100	-	-	100	100	-	
Max. Number	1	-	-	-	-	-	-	-	1	1	-	
<b>Ground</b>												
Max. Square Ft.	50	32 <sub>2</sub>	32 <sub>2</sub>	32 <sub>2</sub>	32 <sub>2</sub>	20 <sub>2</sub>	32 <sub>2</sub>	32 <sub>2</sub>	50 <sub>3</sub>	50 <sub>3</sub>	32 <sub>2</sub>	See
Max. Height Ft.	10	10	10	10	10	10	10	10	10	10	10	Underlying
Max. Number	1	1	1	1	1	1	1	1	1	1	1	Zoning District
<b>Projecting</b>												
Max. Square Ft.	-	-	-	-	-	100	-	100	100	100	100	
Max. Height Ft.	-	-	-	-	-	40	-	40	40	40	40	
Max. Number	-	-	-	-	-	1	-	1	1	1	1	
<b>Pole</b>												
Max. Square Ft.	-	-	-	-	-	-	100	100	200	200	100	
Max. Height Ft.	-	-	-	-	-	-	40	40	40	40	40	
Max. Number	-	-	-	-	-	-	1	1	1	1	1	
<b>Lighted or Animated</b>												
Max. Square Ft.	-	-	-	-	-	36	36	36	-	-	-	
Max. Height Ft.	-	-	-	-	-	45	45		-	-	-	
Max. Number	-	-	-	-	-	1	1		-	-	-	

-: not permitted

1: Maximum letter height is equal to 12 inches

Note: All signs shall have a Vertical Clearance of nine feet above any sidewalk, private drive, or parking. All signs shall have a Vertical Clearance of 12 feet above any Public Street.

F. Sign type, District Permitted

A. Signs shall be permitted in the various districts according to the following schedule:

Zoning District	FW	TA	RS	R-1	R-2	R-3	MUC	C-2	C-3	C-1	I-1	I-2
<b>Sign Type</b>												
<b>Building Marker</b>	-	+	+	+	+	+	+	+	+	+	+	+
<b>Identification</b>	-	+	+	+	+	+	+	+	+	+	+	+
<b>Temporary</b>	-	+	+	+	+	+	+	+	+	+	+	+
<b>Incidental</b>	-	+	+	+	+	+	+	+	+	+	+	+
<b>Real Estate</b>	-	+	+	+	+	+	+	+	+	+	+	+
<b>Wall</b>	-	+	-	-	-	-	+	+	+	+	+	+
<b>Canopy</b>	-	+	-	-	-	-	+	C	C	-	+	+
<b>Window</b>	-	+	-	-	-	-	+	+	+	+	+	+
<b>Projecting</b>	-	+	C	-	-	-	+	+	+	+	+	+
<b>Name Plate</b>	-	C	+	+	+	+	+	+	+	-	+	+
<b>Monument</b>	-	C	C	C	C	C	+	+	+	-	+	+
<b>Billboard</b>	-	-	-	-	-	-	-	-	C	-	C	C
<b>Subdivision</b>	-	+	+	+	+	+	+	C	C	-	-	-
<b>Marquee</b>	-	-	-	-	-	-	C	+	+	-	-	-
<b>Freestanding</b>	-	-	-	-	-	-	C	+	+	-	C	-
<b>Pole</b>	-	-	-	-	-	-	-	-	+	-	+	+

+: permitted    -: not permitted    C: Conditional Use

7. Special Signage Conditions

The following special conditions apply to stand-alone ATM’s, Coffee Kiosks and other Kiosks.

A. Stand-alone ATM’s may have the following:

- One wall sign on each exterior wall provided each wall sign does not exceed 10percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
- Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
- Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- All signs are subject to the required permitting process of this Ordinance.
- Said signage may be incorporated with lighting plan and backlit to provide for greater security on the premises.

B. Coffee Kiosks and other Kiosks may have the following:

- One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
- Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
- Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
- Window signs limited to menu boards and daily specials shall not require a sign permit.
- All signs are subject to the required permitting process of this Ordinance, unless otherwise noted.

7.02.02 Permits Required

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.05.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.05.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.04.01.



4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Common Signage Plan in effect for the property.

#### 7.02.03 Design, Construction, Maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the adopted building code and the National Electrical Code.
2. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this code, at all times.

### Section 7.03 Signage Plans

#### 7.03.01 General Provisions

1. No permit shall be issued for an individual sign requiring a permit unless and until an Individual Signage Plan, Master Signage Plan or Common Signage Plan for the zoned lot on which the sign will be erected has been submitted to the City and approved by the Building Inspector as conforming with this section.
2. All signage plans and permits shall include the following minimum information:
  - A. Color scheme;
  - B. Lettering or graphic style;
  - C. Lighting;
  - D. Location of each sign on the buildings;
  - E. Material;
  - F. Sign proportions; and
  - G. Any other criteria required by the appropriate signage plan.

#### 7.03.02 Master Signage Plan

For any zoned lot on which the owner proposes to erect more than one sign requiring a permit, unless such zone lot has been included in a Common Signage Plan, the owner shall submit to the Building Inspector a Master Signage Plan containing the following:

1. An accurate plot plan of the zone lot, at such a scale as the Building Inspector may require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this ordinance and
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

#### 7.03.03 Individual Signage Plan

1. For any zoned lot on which a Common Signage Plan or Master Signage Plan has been submitted and approved, an applicant shall submit a permit request to the City of Milford for the installation of any individual sign.
2. For any zoned lot and / or storefront where an individual tenant is moving into an established lease space, the new tenant or said agent for new tenant shall submit an Individual Signage Plan to the City of Milford for review, comment and approval.

#### 7.03.04 Common Signage Plan

1. If the owners of two or more contiguous (disregarding intervening streets and alleys) zoned lots or the owner of a single lot with more than one building (not including any accessory building) file with the Building Inspector for such zone lots a Common Signage Plan conforming with the provisions of this section.

#### 7.03.05 Showing Window Signs on Common, Individual, or Master Signage Plan

1. A Common Signage Plan, Individual Signage Plan, or Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

- 7.03.06 Limit Number of Free Standing Signs Under Common Signage Plan
1. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots shall provide for shared or common usage of such signs.
- 7.03.07 Other Provisions of Master or Common Signage Plans
1. The Master, Individual, or Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.
- 7.03.08 Consent
1. The Master, Individual, or Common Signage Plan shall be signed by all owners or their authorized agents in such form as required by the City.
- 7.03.09 Procedures
1. A Master, Individual, or Common Signage Plan may be included in any development plan, site plan, or other official plan required by the City for the proposed development and may be processed simultaneously with such other plan.
- 7.03.10 Amendment
1. A Master, Individual, or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms to all requirements of the ordinance then in effect.
- 7.03.11 Existing Signs Not Conforming to Signage Plan
1. If any new or amended Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within one years, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.
- 7.03.12 Binding Effect
1. After approval of a Master, Individual, or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

#### **Section 7.04 Other Signage Provisions**

##### 7.04.01 Signs in the Public Right-of-Way

No signs shall be allowed in the public right-of-way, except for the following:

1. Permanent Signs. Permanent signs, including:
  - A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, advertise community events, and direct or regulate pedestrian or vehicular traffic;
  - B. Bus stop signs erected by a transit company
  - C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
  - D. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of this Article.

##### 7.04.02 Temporary Signs

Temporary signs for which a permit has been issued in accordance to the Master Fee Schedule shall be issued only for signs meeting the following criteria:

1. Such signs shall not be in place for more than seven consecutive days;
2. No more than four temporary permits shall be issued to an individual use in a calendar year;
3. Any violation of this Section may void any future requested permits;
4. No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare.
5. The provisions of this section shall also apply to Banner Signs that are promotional in nature.

##### 7.04.03 Emergency Signs (Permitted)

1. Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

##### 7.04.04 Other Signs Forfeited

1. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies

hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

#### 7.04.05 Signs Exempt from Regulation under this Ordinance

The following signs shall be exempt from regulation under this ordinance:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
2. Any religious institution;
3. Any sign identifying a public facility or public / civic event;
4. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
5. Holiday lights and decorations with no commercial message;
6. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
7. A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed six square feet in any residential zone and 32 square feet in any other zone. Only six political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than seven days after the election.

#### 7.04.06 Signs Prohibited Under These Regulations

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

1. Beacons and flashing signs;
2. Portable signs, except as allowed by a Temporary Sign Permit;
3. Suspended signs;
4. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
5. Off-premises signs;
6. Audible Signs.

### Section 7.05 Permit Procedures

#### 7.05.01 General Permit Procedures

1. The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plans.

#### 7.05.02 Applications

1. All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the City on an application form or in accordance with application specifications published by the City.

#### 7.05.03 Fees

1. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established in the Master Fee Schedule.

#### 7.05.04 Completeness

1. Upon receiving an application for a sign permit or for a Common or Master Signage Plan, the Building Inspector shall review it for completeness. If the Building Inspector finds that it is complete, the application shall then be processed. If the Building Inspector finds that it is incomplete, the Building Inspector shall, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

#### 7.05.05 Action

Within fourteen working days of the submission of a complete application for a sign permit, the Building Inspector shall either:

1. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance and applicable Master or Common Signage Plan; or
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this ordinance and the applicable Master or Common Signage Plan. In case of a rejection, the Building Inspector shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

**7.05.06 Permits to Construct or Modify Signs**

1. All signs shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Building Inspector. Such permits shall be issued only in accordance with the following requirements and procedures.

**7.05.07 Permit for New Sign or for Sign Modification**

1. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the zone lot.

**7.05.08 Inspection**

1. The Building Inspector shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and the building and electrical codes, the Building Inspector shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Building Inspector shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Building Inspector shall affix to the premises the permanent symbol described above.
2. The permanent symbol shall remain affixed to approved sign. If removed the approved permit may become voided and said owner may be in violation and subject to any applicable fines.

**7.05.09 Sign Permits — Continuing**

1. The owner of a zone lot containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a Signage Plan.

**7.05.10 Initial Sign Permit**

1. An initial sign permit shall be automatically issued by the Building Inspector covering the period from the date of inspection of the completed sign installation, construction, or modification through the last day of that calendar year.

**7.05.11 Lapse of Sign Permit**

1. A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice from the City to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

**7.05.12 Assignment of Sign Permits**

1. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building Inspector may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

**7.05.13 Sign Removal Required**

1. A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed, by the owner, without notice or action from the City.

**7.05.14 Violations**

1. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties provided by the Milford Zoning Ordinance, and by state law:
  - A. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;

- B. To install, create, erect, or maintain any sign requiring a permit without such permit;
- C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed.
- D. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.
- E. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

## ARTICLE 8: SUPPLEMENTAL REGULATIONS

### Section 8.01 Off-Street Automobile Storage

- 8.01.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in each area, the ratio of 250 square feet per parking space shall be used.
- 8.01.02 If vehicle storage space or standing space required in Section 8.01.01 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Building Inspector, the Building Inspector may permit such space to be provided on other off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 8.01.03 All parking spaces for Single-family, Rooming houses, convalescent homes, Apartments, Townhouses, and two or more-unit multi-family dwellings, and Mobile Homes shall be paved with asphalt or concrete.
- 8.01.04 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 8.01.05 In Districts R-1, R-2, and R-3, required off-street parking shall be provided on the same lot that the use is located on. In other Districts, such parking may be provided either on the same lot, or an adjacent or other lot, provided the lot on which the use requiring them is located is not separated by more than 300 feet at closest points, measured along a street or streets.
- 8.01.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 8.01.07 Some uses may require two different use types to be calculated together to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)
- 8.01.08 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

TYPES OF OPERATION		MINIMUM STACKING SPACE
Financial Institution – Electronic Teller		Two vehicles per lane*
Financial Institution – Personal Teller		Three vehicles per window or kiosk*
Car Wash – Self Service		Two vehicles per bay at entrance* One vehicle per bay at exit
Car Wash – Automatic / Conveyor		200 feet per bay at entrance* One vehicle per bay at exit
Drive-through Restaurant Coffee Kiosk		Four vehicles per window*
-	Drive side service	Four vehicles per lane*
-	Passenger side service	Two vehicles per lane*
Drive-through Pharmacy		Two vehicles per lane*
Service Stations		
-	Service Islands	Two vehicles per pump lane*
-	Service bay	One vehicle per bay*
-	Quick lube / Oil change “starting gate design”	Two vehicles per bay*
-	(4 or more pump islands side by side, 18 feet apart)	One vehicle per lane*
Gated parking lot entrance		One vehicle per gate
Garage Unit or Overhead door	(Major streets only)	One vehicle per door
Other uses		Two vehicles per lane being serviced

\* Stacking requirements are in addition to vehicle being served.

Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by approval of the City Council following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

- 8.01.09 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator, after receiving a report and recommendation from the Zoning Administrator, based upon comparable uses listed.

**Section 8.02 Storage or Parking of Vehicles, Boats, Campers and Trailers:**

No lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Milford shall be used for any of the following:

- 8.02.01 The storage or keeping of motor vehicles not having a property issued current motor vehicle registration and current motor vehicle license plate property displayed; provided, however, that the following shall not constitute a violation of this subparagraph.
1. The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.
  2. The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned Transitional Agricultural (TA) or any Industrial District and used in agricultural or industrial activity conducted on said premises.
  3. The storage of not more than one passenger type motor vehicle in good operable condition (owner shall be required, upon request, to provide proof of operability) and shielded from view of the general public by a fence and/or manufactured and fitted vehicle cover and located on a hard-surfaced driveway.
  4. The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the Milford zoning regulations.
  5. Parking, storage, or keeping, other than in a fully enclosed garage, of any non-operable motor vehicle on any lot zoned residential, provided, however, that automobiles that are non-operable solely by reasons of repair work being done thereon may be parked on residential lots within the Milford zoning jurisdiction occupied by the owner of said automobile, under the following conditions:
    6. The automobile is owned by the occupier of the premises and registered to him/her at that address.
    7. The period of said repair work does not exceed 10 days in duration;
    8. Said repair work is at all times conducted on a hard surface driveway; and
    9. No more than one automobile in need of repair is situated on the premises at the same time.

Before the City removes a vehicle suspected of violation hereof by reason of it being inoperable the City shall give the owner of the premises upon which the offending vehicle is situated a 72-hour warning notice which may be given by either tagging the motor vehicle or by sending notice by regular mail, postage prepaid, to the occupier of the premises upon which the motor vehicle is situated. Any motor vehicle not removed from the premises within such 72-hour period shall be presumed to be inoperable and may thereafter be removed by the City. If he chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the designated law enforcement agency to demonstrate within said 72-hour period. The operability of the vehicle and, if such operability is satisfactorily demonstrated, the automobile need not be removed.

- 8.02.04 No motor vehicle as defined by section 60-301 of Nebraska State Statutes (or boat, camper or trailer in excess of 15 feet in length or 10 feet in height) shall be parked in the front, side or rear yard of any lot zoned residential except on paved driveways or other hard surfaced areas as designed and provided for in Article 2; provided that;

Boats, campers, trailers or any combination thereof not exceeding two may be parked in the side or rear yard of lots zoned residential from October through April of each year provided they are parked on a hard surface. A camper or boat situated on a trailer shall be considered as one vehicle.

Said boats, campers and trailers together with accessory structures shall not occupy more than 35 percent of the required rear yards.

Notwithstanding the foregoing, it shall be permissible to park motor vehicles in the yards of residential lots on areas which are paved as driveways or otherwise hard surfaced for a period not to exceed 72 hours, when on-street parking is illegal.

Any motor vehicle, boat, camper or trailer parked, stored or kept in violation of the provisions hereof may be removed by the City. All towing, storage and other costs of removal pursuant to this section shall be solely at the expense of the owner of the premises from which the vehicle, boat, camper or trailer is situated, and if the owner is different than the occupier of the premises, then both owner and occupier shall be jointly and severally liable. In addition, the City, upon certifying the same to the county treasurer, shall have a lien against the premises in the full amount of such removal costs, together with interest at the highest legal rate that the City is authorized by law to collect on special assessments.



## Section 8.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Use	Parking Requirements	Loading Requirements
<b>Adult entertainment establishments</b>	One space per two persons of licensed capacity	None required
<b>Agricultural Sales / Service</b>	One space per 500 s.f. of gross floor area	One per establishment
<b>Assisted-living facilities</b>	One space per dwelling unit plus one space per employee on the largest shift	One space per rental unit
<b>Automotive Rental / Sales</b>	One space per 500 s.f. of gross floor area	One per establishment
<b>Automotive Servicing</b>	Three spaces per repair stall	None required
<b>Bars, Taverns, Nightclubs</b>	Parking equal to 30 percent of licensed capacity	Two spaces per establishment
<b>Boarding Houses / Bed and Breakfasts</b>	One space per rental units	None required
<b>Bowling Alleys</b>	Four spaces per alley	One space per establishment
<b>Campground</b>	One space per camping unit	None required
<b>Churches, Synagogues, and Temples</b>	One space per four seats in main worship area	None required
<b>Clubs, fraternal organizations</b>	One space per 500 s.f. of gross floor area	None required
<b>College/University</b>	Eight spaces per classroom plus one space per employee	Two spaces per structure
<b>Commercial Recreation</b>	One space per four persons of licensed capacity	One per establishment
<b>Communication Services</b>	One space per 500 s.f. of gross floor area	One per establishment
<b>Construction Sales / Service</b>	One space per 500 s.f. of gross floor area	One per establishment
<b>Convalescent and Nursing Home Services</b>	One space per three beds plus one per employee on the largest shift	Two space per structure
<b>Day Care</b>	One space per employee plus one space or loading stall per each ten persons of licensed capacity	None required
<b>Duplex</b>	Two spaces per dwelling unit	One per structure
<b>Educational Uses, Primary facilities</b>	Two spaces per classroom	Two spaces per structure
<b>Educational Uses, Secondary facilities</b>	10 spaces per classroom plus one space per employee	Two spaces per structure
<b>Equipment Rental / Sales</b>	One space per 500 s.f. of gross floor area	One Space
<b>Food Sales (general)</b>	One space per 200 s.f. of gross floor area	Two per establishment
<b>Food Sales (limited)</b>	One space per 300 s.f. of gross floor area	One per establishment
<b>Funeral Homes and Chapels</b>	Eight spaces per reposing room	Two spaces per establishment
<b>General Retail Sales establishments</b>	One space per 200 s.f. of gross floor area	One per establishment
<b>Group Care Facility</b>	One space per four persons of licensed capacity	Two space per structure
<b>Group Home</b>	One space per four persons of licensed capacity	Two space per structure
<b>Guidance Services</b>	One space per 300 s.f. of gross floor area	None required
<b>Hospitals</b>	One space per two licensed beds	Three spaces per structure
<b>Hotels and Motels</b>	One space per rental unit, plus one space per employee on largest shift.	None required
<b>Industrial Uses</b>	.75 times the maximum number of employees during the largest shift	Two spaces per establishment
<b>Laundry Services</b>	One space per 200 s.f. of gross floor area	None required
<b>Libraries</b>	One space per 500 s.f. of gross floor area	One per structure
<b>Medical Clinics</b>	Five spaces per staff doctor, dentist, chiropractor	None required
<b>Mobile Home Park</b>	Two per dwelling unit	None required
<b>Multi-family / Apartments</b>	One and a half spaces per bedroom for efficiencies and one bedroom units, otherwise one space per bedroom Note: This does not include garages.	None required
<b>Offices and Office Buildings</b>	One space per 200 s.f. of gross floor area	None required
<b>Residential (Single-family, attached and detached)</b>	Two spaces per dwelling unit with one required to be enclosed	None required
<b>Restaurants (General)</b>	Parking equal to 30 percent of licensed capacity	Two spaces per establishment
<b>Restaurants w/ drive-thru</b>	Greater of the two: One space per 40 s.f. of dining area, or One space per 150 s.f. of gross floor area	One per establishment
<b>Roadside stands</b>	Four spaces per establishment	None required
<b>Service Oriented Establishments</b>	One space per 200 s.f. of gross floor area	One per establishment
<b>Theaters, Auditoriums, and Places of Assembly</b>	One space per four persons of licensed capacity	One space per establishment
<b>Veterinary Establishments</b>	Three spaces per staff doctor	None required
<b>Wholesaling / Distribution Operations</b>	One space per two employees on the largest shift	Two spaces per establishment

**Section 8.04 Off-street Parking: Shared Parking Requirements**

- 8.04.01 Notwithstanding the provisions of Section 8.03, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Zoning Administrator after a recommendation by the Planning Commission.
- 8.04.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Zoning Administrator, after receiving a recommendation from the Planning Commission may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces.

**Section 8.05 Off-Street Parking: Parking for Individuals with Disabilities**

- 8.05.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

- 8.05.02 Except as provided to Section 8.05.02.01 of this Ordinance, access aisles adjacent to accessible spaces shall be 60 inches (1525 mm) wide minimum.

- One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (2440 mm) wide minimum and shall be designated "van accessible" as required by Section 8.05.04 of this Ordinance. The vertical clearance at such spaces shall comply with 8.05.04 of this Ordinance. All such spaces may be grouped on one level of a parking structure.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions.

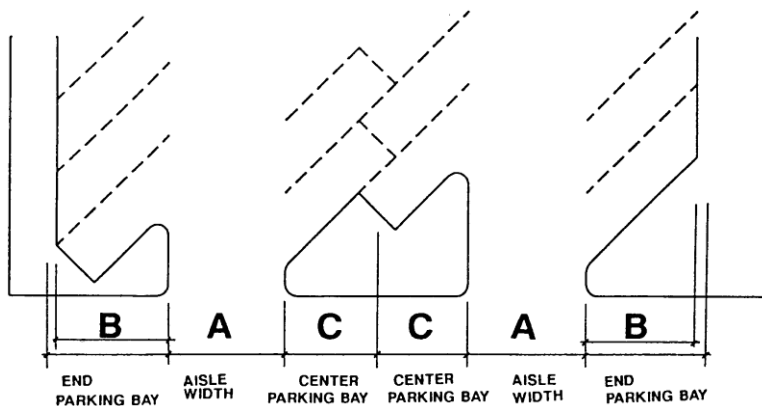
- If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 8.05.06 of this Ordinance.
- At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 8.05 of this Ordinance shall be provided in accordance with 8.05.02 (1) of this Ordinance; except as follows:
  - Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;
  - Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
- Valet parking: valet parking facilities shall provide a passenger loading zone complying with 8.05.02 of this Ordinance located on an accessible route to the entrance of the facility. Sections 8.05.01, 8.04.02, and 8.02.04.03 of this Ordinance do not apply to valet parking.

- 8.05.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
1. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
  2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closet to the accessible entrances.
- 8.05.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.02.02.01 shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 8.05.05 Minimum vertical clearance of 114 inches (2895mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 8.04.02.01, provide minimum vertical clearance of 98 inches (2490mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 8.05.06 Passenger Loading Zones shall provide an access aisle at least 60 inches (1525mm) wide and 20 feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

**Section 8.06 Off-Street Parking Design Criteria**

8.06.01 Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration			
	90-degree	60-degree	45-degree
<b>Aisle Width (A)</b>			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
<b>End Parking Bay Width (B)</b>			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
<b>Center Parking Bay Width (C)</b>	18 feet	18 feet	16 feet



- 8.06.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet
- 8.06.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the City Engineer

### Section 8.07 Home Occupations

The following are the minimum standards required for a Home Occupation:

- 8.07.01 One unlighted nameplate of not more than two square foot in area attached flat against the building located on local or collector streets
- 8.07.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 8.07.03 No more than 50% of the home can be used for the home occupation,
- 8.07.04 No one other than the resident(s) can work from that site,
- 8.07.05 No retail sales are permitted from the site other than incidental sales related to services provided,
- 8.07.06 No exterior storage (including storage within detached buildings/garages) is permitted,
- 8.07.07 Additional off-street parking may be required for the business,
- 8.07.08 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 8.07.09 All fees shall be paid in accordance with the Master Fee Schedule.

All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1902. All business related to Adult Care Centers shall be in accordance with all applicable state statutes.

### Section 8.08 Wireless Communication Towers

8.08.01 Intent:

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

8.08.02 Definitions:

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

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.
4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.
5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.
6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding ten (10) years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.

8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
  - A. Any Conforming Commercial Earth Station antenna two meters or less in diameter which is located on real estate zoned TA, RS, MUC, C-3, C-2, I-1 or I-2.
  - B. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the City upon approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.
14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

#### 8.08.03 Location of Towers and Construction Standards

1. Towers shall be permitted by conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Building Inspector and shall pay a filing fee in accordance with the Master Fee Schedule.
3. Towers shall not be permitted in the Mixed-Use Overlay District.
4. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower, including the foundation, is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Building Inspector.

#### 8.08.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Building Inspector for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.

3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower and its foundation will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

#### 8.08.05 Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the City shall schedule a public hearing before the Planning Commission, following all Statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the City shall schedule a public hearing before the City Council, following all Statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning Commission. Notice, for each Public Hearing, shall be made at least one time and at least 10 days prior to such hearing. In addition, the City shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to Section 6.03 of this regulation. The Planning Commission and City Council may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

#### 8.08.06 Setbacks and Separation or Buffer Requirements

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100% of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100% of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
  - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
  - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

#### 8.08.07 Structural Standards for Towers Adopted

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, the current edition or the current local building code is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

**8.08.08 Illumination and Security Fences**

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses / zoned properties within a distance of 300% of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence of at least six feet in height or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

**8.08.09 Exterior Finish**

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Building Inspector as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

**8.08.10 Landscaping**

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

**8.08.11 Maintenance, Repair or Modification of Existing Towers**

All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

**8.08.12 Inspections**

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Building Codes and any other construction standards set forth by the City, federal, and state law or applicable ANSI standards. Inspections shall be made by either the Building Inspector, or a duly appointed independent representative of the City.

**8.08.13 Maintenance**

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

**8.08.14 Abandonment**

If any tower shall cease to be used for a period of one year, the Building Inspector shall notify the tower owner that the site will be subject to determination of abandonment. Upon issuance of written notice to show cause by the Building Inspector, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Building Inspector shall issue a final determination of abandonment of the site and the tower owner shall have seventy- 75days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Building Inspector, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and City of Milford codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

**8.08.15 Satellite Dish Antennas, Regulation**

Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Milford only upon compliance with the following criteria and the issuance of a permit:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one satellite dish antenna over three feet in diameter.

3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Milford, upon adoption of this regulation, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

#### 8.08.16 Amateur Radio Towers and facilities, Regulation

All amateur radio antennas, towers, and associated facilities not in compliance with the provisions for accessory structures within individual zoning districts shall comply with the standards of Section 8.08.

#### 8.08.17 Severability

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

### **Section 8.09 Keeping of Animals:**

Animals may be kept within the zoning jurisdiction of the City of Milford subject to the following restrictions:

- 8.09.01 No bees or livestock including but not limited to sheep, goats, cattle or swine shall be allowed within R-1, R-2, or R-3 residential zoning districts or commercial zoning districts, within all other zoning districts, please refer to the individual district for additional regulations.
- 8.09.02 The keeping of birds or fowl in the RS or TA zoning district shall be subject to the following conditions:
  1. All birds or fowl shall be confined to the property of the owner of said birds or fowl.
  2. All birds or fowl shall be kept at least 50 feet from any property line.
- 8.09.03 No bird or fowl shall be allowed within residential or commercial zoning districts. Grandfather rights shall be granted upon application to the City so that this section will not apply to bird or fowl owned, kept or harbored prior to the adoption of this section, subject to the following conditions:
  1. No more than two fowl of any one species or a total of more than five fowl shall be allowed on any one residence or dwelling unit. All fowl shall be confined to the premises of the residence or dwelling unit of the person owning, keeping or harboring such fowl.
- 8.09.04 Horses and other members of the horse family shall be allowed on any piece of property zoned Transitional Agricultural (TA), or Residential Suburban (RS) and containing at least one acre of land. Two such animals are allowed on the first acre and an additional animal is allowed for each additional two acres of land.
- 8.09.05 The keeping of dogs, cats, rabbits, pigeons and household pets shall be a permitted accessory use in residential and commercial districts subject to the regulations for kennels as defined in Article 2 of this Ordinance and the provision found in Chapter 6 of the Milford Municipal Code. For the purposes of this section, a “household pet” is any animal or creature kept inside a residential dwelling not outside, and in no event, shall include any of the following: any live monkey (non-human primate), raccoon, skunk, fox, poisonous or dangerous insect or reptile, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal or other exotic animal which can normally be found in the wild state. The keeping of pigeons is subject to the following conditions.
  1. Such birds shall be banded with some form of identification.
  2. Such birds shall be confined in sanitary, secure structures subject to inspection and approval by the City of Milford.
  3. No more than 10 such birds shall be allowed on any one piece of property.
  4. Trained pigeons may be exercised under supervision of owner or trainer and be trained to recall on command.
  5. A permit for the keeping of such birds shall be obtained from the City of Milford.
- 8.09.06 The restrictions contained in this section shall not apply to any pet store or veterinary services.

### **Section 8.10 Solar Panels**

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Milford unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.



- 8.10.01 Lot and Height Requirements: Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:
1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
  2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.
  3. On lots greater than 5 acres in the TA District, solar panel may be located only in the rear yard provided it does not exceed 15 feet in height and is located not less than 50 feet from the rear lot line.
- 8.10.02 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable Milford building codes.
- 8.10.03 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.
- 8.10.04 Permit Fee: A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.
- 8.10.05 Preexisting Solar Panels: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

### **Section 8.11 Performance Standards for Industrial Uses**

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

- 8.11.01 Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
- 8.11.02 Fire hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Milford.
- 8.11.03 Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
- 8.11.04 Exterior Lighting: Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas and public right-of-ways.
- 8.11.05 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- 8.11.06 Air Contaminants:
1. Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted

2. Particulate mater of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
4. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
5. Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
6. Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case, shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
7. Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

## Section 8.12 Small Wind Energy Systems

### 8.12.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

### 8.12.02 Definitions

The following are defined for the specific use of this section.

1. Small Wind Energy System shall mean 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.
2. Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

### 8.12.03 Requirements

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower Height
  - a. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
  - b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setbacks
  - a. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
3. Noise
  - a. Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
  - b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

4. Approved Wind Turbines
  - a. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
5. Compliance with Building and Zoning Codes
  - a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
  - b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
  - c. The manufacturer frequently supplies this analysis.
  - d. Wet stamps shall not be required.
6. Compliance with FAA Regulations
  - a. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. Compliance with National Electrical Code
  - a. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
  - b. The manufacturer frequently supplies this analysis.
8. Utility Notification
  - a. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
  - b. Off-grid systems shall be exempt from this requirement.

### Section 8.13 Commercial/Utility Grade Wind Energy Systems

#### 8.13.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy systems within the zoning jurisdiction of the City of Milford.

#### 8.13.03 Definitions

The following are defined for the specific use of this section.

1. **Aggregate Project** shall mean 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.
2. **Commercial WECS** shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.
3. **Fall Zone** shall mean 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.
4. **Feeder Line** shall mean 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.
5. **Meteorological Tower** shall mean, 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.

6. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
7. **Public Conservation lands** shall mean 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.
8. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
9. **Small Wind Energy System** shall mean 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.
10. **Substations** shall mean 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.
11. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
12. **Tower** shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.
13. **Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.
14. **Transmission Line** shall mean 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.
15. **Wind Energy Conservation System** shall mean 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 that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
16. **Wind Turbines** shall mean 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.

#### 8.13.03 *Requirements*

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis
12. FAA permit

13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System.
14. Decommissioning Plan
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.

8.13.04 *Aggregated Projects*

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

8.13.05 *Setbacks*

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1.1 times the total height or in an Agricultural or Transitional Agricultural Districts only. In other districts, the setback shall be the distance of the fall zone, as certified by a professional engineer, + 10 feet	1.25 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Neighboring Dwelling Units*		750 feet	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Road Rights-of-Way**	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	One times the height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Public conservation lands	NA	600 feet	600 feet
Wetlands, USFW Types III, IV, and V	NA	600 feet	600 feet
Other structures	NA	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other existing WECS	NA	To be considered based on: <ul style="list-style-type: none"> <li>• Relative size of the existing and proposed WECS</li> <li>• Alignment of the WECS relative to the predominant winds</li> <li>• Topography</li> <li>• Extent of wake interference impacts on existing WECS</li> <li>• Property line setback of existing WECS</li> <li>• Other setbacks required</li> </ul> Waived for internal setbacks in multiple turbine projects including aggregated projects	
River Bluffs		1,320 feet	

\* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

\*\* The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

8.13.06 *Special Safety and Design Standards*

All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.

5. **Color and finish:**  
All c wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
6. **Lighting:**  
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
7. **Other signage:**  
All other signage shall comply with the sign regulations found in these regulations.
8. **Feeder Lines:**  
All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
9. **Waste Disposal:**  
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. **Discontinuation and Decommissioning:**  
A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to ground level within 90 days of the discontinuation of use.  
  
Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.
11. **Noise:**  
No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure or use.
12. **Interference:**  
The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the city/county for permits.
13. **Roads:**  
Applicants shall:
  - a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
  - b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
  - c. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.
14. **Drainage System:**  
The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

## ARTICLE 9: LANDSCAPING REQUIREMENTS

### Section 9.01 Intent:

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of Milford by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

### Section 9.02 Application and Scope:

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 9.02.01 Agricultural buildings, structures and uses.
- 9.02.01 Replacement of lawfully existing structures or uses.
- 9.02.01 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be excepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 9.02.01 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
  1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

### Section 9.03 Landscaping Requirements:

Landscaping shall be required and provided as follows:

- 9.03.01 Single-family and two-family dwellings shall provide and maintain a minimum of 30% of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section.
- 9.03.02 Street Frontage:
 

A landscaped area having a minimum depth of 15 feet from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.

  1. The required landscaped area of 15 feet may be reduced to 10 feet if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
  2. Exclusive of driveways and sidewalks not more than 25 of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
  3. A minimum of one tree, of a minimum 2-inch caliper, shall be planted for every 40 lineal feet or fraction thereof.
- 9.03.03 Off-Site Parking Lots:
 

Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of four thousand (4,000) square feet or less shall be exempt from the requirements of this section.
- 9.03.04 Parking Area Interior Landscaping:
 

Off-street parking lots, as defined in 9.05, and other vehicular use areas shall have at least 5 percent of the total area utilized for parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.

The front of a vehicle may encroach upon any interior landscaped area when said area is at least four feet in depth per abutting parking space and protected by curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four feet in width; eight feet is required if parking spaces overlap the curbs of the aisle.

9.03.05

**Perimeter Landscaping:**

All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include a minimum of one tree for each 40 lineal feet of street or lot frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the City.

9.03.06

**Plant Materials:**

Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.

1. The plant nomenclature shall conform with the recommendations and requirements of the "American Standard for Nursery Stock", as amended, published by the American Association of Nurserymen, Inc.
2. Size. The minimum size of plant materials to be installed shall be as follows:
  - A. Deciduous trees having a mature height of 20 feet or less shall have a minimum caliper of one and one-fourth inches.
  - B. Deciduous trees having a mature height of more than 20 feet shall have a minimum caliper of one and one-half inches.
  - C. Evergreen (conifer) trees shall have a minimum height of three feet.
  - D. Deciduous shrubs shall have a minimum height of 18 inches.
  - E. Evergreen shrubs shall have a minimum spread of 18 inches.

9.03.07

**Planting Schedule:**

The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of Milford equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within 12 months of the effective date of the certificate of occupancy, the City may install the required landscaping.

9.03.08

**Required Plans:**

Upon application of a building permit, a landscape-planting plan shall be submitted to the City of Milford for review and approval.

1. Three copies of the plan shall be submitted.
2. The plan shall include, but not be limited to, the following:
  - A. Property lines and other physical features necessary to show the proposed installation of plants.
  - B. The location and spacing of plant materials.
  - C. The scientific name, common name, plant size, quantity and planting method.
  - D. The plan shall have a scale of not more than one-inch equals 100 feet.
  - E. When necessary, existing and proposed contours shall be provided.

**Section 9.04 Fences:**

No fence shall be constructed within the zoning jurisdiction of the City of Milford unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

9.04.01 The height limitation for fences shall be six feet and four inches above ground level except as provided herein.

1. A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed 42 inches in height.
2. A fence constructed within the portion of a side yard of a residential lot that lies in front of a line extending perpendicularly from the side lot line to the front corner of the structure that is closest to such side lot line, shall not exceed four feet in height, if the lot is located on a corner, as defined in Article 2 of this Ordinance, a fence constructed within a side yard along the side lot line which is adjacent to a street shall not exceed six feet in height, a fence constructed at six feet in height shall be set back a minimum of 15 feet from the property line.



3. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than eight feet in height may be approved through a Conditional Use Permit
  4. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall be a minimum of six feet and shall not exceed eight feet in height.
  5. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet in height.
- 9.04.02 Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.
- 9.04.03 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
- 9.04.04 The use of barbed wire in the construction of any fence is prohibited except:
1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
  2. Farm fencing constructed for agricultural purposes on parcels of land five acres or more in the Transitional Agriculture or Agriculture District, provided they do not abut a residential zoning district.
- 9.04.05 All fences shall be maintained in good repair.
- 9.04.06 For any property containing a swimming pool with a depth of more than 36 inches, a fence with a self-closing, self-latching gate of a minimum of 4 feet in height shall be installed.
- 9.04.07 All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners pursuant to written agreement filed with the City agree to build one fence on the common lot line of adjacent side yards or back yards.
- 9.04.08 Electric Fences. No above ground electric fence shall be constructed or maintained within the City of Milford or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture District provided they do not abut a residential zoning district. An owner or lessee of such property may, upon application to the City and approval by the Building Inspector, maintain electrified fencing provided same shall not be energized to the extent that it can cause bodily harm to persons, be they children or adults, or to animals. Before the Building Inspector shall approve any electrified fencing, he shall determine that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.
- 9.04.09 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.
- 9.04.10 Any existing fence constructed pursuant to a permit issued and approved by the City of Milford which was in conformity with the prior to the provisions of this Ordinance may remain without change in accordance with this section notwithstanding same may conflict with one or more provisions of this section as amended; provided, however, and replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.

### **Section 9.05 Screening Requirements**

- 9.05.01 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than 3 feet.
- 9.05.02 All commercial and industrial uses that abut residential or office districts shall provide screening not less than 6 feet in height along the abutting property line(s).
- 9.05.03 Screening required by this section shall be equivalent to the following:
1. Solid fences or walls as approved by the City on the final development plan.
  2. Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within 3 years after planting.
  3. Berms of not less than 3 feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Section 9.03.

4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid 6-foot enclosure around each unit. Said enclosure shall be constructed of materials complementary to the principal structure.
5. All plant material used for screening shall meet the standards in section 9.03

### **Section 9.06 Installation and Maintenance of Landscaping and Screening:**

#### **9.06.01 Installation:**

All landscaping shall be installed in a sound workmanship like manner and per accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. The Building Inspector shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Building Inspector.

#### **9.06.02 Maintenance:**

The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance, at maturity, to those items requiring replacement when feasible. Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Building Inspector.

All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

### **Section 9.07 Preliminary Plan Approval**

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, or preliminary site plan for development, for review and recommendation by City Staff. Said Plan shall be in sufficient detail to provide the City with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

### **Section 9.08 Final Plan Approval**

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the City on separate sheets for review and recommendation and approval by the City Staff along with a planting schedule at final development plan submission.

### **Section 9.09 Parking Lot Plan Approval**

A final site development plan shall be submitted to the Building Inspector with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

- 9.09.01 New construction.
- 9.09.02 Expansion of existing facilities.
- 9.09.03 Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.
- 9.09.04 No parking lot shall be exempted from these regulations; unless previously exempted.

## ARTICLE 10: BOARD OF ADJUSTMENT

### Section 10.01 Members, Terms and Meetings

Pursuant to Section 19-908, Reissue Revised Statutes of 1943 (in full): The board of adjustment 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 appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the board of adjustment shall be appointed from the membership of the planning commission, and the loss of membership on the planning commission by such member shall also result in his or her immediate loss of membership on the board of adjustment and the appointment of another planning commissioner to the board of adjustment. After September 9, 1995, the first vacancy occurring on the board of adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City when more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the board of adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The board of adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

### Section 10.02 Appeals to Board, Record of Appeal, Hearings and Stays

As provided in Section 19-909, Reissue Revised Statutes of 1943 (in full): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

### Section 10.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

- 10.03.01 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 agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
- 10.03.02 To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and
- 10.03.03 To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this 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 regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.
- 10.03.04 The Board of Adjustment shall authorize no such variance, unless it finds that:
1. The strict application of the Ordinance would produce undue hardship;
  2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
  4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. 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 reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, 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 upon which it is required to pass under this Ordinance or to affect any variation in this Ordinance.

**Section 10.04 Appeals to District Court**

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Section 19-912, Reissue Revised Statutes of 1943 (in full).

## ARTICLE 11: AMENDMENT

### Section 11.01 Amendments

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 or more than \$100. The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

### Section 11.02 Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within 45 days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

- 11.02.01 At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited the sum set in Article 4, Section 4.23 as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

### Section 11.03 Inspections

The provisions of this Ordinance shall be administered and enforced by a designated inspector, who shall have the power to make inspection of buildings or premises necessary to carry out individually assigned duties in the enforcement of this Ordinance.

### Section 11.04 Building Permits

The following shall apply to all new construction and all applicable renovations and remodels within Milford's Zoning Jurisdiction:

- 11.04.01 It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Building Inspector has issued a building permit for such work.
- 11.04.02 Issuance of a building permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Building Inspector shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building or zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the project described therein.

**Section 11.05 Certificate of Occupancy**

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

**Section 11.06 Penalties**

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$100 for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

**Section 11.07 Remedies**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

**ARTICLE 12: COMPREHENSIVE PLAN RELATIONSHIP**

These zoning ordinances are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

**ARTICLE 13: LEGAL STATUS PROVISIONS**

**Section 13.01 Separability**

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

**Section 13.02 Purpose of Catch Heads**

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

**Section 13.03 Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**Section 13.04 Effective Date**

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing Body of Milford, Nebraska,

This \_\_\_\_\_ day of \_\_\_\_\_, 2007.

(Seal)

ATTEST: \_\_\_\_\_  
(CITY CLERK) (MAYOR)