

ORDINANCE NO. 4619

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 34-201 "A AGRICULTURAL DISTRICTS;" TO AMEND SECTION 34-404 "SPECIFIC STANDARDS FOR CONDITIONAL USES;" TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Hastings City Code Section 34-201 of the Official City Code be amended to read as follows:

34-201. A Agricultural districts.

(1) Intent. This district is intended to be a transitional use district primarily encompassing those urban and suburban agriculture lands located outside the corporate limits of the City, within the City's two (2) mile extraterritorial zoning jurisdictional limits. It is recognized that the district is developed with agriculture related uses. However, as urban land use development emerges within the area, the land use classifications within the area may be changed to accommodate a wider variety of land use activities.

(2) Allowed uses. See Table 200-1 in Section 34-200.

(3) Minimum lot requirements.

(a) Lot area – 5 acres (un-platted parcels may include one-half of abutting road).

(b) Lot width – 100 lineal feet.

(4) Minimum yard requirements.

(a) Front yard – 50 feet.

(b) Side yard – There shall be a side yard on each side of a building not less than fifteen (15) percent of the width of the lot: except, that such side yard shall be not less than fifteen (15) feet and need not be more than twenty-five (25) feet.

(c) Rear yard – 50 feet, except that for a corner lot, the rear yard setback shall be the same as for the side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.

- (d) The setback from a Livestock Feed Operation (LFO) as authorized by a conditional use permit, to any non-farm dwelling, other residence or other LFO is outlined in Table 404-1 in Section 34-404 (15).
- (5) Minimum dwelling size.
 - (a) Six-hundred and fifty (650) square feet of living floor area.
- (6) Maximum Lot Coverage.
 - (a) Maximum lot coverage by all buildings shall not exceed thirty (30%) percent.
- (7) Maximum height of structures.
 - (a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.
 - (b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%.

SECTION 2. That Hastings City Code Section 34-404 of the Official City Code be amended to read as follows:

34-404. Specific standards for conditional uses.

- (1) Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.
 - (a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.
 - (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns, parking areas, including the total number of parking spaces provided, and a general description of the building uses.
 - (c) Minimum lot size:

1-10 beds ½ Acre (21,780 sq. ft.) 11-20 beds 1 Acre (43,560 sq. ft.)
For each add'l ½ Acre (or greater if 10 beds required by the City Council)

(d) Minimum yard requirements – The City Council may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.

(e) Maximum lot coverage by all buildings - 20%.

(f) Maximum height of structures - Same as required for permitted uses in the zoning district where the site is located.

(g) Off-street parking - Adequate off-street parking shall be provided in connection with any permitted use. The minimum for each use to be as provided in Section 34-308(A).

(h) Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.

(i) Walls and screening - Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.

(2) Churches and other places of religious worship.

(a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan.

(b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns and the total number of parking spaces provided.

(c) The minimum lot size for a church in any district where they are permitted as a conditional use shall be fourteen thousand (14,000) square feet, minimum lot width shall be one hundred (100) feet.

(d) Minimum yard requirements - The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, provided that no yard shall be less than required for the district in which the property is located.

(e) Maximum lot coverage - Same as is required for permitted uses in the zoning district where the site is to be located.

(f) Maximum height of structures - Same as is required for permitted uses in the zoning district where the site is located.

(g) Off-street parking - At least one (1) parking space shall be provided for each three (3) occupants based upon maximum seating capacity of the nave, or for each three (3) occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the International Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.

(h) Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other approved landscaping materials.

(i) Accessory uses such as day nurseries and kindergartens must be approved in the original application or by subsequent amendment to the conditional use permit.

(j) Signs. Signage for churches shall be as permitted for a civic or commercial use in the district in which they are located. Any increase beyond that which is allowed within the district in which the church is located shall require specific approval through a conditional use permit application or amendment.

(3) Natural resource extraction.

(a) A site plan, drawn to scale, shall be submitted with any application for a conditional use permit. Such site plan shall show the following information:

(i) Graphic (and legal) description of the petition area.

(ii) Existing topographic contours (not less than ten (10) foot contour intervals).

(iii) Finished topographic contours when extraction is completed (not less than ten (10) foot contour intervals).

- (iv) Existing and proposed buildings and structures on the site.
- (v) Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.
- (vi) Indication of the existing landscape features.
- (vii) Location and nature of other operations, if any, which are proposed to take place on the site.

(b) A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information.

- (i) Method of drainage.
- (ii) Method of fencing or barricading the petition area to prevent casual access.
- (iii) Estimated amount of material to be removed from the site.
- (iv) Estimated length of time necessary to complete the operation.
- (v) Description of operations or processing which will take place on the site during and after the time the material is extracted.
- (vi) Plan or program of regrading and shaping the land for future use.
- (vii) Proposed hours of operation.
- (viii) Other pertinent information that may pertain to the particular site.

(c) General requirements.

- (i) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be established.
- (ii) A strip of land at the existing topographic level, and not less than fifteen (15) feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. That periphery strip shall not be altered except for access points.

(iii) All banks shall be left with a slope ratio of no greater than 4:1 (25% slope) unless it can be shown to the Planning Commission's satisfaction that a greater slope is not detrimental to the beneficial future use of the subject property.

(iv) Sufficient attention should be paid to drainage of the site, both during the extraction period and after the site has been regraded. Where a finished grading plan indicates that surface water will be conducted from the site onto adjacent lands, the plan will be subject to the approval of the Public Works Department.

(v) During periods of inactivity, the owner of the pit shall take whatever precautions as are necessary to prevent the site from becoming an attractive nuisance.

(4) Junk yards.

(a) The term "junk yard" shall include, for the purposes of this section, the terms auto-wrecking yard and salvage or scrap yard.

(b) All junk yards, in addition to the conditions implied herein, shall comply with the provisions of Chapter 18 of the Hastings City Code.

(c) General requirements:

(i) The proposed site shall not be located within five hundred (500) feet of any school, hospital, public building, residential subdivision, or place of public assembly.

(ii) A site plan, drawn to scale, shall be provided with the application. Such site plan shall state the legal description of the property, the location of all buildings and structures on the site, access points, off-street parking areas, vehicular circulation and prominent topographical features, if any, of the site or adjacent lands within three hundred (300) feet of the site.

(iii) The minimum lot size for junk yard in any district where they are permitted as a conditional use shall be two (2) acres. The minimum lot width shall be one hundred and fifty (150) feet.

(iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight (8) feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.

(v) Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.

(vi) Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.

(vii) Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run- off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.

(5) Storage of vehicles in impound yard.

(a) No dismantling, processing or salvaging of vehicles or repair work to vehicles may be performed in an impound yard.

(b) The minimum size of an impound yard shall be one (1) acre.

(c) There shall not be stored in an impound yard at any time more than one (1) vehicle for each (10 x 35) 350 square feet of available storage space in the impound yard.

(d) A fence, sufficient to control access to the impound yard, shall be constructed around the impound yard. The fence shall be not less than size (6) feet in height.

(e) The surface of the impound yard shall at all times be covered with concrete, asphalt or crushed rock.

(f) Weeds, grass and other bushes shall not be permitted to grow more than six inches above the ground at any time in an impound yard.

(g) Vehicles may not be stacked in an impound yard, but must at all times be stored directly upon the surface of the impound yard.

(h) Any lights on an impound yard must be cut off lighting, so as to not allow light to escape outside of the boundary of the impound yard.

(i) The impound yard may not be located closer than 250 feet from property which is zoned to allow residential use nor within 100 feet of a residence, except

when such residence is located on a property zoned for industrial use and is being used as an accessory use to a proper industrial use on said property.

(j) Vehicles stored in an impound yard must be removed from the yard within nine (9) months of the time when they are first placed therein; provided however, an impounded vehicle may, upon request of a prosecuting attorney, be kept in an impound yard for so long as such prosecuting attorney requests. To assist in the enforcement of this requirement, the operator of the impound yard shall at all-time do the following:

(i) The operator shall keep a book, listing all vehicles which arrive at the impound yard in the order in which they arrive; and the date of arrival, and include therein the name and address of the person from whom each vehicle is received, the name and address of the party controlling the disposition of the vehicle, the name of the manufacturer of the vehicle, the model and type number of the vehicle, and motor number and license number thereof. Said information shall be placed on the record book within 48 hours after a vehicle is placed in the impound yard.

(ii) Any person who shall make any false entry or statement concerning matters required to be set out in the record book shall be deemed guilty of a misdemeanor, and may be fined in the amount of \$100 per violation. Each separate vehicle for which a false entry or not entry is made shall constitute a separate violation.

(k) The provisions of subparagraph (i) shall not prohibit the use of property for residential purposes, when said use arises after the establishment of an impound yard in compliance with the provisions of this Section. However, said residential use shall not affect the validity of the use of the impound yard, for so long as said impound yard shall remain in existence on the continuous basis.

(6) Off-street parking spaces and structures.

(a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.

(b) The minimum lot size for any off-street parking structure in any district where they are permitted as a conditional Use shall be ten thousand (10,000) square feet, minimum lot width shall be eighty (80) feet.

(c) Minimum yard requirements--The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicle traffic.

(d) Maximum lot coverage--None.

(e) Maximum height of structures--Same as is required for a permitted use in the zoning district where the site is located.

(f) Landscaping--All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen shrubs of at least five (5) feet in height or screened with privacy fencing at least five (5) feet in height.

(g) Paving, drainage and parking stall size:

(i) The off-street parking area, including all ingress and egress points, shall be covered with asphaltic or concrete pavement.

(ii) Parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size and shall be marked.

(iii) If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the City Engineer.

(7) Townhouses, row houses, and office buildings built to a common wall(s).

(a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings.

(b) Minimum lot requirements.

Lot area--2,000 sq. ft.

Lot width--20 ft.

(c) Minimum yard requirements: Front yard--20 ft.

Side yard--at the common wall(s)—none. Other--10 ft. rear yard--10 ft.

(d) Maximum lot coverage--Same as is required for permitted uses in the zoning district where the site is located.

(e) Maximum height of structure--Same as is required for permitted uses in the zoning district where the site is located.

(f) Off-street parking:

(i) Town houses, row houses--At least two (2) parking spaces shall be provided for each dwelling unit.

(ii) Office buildings--Per use, the minimum to be as provided in Section 40-308. All parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.

(g) Ground cover--All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.

(h) Building standards and agreements:

(i) The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.

(ii) The City Council requires that the design and construction of the property line walls be reviewed by the Development Services Director and the Fire Department to insure compliance with pertinent Building and Fire Codes.

(8) Standards for mobile home parks.

(a) The minimum size of a proposed mobile home park shall be two (2) acres, except as otherwise required for the pertinent use district.

(b) Proposed sites of five (5) acres or less shall have adequate access to dedicated streets having a minimum right-of-way of sixty (60) feet. All other sites shall have direct access to a collector street.

(c) Density for proposed mobile home parks shall not exceed eight (8) units per gross acre.

(d) All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one (1) or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.

- (e) All mobile home parks shall meet the standards set forth in Article V of this Chapter.
- (9) Standards for self-service storage facilities.
- (a) Site plan:
 - (i) The plan shall be drawn at a scale of one inch equals 20 feet. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the submittal and must be included as part of the site plan or submitted on a separate sheet. Building elevation shall also be included on the plan along with specification of the colors of buildings and materials to be used.
 - (ii) Site drainage shall be incorporated in the plan so that storm water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run-off from at least 25-year return frequency storm as certified by the City Engineer.
 - (b) Minimum site areas: None.
 - (c) Building setbacks shall be the same as in the C-3 District.
 - (d) The site shall abut and have direct access to a city street.
 - (e) Other requirements:
 - (i) The storage facility shall be enclosed by a six foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.
 - (ii) Landscaping shall be provided in the areas outside the fences between the fence and the property line.
 - (iii) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 of this Chapter for paving requirements.

(iv) Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.

(v) Buildings shall be separated a minimum of thirty (30) feet from one another within self-service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension.

(vi) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a maximum height of ten (10) feet.

(vii) All exterior lighting shall be of cut-off type to prevent off-site glare. Each tenant storage space shall be provided with separate interior lighting.

(viii) All storage shall be kept within an enclosed building.

(ix) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.

(f) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self-service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self-service storage facility. Violation of this Section shall be subject to the provisions of Section 34- 804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.

(g) Repair, reconditioning and fabrication prohibited:

(i) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated as a self-service storage facility.

(ii) This provision shall be posted and be included in the tenant lease agreement.

(h) An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the Council. If construction has not been started within said twenty-four (24) month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.
(Ord. No. 3218-6/91, 4233-11/2009 and 4294-5/2011)

(10) Standards for Detached Dwelling, Accessory.

(a) Accessory Detached Dwellings shall be limited in use to housing immediate family members who live in the principal detached dwelling located on the lot. Immediate family members shall mean either the parent(s) or child(ren) of the owner of the principal dwelling.

(b) Accessory Detached Dwellings shall be located only on lots having an area of 5 acres or greater.

(c) Accessory Detached Dwellings shall not be in a mobile home. Manufactured homes utilized for Accessory Detached Dwellings shall meet the minimum requirements set forth in Hastings City Code 34-312.

(d) Accessory Detached Dwellings shall have a minimum habitable area of 850 sq. ft.

(e) Accessory Detached Dwellings shall have utility services shared with the principal detached dwelling located on the lot.

(f) Accessory Detached Dwellings shall not be larger than the principal dwelling on the lot.

(g) When an Accessory Detached Dwellings is no longer utilized by an immediate family member as defined in this section, the conditional use permit shall become null and void. The conditional use permit holder shall notify the Development Services Department in writing that the Accessory Detached Dwellings is no longer being used within 30 days of cessation of use.

(11) Standards for construction and demolition waste landfill sites.

(a) The granting of a conditional use permit for a construction and demolition waste landfill shall constitute the City's approval of the construction and demolition waste landfill site as provided for in Nebraska Revised Statute Section 13-1701 et seq.

(b) The site for a construction and demolition waste landfill shall be located outside of the corporate limits of the City.

(c) The minimum site area for a construction and demolition waste landfill shall be twenty (20) acres, unless, due to unusual circumstances, such area requirement is reduced by the City Council.

(d) No solid waste other than construction and demolition waste may be put in a construction and demolition waste landfill.

(e) A fence, sufficient to control access and prevent airborne debris from leaving the site, shall be constructed around each portion of the construction and demolition waste landfill site being used for construction and demolition waste activities.

(f) No construction and demolition waste landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.

(g) Routes used by trucks to and from the construction and demolition waste landfill shall be approved by the Director of the Public Works Division, or his designee.

(h) When mud, dirt or spilled debris accumulates on streets from trucks or from construction and demolition waste landfill equipment, it shall be removed by the person holding the conditional use permit.

(i) The conditional use permit shall provide a date by which the construction and demolition waste landfill shall be terminated or the conditional use permit renewed.

(j) The conditional use permit shall require that when the construction and demolition waste landfill has been brought up to within eighteen (18) inches of the desired grade, it shall be covered and maintained with at least eighteen (18) inches of compacted dirt and seeded in such a manner so as to prevent erosion.

(k) Within ninety (90) days following the granting of a conditional use permit, the applicant shall record with the Register of Deeds a permanent instrument notifying the public of the existence of a construction and demolition waste landfill at the site, the type, depth and location of the waste which is to be placed upon the property, as well as the existence of any monitoring systems thereon, and any restrictions on the use of the property which may be provided to protect the integrity of the final cover, liner, monitoring systems or any other components of the containment system.

(l) No site shall be approved except on a determination by the City Council that it complies with the provisions of Nebraska law, including the notice and

public hearing requirements set forth in Nebraska Revised Statute Section 13-1701 et seq.

(12) Standards for recreational vehicle parks.

(a) The minimum size of a recreational vehicle park shall be two acres, except as otherwise required for the pertinent use district.

(b) Density for recreational vehicle parks shall not exceed 24 recreational vehicles per gross acre.

(c) All areas not devoted to recreational vehicle spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with lawn grass, shrubbery, trees, or other suitable ground cover materials.

(d) The council may require suitable screening around all or any part of the site boundary.

(e) A recreational vehicle park operation shall have adequate solid waste collection facilities, which will be constructed and maintained in accordance with all municipal health regulations, and shall be designed to bar animals from access to the solid waste. Solid waste shall be removed from the park at least once a week.

(f) The recreational vehicle park shall be served by an on-site service building containing a public water supply and public toilet facilities, and by a storm shelter which, for the purposes of this section, shall mean a structure designed to withstand a 200 mile-per-hour wind, and which has a designed occupant load of no less than twenty square feet per recreational vehicle space.

(g) Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.

(h) Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:

(i) The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.

(ii) The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.

(iii) In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.

(i) Recreational vehicle parks located in agricultural (A) may have signs subject to the requirements of Hastings City Code Section 34-309(5), and recreational vehicle parks located in commercial business districts (C-3) and light industrial districts (I-1) may have signs subject to the limitations of Hastings City Code Section 34-309(6).

(13) Standards for kennels.

(a) All points on the perimeter of any kennel facility, dog run or exercise area shall be at least 100 feet from any property line.

(b) Outdoor exercise areas, runs, or yards when provided for training or exercising, shall be restricted to use during daylight hours.

(c) A site plan, drawn to scale shall be provided with the application showing all existing and proposed buildings and structures, fencing and landscaping.

(d) A narrative statement shall be provided with the application describing:

(i) The maximum total number of animals to be kept on the premises at any time.

(ii) The expected male/female mix of animals at any time.

(iii) The type of kennel enclosure including the size of the enclosures.

(iv) The type and height of fencing.

(v) The type and size of year-round shelters.

(vi) The source and location of water supply.

(vii) The sanitary maintenance plan, including provision for collection and disposal of excrement and other waste solution or material.

(viii) Lighting.

(ix) Landscaping and other visual and noise barriers.

(x) Surface drainage.

(xi) Expected weekly traffic related to the keeping of animals.

- (xii) Hours of operation.
- (e) The total number of animals on the premises at any one time will be established as part of the conditional use permit process.
- (f) The applicant must demonstrate that:
 - (i) The location and operation of the kennel is appropriate for housing multiple animals and will be consistent with the health and safety of the animals and of the neighbors.
 - (ii) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.
 - (iii) The kennel will be operated in a manner that it will cause no nuisance to the public.
 - (iv) The kennel will be operated in a safe, sanitary, and humane condition.
- (14) Standards for bed and breakfast establishments.
 - (a) General requirements.
 - (i) Each bed and breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential zoning district.
 - (ii) The bed and breakfast shall be occupied and operated by the owner as their principal residence.
 - (iii) The single family dwelling used as a bed and breakfast shall have a minimum of 2,000 sq. ft. in living area.
 - (iv) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
 - (v) Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court shall be solely for the use of the owner, the owner's family and the owner's registered guest.
 - (vi) There shall be no separate or additional kitchen facility for the guests.

(vii) A person who does not reside at the home shall not be employed to assist in the conduct of a bed and breakfast except as usual for a single family residence (e.g., maid, housekeeper).

(viii) A bed and breakfast must comply with all other provisions of the zoning district in which it is located and must comply with all other ordinances of the City.

(b) Guest rooms.

(i) Rooms utilized for guest rooms shall be part of the single family dwelling unless specifically approved by the conditional use permit.

(ii) A guest room shall not be located in a basement.

(iii) No more than 3 occupants per guest room shall be allowed.

(iv) Each guest room shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each guest room exits.

(v) A fire escape plan shall be developed and graphically displayed in each guest room.

(c) Parking.

(i) The bed and breakfast will provide 2 off street parking spaces for the residence and one additional space per guest room.

(ii) Off street parking shall be developed in such a manner that the residential character of the property is preserved.

(d) Register. Every person operating a bed and breakfast residence shall keep at all times a book, to be known as the register, in which it shall be required that every person to whom a room is let shall have his, her or their name or names and address registered there in ink, along with the date on which the room was let, the date it was vacated, the correct number or other designation of the room let, and the number of the occupants assigned to the room. No page of the register may be disposed of until two years after the date of the most-recent entry recorded on it. The register shall be available to Development Services on request.

(e) Signs. Signage shall be limited to one non-illuminated wall-mounted sign not to exceed 6 square feet in area.

(f) Application.

(i) The application shall contain:

(1) The name, address and telephone number of the owner(s) and address of proposed bed and breakfast.

(2) A plan, drawn to scale showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the dwelling.

(3) A site plan drawn to scale and including the following information: Title of the drawing

North arrow, scale and date

Boundaries of the project site

Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges

Location of all existing and proposed access and egress drives

Location, design and size of all proposed signs and outdoor lighting facilities Location of existing and proposed buffer and screen areas, structures and vegetation

(ii) Development Services may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed and breakfast.

(g) Permit.

(i) The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the City Council.

(ii) Any amendments to an approved conditional use permit shall be reviewed by the Planning Commission and approved by the City Council if found to be consistent with these standards. Minor amendments to the permit may be approved by the Development Services Director. Such administrative approval shall be limited to parking lot and landscaping improvements, exterior facade changes and signs. An appeal of the Development Services Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2).

(iii) The use is subject to review at any time and may be revoked after a hearing by the City Council and a finding by the Council that the use has become detrimental to the neighborhood.

(iv) Upon the issuance of a permit for bed and breakfast establishment, an annual inspection and certificate of compliance for the bed and breakfast shall be issued by Development Services for continued operation.

(v) An application for a certificate of compliance shall be filed with Development Services with the inspection fee as set by the current fee schedule.

(h) Review considerations. The City's review of the application and site plan shall include but not be limited to the following considerations:

Adequacy and arrangement of vehicle traffic access and circulation Location, arrangement, appearance and sufficiency of off street parking Location, arrangement, size and design of lighting and signs

Relationship and compatibility of proposed use to uses of adjacent parcels together with their scale

Adequacy, type and arrangement of trees shrubs, fences and other landscaping or improvement constituting a visual or noise-detering buffer between the site and adjacent or adjoining uses

Any other matter which may affect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

(15) Standards for Livestock Feeding Operations

For the purposes of this subsection, the term "animal unit (AU)" shall mean the relationship of various animals with regard to manure production based upon one thousand pounds of animal(s) regardless of type. The following relationship with regard to manure production shall be as follows:

Type of Animal	Animal Unit(s)
Beef Animal (500 - 1,200 pounds)	1.00
Beef or Dairy Calf (150 - 500 pounds)	0.50
Young Dairy Stock (500 - 1,000 pounds)	0.75
Replacement Heifers	1.00
Dairy Cow	1.40
Horse	2.00
Swine (55 pounds or heavier)	0.40
Swine (less than 55 pounds)	0.04
Swine (sow and litter)	0.50
Sow or Boar	0.40
Sheep and Goat	0.10
Chicken	0.01

Turkey	0.02
Ostrich	0.40
Llama or Alpaca	0.50

(a) The following setbacks and design standards are the minimum sanitation and odor practices for the City of Hastings. In addition, the Hastings City Council, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:

- odor
- dust,
- lighting,
- waste disposal and
- dead livestock.

(b) A conditional use permit may be approved after public notice has been given and public hearing is conducted as required by law.

(c) Agricultural Operations of 300 Animal Units (A.U., equaling one cow or cow-calf pair) and under are considered a farm as defined in these Regulations and do not require a conditional use permit.

(d) All existing Livestock Feeding Operations (LFO's) that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new conditional use permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 404-1, without applying for another conditional use permit. All new Livestock Feeding Operations and those expanding to the next level shall require a conditional use permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:

(i) Livestock Feeding Operations will be categorized either as Environmentally Controlled Housing Operations or Open Lot Operations. Livestock Feeding Operations having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation, measured in A.U.'s. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:

Class I Facility = 301-1,000 animal units;

Class II Facility = 1,001-5,000 animal units;

Class III Facility = 5,001-20,000 animal units; and

Class IV Facility = 20,001 or more animal units.

Livestock Feeding Operations having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

TABLE 404-1: LFO SPACING AND DISTANCE (Distances given in feet)

<u>Size of Proposed LFO in Animal Units.</u>		<u>Non-farm or Other Residence and Other LFOs (feet)</u>
<u>Class I</u> <u>301-1000</u>	<u>ECH</u>	<u>1,320</u>
	<u>OPEN</u>	<u>1,320</u>
<u>Class II</u> <u>1001-5000</u>	<u>ECH</u>	<u>5,280</u>
	<u>OPEN</u>	<u>2,640</u>
<u>Class III</u> <u>5001-20,000</u>	<u>ECH</u>	<u>5,280</u>
	<u>OPEN</u>	<u>2,640</u>
<u>Class IV</u> <u>20,001 or</u> <u>more</u>	<u>ECH</u>	<u>7,920</u>
	<u>OPEN</u>	<u>3,960</u>

ECH = Environmentally Controlled Housing OPEN = Open Lot Operations

(ii) Livestock Feeding Operations having more than a 1,000 animal units shall also locate at a distance as specified under the Environmentally Controlled Housing or Open Lots, in Table 1 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.

(iii) All Livestock Feeding Operations over 20,000 Animal Units shall be required to obtain a new conditional use permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section.

(iv) The producer shall have a Pre-submission meeting with the City of Hastings Development Services Director and City of Hastings Building Inspector to discuss tentative plans and layouts prior to formal submission of the conditional use permit for Livestock Feeding Operations.

1. The applicant shall submit a proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environment and Energy (NDEE) or any other applicable State Agency.
2. The applicant shall submit all pertinent materials and designs, as per the conditional use permit Application for Livestock Feeding Operations.
3. The applicant shall file a copy of the proposed Operation and Maintenance Plan and proposed Manure Management Plan. The approved plans shall be submitted after NDEE approval if different from the proposed. Said plans shall be filed with the City of Hastings Development Services Director.
4. The applicant shall also file a copy of all approved NDEE plans and permits with the City of Hastings Development Services Director within 30 days after they are issued by the NDEE.
5. An annual manure management plan shall be submitted to the City of Hastings Development Services Director which shall follow "best possible management practices" as specified by NDEE in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
6. If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this Section. Said area shall also have located on the proposed site plan indicated in number (A) above.
7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.

9. All runoff or waste generated by a Livestock Feeding Operation facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.

10. The setbacks from a Livestock Feed Operation to any non-farm dwelling, other residence or other Livestock Feeding Operation are outlined in Table 404-1.

(e) Exceptions:

(i) Any Class I Livestock Feeding Operation use in existence as of the effective date of this provision, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other Livestock Feeding Operation or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a conditional use permit, provided the proposed expansion complies with all of the following limitations:

1. Such expansion will not decrease the distance from the Livestock Feeding Operation use to any church, school, public use, other Livestock Feeding Operation or single-family dwelling not of the same ownership and not on the same premises with said Livestock Feeding Operation which is less than the minimum prescribed spacing distance.

2. Any physical expansion of the existing Livestock Feeding Operation shall be immediately contiguous with the facilities of the existing Livestock Feeding Operation.

3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a Livestock Feeding Operation that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this provision. Any expansion beyond this limitation is prohibited unless a conditional use permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the City Council.

4. If such expansion results in such Livestock Feeding Operation being required to obtain a new construction permit from NDEE, introduction of additional animals shall be prohibited until

said permit is issued by NDEE or other applicable or successor agency has been issued and such Livestock Feeding Operation shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this provision.

SECTION 3. That any ordinance passed and approved prior to the passage of this ordinance, and in conflict with its provision, is hereby repealed.

SECTION 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this 10th day of February, 2020.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM

City Attorney