

**ORDINANCE NO. 680**

AN ORDINANCE OF THE CITY OF BAYARD AMENDING ORDINANCE 11-1-5 TO PROVIDE FOR THE INCLUSION OF PARKS AS A PERMITTED USE IN THE CBD, CENTRAL BUSINESS DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYARD, NEBRASKA, AS FOLLOWS:

Section 1: Section 11-1-5(B) is hereby amended to provide that parks shall be added as a permitted use in CBD, Central Business District.

Section 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3: This Ordinance shall become effective after its passage, approval, and publication according to law.

PASSED AND APPROVED THIS 12 day of April, 2005.

Paul Leseberg  
Mayor

Joyce Mick  
CLERK

**ORDINANCE NO. 669**

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTION 11 OF THE CITY CODE TO PROVIDE FOR ESTABLISHMENT OF ZONING DISTRICTS; THE OFFICIAL ZONING DISTRICT MAP; RULES AND REGULATIONS INVOLVING THE USE OF LAND WITHIN VARIOUS DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PUBLICATION IN BOOK AND PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYARD, NEBRASKA AS FOLLOWS:

Section 1: Section 11 of the City Code of the City of Bayard is hereby amended to adopt Bayard Zoning Regulations. These regulations shall establish zoning districts, and official zoning map, and rules and regulations for land use within the various districts.

Section 2: All Ordinances or parts of Ordinances in conflict with the zoning regulations are hereby repealed.

Section 3: This Ordinance shall be effective after its passage, approval and publication according to law.

Section 4: This Ordinance shall be published in book and pamphlet form, with copies available at City Clerk's office. Notice of the publication of the zoning regulations in book and pamphlet form shall be made by publication of a cover sheet of this Ordinance duly executed by the Mayor and City Clerk and posting in three public places in the City.

PASSED AND APPROVED THIS 11<sup>TH</sup> day of May, 2004.

Paul Leseberg  
Mayor

ATTEST:

Joyce Mick  
City Clerk

City of Bayard

Zoning Regulations

Adopted May 11, 2004

## Chapter 1

### COMPREHENSIVE ZONING PLAN

- 11-1-1: Title
- 11-1-2: Establishment of Districts; Official Zoning District Map;  
Interpretation of District Boundaries
- 11-1-3: Application of District Regulations
- 11-1-4: Nonconforming Lots, Nonconforming Uses of Land,  
Nonconforming Structures and Nonconforming Uses of  
Structures and Premises
- 11-1-5: District Regulations
- 11-1-6: Placement of Manufactured Housing
- 11-1-7: Motels
- 11-1-8: Supplementary Regulations
- 11-1-9: Setback building Lines
- 11-1-10: Conditional Uses
- 11-1-11: Off-Street Parking and Loading Requirements
- 11-1-12: Planned Unit Developments
- 11-1-13: Administration and Enforcement
- 11-1-14: Board of Adjustments
- 11-1-15: Amendments
- 11-1-16: Schedule of Fees and Charges
- 11-1-17: Definitions
- 11-1-18: Violations and Penalties

11-1-1: **Title:** This Title shall be known and may be cited and referred to as the *BAYARD ZONING ORDINANCE*.

## 11-1-2: GENERAL PROVISIONS

- A) Jurisdiction:** This Ordinance shall apply to the incorporated area of the City Of Bayard, Nebraska and that portion of the area outside the City's incorporated boundary which is within the one-mile area of planning and zoning jurisdiction set forth by Nebraska law, as may be amended when necessary.
- B) Establishment of Districts;** For the purposes of this Zoning Ordinance, the City and the area extending one mile from the corporate limits is hereby divided into the following districts:
- |            |                                   |
|------------|-----------------------------------|
| <b>A</b>   | Agriculture District              |
| <b>R-1</b> | Residential District              |
| <b>R-2</b> | High Density Residential District |
| <b>CBD</b> | Central Business District         |
| <b>C</b>   | General Commercial District       |
| <b>HC</b>  | Heavy Commercial District         |
| <b>M</b>   | Industrial District               |

Any land annexed or for any other reason is within the zoning jurisdiction of the City, shall be classified "A" Agricultural District until reclassified by amendment.

The boundaries of these districts are hereby established 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.

- C) Official Zoning District Map:** The Official Zoning Map shall be identified by the signature of the Mayor, attested to 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 2 of Ordinance 232 in Bayard, Nebraska", together with the date of adoption of this Ordinance.

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

Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land, water areas, buildings and other structures.

- D) 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:
1. Boundaries indicated as approximately following the center lines or right of way streets, highways or alleys shall be construed to follow such center or right-of-way lines unless otherwise noted.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore line's shall be construed to follow such shore lines, and in the event of change in the shore line's shall be construed moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in the foregoing rules shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. 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 the foregoing rules, the Board of Adjustment shall interpret the district boundaries.

E) **Severability:** It is hereby declared to be the intention of the City of Bayard that the provisions of these regulations are severable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, the judgment shall not affect any other provisions of these regulations.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of these regulations to a particular property structure, the judgment shall not affect the application of the provision to any other property or structure.

11-1-3: **APPLICATION OF DISTRICT REGULATIONS:** The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kin of structure or land, and particularly, except hereinafter provided:

- A) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, relocated, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- B) No building or other structure shall hereafter be erected or altered:
  1. To exceed the height;
  2. To accommodate or house a greater number of families;
  3. To occupy a greater percentage of lot area;
  4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;
 Than herein required; or in any other manner contrary to the provisions of this Ordinance.
- C) No part of a yard, or other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D) No yard or existing lot existing at the time passage of this Ordinance shall be reduced in dimension or area below the minimum requirements established by this Ordinance.
- E) No water or sewer facility shall be constructed, altered, connected or used unless in conformity with all of the regulations herein specified.
- F) The requirements and regulations of this Ordinance are in addition to those imposed in Ordinances pertaining to buildings in the "Fire Limits", and to those imposed in Uniform Housing, Plumbing, Electrical, and Fire Codes and shall in no instance reduce or eliminate standards or requirements made by such other Ordinances.

- G) **Overlapping or Contradicting Regulations:** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of these regulations or any provision of any other law, ordinance, rule or regulation of any kind, the regulations which are more restrictive shall govern unless specifically expected.
- H) **Private Agreements:** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the provisions of these regulations are more restrictive ( or impose higher standards or requirements) than the easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- I) **Unlawful Uses:** The adoption of these regulations shall not be interpreted as retroactively legalizing a use or structure which was illegal under previous laws or ordinance.

**11-1-4: NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES:**

- A) **General:** Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to 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.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent positions and fastened in a permanent manner: except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

- B) **Nonconforming Uses of Land:** Where, at the effective date of adoption or amendment this Title, lawful use of land exists that is made no longer permissible under the terms of this Title as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- 1.) No such 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 Title.
- 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 Title.
- 3.) If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Title for the district in which such land is located.

**C) Nonconforming Structures:** Where a lawful structure exists at the effective date of adoption or amendment of this Title that could not be built under the terms of this Title by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1.) No Such structure may be enlarged or altered in a way which increases its nonconformity.
- 2.) Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Title without written consent of the City Council.
- 3.) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**D) Nonconforming Uses of Structures:** If a lawful use of a structure, or of structures and premises in combination, exists at the effective date of adoption or amendment of this Title, that would not be allowed in the district under the terms of this Title, the lawful use may 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 Title 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 a 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 Title, but no such use shall be extended to occupy any land outside such building.
- 3.) If no structural alterations are made, a nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use; provided that the Board of Adjustment, 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 nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Title.
- 4.) Any structure, or structure and land in combination, in or on which an nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the districts in which such structure is located, and the non-conforming 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 twelve (12) consecutive months, the structure or structure and premises in combination, shall not thereafter be used except in conformance except in conformance with the regulations of the district in which it is located.

6.) Where nonconforming use status applies to a structure and premises in combination, removing or destruction of the structure shall eliminate the nonconforming status of the land.

**E) Repairs and Maintenance:** On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the building; provided, that the cubic content of the building as it existed at the time of passage or amendment of this Title shall not be increased.

Nothing in this Title 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.

**F) Uses Under Exception Provisions, Not Nonconforming Uses:** Any use for which a conditional permit is issued as provided in this Title shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district subject to conditions of the permit,

11-1-5: **DISTRICT REGULATIONS:** In the following established districts, a structure, building or premises shall be used or occupied only for the following purposes and shall conform to the following regulations:

**Agricultural (A) District**

1. **Intent:** It is the intent of this agricultural district to serve the agricultural community, protect farm land, protect land values, protect well fields, and serve the needs of the property owners in this district. It is the intention to only restrict in the Agriculture District that which is necessary to protect health, safety, and general welfare of Bayard and its surrounding area.
2. **Permitted Uses:** In the Agricultural District buildings, structures, land and premises shall hereafter be allowed to be erected, constructed, reconstructed, moved, or altered as long as they are to be used for a permitted.
  - a) Raising of field crops and horticulture, keeping of livestock, nurseries and greenhouses.
  - b) The grazing of livestock
  - c) One Single-family dwelling. Per legal lot/parcel
  - d) Public park, playground, golf course and other recreational uses.
  - e) On-site sign.
  - f) Public utilities
  - g) Irrigation Facilities.
  - h) Cemeteries
  - i) Kennels
  - j) Home Occupations
  - k) Accessory structures and uses customarily incidental to the listed permitted use.
3. **Conditional Uses:** The following conditional uses may be permitted subject to approval procedures outlined in Section 11-1-10 of this Ordinance.
  - a) Private Country Clubs, recreation areas, golf course, tennis court, swimming pool and accessory recreation uses.

- b) Accessory dwellings for persons directly engaged in on-site agricultural operation.
- c) Communication Towers
- d) Accessory structures and uses customarily incidental to the listed conditional use.

**4. Minimum Lot and Maximum Height Regulations**

Uses	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Height <sup>1</sup>
Nonfarm single Family dwelling	20 acres	80ft	25ft	10ft	30ft	no limit

<sup>1</sup> Any structure hereafter erected or altered may be erected to any height which is not in conflict with any other existing City Ordinance, state or federal law.

**B) R-1 Residential Districts:**

1. **Intent:** The intent of this district is to provide an area for development in residential neighborhoods including those uses which reinforce residential neighborhoods.
2. **Permitted Uses:** In District “R-1” no building structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:
  - a) One-, two, and three-family dwellings.
  - b) Churches and temples of worship.
  - c) Schools and colleges.
  - d) Home Occupations in accordance with Section 11-1-8.J
  - e) Community Center buildings.
  - f) Municipal Utilities and buildings.
  - g) Hospitals and nursing homes.
  - h) Municipal recreation buildings, playgrounds and parks.
  - i) Public libraries.
  - j) Day Care Homes
  - k) Accessory structures and uses customarily incidental to the listed permitted uses.
3. **Conditional Uses:** The following conditional uses may be permitted in the R-1 District subject to approval procedures outlined in Section 11-1-10 of this Ordinance.
  - a) Private Country Clubs, recreation, golf course, tennis courts, swimming pool, and accessory recreational uses.
  - b) Mobile Home Parks.
  - c) Public Utilities and public and municipal corporations and governmental entities.
  - d) Multi-family dwellings with 4 or more units
  - e) Day Care Centers
  - f) Funeral Homes
  - g) Rooming and boarding houses
  - h) Communications towers
  - i) Accessory structures and uses customarily incidental to the listed conditional uses.
4. **Accessory Structures:**
  - a) No accessory structure shall be erected in any required front or side yard
  - b) No accessory structure shall be erected closer than five (5) feet from any other building.

- c) No accessory structure shall be constructed upon a lot until the construction of the main building has been started.
- d) No accessory building shall exceed 20 feet in height.
- e) Detached accessory buildings shall not occupy more than fifty percent (50%) of the rear yard.

**5. Minimum Lot and Maximum Height Regulations:**

- a) The front yard shall not be less than 25 feet from the front lot line
- b) The front yard requirements shall be adjusted in the following situations:
  - 1. If there are already two or more homes existing on a block with the same street frontage, a new home cannot have a front yard smaller than any other aforementioned homes on that block.
  - 2. In cases of corner lots with more than two (2) street frontages, front yard requirements shall be subject to the following limitations:
    - a) At least one front yard shall be 25 feet with the respective lot line.
    - b) The other front yard on the lot shall be at least 10 feet from the respective lot line
    - c) Neither front yard can be less than any other front along the same street on that same block

**c)** The side yard shall not be less than 5 feet from the lot line.

**d)** The rear yard shall not be less than 5 feet.

**e)** No structure, other than governmental buildings, may exceed 35 feet (35') in height

**6. Design Guidelines:** All dwellings in the R-1 District shall meet these minimum design guidelines:

- a) All dwellings shall be built on permanent foundation
- b) No dwelling shall have-wheels, axles, and hitch mechanisms
- c) All dwellings shall be connected to public water and sewer
- d) All dwellings shall have siding material of one of the following types:
  - 1. Residential horizontal aluminum lap siding,
  - 2. Residential horizontal vinyl lap siding,
  - 3. Cedar or other wood siding,
  - 4. Wood grain, weather resistant, press board siding,
  - 5. Stucco siding,
  - 6. Brick or stone,
  - 7. Other siding materials which are aesthetically compatible as determined by the Zoning Administrator.
- e) All dwellings shall have roofing material of a type used on site-constructed residence such as:
  - 1. Fiberglass shingles on a pitched roof according to the design specifications of the shingles,
  - 2. Shake shingles on a roof pitched according to the design specifications of the shingles,
  - 3. Asphalt shingles on a roof pitched according to the design specifications of the shingles,
  - 4. Tile materials on a roof pitched according to the design specifications of the shingles.
  - 5. Other roofing materials which are aesthetically compatible as determined by the Zoning Administrator
- f) All dwellings shall be at least 900 square feet.
- g) All dwellings shall have a minimum exterior width of 18 feet (18')
- h) The roofs of all dwellings shall have a minimum vertical rise of two and one-half inches (2 ½")

7. Fences: Except as otherwise provided in other City codes and regulations shall apply to the construction of fences in the R-1 District:

- A) No fence shall be constructed which will constitute a traffic hazard
- B) Fences may be constructed on the property line as long as the fence complies with all street, utility, and other applicable easements.
- C) No fence shall be constructed in a manner or be of a design as to be hazardous to persons or animals.
- D) No fence shall exceed four feet (4') in the front yard and no fence shall exceed six feet (6') in side or rear yards.
- E) Any fence that falls into disrepair shall be removed or repair within 30 days after receiving notification from the City of Bayard.

**C) R-2 Residential District:**

1. **Intent:** The intent of the R-2 zoning district is to establish the general location for high-density single and multiple family living including the use of mobile homes, but to afford flexibility for the establishment of uses, other than residential, that are not detrimental to the overall intent of the residential neighborhood.
2. **Permitted Uses:** In District "R-2" no building structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
  - a) Single family dwellings
  - b) Multi-family dwellings
  - c) Mobile homes
  - d) Rooming houses
  - e) Boarding houses
  - f) Churches and temples of worship
  - g) Schools and colleges
  - h) Home occupations
  - i) Community center buildings
  - j) Day care homes
  - k) Day care centers
  - l) Hospitals and nursing homes
  - m) Municipal recreation buildings, playgrounds and parks
  - n) Public libraries
  - o) Accessory structures and uses customarily incidental to the listed permitted uses.
3. **Conditional Uses:** The following conditional uses may be permitted in the R-2 District subject to approval procedures outlined in Section 11-1-10 of this Ordinance.
  - A) Mobile Home Parks.
  - B) Public Utilities and public and municipal corporations and governmental entities.
  - C) Funeral Homes.
  - D) Communication Towers.

E) Accessory structures and uses customarily incidental to the listed conditional uses.

**4. Accessory Structures:**

- A) No accessory structure shall be erected in any required front or side yard.
- B) No accessory structure shall be erected closer than five (5) feet from any other building.
- C) No accessory building shall be constructed upon a lot until the construction of the main building has been started.
- D) No accessory building shall exceed 20 feet in height.
- E) Detached accessory buildings shall not occupy more than thirty five percent (35%) of the required rear yard.

**5. Minimum Lot and Maximum Height Regulations:**

- a) The front yard shall not be less than 25 feet from the front line
- b) The front yard requirements shall be adjusted in the following situations:
  - 1. If there are already two or more homes existing on a block with the same street frontage, a new home cannot have a front yard smaller than any other aforementioned homes on that block.
  - 2. In cases of corner lots with more than two (2) street frontages, front yard requirements shall be subject to the following limitations:
    - a) At least one front yard shall be 25 feet with the respective lot line.
    - b) The other front yard on the lot shall be at least 10 feet from the respective lot line
    - c) Neither front yard can be less than any other front yard along the same street on that same block
- c) The side yard shall not be less than 5 feet from the lot line.
- d) The rear yard shall not be less than 5 feet.
- e) No structure, other than governmental buildings, may exceed 35 feet (35') in

height.

**6. Fences:** Except as otherwise provided in other City codes and regulations, the following regulations shall apply to the construction of fences in the R-2 District:

- a) No fence shall be constructed which will constitute a traffic hazard
- b) Fences may be constructed on the property line as long as the fence complies with all street, utility, and other applicable easements.
- c) No fence shall be constructed in a manner or be of a design as to be hazardous to persons or animals.
- d) No fence shall exceed four feet (4') in the front yard and no fence shall exceed six feet (6') in side or rear yards.
- e) Any fence that falls into disrepair shall be removed or repair within 30 days after receiving notification from the City of Bayard.

**D) CBD CENTRAL BUSINESS DISTRICT.**

- 1. **Intent.** The intent of the central business district is to provide a zone which will accommodate the broad range of retail shopping activities and service and office uses that are normally found in the downtown commercial area of a city.
- 2. **Permitted Uses.** In the BD District no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
  - a) Personal services

- b) Retail sales
- c) Restaurants
- d) Offices
- e) Public and/or governmental buildings and facilities
- f) Hotels, motels, and other places which provide lodging
- g) Apartment Dwellings
- h) Utility Service Facilities
- i) Gasoline and/or Service Stations and Convenience Stores
- j) Accessory buildings and uses customarily incidental to the listed permitted uses

3. **Conditional Uses.** The following conditional uses may be permitted in the CBD District subject to approved procedures outlined in Section 11-1-10 of these regulations.

- a) Motor vehicle repair and/or service
- b) Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
- c) Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.
- d) Light assembly and processing operations such as electronics, garment works, plate making, pattern shops and other similar uses.

4. **Intensity of Use Regulations.**

- 1. Minimum Lot Area: None.
- 2. Minimum Lot Width: None.

5. **Height Regulations.**

- 1. Maximum structure height: None.

6. **Use Limitations.**

- 1. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
- 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.

**E) C General Commercial District:**

1. **Intent:** The intent of the General Commercial district is to provide commercial locations which are suitable to accommodate a broad range or retail, service and office uses.

2. **Permitted Uses:**

- a) Restaurants, cafes, drive-in restaurants and drinking establishments
- b) Retail Services
- c) Personnel Services
- d) Gasoline Service Station
- e) Gift and curio shop
- f) Public Utilities and public and Municipal corporations and government entities.
- g) Motels, hotels and other places which provide temporary lodging
- h) Farm equipment sales
- i) Commercial and Public recreation and entertainment
- j) Office buildings and clinics

- k) Public, Semi-Public, or Governmental buildings, office, and facilities
- l) Public Parks
- m) Accessory uses and buildings that are clearly incidental to the permitted use and that will not create a nuisance or hazard.

**3. Conditional Uses.** The following conditional uses may be permitted subject to approval procedures outlined in Section 11-1-10 of these regulations.

- a) Apartment Dwellings
- b) Motor vehicle and/or farm equipment repair or body service
- c) Trailer sales
- d) Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
- e) Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.
- f) Light assembly and processing operations such as electronics, garment works, plate making, pattern shops and other similar uses.
- g) Accessory uses and buildings that are clearly incidental to these uses and that will not create a nuisance or hazard.

**4. Minimum Lot and Maximum Height Regulations:**

- a) Minimum Lot Area: 7,500 square feet
- b) Minimum Lot Width: None
- c) Maximum structure height: 45 feet.
- d) Minimum front yard: 25 feet when adjacent to a residential district, otherwise none.
- e) Minimum side yard: 10 feet when adjacent to a residential district, otherwise none.
- f) Minimum rear yard: 20 feet when adjacent to a residential district, otherwise none.

**G. Use Limitations.**

- 1. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted unless it is properly screen from public view.
- 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. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, shall be provided for any new commercial development that is adjacent to an adjoining residential district unless the adjacent residential district provides written consent for the absence of said screening.

**F. M Industrial District:**

- 1. **Intent:** The intent of the industrial district is to provide locations for those activities which require more intense uses of land.
- 2. **Permitted Uses:**
  - a) Any use allowed in the C District.
  - b) On-site and off-site signs.
  - c) Public utilities.
  - d) Offices in connection with any permitted industrial use.
  - e) Raising field crops and horticulture.
  - f) Commercial Storage Units.

- g) Auto Repair Facilities
- h) Car Washes
- i) Contractor storage yard
- j) Grain Elevators
- k) Grain Storage Facilities
- l) Raising Field Crops and Horticulture
- m) Greenhouses
- n) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke
- o) Storage of bulk oil or gas
- p) Ready-mixed concrete and asphalt plants
- q) Public Utilities
- r) Accessory buildings and uses customarily incidental to the listed permitted uses
- s) Communication Towers
- t) Rail terminals
- u) Accessory buildings and uses customarily incidental to the listed permitted uses

**3. Conditional Uses:** The following conditional uses may be permitted subject to approval procedures outlined in Section 11-1-10 of this Ordinance.

- a) Heavy manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas odor or smoke.
- b) Rendering plants.
- c) Solid waste disposal and processing sites which include landfills, incinerators, compactors, transfer stations and other similar functions.
- d) Abattoirs, slaughterhouses, and/or meatpacking
- e) Storage and warehousing of products of a highly explosive, combustible or volatile nature.
- f) Wholesale and retail establishments which handle products of a highly explosive, combustible or volatile nature.
- g) Facilities to process agricultural commodities.
- h) Facilities to process raw materials
- i) Auto salvage yard

**4. Performance Standards:**

- a) Noise: All noise shall be muffled so as not to be objectionable due to intermittence, beat frequently or shrillness and, as measured at any property line, shall exceed the following intensity in relation to sound frequency.

<b>Octave Band in Cycles per Second</b>	<b>Decibels</b>
0 to 50	75 decibels
150 to 300	67 decibels
300 to 600	60 decibels
600 to 1,200	55 decibels
1,200 to 2,400	50 decibels
2,400 to 4,800	43 decibels
Above 4,800	40 decibels

Such sound levels shall be measured with a sound level meter and an octave band analyzer conforming with specifications of the American Standards Association.

b) Odor: The emission of odorous matter in such quantities as to produce a significant public nuisance or hazard is prohibited.

c) Glare, Heat or Radiation: Every use shall be so operated that there is no emission of heat, glare or radiation visible or discernable beyond the property line.

d) Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line.

e) Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, watercourse, river or the ground of liquid wastes of any radioactive nature, or liquid wastes of chemical nature, which are detrimental to normal sewage plant operations or corrosive or damaging to sewer pipes and installations.

f) Fire Hazard: All flammable substances involved in any activity or use, shall be handled in conformance with the standard of the National Board of Fire Underwriters and any additional regulations that may from time to time be adopted by the City Council.

#### **5. Minimum Lot and Maximum Height Regulations:**

**a) Minimum Lot Size:** None

**b) Maximum Height:** None

**c) Minimum Setback:** None

**d) Minimum Offset:** None

#### **11-1-8: SUPPLEMENTARY REGULATIONS:**

**A) Projections from Buildings:** Cornices, eaves, canopies, belt courses, sills, ornamental features and other similar architectural features may project not more than two feet (2') in any required yard or into required open spaces, provided that awnings may protrude from the front of buildings in commercial districts subject to clearance requirements promulgated for highways by the Nebraska Department of Roads.

**B) General Exception to Lot Size Requirements:** If, at the time of passage of this Title, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimensions which do not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the district subject to the other requirements of the district and providing, if there is any area deficiency, residential use shall be limited to a single-family dwelling.

**C) General Exception to Building Height Limitations:** The following types of structures or structural parts are not subject to the building height limitations of this Title: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television

towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors and other similar projections.

**D) Street Frontage:** No lot shall contain any building used for any purpose other than agriculture unless such lot abuts on a street or unless it has an exclusive unobstructed private easement of access or right of way at least twenty feet (20') in width to a street provided there shall not be more than one single-family dwelling for such easement.

**E) Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored in any district other than in completely enclosed buildings, except in permitted auto salvage yards.

**F) Water and Sewage Facilities:** In all districts where a building, structure or use hereafter established requires the use of water or sewage disposal facilities are hereafter provided for an existing building, structure or use, such facilities shall be provided in accordance with this title. The location, construction, connection and use of all water and sewage disposal facilities hereafter provided, except those to be used for livestock or other nonhuman purposes, shall be approved and comply with all city, county and stated codes and regulations.

**G) Signs:** All signs in all districts shall conform to the following requirements:

1. All signs and sign structures shall be kept in good repair and in proper state of presentation. Signs which are abandoned shall be removed within thirty (30) days following abandonment.
2. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or is a hazard to traffic. Beacon and flashing signs are prohibited.
3. If any nonconforming sign is damaged exceeding two-thirds (2/3) of its replacement value, it shall not be rebuilt, provided, however, that nothing herein contained shall prevent maintenance of nonconforming signs.
4. Signs in the commercial and industrial districts may be twice the maximum height limit permitted in the district regulations.

**H) Fences, Shrubs and Hedges:** Fences, shrubs, and hedges may be allowed in the front yard area of any property in the City of Bayard subject to the following limitation:

1. On the Corner lot in all districts, except commercial and industrial, a sight triangle shall be provided such that 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 (2 ½') and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines thirty five feet (35') from the point intersection.
2. No fence may be constructed that would obstruct a sidewalk or, where there is no sidewalk, that would obstruct the normal pedestrian traffic flow across the front of the lot.

**I) Home Occupation:** Home Occupations shall be subject to the following:

1. The use of the dwelling unit for the home occupations shall be clearly incidental and subordinate to its use for residential purposes by its occupants shall be used in the conduct of the home occupation;
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding

one square foot in area, nonilluminated, and mounted flat against the wall of the principal building;

3. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the street and other than in the required front yard;
4. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

**J) Mobile Home Parks:** The following shall apply in addition to all other regulations of the City with respect to mobile home parks:

- a) A mobile home park shall be closer to a street or road right of way or other property line than twenty five feet (25’).
- b) In Residential Districts, a mobile home park shall conform to the following additional requirements: Each mobile home park shall have an area of not less than three thousand (3,000) square feet; each mobile home lot shall have attachments for waste disposal and water supply and the waste disposal and water supply facilities shall be properly connected to City sewer and water systems

**K) Kennels:** Kennels are not permitted anywhere in Bayard’s Zoning District except for the Agriculture District.

**11-1-10: Conditional Uses:**

**A) Purpose:** In order to provide for the most appropriate use of land throughout the district and giving the maximum consideration to the character of the district and its peculiar suitability for particular uses in the area affected by this title, special exceptions in the form of conditional uses are hereby established.

**B) Procedure:** The City Council may by special permit after referral and recommendation from the planning commission and public hearing of this chapter authorize the establishment of special exceptions in the form of conditional uses designated in the district regulations if it is found that the location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area.

**C) Standards:** The conditional uses shall conform to the intent and purpose of this title and the following requirements:

1. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
2. The use shall conform to other applicable ordinances, laws, and regulations of any governmental jurisdiction.
3. The use shall have adequate water, sewer, and drainage facilities approved by the city board.
4. Ingress and egress shall be so designed as to minimize traffic congestion in public streets.
5. The use shall be in harmony with the character of the area.
6. The proposed conditional use will not cause substantial injury to the value of other property in the vicinity in which it is to be located.

The city council and the planning commission in considering an application for a conditional use may consider, among other things, the most appropriate use of the land; the conservation and stabilization of the value of property, adequate open space for light and air; concentration of

population; congestion of public streets; and the promotion of public safety, health, convenience, and comfort. The city council may stipulate and require such conditions and restrictions upon the conditional use and operation deemed necessary for the protection of the public interest and to secure compliance with this title.

#### **11-1-11: OFF STREET PARKING AND LOADING REQUIREMENTS**

**A) Off Street Parking Requirements:** At the time of erection of a structure or building, or at the time of enlargement, or change in use of a structure, building, or land, efforts shall be made to ensure that adequate off street parking spaces shall be available and maintained.

#### **11-1-13 ADMINISTRATION AND ENFORCEMENT:**

**A) Zoning Administrator:** The City Clerk is hereby designated the Zoning Administrator who shall administer and enforce this Ordinance unless the City Council has formally designated a different person to serve as zoning administrator. The zoning administrator may be provided with the assistance of such other persons as the City Council may direct.

**B) Building Permit Required:** It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure or to use or occupy or permit the use or occupancy of any building, land, or premises, or construction or connection to water or sewer facilities or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a building permit shall have been issued thereof by the Zoning Administrator stating that the proposed use of the building or land conforms to this Ordinance.

Notwithstanding any provisions contained herein, farm buildings and structures, except farm dwellings, are exempt from the requirements of applying for and receiving building permits provided such buildings and structures must conform to all applicable provisions of this Ordinance.

The Zoning Administrator may issue a temporary building permit for uses in any district of uses and buildings incidental and required in the construction of a principal permitted use in the district in which it is located and highway construction, provided that such use be of a temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than six (6) months subject to conditions as will safeguard for public health, safety, and general welfare.

**C) Application for Building Permit:** Written applications on forms prescribed and furnished by the Zoning Administrator stating such information as may be required for the enforcement of this Ordinance shall be submitted and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and proposed use to be made of the lot, existing and proposed water and sanitary sewer facilities, as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such

plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such building permits as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and location of the building thereon shall be staked out on the ground before construction is started.

The Zoning Administrator shall issue a written permit, or denial, thereof, with reasons in writing fifteen (15) days from the date of the acceptance of the application. Appeal may be made in accordance with Section 14 of this Ordinance.

Except where an extension has been obtained in writing from the Zoning Administrator, permits issued shall expire within one year if the work described in the permit has not begun or the use applied for has not been completed.

**D) Certificate of Occupancy:** No structure or land shall be hereafter used or the use changed thereof until a Certificate of Occupancy shall have been issued by the Zoning Administrator.

A Certificate of Occupancy for a new building or for the alteration of an existing structure shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building is completed in conformity with this Ordinance.

No certificate of Occupancy shall be issued for residential purposes for a partially completed or portion of a building. No structure shall be used as temporary residence.

Application for change of use of land or existing structure shall be made on forms provided by the Zoning Administrator and shall state the proposed use in its conformity with this Ordinance.

**E) Enforcement by Zoning Administrator:** It shall be the duty of the Zoning Administrator to enforce this Ordinance in accordance with its provisions. All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with provisions of this Ordinance.

The erection, construction, reconstruction, alterations, repair, conversion, maintenance or use of any building, structure, water or sewer facility, automobile trailer, house trailer or land in violation of this Ordinance is hereby declared to be a violation of this Ordinance.

11-1-14: **BOARD OF ADJUSTMENT:** A Board of Adjustment is hereby established to be appointed in the manner and for the terms with such membership, powers and duties, as are provided by law.

11-1-15: **AMENDMENTS:** These regulations, restrictions, and boundaries 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 twenty percent (20%) or more either of the area of the lots included in such proposed changes, or of those immediately adjacent on the sides and in the rear thereof extending three hundred feet (300') therefrom and of those directly opposite thereto extending three hundred feet (300') from the street frontage of such opposite lots, such

amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council. The City Council shall request and receive the advice of the Planning Commission before taking definite action on any contemplated, amendment, supplement, change, modification, or repeal. No such regulations, 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 hearing shall be given by publication thereof in a paper of general circulation in the City at least one time ten (10) days prior to such hearing.

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 eighteen inches (18") in height and twenty four (24") in width with a white or yellow background and black letters not less than one and one-half inches (1 ½") 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 ten (10) days prior to such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to their address to their last known addresses at least ten (10) days prior to such hearing. At the option of the city council, in place of the posted notice provided above, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within three hundred feet (300') of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least ten (10) days prior to the date for the hearing, if they can be served with such notice within the county. Where such notice cannot be served personally upon such owners or occupants in the county, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last known addresses at least ten (10) days prior to such hearing. The provisions of this section in reference to notice shall not apply: a) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district in the city zoning jurisdiction, or b) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality.

**11-1-16: SCHEDULE OF FEES AND CHARGES:**

A) The following schedule of fees and charges is hereby adopted:

**Use**

1. Change of Zone	\$100.00
2. Replant per plat plus \$1.50 per lot	\$50.00
3. Preliminary plat per plat plus \$1.50 per lot	\$50.00
4. Final plat per plat plus \$0.75 per lot	\$25.00
5. Variance	\$30.00

B) In addition to the schedule of charges, the applicant shall pay for all postage and publication expenses required by this code or state statutes with reference to the application.

C) The application fee must be paid at the time the application is filed. No application will be accepted without the application fee. The publication mailing expenses must be paid prior to any action being taken on the application. No decision of the planning commission, city council or board of adjustment shall be final unless all fees and expenses have been paid by the applicant.

11-1-17: **DEFINITIONS:** For the purpose of this chapter certain terms and words are herewith defined. The present tense includes the future tense, singular tense number includes the plural, and the plural number includes the singular. The word “shall” is mandatory.

**ACCESSORY USE OR STRUCTURE:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**ADJACENT:** Near, close, or abutting; across a street or highway.

**AGRICULTURAL AND RANCHING ACTIVITIES:** Activities including the growing of field crops, sugar beets, fruit, vegetables, nursery stock and other feed grains, truck gardening; forest and forest products; horticulture; raising and grazing of livestock and poultry; animal husbandry; dairy farms; animal kennels; fur bearing animal farms; processing and selling of products produced on the premises, not including, however, the confined feeding of livestock without the use of straw or other material for bedding, or packing and rendering plants.

**AIRPORT:** 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 and facilities, including open spaces, taxiways and tie down areas.

**APARTMENT HOUSE:** See definition of Dwelling, Multiple-Family

**AUTOMOBILE SALVAGE YARD:** See definition of Junkyard.

**AWNING:** A shelter supported entirely from the exterior wall of a building and meeting the projection, construction and clearance requirements of the uniform building code.

**BASEMENT:** That portion of a building between floor and ceiling, so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling. A basement shall not be counted in computing the number of stories.

**BOARDING OR ROOMING HOUSE:** A building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation.

**BUILDING:** A structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind.

**BUILDING, HEIGHT OF:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to: a) the highest point of a flat roof; b) the deck line of a mansard roof, or c) the average height between the eaves and ridge for gable, hip, and gambrel roofs.

**CAMPGROUND:** Areas used and designed to accommodate two (2) or more transit camping parties, including tents or other camping outfits and travel trailers, but not including mobile home parks or permanent mobile homes.

**CLUB OR LODGE:** Building or facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a business.

**COMMUNICATION TOWER:** Any structure used to elevate a transmitter for radio, television, telephone, or any other types of communication.

**COMPREHENSIVE DEVELOPMENT PLAN:** A general plan for the improvement of the City as adopted by the City Council.

**CONFINED LIVESTOCK FEEDING:** The process and area used for the enclosing of livestock whereby the feed provided is not grown within the confined area on which the livestock are located and involves more than thirty (30) head at a given time.

**DAY CARE CENTER:** A facility in the business of providing care as defined by the Nebraska Department of Social Services as group day care center.

**DAY CARE HOME:** A private residence as defined by Nebraska Department of Social Services as a Family Day Care Home.

**DISTRICT:** A zoning district established by this Ordinance.

**DUPLEX:** See definition of Dwelling, Two-Family.

**DWELLING:** A building or portion thereof designed exclusively for residential occupancy.

**DWELLING, FARM:** A dwelling located on a farm or ranch and occupied by the owner, tenant or employee on the farm or ranch.

**SEELLING, MULTIPLE FAMILY:** A building or portion thereof designed for occupancy by three (3) or more families living independent of each other, but under one roof.

**DWELLING, SINGLE-FAMILY:** A detached building designed exclusively for occupancy by one family.

**DWELLING, TWO-FAMILY:** A detached building, designed exclusively for occupancy by two (2) families living independently of each other, under one roof.

**DWELLING UNIT:** A group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together by a person living alone.

**FAMILY:** One of more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

**FARM:** A tract of land, including structures thereon, utilized for agricultural purposes containing twenty (20) acres or more which produces one thousand dollars (\$1,000) or more of farm products each year.

**FEEDLOT:** See definition of Confined Livestock Feeding.

**FENCE:** A tangible barrier or obstruction of any material, or line of obstacles above the surface of the ground on each side thereof, interposed along a line between two (2) portions of land with the purpose or intent, or having the effect of preventing passage or view across the fence line.

**FRONTAGE:** That portion of a parcel of property which abuts a public right of way.

**HIGHWAY, COUNTY:** Highways so designated by the County Board.

**HIGHWAY, STATE AND FEDERAL:** Highways which are so designated by the State of Nebraska.

**HOME OCCUPATION:** An occupation conducted in a dwelling unit or accessory structure,

**JUNKYARD:** An area where waste, junk, discarded or salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or wrecking of automobiles, or other vehicles or machinery, house wrecking, and structural steel materials and equipment.

**KENNELS:** Any establishment in which 4 or more canines 6 months of age or older or houses, bred, or boarded.

**LIVESTOCK:** All cattle, bison, horses, mules, burros, sheep, goats, swine, poultry, llamas, ostriches, and elk shall be considered livestock. Additionally, any other animal or fowl which are being produced primarily for use as food or food products for human consumption shall be considered livestock.

**LOT:** A parcel of land shown on a subdivision map or a record of survey map or on a subdivision recorded in the office of the County Recorder, or a parcel described by metes and bounds, or a building site in one ownership having an area for each main building.

**MOBILE HOME:** Any transportable dwelling unit designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels, or detachable chassis and wheels, and not permanently attached to the real estate owned by the title holder of the mobile home in such a way as to require dismantling, cutting away, unbolting from foundation or structural change in such mobile home in order to relocate it on another site. This shall include double wide mobile homes, but shall not include travel trailers.

**MOBILE HOME PARKS:** A parcel of land which has been planned and improved for the placement of two (2) or more mobile homes which conforms to this Ordinance.

**NONCONFORMING USE:** Any use, whether of a building, structure, lot or tract of land, which does not conform to the use regulations for the district in which such nonconforming use, is located,

either at the effective date hereof or as a result of subsequent amendments which may be incorporated herein.

**PARKING SPACE:** A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile not less than nine feet (9') wide and twenty feet (20') long, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving another automobile.

**RECREATIONAL AREA, COMMERCIAL:** A nongovernmental recreational area open to the public with an admission fee, intended to be commercial profit-making activity.

**RECREATIONAL AREA, PRIVATE:** A nongovernmental recreational area opens only to members of a nonprofit organization or association.

**RECREATIONAL VEHICLE PARK:** An area designed to provide temporary services to recreational vehicles to include water and electrical hookups. An RV park maintains a register of users and occupancy may not exceed thirty (30) days in any three (3) month period sixty (60) days in a year.

**RECREATIONAL VEHICLE (RV):** A licensed motor vehicle with self-contained cooking, sanitation and sleeping accommodations.

**RESIDENCE:** A building used, designed, or intended to be used as a home or dwelling place, for one or more families.

**ROAD:** See definition of Street.

**SANITARY LANDFILL:** A type of operation in which garbage and refuse or garbage or refuse is deposited by a plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by a compacted suitable covering material to a depth of at least six inches (6") to twelve inches (12") over individual cells of garbage and refuse or garbage or refuse, which are closed at the end of each day, and to a depth of at least twenty four inches (24") over the finished landfill.

**SIGN:** Any device containing elements or symbols, organized or related, which is designed to inform or to attract the attention of persons not on the premises on which the sign is located, provided, however, that mailbox numbers or names, governmental flags or insignia, legal notices, governmental identification, information or directional signs shall not be included in the application of these regulations.

**SIGN, OFF-SITE:** A sign other than an on-site sign and includes an outdoor advertising sign, or device and billboard not relating in its subject matter to the use or activity of the premises on which the sign is located.

**SIGN, ON-SITE:** A sign relating in its subject matter to the premises on which it is located, or to the products, accommodations, services, or activities on the premises, or to the construction, sale, lease, or rental of the premises. On-site signs do not include outdoor advertising signs or billboards.

**STORY:** That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

**STREET:** Any thoroughfare or public way which has been dedicated to the public or deeded to the County or State for street or road purposes not less than fifty (50') in width.

**STREET CENTER LINE:** The center line of a street right of way as established by official surveys.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things structures include buildings, mobile homes, walls, but not signs or fences as otherwise defined herein.

**TRAILER HOME:** See definition of Mobile Home.

**TRAILER, TRAVEL:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use and is permanently identified Travel Trailer by the manufacturer on the trailer. When factory equipped for the road, it has a body width of not exceeding eight feet (8'), and body length not exceeding thirty two feet (32').

**YARD:** A required open space which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

**YARD, FRONT:** An open space extending between side lot lines and measured horizontally from the front lot line at right angles at the nearest point of the structure.

**YARD, REAR:** An open space between a structure and side yard line measured horizontally and at right angles from the rear lot line to the nearest point of the structure.

**YARD, SIDE:** An open space between a structure and the side lot line extending from the rear line of the required front yard measured horizontally and at right angles from the side lot line to the nearest point of the building.

**ZONING DISTRICT:** See definition of District.

**11-1-18: VIOLATIONS AND PENALTY:** A violation of this Ordinance or regulation therein is hereby declared to be a misdemeanor and, upon the conviction, the penalty shall be any sum not exceeding five hundred dollars (\$500.00) for any one offense, recoverable with costs together with judgment of imprisonment until the amount of said fine and costs shall be paid. Each day after notification is given by the City of Bayard which such illegal use of any building, structure or land continues shall be deemed a separate offense. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of said sections or of any ordinance or other regulation made under authority conferred hereby, the Board of Trustees or the proper local authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, 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.