

ARTICLE I. - BASIC PROVISIONS

Sec. 55-1. - Title of chapter.

Chapter 55 of the Omaha Municipal Code shall be known as the Zoning Ordinance of the City of Omaha.

(Code 1980, § 55-1)

Sec. 55-2. - Jurisdiction of chapter.

The provisions of this chapter shall be applicable to all property within the corporate limits of the city and its three-mile extraterritorial jurisdiction as provided by R.R.S. 1943, § 14-418.

(Code 1980, § 55-2)

Sec. 55-3. - Purpose of chapter.

The purposes of this chapter are to:

- (a) Serve the public health, safety and general welfare of the city and its jurisdiction.
- (b) Classify property in a manner that reflects its suitability for specific uses.
- (c) Promote sound, attractive development within the city and its jurisdiction.
- (d) Encourage compatibility of adjacent land uses.
- (e) Encourage innovative project design in the city's jurisdiction, including developments which incorporate mixed uses.
- (f) Assure adequate provision of urban services, including transportation, water, utilities, sewers, schools, parks and other services.
- (g) Protect environmentally sensitive areas.
- (h) Encourage reinvestment in established urban neighborhoods, while protecting their unique characteristics.
- (i) Promote the construction of affordable housing in the city's jurisdiction.
- (j) Provide for effective signage that is compatible with the surrounding urban environment.
- (k) Further the objectives of the comprehensive plan of the city.

(Code 1980, § 55-3)

Sec. 55-4. - Consistency with comprehensive plan.

It is the intent of the city that this chapter be consistent with the city's comprehensive plan. For the purposes of this chapter, the comprehensive plan and the master plan, pursuant to section 7.04 of the city Charter, shall be considered the same. It is further the intent of the city that all amendments to this chapter shall also be consistent with the comprehensive plan. Should this chapter become inconsistent with the adopted comprehensive plan of the city because of amendments to that plan, it is the intent of the city that this chapter be amended within a reasonable time to bring it into conformance with such plan.

(Code 1980, § 55-4)

Sec. 55-5. - Comprehensive review of chapter by planning board.

The text of this chapter shall be comprehensively reviewed by the planning department every ten years after its effective date. This review shall include, but not be limited to, consistency with the comprehensive plan, and applicability to current land use and development techniques.

The planning department shall forward recommendations for text amendments to this chapter to the planning board for public hearing. Proposed amendments and the recommendations of the planning director and planning board shall be transmitted to the city council for public hearing and final action.

(Code 1980, § 55-5)

Sec. 55-6. - Conflicting provisions.

This chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare. If any provision of this chapter conflicts with any other provision of this chapter, any other section of this Code, or any applicable state or federal law, the more restrictive provision shall apply.

(Code 1980, § 55-6)

Sec. 55-7. - Relief from other provisions.

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

(Code 1980, § 55-7)

ARTICLE II. - DEFINITIONS

Footnotes:

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Cross reference— *Definitions and rules of construction generally, § 1-2.*

Sec. 55-11. - Purpose of article.

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

(Code 1980, § 55-11)

Sec. 55-12. - General rules of construction.

The following general rules of construction apply to the text of this chapter:

- (a) *Illustrations.* In the case of any real or apparent conflict between the text of this chapter and any illustration explaining the text, the text shall apply.
- (b) *Conjunctions.* Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - (1) "And" indicates that all connected items or provisions apply.
 - (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - (3) "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.
- (c) *Referenced agencies.* Unless otherwise indicated, all public officials, bodies and agencies referred to in this chapter are those of the city.

(Code 1980, § 55-12; Ord. No. 33743, § 2, 12-12-95)

Sec. 55-13. - Definitions of terms.

For the purposes of this chapter, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed herein. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

(Code 1980, § 55-13)

Sec. 55-14. - A.

Abutting: Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with "adjacent".

Accessory structure: A structure, which is incidental to and customarily associated with a specific principal use or building on the same site.

Accessory use: A use which is incidental to and customarily associated with a specific principal use on the same site.

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

Agent of owner: Any person showing written verification that he/she is acting for, and with the knowledge and consent of a property owner.

Agricultural structures: Structures for agricultural use, including, but not limited to, greenhouses and hoop houses. This definition does not include structures used for general or non-agricultural purposes and typically found on agricultural sites such as sheds.

Building Integrated Agricultural Systems (BIAS): High-performance cultivation systems on and in buildings. BIAS often involve soilless cultivation methods. Systems may include rooftop farming, shipping container farming, vertical farming technology, and waste heat or rainwater capture and reuse.

Permanent agricultural structures: Structures for agricultural use that are erected and in place more than 180 consecutive days. Plumbing, electrical and gas fixtures which require permits are allowed within and attached to the structure.

Raised planting bed: Any planting bed with vertical sides that is open at the top.

Temporary agricultural structures: Structures for agricultural use that are erected and in place no more than 180 consecutive days. Plumbing, electrical and gas fixtures which require permits may be run to areas that are enclosed by a temporary structure but cannot be attached to the structure itself.

Alley: A public right-of-way which is used as a secondary means of access to abutting property.

Alteration: Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.

Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, façade, wall extension, or archway.

Awning: A temporary or moveable roof like structure supported entirely from the exterior wall of a building that serves as a shelter, as over a storefront, window, door, or deck.

(Code 1980, § 55-14; Ord. No. 38676, § 1, 3-16-10; Ord. No. 43400, § 1, 5-2-23)

Sec. 55-15. - B.

Base district: A district established by this chapter to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.

Beginning of construction: The initial incorporation of labor and materials within the foundation of a building or structure.

Block face: The property abutting one side of a street and lying between the two nearest intersecting streets, or between the one nearest intersecting street and a major physical barrier, including but not limited to railroads, streams, lakes or the city limits.

Block perimeter: The sum of the outside dimensions of a block, measured from the street frontages of the lots comprising the block.

Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building: A structure having a roof and built to provide shelter, support or enclosure for persons or property.

Building coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies and similar features.

Building line: The outer boundary of a building established by the location of its exterior walls.

Building official: The designee of the planning director, responsible for the supervision and operation of the permits and inspections division of the city.

Build-to/set-back: The line located a specified distance from and parallel to the front lot line upon which a specified percentage of the facade of the principal structure facing such lot line must be located.

Build-to/set-back zone: The zone located between two defined distances from and parallel to the front lot line within which a defined percentage of the facade of the principal structure facing such lot line must be located.

Business center: A building containing more than one commercial business, or any group of nonresidential buildings within a common development characterized by shared parking and access.

(Code 1980, § 55-15; Ord. No. 37810, § 10, 8-14-07)

Sec. 55-16. - C.

Canopy: A canopy is an architectural projection that provides protection, identity or decoration, and is supported by the structure to which it is attached and ground mounting, by not less than two stanchions. A canopy comprises a structure over which a covering is attached. Canopies can also stand alone.

Casualty loss: Loss or damage resulting from an unexpected or unforeseen accident or event, as commonly understood or defined in the insurance industry.

Certificate of Occupancy: An official certificate issued by the building official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.

Change of use: The replacement of an existing use by a new use.

Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

Cluster subdivision: A wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and the remaining land area is used for common space.

Collector street: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.

Common area: An area held, designed and designated for common or cooperative use within a development.

Common Development: A development proposed and planned as one unified project not separated by a public street or alley.

Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

Comprehensive plan: The duly adopted Comprehensive Plan or Master Plan of the City of Omaha, as set forth in Section 7.04 of the City Charter.

Conditional use: A use which is generally compatible with permitted uses in a given zoning district, but has operating and/or physical characteristics that require public review. Conditional uses are subject to special requirements and the discretionary approval of the planning board.

Court: An approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

- (a) Services 12 or fewer housing units or platted lots;
- (b) Does not function as a local street because of its alignment, design or location;
- (c) Is completely internal to a development;
- (d) Does not exceed 600 feet in length.

CP zoning plan: A plan setting forth, in graphical, tabular and/or textual formats, the specific vehicular and pedestrian access points, building locations (including, without limitation, build-to/set-back lines, minimum heights and location of parking areas) and architectural façade treatments for each of the sites or lots located within a CP civic place overlay district.

(Code 1980, § 55-16; Ord. No. 33743, § 3, 12-12-95; Ord. No. 37810, § 11, 8-14-07; Ord. No. 38676, § 2, 3-16-10)

Sec. 55-17. - D.

Density: The amount of development per specific unit of a site.

Department: The planning department of the city.

Detached: Fully separated from any other building or joined to another building in such a manner as not to constitute an enclosed or covered connection.

Development plan: A plan prepared by the planning department or by the proponent of a project or series of related projects for the coordinated development of a specific area of the city.

Director: If not otherwise specified, the planning director of the city, or his/her designee.

Downtown Omaha: That portion of the city designated on Figure 4 of the land use element of the comprehensive plan as "Regional Mixed-Use Area/Downtown."

Drive-in services: Uses which involve the sale of products or provision of services to occupants in vehicles.

Drive, internal access: A private way or drive that provides access to parking or buildings.

Driveway: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.

See Figure 55-32, Street and Drive Types, located at the end of [section 55-32](#).

(Code 1980, § 55-17; Ord. No. 37810, § 12, 8-14-07)

Sec. 55-18. - E.

Easement: A privilege or right of use granted on, above, under or across a particular tract of land by one owner to another.

Enclosed: A roofed or covered space fully surrounded by walls.

(Code 1980, § 55-18)

Sec. 55-19. - F.

Family: One or more persons living together and sharing common living, sleeping, cooking and eating facilities within an individual housing unit, no more than three of whom may be unrelated. The following persons shall be considered related for the purpose of this definition:

- (a) Persons related by blood, marriage or adoption;
- (b) Persons residing with a family for the purpose of adoption;
- (c) Not more than eight persons under 19 years of age residing in a foster house licensed or approved by the state;
- (d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the state;
- (e) Person(s) living with a family at the direction of a court.

Federal: Pertaining to the government of the United States of America.

Federal aid and primary system: A system of major streets and highways, designated by the metropolitan area planning agency or its successor agency and on file with the planning director.

Floor area ratio: The quotient of gross floor area divided by gross site area.

Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way or court.

(Code 1980, § 55-19)

Sec. 55-20. - G.

Grade: The horizontal elevation of the finished surface of the ground, paving or sidewalk adjacent to any building line.

Green parking area: An area used for off-street parking of vehicles that is designed to provide more shade for pedestrians and vehicles and improve the aesthetic appearance of parking areas.

Green parking space overhang: The surface area between a curb and the front edge of an off-street parking space in a green parking lot.

Gross floor area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

(Code 1980, § 55-20; Ord. No. 37810, § 13, 8-14-07)

Sec. 55-21. - H.

Handicap: The term "handicap" means, with respect to a person, the following:

- (a) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (b) A record of having such an impairment; or
- (c) Being regarded as having such an impairment; but such term does not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 USC 802)).

Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height between eaves and ridge for a gable, hip, shed or gambrel roof. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.

Home garden: The raising and harvesting of crops outdoors, or within temporary or permanent agricultural structures for personal use on a site with a principal use that is residential.

Home occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

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

(Code 1980, § 55-21; Ord. No. 43400, § 1, 5-2-23)

Sec. 55-22. - I.

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

Inclusionary housing program: A program utilized by a residential development that incorporates a specific percentage of housing units within the development that are affordable to low- and moderate-income residents.

Intensity rating: A numeric value representing a grouping of use types which possess generally similar operating characteristics, and/or a similar range of effects on surrounding properties.

(Code 1980, § 55-22)

Sec. 55-23. - J.

Sec. 55-24. - K.

Sec. 55-25. - L.

Landmark district: A landmark heritage preservation district created pursuant to chapter 24 of this Code.

Landscaped area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material.

Perimeter landscaped area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

Interior landscaped area: Any landscaped area within a site exclusive of required perimeter landscaping.

Large retail building: Any building having an elevation greater than 100 feet in length and used primarily for retail uses.

Loading area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

Lot: [See drawing at the end of this article.] A parcel of real property with a separate and distinct number or other designation shown on a plat, record of survey, parcel map, or subdivision map recorded in the office of the county register of deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking, shall be considered a single site for purposes of this chapter. A lot shall have a minimum frontage of 20 feet, except as provided in an approved planned unit development and/or cluster subdivision.

Corner lot: A lot located at the intersection of two streets, private ways or courts or on two segments of a curved street, private way or court forming an angle of no more than 135 degrees.

Double-frontage lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts.

Interior lot: A lot other than a corner lot.

Multiple frontage lot: A lot having frontage on three or more streets, private ways or courts.

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

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

Lot line: The lines bounding a lot as herein defined.

Front lot line: For an interior lot, the lot line separating the lot from the street, private way or court. For a corner lot, the line designated as the front lot line at the time of initial building permit. For a double-frontage lot or multiple frontage lot, the lines separating the lot from all streets, private ways or courts.

Rear lot line: The interior lot line(s) including a point at the intersection of two side lot lines which is opposite and most distant from any adjacent street. (See Exhibit 55-25 at the end of this article).

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

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

(Code 1980, § 55-25; Ord. No. 33100, § 1, 11-2-93; Ord. No. 37810, § 14, 8-14-07)

Sec. 55-26. - M.

Manufactured housing: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactures Home Construction and Safety Standards, 24 CFR3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular unit.

Marquee: A permanent roof like structure attached to and supported by a building, often bearing a signboard and projecting over an entrance and may extend over a public right-of-way.

Metro area transit: The operating agency of the transit authority of the city.

Mixed-use area: Each of those areas delineated on Figure 4 of the land use element of the comprehensive plan as a "mixed use area."

Mixed use building: A building or structure which incorporates two or more use types within it.

Mixed use development: A single development which incorporates two or more use types within its site boundaries.

Mobile home: A transportable, factory built structure, designed to be used as a year-round housing unit and built prior to enactment and not bearing a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards, 24 CFR3280 et seq., promulgated by the United States Department of Housing and Urban Development.

Mobile home park: A unified development under single ownership, providing spaces for rent or lease for the placement of mobile home units. Mobile home parks usually include common areas and facilities for management, recreation, laundry, utility services, storage and other services.

Modular housing: A factory-built structure constructed to meet the Uniform Building Code (UBC) and other model building code standards for residential construction (CABO One- and Two Family Dwelling Code) bearing the seal of the Nebraska Department of Health.

(Code 1980, § 55-26; Ord. No. 34026, § 1, 10-29-96; Ord. No. 37810, § 15, 8-14-07; Ord. No. 38676, § 3, 3-16-10)

Sec. 55-27. - N.

Neighborhood conservation/enhancement plan: A plan prepared by or at the direction of the planning department for an area to be designated as an NCE neighborhood conservation/enhancement overlay district.

Nonconforming development: A building, structure or improvement which does not comply with the regulations for its zoning district set forth by this chapter but which complied with applicable regulations at the time of construction.

Nonconforming use: A lawful use of land, other than a sign, which does not comply with the use regulations for its zoning district set forth by this chapter but which complied with applicable regulations at the time the use was established.

Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious or offensive.

(Code 1980, § 55-27; Ord. No. 37810, § 16, 8-14-07)

Sec. 55-28. - O.

Open space: Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies or plant materials.

Overlay district: A district established by this chapter to prescribe special regulations to be applied to a site only in combination with a base district.

Owner: An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

(Code 1980, § 55-28)

Sec. 55-29. - P.

Parking facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access, circulation, maneuvering, and landscaping, meeting the requirements of this chapter. Parking facilities include parking lots, private garages and parking structures.

Parking space: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall." Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street.

Permits and inspections division: The permits and inspections division of the planning department.

Permitted use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this chapter.

Planned unit development: A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Planned unit redevelopment: A development of land which is under unified control that is intended to encourage comprehensive redevelopment within existing residential and commercial areas of the city which is serviced by existing infrastructure. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. It is further intended to promote economics in land development, maintenance, street systems and utility networks, resulting in the provision of needed housing and the redevelopment of older, less economically viable areas.

Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.

Prevailing build-to/set-back line: The average distance between the street line and the facades of the buildings facing such street line along the same side of the street and the same block, weighted the widths of the lots upon which each such building is located.

Private garage: A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.

Private way: An approved private right-of-way which provides primary access to one or more properties along its continuous length and is not otherwise defined as a court.

Project: The carrying out of any building activity (excluding interior alterations) which requires a building permit.

Property line: The line separating parcels under different ownerships or between different developments.

Public improvements plan: A plan setting forth the public improvements, including, without limitation, public streets, parking areas, utilities and streetscapes, to be undertaken by the city or the state within a CP civic place overlay district.

(Code 1980, § 55-29; Ord. No. 37810, § 17, 8-14-07; Ord. No. 40041, § 2, 7-15-14)

Sec. 55-30. - Q.

Sec. 55-31. - R.

Recreational vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Recreational vehicles include but are not limited to travel trailers, campers, motor coach homes, converted buses and trucks, boats, and boat trailers.

Recycling collection point: An accessory use approved by the public works and planning departments that serves as a neighborhood drop-off point for temporary storage of recoverable resources. Such recoverable resources shall be limited to those items customarily used and disposed of by homes and offices and shall further be limited to paper and paper products and containers such as cans, bottles, and jars associated with such home and office uses.

Regulation: A specific requirement set forth by this chapter which must be followed.

Remote parking: A supply of off-street parking at a location not on the site of a given development.

(Code 1980, § 55-31)

Sec. 55-32. - S.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Setback: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building face may come to that lot line.

Sign: A symbolic, visual device fixed upon a building, vehicle, structure or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate or political idea.

Site: The parcel of land to be developed or built upon. A site may encompass a single lot, a portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley.

Site plan: A plan, prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Special permit use: A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the city council.

State: The State of Nebraska.

Sec. 55-35. - V.

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

(Code 1980, § 55-35)

Sec. 55-36. - W.

Sec. 55-37. - X.

Sec. 55-38. - Y.

Yard: [See the diagram at the end of this article.] A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this chapter.

Front yard: A required yard extending the full width of a lot, between the front lot line and the front setback line.

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

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

Street side yard: On a corner lot, a required yard extending the depth of a lot from the front to rear lot lines, between the street side lot line and the street side setback line. On a multiple frontage lot there is no street side yard except as provided in [section 55-782](#).

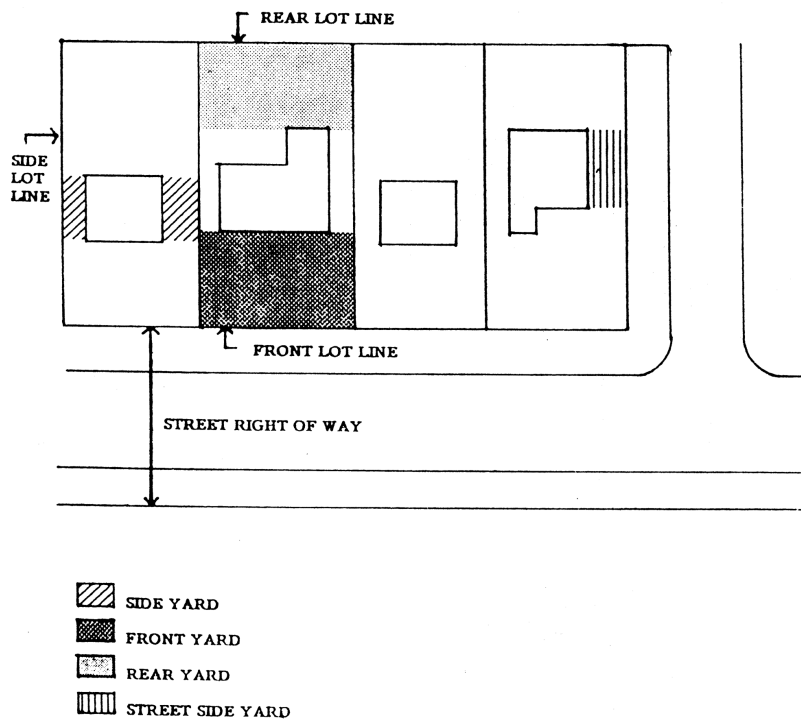
(Code 1980, § 55-38; Ord. No. 33100, § 2, 11-2-93)

Sec. 55-39. - Z.

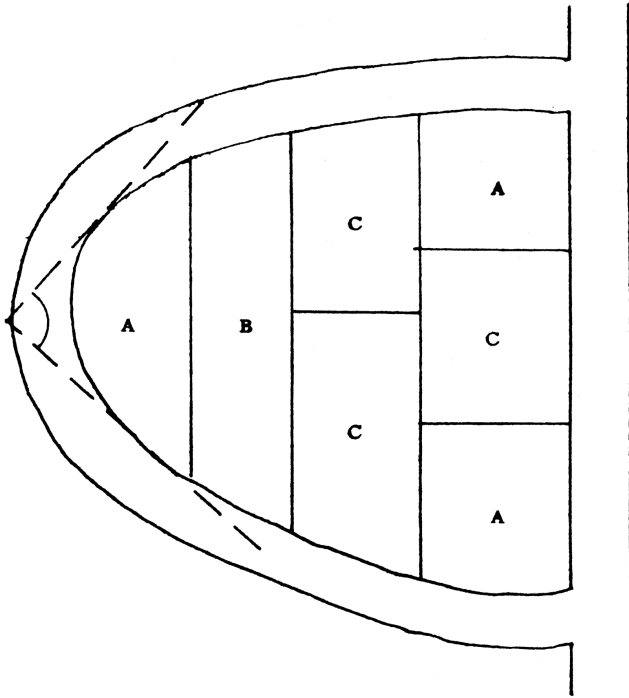
Zoning district: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this chapter.

(Code 1980, § 55-39)

Sec. 55-40. - Reserved.



Lot line examples



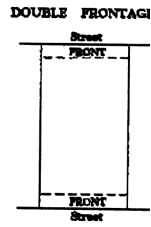
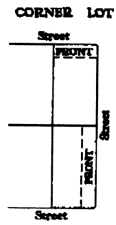
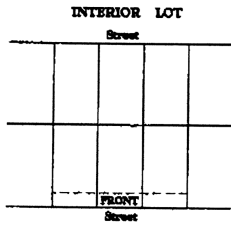
LOT DEFINITIONS

- A - CORNER LOT**
- B - DOUBLE FRONTAGE LOT**
- C - INTERIOR LOT**

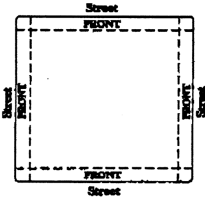
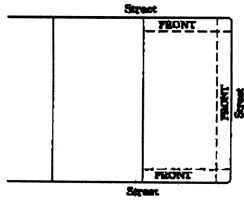
Lot definitions

EXHIBIT 55-25

FRONT LOT LINE:



MULTIPLE FRONTAGE



REAR LOT LINE:

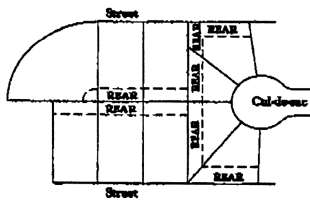
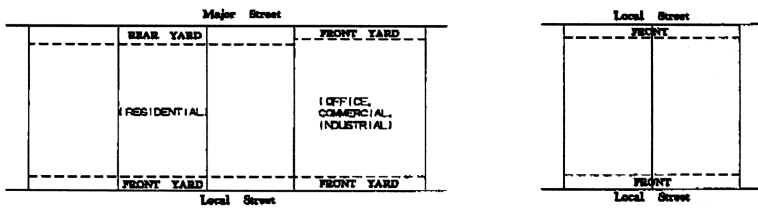
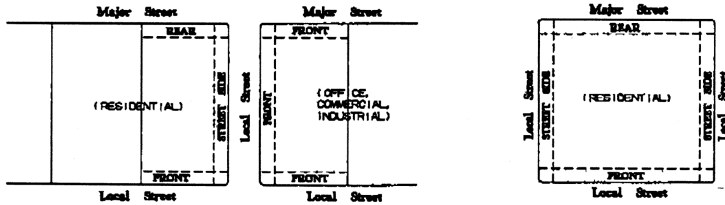


EXHIBIT 55-782

DOUBLE FRONTAGE LOTS:



MULTIPLE-FRONTAGE LOTS:



CORNER LOTS:

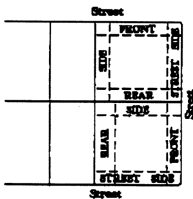


Exhibit 55-782

ARTICLE III. - USE TYPES

Sec. 55-41. - Purpose of article.

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

(Code 1980, § 55-41)

Sec. 55-42. - Determination of use type.

- (a) *Authority of planning director.* In the event of any question as to the appropriate use type of any existing or proposed use or activity, the planning director shall have the authority to determine the appropriate use type. A determination of the planning director may be appealed to the zoning board of appeals. In making such determinations, the planning director shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive, lists.
- (b) *Records.* The planning director shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

(Code 1980, § 55-42)

Sec. 55-43. - Residential use types.

Residential use types include uses providing wholly or primarily nontransient living accommodations. They exclude institutional living arrangements or forced residence.

- (a) *Single-family residential:* The use of a site for one dwelling unit, occupied by one family, excluding a mobile home unit.
 - (1) *Single-family residential (detached):* A single-family residential use in which one dwelling unit is located on one lot, with no physical or structural connection to any other dwelling unit.

- (2) *Single-family residential (attached)*: A single-family residential use in which one dwelling unit is located on one lot and is attached by a common vertical wall to only one other adjacent dwelling unit.
- (b) *Duplex residential*: The use of a site for two dwelling units, each occupied by one family within a single building, excluding a mobile home unit.
- (c) *Two-family residential*: The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.
- (d) *Townhouse residential*: The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.
- (e) *Multiple-family residential*: The use of a site for three or more dwelling units within one or more buildings.
- (f) *Large group living*: A dwelling unit housing, on a weekly or longer basis, more than eight unrelated persons, not defined as a family.
- (g) *Mobile home residential*: Use of a site for one or more mobile home units.
- (h) *Assisted living*: A multi-family residential use characterized by common design features including both on- and off-site accessibility (Nebraska Accessibility Guidelines); kitchenettes and/or central dining facilities; service, activity and recreation space; access to medical or nursing support; and, convenient availability of transportation and community support services. Assisted living uses can consist of one, all or a combination of the following components:
 - (1) *Independent housing*: A residential use reserved for actively mobile older people which include design features making them fully accessible;
 - (2) *Semi-independent housing*: A residential use with special support services such as central dining, transportation services, and limited medical or nursing support;
 - (3) *Dependent living*: A residential use including life-care facilities, nursing homes and skilled care facilities for persons needing a wide range of health related services and personal nursing care.
- (i) *Live-work residential*: The use of a dwelling unit for both residential and work-related purposes, provided that the work space is integrated into the dwelling unit and is principally used by one or more of the residents of the dwelling unit.
- (j) *Accessory residential*: The use of a site that is principally in single-family use for an additional dwelling unit that is subject to supplemental area, dimensional and use standards.
- (k) *Small group living*: The two use subtypes of small group living are as defined below; a reference in this Code to the use type "small group living" without specifying the subtype shall include either of the following use subtypes:
 - (1) *Small group living (disabled)*: A dwelling unit housing, on a weekly or longer basis, at least four but no more than eight unrelated persons with a handicap, not including resident managers or house parents, and not defined as a family.
 - (2) *Small group living (nondisabled)*: A dwelling unit housing, on a weekly or longer basis, at least four but no more than eight unrelated persons, not including resident managers or house parents, not defined as a family, and not qualifying as small group living (disabled).

(Code 1980, § 55-43; Ord. No. 34178, § 1, 5-6-97; Ord. No. 37810, § 21, 8-14-07; Ord. No. 38198, § 1, 7-29-08; Ord. No. 39371, § 1, 6-26-12)

ADD FIGURE page 4017

ADD FIGURE page 4018

Sec. 55-44. - Office use types.

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

- (a) *General offices*: Use of a site for business, professional or administrative offices, excluding medical offices. General offices are characterized by a low proportion of vehicle trips attributable to visitors or clients in relation to employees. Typical uses include real estate, insurance, management, travel or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices.
- (b) *Medical offices*: Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which are unable to provide prolonged in-house medical or surgical care. Medical offices are operated by doctors, dentists or similar practitioners licensed for practice by the state. Medical offices are characterized by a high proportion of vehicle trips attributable to visitors or clients in relation to employees.
- (c) *Financial services*: Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on the site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

(Code 1980, § 55-44)

Sec. 55-45. - Commercial use types.

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

- (a) *Agricultural sales and service*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.
- (b) *Automotive and equipment services*: Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks or heavy equipment. The following are considered automotive and equipment use types:
 - (1) *Automotive washing*: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.
 - (2) *Service station*: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
 - (3) *Automotive rentals*: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available

for rent or lease. Typical uses include auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.

- (4) *Automotive sales*: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer and recreational vehicle dealerships.
- (5) *Equipment rental and sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
- (6) *Automotive repair services*: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, but exclude dismantling, salvage, or body and fender repair services.
- (7) *Equipment repair services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
- (8) *Vehicle storage*: Long-term storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.
- (9) *Body and fender repair services*: Repair, painting or refinishing of the body, fender or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
- (c) *Building maintenance services*: Establishments primarily engaged in the provision of maintenance and custodial services to businesses and individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
- (d) *Business support services*: Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms, themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, or hotel equipment and supply firms, photography studios, and convenience printing and copying.
- (e) *Business or trade schools*: A use providing education or training in business, commerce, language or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- (f) *Campground*: Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents.
- (g) *Cocktail lounge*: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.
- (h) *Commercial recreation*: Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
 - (1) *Indoor sports and recreation*: Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, mechanical and electronic amusement galleries, indoor racquetball, swimming, and/or tennis facilities.
 - (2) *Outdoor sports and recreation*: Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, commercial golf courses, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.
 - (3) *Indoor entertainment*: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.
 - (4) *Outdoor entertainment*: Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.
- (i) *Communications services*: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.
- (j) *Construction sales and services*: Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under automotive and equipment services. Typical uses include building materials stores, or tool and equipment rental or sales.
- (k) *Consumer convenience services*: Establishments which provide services, primarily to individuals, of a convenient and limited nature, often in access-controlled facilities which make 24-hour operation possible. Typical uses include the renting of private postal and safety deposit boxes to individuals and automated banking machines.
- (l) *Consumer repair services*: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment services use types. Typical uses include appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
- (m) *Convenience storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
- (n) *Exterminating services*: Services related to the eradication and control of rodents, insects and other pests, with incidental enclosed storage.
- (o) *Food sales*: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - (1) *Limited food sales*: Establishments occupying facilities of 10,000 square feet or less, operating fewer than 14 hours per day, and characterized by sales of specialty foods or a limited variety of general items. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.

- (2) *General food sales*: Establishments selling a wide variety of commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.
- (3) *Convenience food sales*: A food sales establishment occupying facilities of 10,000 square feet or less and operating in excess of 14 hours per day. Typical uses include convenience grocery stores.
- (p) *Funeral services*: Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- (q) *General retail sales*: Sale or rental with incidental service of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).
- (r) *Lodging services*:
 - (1) *Hotels and motels*: Short term, transient housing, with an on-site manager, involving the provision of rooms, with or without meal service on site.
 - (2) *Bed and breakfast inns*: A residence, either owner occupied or with an on-site manager, which provides short term, transient housing with not less than two guest rooms for lodging and limited meals for overnight guests.
- (s) *Kennels*: Boarding and care services for dogs, cats and similar small animals or any premises on which four or more dogs over four months of age are kept and maintained, not exclusively indoors. Typical uses include boarding kennels, pet motels, or dog training centers.
- (t) *Laundry services*: Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
- (u) *Liquor sales*: Establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
- (v) *Pawnshop services*: A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.
- (w) *Personal improvement services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft and hobby instruction.
- (x) *Personal services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty shops and barbershops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households.
- (y) *Pet services*: Retail sales, incidental pet health services, and grooming and boarding, of dogs, cats, birds, fish, and similar small animals customarily used as household pets, when performed totally within a building and with no observable external effects. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- (z) *Research services*: Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- (aa) *Restaurants*: A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.
 - (1) *Restaurant (drive-in or fast-food)*: An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodation, self-service, and short stays by customers.
 - (2) *Restaurant (limited)*: An establishment housed in a space no more than 3,000 square feet and characterized by table service to customers and/or accommodation to walk-in clientele. Typical uses include cafes, coffee shops and small restaurants.
 - (3) *Restaurant (general)*: An establishment housed in a space over 3,000 square feet and characterized by table service to customers. Typical uses include large restaurants.
- (bb) *Surplus sales*: Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.
- (cc) *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables or public stables.
- (dd) *Veterinary services*: Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

(Code 1980, § 55-45; Ord. No. 34179, § 1, 5-6-97; Ord. No. 37095, § 2, 7-26-05; Ord. No. 37682, § 3, 4-3-07)

Sec. 55-46. - Civic use types.

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

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

- (b) *Cemetery*. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- (c) *Club (membership)*. A use providing meeting, recreational or social facilities for a private nonprofit or noncommercial association, primarily for use by members and guests.
 - (1) *Social clubs*. A club providing social or meeting facilities. Typical uses include private social clubs and fraternal organizations.
 - (2) *Recreational clubs*. A club providing indoor and/or outdoor athletic facilities, with or without social facilities. Typical uses include country clubs and nonprofit recreation or community centers.
- (d) *College and university facilities*. An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
- (e) *Community recreation*. A recreational facility for use by residents and guests of a particular residential development, planned unit development, church, private primary or secondary educational facility, or limited residential neighborhood, including both indoor and outdoor facilities. These facilities must be located within or adjacent to such development.
- (f) *Convalescent services*. A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease or communicable disease.
- (g) *Cultural services*. A library, museum or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
- (h) *Day care services (limited)*. The use of a structure or portion thereof, which is licensed by the state, for the care of ten or fewer individuals during any portion of a day, unless otherwise restricted.
- (i) *Day care services (general)*. The use of a structure or portion thereof, which is licensed by the state for the care of 11 or more individuals during any portion of a day, unless otherwise restricted.
- (j) *Detention facilities*. A publicly operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.
- (k) *Emergency residential care*. A facility or use of a dwelling to provide a *protective* sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings.
- (l) *Transitional living*. A facility licensed or approved by the state or other appropriate agency, which provides for the care and short- or long-term overnight occupancy of more than three unrelated persons any of whom require supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.
- (m) *Guidance services*. A use providing counseling, guidance, recuperative or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, drug addiction or a similar condition on a daytime care basis.
- (n) *Hospital services (general)*. A facility providing medical, psychiatric or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees or visitors.
- (o) *Hospital services (limited)*. A facility providing medical, psychiatric or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration and services to out-patients, employees or visitors.
- (p) *Local utility services*. Services which are necessary to support principal development and involve only minor structures such as lines and poles, minor substations and other small facilities which are necessary to support principal development.
- (q) *Maintenance and service facilities*. A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- (r) *Major utility facilities*. Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities.
- (s) *Military installation*. Military facilities of the federal or state government.
- (t) *Noncommercial day shelters*. A facility which provides, free of charge, drop-in daytime care, recreation, food service, and/or minor medical services for at least nine transient or homeless persons. Typical uses include soup kitchens, urban missions, free clinics, and emergency temporary day shelters.
- (u) *Park and recreation services*. Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.
- (v) *Postal facilities*. Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.
- (w) *Primary educational facilities*. A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the *public* schools of the state.
- (x) *Public assembly*. Facilities owned and operated by a public agency or a charitable nonprofit organization accommodating major public assembly for recreation, sports, amusement or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and incidental sales and exhibition facilities.
- (y) *Religious assembly*. A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities and incidental parking facilities. A property tax exemption obtained pursuant to the state property tax code shall constitute prima facie evidence of religious assembly use.
- (z) *Safety services*. Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

(aa)

Secondary educational facilities. A public, private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.

(Code 1980, § 55-46; Ord. No. 38198, § 2, 7-29-08; Ord. No. 38846, § 1, 10-26-10; Ord. No. 38959, § 1, 3-15-11)

Sec. 55-47. - Parking use types.

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

- (a) *Surface parking:* The use of a site for one or more parking spaces, together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features, and meeting the requirements established by this chapter.
- (b) *Parking structure:* The use of a site for a building which provides one or more parking spaces, together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas and similar features, and meeting the requirements established by this chapter.

(Code 1980, § 55-47)

Sec. 55-48. - Transportation use types.

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

- (a) *Aviation facilities:* Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.
- (b) *Railroad facilities:* Railroad yards, equipment servicing facilities, and terminal facilities.
- (c) *Dock facilities:* Loading and interchange facilities from land-based to water-based freight or passenger carrying modes.
- (d) *Transportation terminal:* A facility for loading, unloading and interchange of passengers, baggage and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations and public transit facilities.
- (e) *Truck terminal:* A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

(Code 1980, § 55-48)

Sec. 55-49. - Industrial use types.

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

- (a) *Custom manufacturing:* Establishments primarily engaged in the onsite production of goods by hand manufacturing, within enclosed structures, involving:
 - (1) The use of hand tools; or
 - (2) The use of domestic mechanical equipment not exceeding two horsepower; or
 - (3) A single kiln not exceeding eight KW.This category also includes the incidental direct sale to consumers of only those goods produced on the site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.
- (b) *Light industry:* Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.
- (c) *General industry:* Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration or air pollution effects across property lines.
- (d) *Heavy industry:* Enterprises involved in the basic processing and manufacturing of products, predominantly from raw materials, with noticeable noise, odor, vibration or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive or other commonly recognized hazardous materials.
- (e) *Resource extraction:* A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.
- (f) *Scrap and salvage services:* Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking or salvage yards, junkyards, or paper salvage yards.
- (g) *Stockyards:* Uses involving temporary keeping of livestock for slaughter, market or shipping. Typical uses are stockyards, and animal auction yards.
- (h) *Warehousing and distribution (limited):* Uses including storage, warehousing and dispatching of goods within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and moving/storage firms.
- (i) *Warehousing and distribution (general):* Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.
- (j) *Construction yards:* Establishments housing facilities or businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.
- (k) *Meat packing and related industries:* The processing of meat products and by-products directly from live animals or offal from live animals.

(Code 1980, § 55-49)

Sec. 55-50. - Agricultural use types.

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

- (a) *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.
- (b) *Crop production*: The raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.
- (c) *Animal production*: The raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming and poultry farming.
- (d) *Commercial feedlots*: Use of a site of more than 15,000 square feet where the principal business is the feeding of livestock and poultry.
- (e) *Urban agriculture*: The raising and harvesting of crops on property or within a building that, prior to the adoption of this section, was not zoned for agricultural use. Home gardens are an accessory use and are not considered urban agriculture.
 1. *Community garden*: The raising and harvesting of crops on a site by multiple individuals not a family, as defined by [section 55-19](#). A majority of the crops produced must be consumed by the individuals or families producing the crops. This may be an accessory use or a principal use on an otherwise vacant site. Crops may be grown outdoors or in temporary agricultural structures.
 2. *Urban garden*: The raising and harvesting of crops on a residentially zoned site that meets the following criteria:
 - a. On a vacant site crops may be grown outdoors or within temporary agricultural structures for off-site sale, personal use or donation.
 - b. On a site with a principal use that is residential, crops may be grown outdoors, within temporary agricultural structures or permanent agricultural structures totaling up to ten percent of the site area for off-site sale or donation.
 3. *Urban farm*: The raising and harvesting of crops on a residentially zoned site that meets the following criteria:
 - a. On a vacant site, in addition to the operations allowed in subsection [55-50\(e\)2.a.](#), crops may also be grown in permanent agricultural structures and/or for on-site sale.
 - b. On a site with a principal use that is residential, in addition to the operations allowed in subsection [55-50\(e\)2.b.](#), crops may also be grown in permanent agricultural structures totaling over ten percent of the site area and/or on-site sale.
 4. *Commercial farm*: The raising and harvesting of crops on a site zoned for commercial, office, industrial or mixed use. Crops may be grown for personal consumption, sale, or donation. This may be either a principal or an accessory use. Crops may be grown outdoors, in temporary and permanent agricultural structures or as part of a building integrated agricultural system.

(Code 1980, § 55-50; Ord. No. [43400](#), § 1, 5-2-23)

Sec. 55-51. - Miscellaneous use types.

Miscellaneous use types include the following:

- (a) *Broadcasting tower*: A structure for the transmission or broadcasting of radio, television, radar or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Radio towers not exceeding 50 feet in height are excluded from this definition.
- (b) *Construction batch plant*: A temporary demountable facility used for the manufacturing of concrete, asphalt or other paving materials intended for specific construction projects.
- (c) *Wind energy conservation system (WECS)*: Any device which converts wind energy to a form of usable energy, including wind charges, windmills or wind turbines.
- (d) *Landfill (nonputrescible solid waste disposal)*: The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.
- (e) *Landfill (putrescible and nonputrescible solid waste disposal)*: The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency. Typical material would include non putrescible wastes and vegetation, tree parts, agricultural wastes (garbage) and manure.

(Code 1980, § 55-51)

Secs. 55-52—55-60. - Reserved.

ARTICLE IV. - ZONING DISTRICT REGULATIONS

Sec. 55-61. - Purpose of article.

Article IV shall be known as the zoning district regulations. Zoning districts are established in this chapter to promote compatible land use patterns and to establish site development regulations and performance standards appropriate to the purposes and specific nature of each district.

(Code 1980, § 55-61)

Sec. 55-62. - Establishment of districts.

The following base districts and overlay districts are hereby established:

Map Code	District Name	Section
	Base Districts: Agricultural	<u>55-81</u>
AG	Agricultural District	<u>55-82</u>
	Base Districts: Residential	<u>55-101</u>
DR	Development Reserve District	<u>55-103</u>
R1	Single-Family Residential District (Large Lot)	<u>55-121</u>
R2	Single-Family Residential District (Low-Density)	<u>55-141</u>
R3	Single-Family Residential District (Medium-Density)	<u>55-161</u>
R4	Single-Family Residential District (High-Density)	<u>55-181</u>
R5	Urban Family Residential District	<u>55-201</u>
R-WRN	Walkable Residential Neighborhood District	<u>55-208</u>
R6	Low-Density Multiple-Family Residential District	<u>55-221</u>
R7	Medium-Density Multiple-Family Residential District	<u>55-241</u>
R8	High-Density Multiple-Family Residential District	<u>55-261</u>
MH	Mobile Home Residential District	<u>55-281</u>
	Base Districts: Office	<u>55-301</u>
LO	Limited Office District	<u>55-303</u>
GO	General Office District	<u>55-321</u>
	Base Districts: Commercial	<u>55-341</u>
LC	Limited Commercial District	<u>55-343</u>
CC	Community Commercial District	<u>55-361</u>
NBD	Neighborhood Business District	<u>55-381</u>
GC	General Commercial District	<u>55-401</u>
CBD	Central Business District	<u>55-421</u>
DS	Downtown Service District	<u>55-441</u>
CH	Highway Commercial Services District	<u>55-461</u>
	Base Districts: Industrial	<u>55-481</u>
LI	Limited Industrial District	<u>55-483</u>
GI	General Industrial District	<u>55-501</u>

HI	Heavy Industrial District	55-521
	Base Districts: Special	55-541
AV	Aviation District	55-543
RR	Railroad District	55-547
MU	Mixed Use District	55-561
TOD	Transit Oriented Development District	55-570
	Overlay Districts	55-581
PUD	Planned Unit Development District	55-583
PUR	Planned Unit Redevelopment District	55-595
NCE	Neighborhood Conservation District	55-601
ACI	Areas of Civic Importance District	55-609
CP	Civic Place District	55-627
MD	Major Development District	55-621
ED	Environmental Resources District	55-641
FP/FW	Floodplain/Floodway Districts	55-651
IG	Industrial Gateway District	55-661
PK	Parking District	55-671
MCC	Major Commercial Corridor District	55-681

(Code 1980, § 55-62; Ord. No. 37810, § 22, 8-14-07; Ord. No. 40041, § 3, 7-15-14; Ord. No. [42653](#), § 1, 8-31-21)

Sec. 55-63. - Application of base and overlay districts.

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

An overlay district designation may be applied to any lot or site or any portion thereof, in addition to a base district designation. More than one overlay district may apply to the same portion of a site.

(Code 1980, § 55-63)

Sec. 55-64. - Hierarchy.

(a) *Zoning districts.* References in this chapter to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, office, commercial and industrial base zoning districts established in section 55-62, and shall represent a progression from the AG agricultural district as the least intensive to the HI heavy industrial district as the most intensive. Special-purpose base districts and overlay districts shall not be included in this reference.

(b) *Use types.* References in this chapter to less intensive or more intensive uses shall be deemed to refer to the intensity ratings established in [section 55-68](#), "Use regulations summary." Intensity rating values range from 1 through 9, with 1 representing the least intensive use and 9 the most intensive use.

(Code 1980, § 55-64)

Sec. 55-65. - Zoning map.

(a) *Adoption.* Boundaries of the zoning districts established by this chapter shall be shown on a map portfolio on file in the planning department. This map portfolio, known as the Zoning Map of the City of Omaha, Nebraska, together with all legends, references, symbols, boundaries and other information thereon, shall be adopted as a part of and concurrent with this chapter.

(b)

Changes. The zoning map may be changed from time to time by ordinance, following the procedure set forth by [section 55-886](#). Such changes shall be reflected on the zoning map. The planning director shall maintain a complete record of all changes in the zoning map.

- (c) *Preparation.* The zoning map may be prepared in sections as required to portray the boundaries of zoning districts. The zoning map may include supplemental maps as required to indicate street classifications, boundaries subject to special regulations or exceptions, or any other material required to implement this chapter.

(Code 1980, § 55-65)

Sec. 55-66. - Interpretation of district boundaries.

The following rules shall apply in determining the boundaries of any zoning district shown on the zoning map:

- (a) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- (b) Where district boundaries are indicated as within street or alley, stream, railroad, or other identifiable rights-of-way, the center line of such rights-of-way shall be considered the district boundaries.
- (c) Where a district boundary divides a property, the location of the district boundary shall be determined by the use of the scale appearing on the zoning map, unless otherwise dimensioned.
- (d) Should any uncertainty remain as to the location or meaning of a zoning district boundary or other feature indicated on the zoning map, the location or meaning shall be determined by the planning director.

(Code 1980, § 55-66)

Sec. 55-67. - Vacation of streets and alleys.

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

(Code 1980, § 55-67)

Sec. 55-68. - Use regulation and site development regulation summaries.

The tables in this section are intended only as summaries of the use and site development regulations elsewhere in this chapter.

In the event the tables conflict with the regulations elsewhere in this chapter, the regulations shall control.

P	Permitted use.
C	Conditional use.
SP	Special permit use.
✓	Site plan approval required; see section 55-882 .
	Note 1: Certain large projects may require site plan approval; see district regulations.

	Intensity Rating	AG	DR	R1	R2	R3	R4	R5	R- WRN	R6	R7	R8	MH	LO	GO	LC	CC	NBD	GC	CBD	DS	CH	LI	GI
Residential use types:																								
Single-family residential (detached)	1	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	C	P	P			
Single-family residential (attached)	1			SP	SP	SP	C	P	P	P	P	P	P	C	C	C	C	P	C	P	P			
Duplex residential	2							P		P	P	P		C	C	C	C	P	C	P	P			

Two-family residential	2								P		P	P	P		C	C	C	C	P	C	P	P			
Townhouse residential	2							SP	P	P	P	P	P		C	C	C	C	P	C	P	P			
Multiple-family residential	3									P	P	P	P		C	C	C	C	P	C	P	P			
Large group living	3		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	C		SP	C	SP	SP	C	C	C	C	C	SP	SP
Mobile home residential	1													P											
Assisted living:	3				SP	SP	SP	SP	SP	P	P	P	P		C	C	C	C	P	C	P	P			
Live-work residential										SP															
Accessory residential				C	C	C	C	C	P	P	P	P	P	P	C	C	C	C	P	C	P	P			
Small group living (disabled)	1		P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	C	P	P			
Small group living (nondisabled)	1			SP	SP	SP	SP	SP	SP	C	C	P	P		C	C	C	C	P	C	P	P			

Office use types (note 1)

General offices	4											SP	C		P	P	P	P	P	P	P	P	P	P	SP
Medical offices	5														C	P	P	P	P	P	P	P	P	P	SP
Financial services	5														C	P	P	P	P	P	P	P	P	P	SP

Commercial use types

Agricultural sales and services	7		SP	SP														C	C	P		P	P	C	P
Automotive and equipment services																									
Automotive washing	6																	P	SP	P	C	P	P	P	P
Service station	6																C	P	C	P	P	P	P	P	P
Automotive rentals	7																	SP	C	P	C	P	P		P

Secondary educational facilities	3			C	C	C	C	C	C	C	C	P	P	C	C	P	C	P	C	C	P	P	C		
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Parking use types (note 1)

Surface parking	7																SP	SP	C	C	C	C	P	P	C	P
Parking structure	7																SP		C	C	C	P	P	C	C	P

Transportation use types

Aviation facilities																										
Railroad facilities	8																						P	SP	SP	P
Dock facilities	8																						P		SP	C
Transportation terminal	7																	SP	SP	P	P	P	P	SP	P	
Truck terminal	8																						C	P	SP	P

Industrial use types (note 1)

Custom manufacturing	6																	SP	C	P	P	P	P	P	P	
Light industry	7																					SP	P	SP	P	P
General industry	8																						SP		SP	P
Heavy industry	9																									
Resource extraction	9		SP																							SP
Scrap and salvage services	9																							SP	SP	SP
Stockyards	9																									
Warehousing and distribution (limited)	7																	C		C	P	P	P	P	P	
Warehousing and distribution (general)	8																						SP	C	SP	P

Front yard	25	25	25	25	—	(1)	—	—	35	25	(2)	(2)
Street side yard	15	15	15	15	—	(1)	—	—	20	15	(3)	(3)
Interior side yard	5	5—21	10	—	—	—	—	—	5	10	—	—
Rear yard	15	15	15	15	—	15	—	—	15	15	10	10
Maximum height (ft.)	40	120	40	60	60	76	—	—	40	40	120	120
Maximum building coverage	50%	60%	50%	60%	100%	70%	100%	100%	50%	60%	90%	90%
Maximum impervious coverage	65%	80%	75%	85%	100%	90%	100%	100%	90%	80%	90%	100%

(1) The greater of 15 feet or 50 feet from the center line of the adjacent street.

(2) Fifty feet from the center line of the adjacent street.

(3) The smaller of 10 feet or 50 feet from the center line of the adjacent street.

(Code 1980, § 55-68; Ord. No. 33110, § 1, 11-23-93; Ord. No. 33545, § 1, 5-2-95; Ord. No. 33902, § 1, 6-11-96; Ord. No. 34026, § 2, 10-29-96; Ord. No. 34178, § 2, 5-6-97; Ord. No. 35726, § 1, 9-25-01; Ord. No. 37810, § 23, 8-14-07; Ord. No. 38198, § 3, 7-29-08; Ord. No. 39371, § 2, 6-26-12; Ord. No. 42341, § 1, 10-27-20; Ord. No. 42653, § 2, 8-31-21; Ord. No. 43400, § 1, 5-2-23; Ord. No. 43542, § 1, 10-2-23; Ord. No. 43728, § 1, 3-5-24)

Sec. 55-69. - District classification of abandoned railroad right-of-way.

Upon abandonment of railroad right-of-way pursuant to Interstate Commerce Commission approval, the zoning adjoining such right-of-way shall be extended to the former centerline as defined by [section 55-549](#). The regulations applicable to the adjoining property shall then also apply to the area of abandonment.

(Code 1980, § 55-69; Ord. No. 33276, § 1, 5-24-94)

Sec. 55-70. - Leased city property.

In the event of a lease of city right-of-way or other city property not included in any zoning district under this chapter, the leased area shall be subject to the regulations applicable to the adjacent, or if none are adjacent the nearest zoning district; provided, that regulations dealing with required minimum setbacks and bufferyards shall not apply to the leased area. If two or more zoning districts are adjacent or equally proximate to the leased area, then the more restrictive regulations, including but not limited to performance standards for telecommunications, shall apply.

(Ord. No. 35431, § 1, 1-9-01)

Secs. 55-71—55-80. - Reserved.

Sec. 55-341. - LC, CC, NBD, GC, CBD, DS, CH.

Sec. 55-342. - General purpose.

The commercial districts are included in this chapter to achieve the following objectives:

- (a) To reserve appropriately located area for a broad range of commercial services in the Omaha metropolitan area.
- (b) To recognize the environmental characteristics of different types of commercial development and to establish appropriate land use regulations for each type.
- (c) To ensure adequate access, off-street parking and loading, and other service features for commercial development.
- (d) To promote flexibility in the design and development of commercial services, while maintaining high standards of design and ensuring neighborhood compatibility.
- (e) To facilitate planning for urban services appropriate to anticipated traffic, service requirements, and commercial needs generated by the city and its neighborhoods.

(Code 1980, § 55-342)

Sec. 55-401. - GC general commercial district.

Sec. 55-402. - Purpose.

The GC general commercial district is intended for a wide variety of GC commercial uses and limited industrial facilities. Uses allowed in the GC district may generate sufficient traffic or have operating characteristics which make them generally incompatible with residential areas or lower intensity commercial and office districts. GC districts require access from major streets, primarily minor and major arterials. GC districts are most appropriate along arterials, at major intersections, and in areas appropriate for commercial uses which are relatively well insulated from residential districts.

(Code 1980, § 55-402)

Sec. 55-403. - Permitted uses.

The following use types are permitted:

(a) *Office uses.*

Financial services

General offices

Medical offices

(b) *Commercial uses.*

Agricultural sales and service

Automotive washing

Auto rental

Auto repair services

Bed and breakfast inns

Building maintenance services

Business support services

Business or trade school

Cocktail lounge

Communications services

Construction sales and services

Consumer convenience services

Consumer repair services

Equipment rental and sales

Equipment repair services

Exterminating services

Food sales (limited)

Food sales (general)

Food sales (convenience)

Funeral services

General retail sales

Hotel/motel

Indoor entertainment

Indoor sports and recreation

Laundry services

Liquor sales

Pawnshop services

Personal improvement services

Personal services

Pet services

Research services

Restaurant (drive-in)

- Restaurant (limited)
- Restaurant (general)
- Service station
- Veterinary services
- (c) *Transportation uses.*
 - Transportation terminal
- (d) *Industrial uses.*
 - Custom manufacturing
- (e) *Civic uses.*
 - Administrative services
 - Cultural services
 - Day care (limited)
 - Day care (general)
 - Emergency residential care
 - Guidance services
 - Hospital services (limited)
 - Hospital services (general)
 - Local utility services
 - Park and recreation services
 - Postal facilities
 - Public assembly
 - Recreational clubs
 - Religious assembly
 - Social clubs
- (f) *Agricultural uses.*
 - Commercial farm
 - Community garden

(Code 1980, § 55-403; Ord. No. 33545, § 14, 5-2-95; Ord. No. 36246, § 2, 4-29-03; Ord. No. 37095, § 2, 7-26-05; Ord. No. 43400, § 1, 5-2-23)

Sec. 55-404. - Conditional uses.

The following use types are allowed, subject to approval of a conditional use permit, as provided by section 55-404:

- (a) *Residential uses.*
 - Single-family (detached)
 - Single-family (attached)
 - Duplex residential
 - Two-family residential
 - Townhouse residential
 - Multiple-family residential
 - Large group living
 - Small group living (disabled)
 - Small group living (nondisabled)
 - Assisted living
- (b) *Civic uses.*
 - College and university facilities
 - Safety services
 - Secondary educational facilities

(c) *Commercial uses.*

- Kennels
- Outdoor sports and recreation
- Surplus sales

(d) *Parking uses.*

- Parking structure
- Surface parking

(e) *Industrial uses.*

- Warehousing and distribution (limited)

(Code 1980, § 55-404; Ord. No. 33545, § 15, 5-2-95; Ord. No. 38198, § 21, 7-29-08; Ord. No. 43542, § 1, 10-2-23)

Sec. 55-405. - Special permit uses.

The following use types are allowed, subject to approval of a special use permit by the city council, as provided by section 55-884:

(a) *Civic uses.*

- Transitional living
- Maintenance and service facilities

(b) *Commercial uses.*

- Auto sales
- Body and fender repair services
- Convenience storage
- Vehicle storage

(c) *Miscellaneous uses.*

- Broadcasting tower
- Wind energy conservation system

(Code 1980, § 55-405; Ord. No. 36246, § 2, 4-29-03; Ord. No. 38198, § 21, 7-29-08)

Sec. 55-406. - Site development regulations.

Each site in the GC general commercial district shall be subject to the following site development regulations:

Regulator	Requirement
Lot area	5,000 square feet minimum
Lot width	50 feet minimum
Floor area ratio	2.0 maximum
Front yard	The greater of 15 feet or 50 feet from the center line of the fronting street
Street side yard	The greater of 15 feet or 50 feet from the center line of the fronting street
Interior side yard	No requirement
Rear yard	15 feet

Height	75 feet maximum; 45 feet maximum where building is within 100 feet of property classified as R6 or a lower intensity district
Building coverage	70 percent maximum
Impervious coverage	90 percent maximum

(Code 1980, § 55-406)

Sec. 55-407. - Additional regulations.

(a) *Residential uses.* Residential uses are allowed as a conditional use in the GC district, subject to the site development regulations for residential uses in the R8 high-density multiple-family residential district. Other conditions may be required as part of approval of a conditional use permit.

(b) *Large projects.*

- (1) Projects proposed in the GC district for sites of four acres and over or including a building floor area of 40,000 square feet and over are subject to site plan approval, as set forth in [section 55-882](#). Site plan approval is further required for projects involving phasing or expansion when the total project meets or exceeds these limits.
- (2) Any project encompassing an area of ten acres or over within a GC district shall require a special permit as set forth in [section 55-884](#). A special permit is further required for projects involving phasing or expansion when the total project is equal to or greater than ten acres.

(Code 1980, § 55-407)

Secs. 55-408—55-420. - Reserved.

Sec. 55-581. - PUD, PUR, NCE, ACI, MD, CP, ED, FF/FW, IG, PK, MCC.

(Ord. No. [42653](#), § 5, 8-31-21)

Sec. 55-582. - General purpose and interpretation.

(a) *General purpose.* Overlay districts are used in combination with base districts to modify or expand base district regulations. Overlay districts are adapted to special needs of areas of the city. They provide additional flexibility to this chapter, giving this chapter the ability to evolve as planning for specific areas continues.

The overlay districts are included in this chapter to achieve the following objectives:

- (1) To recognize special conditions requiring regulation in specific parts of the city.
- (2) To provide for the protection of special features in the natural and built environment of the city.
- (3) To allow for change and adaptability in this chapter.
- (4) To encourage comprehensive neighborhood and environmental planning in the city.
- (5) To provide development flexibility and to encourage innovative design through comprehensively planned projects.
- (6) To provide an array of regulating alternatives, combining maximum adaptability to projects with satisfactory control in the public interest.
- (7) To implement the goals and policies of the urban design element of the city's comprehensive plan.

(b) *Interpretation.* Provisions governing projects within overlay districts shall apply in addition to the regulations and standards applicable pursuant to the underlying zoning district(s). Where the regulations and standards of an underlying zoning district conflict with those of an overlay district, the standards governing the overlay district shall control.

(Code 1980, § 55-582; Ord. No. 37810, § 25, 8-14-07)

Sec. 55-609. - ACI areas of civic importance districts.

Sec. 55-610. - Purpose.

(a) The ACI areas of civic importance overlay district is intended to implement the urban design element of the city's comprehensive plan by creating four overlay district types for those parts of the city which, is because of their characteristics, uses, design or period of development, are also of primary importance in shaping the city's physical image (to be known as the "ACI-1", "ACI-2", "ACI-3", and "ACI-4" districts):

(1) *ACI-1 district (downtown-like).*

- Buildings and building entrances relate directly to the street;
- Parallel or diagonal on-street parking or the potential for on-street parking;
- Pedestrian-oriented to a large degree;
- Strong uniform building line;
-

Very little or no off-street parking between the building and the street;

- Vehicular access to site is allowed directly from arterial street; and
- Width of pavement of the arterial is relatively narrow; pedestrian can cross without much difficulty; buildings relate to one another across the arterial.

(2) *ACI-2 district (urban).*

- Buildings and building entrances relate directly to the street;
- Some parallel or diagonal on-street parking; potential exists for on-street parking;
- Historically pedestrian-oriented, street car era areas;
- Relatively strong uniform building line;
- Generally no off-street parking between the building and the street;
- Vehicular access to site is allowed directly from arterial street; and
- Width of pavement of the arterial is similar to ACI-1, but there is less on-street parking and the through traffic is faster moving making it more difficult for pedestrian to cross the arterial than in ACI-1; some relationship between buildings across the arterial, but not as strong as in ACI-1.

(3) *ACI-3 district (mix of urban and suburban).*

- Buildings and building entrances relate to parking lots;
- No on-street parking;
- More auto-oriented than pedestrian-oriented;
- Irregular building line;
- Buildings set back from property line;
- Off-street parking between the building and the street; Vehicular access to site is allowed directly from arterial street; and
- Width of pavement of the arterial varies considerably in ACI-3 type areas; pedestrians can cross arterial without too much difficulty in some ACI-3 areas, while it might be quite difficult in those areas with very wide pavement widths; generally buildings do not relate to one another across the arterial.

(4) *ACI-4 (suburban).*

- Buildings and building entrances relate to interior streets and parking lots, not to be arterial street;
- No vehicular or pedestrian access to buildings from the arterial street;
- No direct access to buildings and off-street parking from the arterial street; vehicular access to building sites and parking is from internal main streets, internal streets, or internal access drives;
- Predominately auto-oriented; pedestrian consideration is limited to when a sidewalk is located adjacent to the arterial;
- Irregular building line;
- Width of pavement of the arterial is very wide; very difficult for pedestrians to cross arterial; buildings do not relate to one another across the arterial.

Where appropriate, the ACI-1, ACI-2, ACI-3, and ACI-4 districts are referred to collectively as the "ACI Districts". The objective of the ACI districts is to preserve and promote the development of these areas of civic importance in ways that enhance the physical image of the city. When the ACI districts are created through the process outlined in this section, they shall be delineated as generally described and mapped in the urban design element of the comprehensive plan of the city. The boundaries of the ACI districts shall be established or amended using the procedure applicable to amendments to the boundaries of zoning districts.

(b) ACI district baseline location(s).

(1) Definitions:

- ACI primary street*: The street corridor upon which abutting properties are designated to be within an ACI.
 - ACI side street*: Those streets which intersect the ACI primary streets and are not identified as a primary street.
- (2) The baseline for ACI primary street frontage shall be defined by one of the following designators, shown in parentheses, which shall be integral to the zoning nomenclature. Adjustments to the baseline shall meet the requirements set forth in [section 55-610\(c\)](#).
- Numeric value (XX)*. A numeric value added to the ACI designation shall be the dimension in feet from the centerline of the street to the baseline.
 - Dominant historical street wall (H)*. The baseline shall coincide with the dominant historical street wall as determined by the planning director.
 - Property line (PL)*. The baseline shall coincide with the property line.
 - Set back line (SB)*. The baseline shall be the base zoning setback line.

Example nomenclature:

Base Zoning	Overlay	Baseline	Designator
CC	ACI-2	50' from centerline	CC/ACI-2(50)
GC	ACI-1	H	GC/ACI-1(H)
MU	ACI-4	PL	MU/ACI-4(PL)

(3) The baseline for ACI side street frontage at corner lots shall be one of the following and shall extend the full depth of the lot:

- a. *For arterial streets.* The baseline for side street frontage at an arterial street intersection shall be the greater of 50 feet from the centerline of the street, or the property line; provided that at minimum it shall be located so as to provide for the minimum sidewalk conditions in [section 55-924](#). Adjustments to the baseline shall meet the requirements set forth in [section 55-610\(c\)](#).
- b. *For collector and local streets.* The baseline for side street frontage at a collector or residential street shall be the greater of 38 feet from the centerline of the street, or the property line; provided that it shall be located so as to provide for the minimum sidewalk conditions in [section 55-924](#) and on street parallel parking as required. A 50-foot baseline may also be utilized in situations where diagonal on-street parking is desirable and appropriate. Adjustments to the baseline shall meet the requirements set forth in [section 55-610\(c\)](#).

(c) Adjustments to the baseline.

(1) The baseline location and/or its geometry may be adjusted to accommodate one or more of the following conditions, provided that at minimum it shall be located so as to provide for the sidewalk conditions required in [section 55-924](#) and shall be approved by the planning director:

- a. To accommodate irregular, non-parallel or unusual street alignment.
- b. To accommodate irregular or unusual property lines.
- c. To accommodate irregular or unusual building placement.
- d. To provide for future street improvements.
- e. To provide for acceleration, deceleration or turn lanes.
- f. To provide for on-street parking.
- g. To provide for a dedicated and permanent public amenity such as public art or a plaza.

(Ord. No. 37810, § 2, 8-14-07; Ord. No. 38082, § 1, 4-22-08; Ord. No. 38143, § 1, 6-27-08)

Sec. 55-611. - Applicability.

- (a) *ACI district boundaries.* The provisions of these [sections 55-609](#) through [55-617](#) shall apply to any project on a lot or site in an ACI district.
- (b) *Conflict of provisions.* Where the provisions of these [sections 55-609](#) through [55-617](#) conflict with the provisions of any other sections of this chapter, the provisions of these [sections 55-609](#) through [55-617](#) shall control.

(Ord. No. 37810, § 2, 8-14-07)

Sec. 55-612. - Permitted uses.

Use types permitted in the ACI districts are the same as those permitted in the underlying base zoning district(s).

(Ord. No. 37810, § 2, 8-14-07)

Sec. 55-613. - Urban design site plan approval.

Urban design site plan approval pursuant to article XXII (urban design), [section 55-937](#) is required for all projects located in the ACI districts.

(Ord. No. 37810, § 2, 8-14-07)

Sec. 55-614. - Urban design standards.

A project located on a site or lot in the ACI-1 district, ACI-2 district, ACI-3 district or ACI-4 district shall comply with the urban design standards applicable to that district as set forth at the following sections:

- (a) *Sidewalk areas.* Article XXII (urban design), [section 55-924](#).
- (b) *Build-to/set-back lines.* Article XXII (urban design), [section 55-925\(a\)](#), (c) and (e).
- (c) *Ground-level transparency.* Article XXII (urban design), [section 55-926](#).
- (d) *Screening of service areas.* Article XXII (urban design), [section 55-927](#).
- (e) *Green parking areas.* Article XXII (urban design), [section 55-928](#).
- (f) *Parking structures.* Article XXII (urban design), [section 55-929](#).
- (g) *Site and building access.*
 - (1) *Shared access.* Article XXII (urban design), [section 55-930\(c\)\(1\)](#).
 - (2) *Overall.* Article XXII (urban design), [section 55-930\(a\)](#), (c)(2) and (c)(3).
- (h) *Neighborhood connectivity.* Article XXII (urban design), [section 55-931](#).
- (i) *Location of utilities.* Article XXII (urban design), [section 55-932](#).
- (j) *Signs.* Article XXII (urban design), [section 55-933](#).
- (k) *Retaining walls; landscape berms.* Article XXII (urban design), [section 55-934](#).

(Ord. No. 37810, § 2, 8-14-07)

Sec. 55-615. - Building design guidelines.

Each project located on a site or lot in an ACI district is subject to the following building design guidelines:

- (1) *Building design guidelines.* Article XXII (urban design), [section 55-935](#).

(Ord. No. 37810, § 2, 8-14-07; Ord. No. 39358, § 3, 6-19-12)

Sec. 55-616. - Applicability of urban design standards and guidelines to changes to existing development.

Proposed changes to existing structures located on sites in the ACI districts shall be subject to the standards and guidelines set forth in [sections 55-614](#) and [55-615](#) in the following manner:

- (a) *Total reconstruction.* Any project which involves the total reconstruction of any existing structure on a site, as a result of a decision to redevelop the site shall be subject to the standards and guidelines in [sections 55-614](#) and [55-615](#). Any project which involves the total reconstruction of any existing structure on a site as a result of a casualty loss shall be subject only to the guidelines in [section 55-615](#).
- (b) *Other change involving issuance of a building permit.* Any change to a project that does not constitute a total reconstruction as provided in [section 55-616\(a\)](#) shall be subject to each urban design standard and guideline set forth in [sections 55-614](#) and [55-615](#) to the extent that such change to the project concerns each such urban design standard or guideline.
- (c) *Exception.* Notwithstanding the provisions of [section 55-616\(b\)](#), above, ordinary maintenance and repairs of an existing structure or site shall not be subject to the standards and guidelines set forth in [sections 55-614](#) and [55-615](#).
- (d) *Ordinary maintenance and repairs.* For the purposes of this [section 55-616](#), the term "ordinary maintenance and repairs" means improvements necessary to replace deteriorated elements of existing structures or of a site when made without substantially changing the size, shape, configuration or style of the structure or site.
- (e) *Changes involving development agreements.* Any existing or proposed structure or site covered by an existing development agreement shall be covered by site development or building design guidelines established by that agreement. If the development agreement covering the structure does not include building design guidelines, then the standards and guidelines set forth in [sections 55-614](#) and [55-615](#) shall apply. Any modifications to any such structures or sites that require a major amendment shall be subject to those standards and guidelines set forth in [sections 55-614](#) and [55-615](#) to the extent that the sections are applicable to the amendment.

(Ord. No. 37810, § 2, 8-14-07)

Sec. 55-617. - Off-premises signs in the ACI districts.

In addition to the provisions regarding signs set forth in this Code, the following standards shall apply to off-premises signs in the ACI district. From and after the date on which any ACI district regulations apply to a specific lot or site, no new permits for off-premises signs on that lot or site shall be granted except as follows:

- (a) *Existing conforming signs.* Any existing off-premises advertising sign that conformed to the provisions of this Code in effect immediately prior to the applicability of any ACI district shall remain and continue to be deemed conforming, so long as it continues to comply with all provisions of this Code in effect immediately prior to the applicability of any ACI district.
- (b) *Replacement of conforming signs.* Upon application by the owner of a conforming sign on a lot or site in an ACI district to replace such sign, a permit shall be issued to the applicant for such replacement so long as (a) such replacement sign is either (i) located on the same parcel or (ii) on adjacent parcel, with a special use permit subject to certain conditions set forth in [section 55-617\(b\)\(1\)–\(5\)](#) below, and (b) such replacement sign conforms with all provisions of this Code. A special use permit for relocation of a conforming sign shall be issued provided that such relocation will not significantly and adversely affect the following:
- (1) Traffic safety;
 - (2) Significant vistas;
 - (3) Visibility of surrounding property;
 - (4) Other signage on surrounding property; and
 - (5) Site access or traffic circulation on a site.
- (c) *Non-conforming signs not made conforming.* The foregoing provisions of this [section 55-617](#) are not intended and shall not be interpreted or applied so as to make any non-conforming sign conforming.

(Ord. No. 37810, § 2, 8-14-07)

Secs. 55-618—55-620. - Reserved.