

Randolph, Nebraska

ZONING ORDINANCES

Proposed

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ZONING REGULATIONS

Randolph, Nebraska

Ordinance No: _____

PREAMBLE

An Ordinance of the City of Randolph, Nebraska, adopted under the authority conferred by the statutes of the State of Nebraska, to regulate the zoning of certain lands within the corporate limits of the City and within the area one mile beyond the corporate limits; for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants in the City of Randolph by regulating and restricting the height, number of stories, and size of buildings and other structures, the size of yards, courts, and other open spaces, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes in accordance with the Randolph Comprehensive Plan and the zoning maps adopted herewith, to provide enforcement procedures and penalties; to provide for severability of any part.

The purpose of the ordinance is to establish certain minimal standards. Any existing ordinances, parts of ordinances or resolutions previously existing requiring a more stringent standard shall remain in full force and effect and be complied with.

Be it ordained by the City Council of the City of Randolph, Cedar County, Nebraska:

This Zoning Ordinance was adopted and approved this _____ day of _____ 2000, by the City Council of the City of Randolph, Nebraska.

(Seal)

Mayor

ATTEST:

City Clerk

ARTICLE 1

GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be known, referred to, and cited as the Zoning Ordinance of the City of Randolph, Nebraska.

1.2 JURISDICTION

The provisions of these Regulations shall apply within the planning jurisdiction of Randolph, Nebraska, as established on the map entitled "The Official Zoning Map of the City of Randolph, Nebraska." The jurisdiction includes the zoning areas within and out to one mile of the corporate limits of the City of Randolph, Nebraska.

1.3 PURPOSE

In pursuance of the authority conferred by Sections 19.901 through 19.929 of Nebraska Statutes as amended, this ordinance is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants in the City of Randolph by regulating and restricting the height, number of stories, and size of buildings and other structures, the size of yards, courts, and other open spaces, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes in accordance with the Randolph Comprehensive Plan and the zoning maps adopted herewith

ARTICLE 2

APPLICATION OF REGULATIONS

2.1 GENERAL

The zoning regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

2.2 ZONING AFFECTS EVERY BUILDING AND USE

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved or structurally altered except in conformity with all of the zoning regulations herein specified for the district in which it is located.

2.3 YARD AND LOT REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this ordinance shall be reduced by private action in dimension or area below the minimum requirements set herein. Lots created after the effective date of this ordinance shall meet the minimum requirements established by these regulations. Lots cannot be reduced in size.

2.4 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Where applicable, Municipal, State, or Federal standards that are more restrictive than those contained herein, the more restrictive standards shall apply.

2.5 NONCONFORMITIES

2.5.1 Intent: Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses.

2.5.2 Nonconforming Lots Of Record: The Zoning Administrator may issue a Permit for any nonconforming lot of record provided that:

Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited, and Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the zoning regulation, and Said Lot can meet all required yard regulations for the district in which it is located by relying upon compatibility standards and setback averaging to achieve the desired protections. Setback averaging is allowed where existing front-yard setbacks on the same block are less than the district standard and will rely on the following conditions:

1. Existing setbacks on the same block face are averaged;
2. Only lots with similar uses to that proposed are included in the average;
3. Vacant lots are included using the district setback; or
4. Existing front-yard setbacks can rely upon existing nonconformities such that any addition or enlargement does not exceed the point of nonconformity setback.

2.5.3 Nonconforming Structures:

Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the use regulations and/or the applicable setback and height regulations may be continued, so long as it remains otherwise lawful.

Enlargement, Repair, Alterations: Any nonconforming structure may be maintained, repaired, or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. Setback averaging is allowed where existing front-yard setbacks on the same block are less than the district standard and will rely on the following conditions:

1. Existing setbacks on the same block face are averaged;
2. Only lots with similar uses to that proposed are included in the average;

3. Vacant lots are included using the district setback; or
4. Existing front-yard setbacks can rely upon existing nonconformities such that any addition or enlargement does not exceed the point of nonconformity setback.

Damage or Destruction: In the event any nonconforming structure is damaged or destroyed, by any means, to the extent of more than seventy-five percent (75%) of its assessed fair market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of seventy-five percent (75%) or less of its fair market value, no repairs or restoration shall be made unless a building permit is obtained within six (6) months, and restoration is actually begun one (1) year after the date of such partial destruction and is diligently pursued to completion.

Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

2.5.4 Nonconforming Uses:

Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.

Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement may be performed on any structure or system that is devoted in whole or in part to a nonconforming use.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official in charge of protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.

Extension: A nonconforming use or structure shall not be extended, enlarged which results in additional nonconformity or increases the degree of nonconformity.

Enlargement: No use or structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such use of enlargement is allowed in the district and/or does not increase the degree of nonconformity.

Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, no repairs or restoration shall be made unless a building permit is obtained within six (6) months and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

Moving: No structure that is devoted in whole or in part to a nonconforming use and nonconforming use of land shall be moved in whole or in part for any distance whatever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

Change in Use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.

Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned, for a period of twelve (12) consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or

occupancy of such land shall comply with the regulations of the zoning district in which such land is located unless an extension request is submitted to the Planning Commission for its recommendation and forwarded for approval or denial to the appropriate governing body.

Nonconforming Accessory Uses: No use, which is accessory to a principle nonconforming use, shall continue after such principal use shall cease or terminate.

ARTICLE 3

GENERAL DEFINITIONS

3.1 GENERAL PROVISIONS

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.

3.1.1 TENSE: Words used in the present tense include the future tense.

3.1.2 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.

3.1.3 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissive.

3.1.4 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

3.2 GENERAL TERMINOLOGY

The word "City" shall mean the City of Randolph, Nebraska. The word "Governing Body" shall mean the City Council of Randolph, Nebraska. The words "Planning Commission" shall mean the Planning Commission of Randolph duly appointed by the governing body of the City of Randolph.

Words or terms not herein defined shall have their ordinary meaning in relation to the context.

3.3 DEFINITIONS

For the purpose of this Ordinance certain words and terms used herein are defined as follows;

ACCESSORY BUILDING OR USE: A building or use that exhibits the following:

1. Constructed or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.

2. Clearly incidental to, subordinate in purpose and area to, and serves the principal use.

AGRICULTURAL FARM OR OPERATION: A tract of land used for the purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of or the produce of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and any other agricultural or horticultural use. In contrast to a livestock feeding operation, as hereinafter defined in the definition of Intensive Livestock Facilities/ Operations/Feedlots (LFO), any person or entity operating within the following categories shall be considered to be a farming operation and shall not be considered as operating a LFO unless the operation exceeds the following:

- a. One (1) Animal Unit (AU), as defined in the definition for Animal Unit herein, per acre for a parcel less than forty (40) acres in size;
- b. One and one-half (1 1/2) AU per acre for a parcel of land greater than forty (40) acres, but less than eighty (80) acres; or
- c. Two (2) AU per acre for parcels over eighty (80) acres.

Notwithstanding the provisions of a through “c” above, any time the number or combination of Animal Units (AU) exceeds two hundred fifty (250), regardless of the size of the parcel of land, the operation shall be considered a LFO in these regulations.

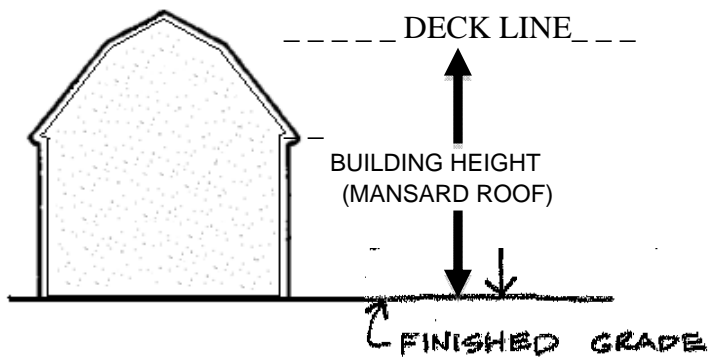
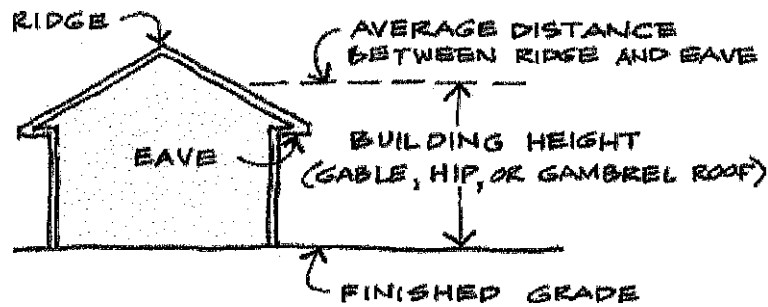
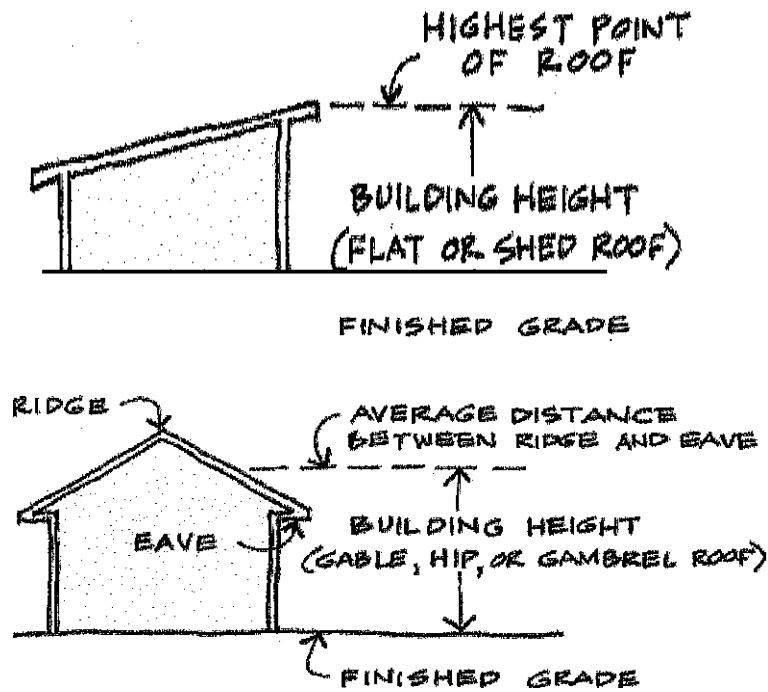
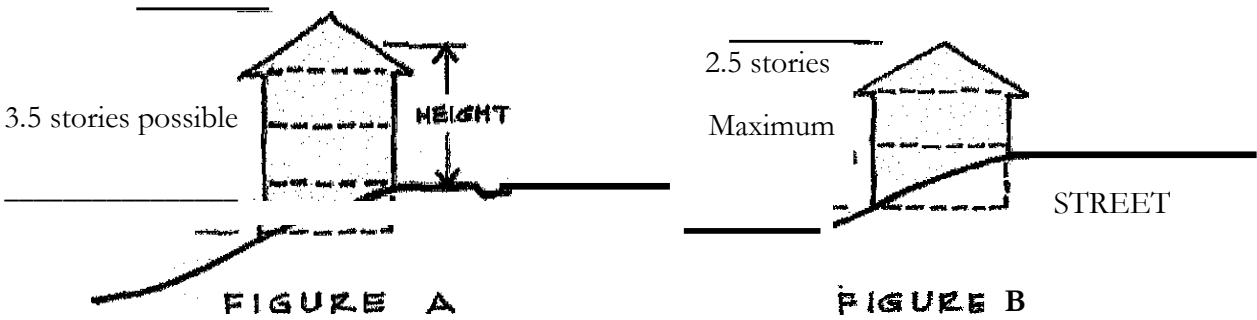
ANIMAL UNIT: One animal unit shall equal one (1) head of slaughter or feeder cattle, seven-tenths (0.7) head of mature dairy cattle (whether milked or dry cows), two and five-tenths (2.5) swine each weighing over 55 pounds, twenty-five (25) weaned pigs each weighing less than 55 pounds, five-tenths (0.5) head of horses, ten (10) sheep or lambs, fifty-five (50) turkeys, one hundred (100) laying hens or broilers if the facility has continuous overflow watering, thirty (30) laying hens or broilers if the facility has a liquid manure system, and/or five (5) ducks.

BED AND BREAKFAST: A building other than a hotel or motel, where, for compensation and by pre-arrangement for definite periods, meals, lodging, or lodging and meals are provided. This includes bread and breakfast facilities and tourist homes accommodating not more than twenty persons.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building. "Building" includes "structure."

BUILDING HEIGHT: The vertical distance to the highest point of the roof structure; measured from the base of the building.



BUILDING HEIGHT

CAMP GROUNDS: Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers.

CHILD CARE CENTER: A facility, which is or should be licensed by the Nebraska Department of Social Services under the authority of Sections 71-1908 through 71-1918, Revised Statutes of Nebraska, as provided and defined under the Title 474 of the Nebraska Administrative Code, Chapter 6, Section 002.

CHILD CARE HOME: A private home providing care (for children) for compensation, which is or should be licensed by the Nebraska Department of Social Services.

CLUB: Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

CONDITIONAL USE: A use that is allowed in a zone when specified conditions have been complied with as identified for each district as a conditional use. A conditional use permit is reviewed and issued by the zoning administrator.

DWELLING: Any building or portion thereof that is designed and used exclusively for residential purposes.

DWELLING, MULTI-FAMILY: A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A dwelling having accommodations for and occupied by one (1) family.

DWELLING, TWO-FAMILY: A residential building containing two (2) dwelling units entirely surrounded by open space on the same lot.

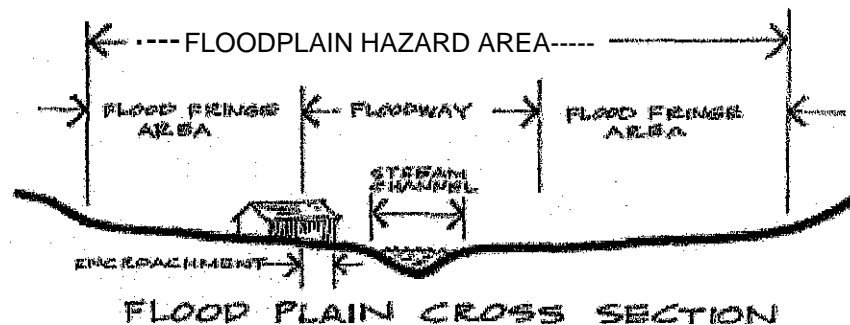
EASEMENT: A grant by the property owner to the public, a corporation or persons for the use of a tract of land for a specific purpose or purposes.

FARM: (see Agricultural Farm or Operation)

FARM RESIDENCE: Residential dwellings located on a farm, including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.

FARMSTEAD: Any building site that includes at least two (2) buildings that have combined assessed valuation for tax purposes of at least \$5,000 as of the date on which these regulations go into effect.

FLOOD PLAIN: Those lands within the zoning jurisdiction of the City that are subject to a one percent (1%) or greater chance of flooding in any given year. The regulatory flood plain for this Ordinance shall be based on the official Flood Hazard Boundary Map or Flood Insurance Administration, U.S. Department of Housing and Urban Development and any revision thereto. The City of Randolph participates in the National Flood Insurance Program regulation of floodplain development and complies with "Nebraska Minimum Standards for Floodplain Management Programs." Copies of said map, are on file and available in the Office of the City Clerk.



HOME OCCUPATION: An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents.

INTENSIVE LIVESTOCK FACILITIES/OPERATIONS/FEEDLOTS

(LFO): Facilities/operations shall mean a lot or portion of a lot used for the enclosing and feeding of livestock for market. The confined feeding of animals in buildings, lots or pens which are not used for the raising of crops or the grazing of animals. Except for temporary confinement such as during seasonal adverse weather any of these terms "intensive livestock facilities; or, operations; or, feedlots" shall include the confined animal feeding operation of: (1) Livestock for other than farm operator, or (2) Livestock when not in conjunction with a farming operation or (3) exceeding two Animal Units (AU) per acre for parcels over eighty (80) acres or two hundred fifty (250) total Animal Units as defined herein.

LANDFILL: A disposal site employing an engineering method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

LOT: A parcel of land occupied or intended for occupation in this Ordinance and fronting upon a street or road.

LOT, CORNER: A lot abutting two or more streets or roads at their intersection.

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street or road.

LOT OF RECORD: A lot of which is part of a subdivision recorded in the Office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been so recorded.

LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth.

MEDICAL CLINIC: An organization of specializing physicians, or dentists, or physical therapists, or chiropractors that have their offices in a common building.

MOBILE HOME: A year-round, transportable structure which is a single family dwelling unit suitable for permanent, more than thirty (30) days living quarters, more than eight (8) feet wide and forty (40) feet in length designed and built to be towed on its own chassis and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities.

MANUFACTURED HOME: A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built to compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes bearing the seal of the Department of Health.

NONCONFORMING LOT OF RECORD: Is a recorded lot, lawful at the time of the enactment or amendment of this Ordinance which does not conform to the minimum area, yard or frontage requirements in the district in which it is located.

NONCONFORMING STRUCTURE: Is any building or structure, which, at the time of enactment or amendment of this ordinance, was lawful, but currently:

1. Either does not comply with all the regulations of this Ordinance or with any amendment regarding the zoning district in which such building or structure is located.
2. Or is designed or intended for a non-conforming use.

NONCONFORMING USE: The use of a structure or parcel of land that was legal at the time of adoption or amendment of these regulations but which does not comply with the use regulation applicable to the zoning district in which use is located.

PARKING SPACE, OFF-STREET: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting

tile parking space with a street or road and permitting ingress and egress of an automobile.

RECYCLING CENTER: A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum, and paper; and similar household wastes; no hazardous material as defined by state and federal law is accepted; there is no wrecking or dismantling of salvage material and no salvage material is held outside a building.

RECYCLING COLLECTION POINT: A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

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

SETBACK: shall mean the required minimum horizontal distance between the building or structure and the related front, rear or side lot line. (Also see Yard)

SHOPPING CENTER: shall mean a grouping of retail business and service uses on a single site with common parking facilities.

SIDE YARD: (see Yard, side)

SIGHT TRIANGLE: shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within these regulations. Sign shall mean any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, logo, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter illumination device, constructed, attached, erected, fastened, manufactured or painted in any manner whatsoever so that

the same shall be used for the attraction of the public, performance, article, machine or merchandise whatsoever, and displayed in any manner cut of doors for recognized advertising purposes, or any letter, figure, character, etc. as set forth herein that is permanently painted on or adhered to any doors or windows of building or structures. (Also see Sign, billboard)

SIGN, ARCHITECTURAL CANOPY: shall mean an enclosed, illuminated (backlit awning) or non- illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's copy area integrated into its surface.

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

SIGN, AWNING, CANOPY OR MARQUEE: (see Sign, architectural canopy)

SIGN, BILLBOARD: shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

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

SIGN, CLOSED: shall mean a sign in which more than fifty percent (50%) of the entire area is solid or tightly closed or covered.

SIGN, COPY AREA: shall mean all lettering, wording, and accompanying designs, symbols, logos, and trademarks on a sign area. Sign, destination shall mean a sign used to inform and direct the public to important public places and buildings, landmarks and historical sites in the most simple, direct and concise manner possible.

SIGN, DIRECTIONAL: shall mean a sign that provides directional assistance to access an establishment conveniently and safely.

SIGN, ELECTRONIC MESSAGE BOARD: shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, FLASHING: shall mean a sign, which, by method or manner of illumination, flashes on or off; winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off. Sign, freestanding shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building. Sign, illuminated shall mean a sign illuminated in any manner by an artificial light source.

SIGN, LOW PROFILE: shall mean a sign mounted directly to the ground with a maximum height not to exceed six (6) feet.

SIGN, MESSAGE: (see Sign, electronic message board)

SIGN, MONUMENT: (see Sign, low profile)

SIGN, OBSOLETE: shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six (6) months after the termination of the existence of such business or the termination of sale of the product advertised.

SIGN, OPEN: shall mean a sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

SIGN, PORTABLE: shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

SIGN, PROJECTING: shall mean a display sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

SIGN, ROOF: shall mean a sign that is erected, constructed and maintained above the roof of the building. Sign setback shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN, SUBDIVISION IDENTIFICATION: shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

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

SIGN, WALL: shall mean a sign which is painted on or is directly attached to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the fence or wall.

SIGN, WINDOW: shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

SIMILAR USE: shall mean the use of land, building or buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

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

SITE, SEPTIC: shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

SPECIAL USE PERMIT: A written permit issued with authorization of the applicable governing body. The special permit provides permission under specific conditions to make certain special uses of land in certain zoning districts as stipulated under permitted special uses in each of the district zoning regulations. The city may attach whatever conditions it deems necessary; to

include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance, environmental and safety provisions, bonding requirements, expiration or renewal dates and other similar requirements.

STREET: All property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes.

STREET, CENTER LINE: A line midway between street lines.

STREET LINE: A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including public items such as utility poles, street light fixtures, street signs, bridges and culverts.

STRUCTURAL ALTERATION: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof.

TOWNHOUSE: One of a group or row of not less than two (2) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

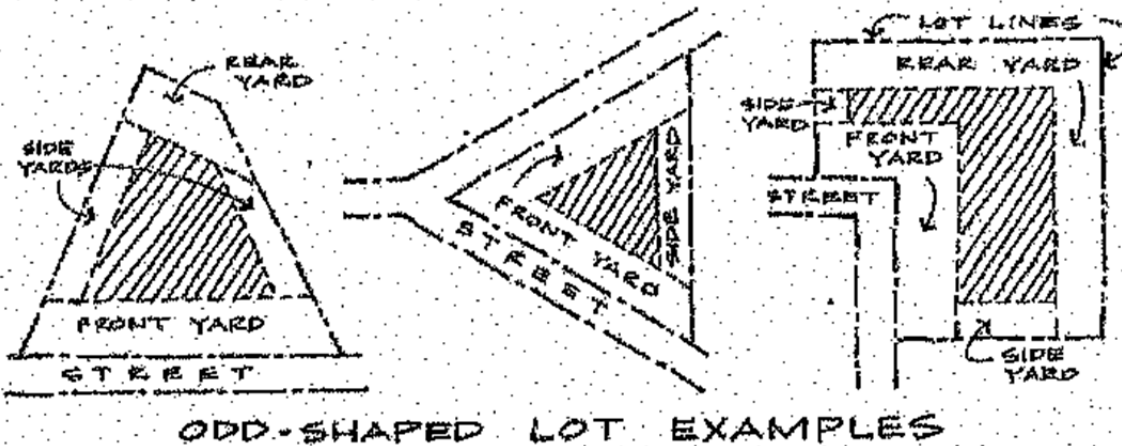
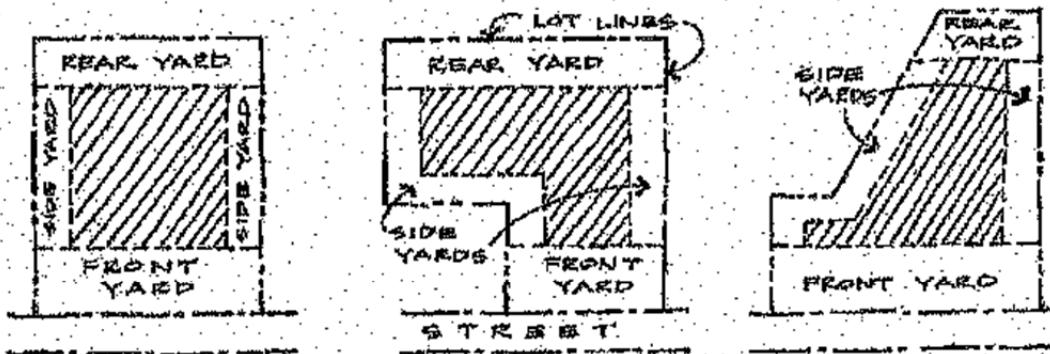
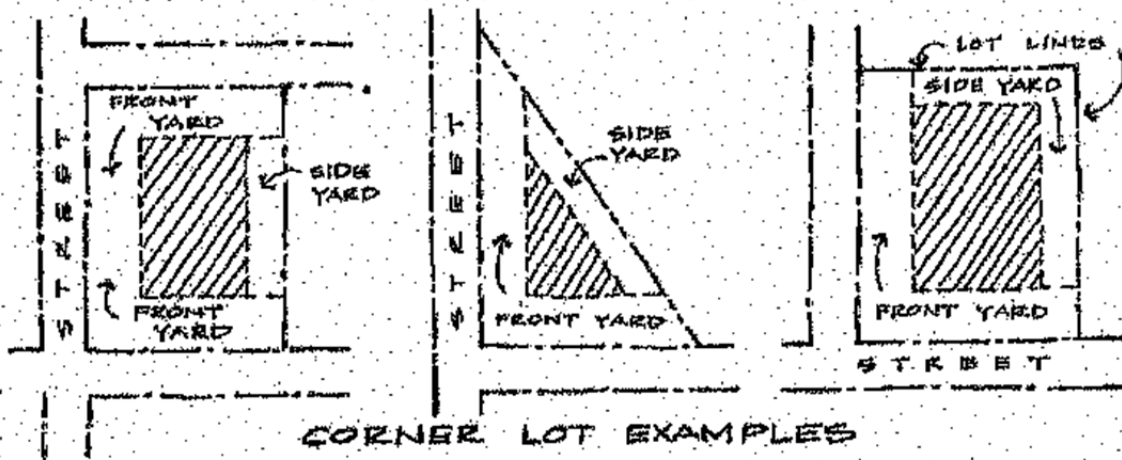
YARD: An open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yards accessories, ornaments, and furniture may be permitted in any yard subject to the district regulations.

YARD, FRONT: A yard extending from the front lot line adjoining a public street to the front of the building between side lot lines.

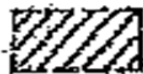
YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot to the nearest point of the main building.

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

YARD, SIDE: A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building.



REQUIRED YARDS



BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

ZONING BOARD OF ADJUSTMENT: The legally appointed county/municipal board empowered to hear and decide appeals from, and to provide interpretations of, the terms of the zoning ordinance and official maps as defined within this ordinance and in accordance with the laws of the State of Nebraska.

ZONING DISTRICT: The term "Zoning District" means an area delineated on a zoning map for which uniform use regulations are specified.

ZONING MAP: The term "Zoning Map" means a map or maps officially enacted by the governing body as part of this ordinance showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the City Clerk as an official record of the City.

ZONING ADMINISTRATOR: The person or persons authorized and empowered by the governing body to administer the requirements of the zoning regulations.

Source of diagrams: Moskowitz, H.S. and Lindbloom, C.B. 1997. *The New Illustrated Book of Development Definitions*. New Brunswick, New Jersey: Center for Urban Policy Research, Rutgers University.

ARTICLE 4

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

4.1 PLANNING COMMISSION RECOMMENDATIONS

It shall be a purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the governing body shall not hold its public hearings or take action until it has received the final report of the Planning Commission.

4.2 DISTRICTS CREATED

For the purpose of this Ordinance, there are hereby created zoning districts, as named and described in Article 5 of this Ordinance.

1. AG Agricultural Residential District Residential District
2. R-1 Residential District
3. R-2 Residential District
4. R-3 Residential/Commercial District
5. C-1 Commercial Business District
6. C-2 Highway Commercial District
7. I-1 Industrial District

4.3 OFFICIAL ZONING MAP

1. The boundaries of the district are shown upon maps, which are made a part hereof by reference, which map(s) are designated as the City of Randolph Zoning District Map, dated _____, 2014 and signed by the Mayor of the City and attested by the City Clerk and hereinafter referred to as the "Official Zoning Maps."
2. The signed copy of the Zoning Map(s) containing the zoning districts designated at the time of adoption of this ordinance shall be maintained in the office of the City Administrator for the use and benefit of the public.

3. If in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map(s), such changes shall be entered on the appropriate part of the Official Zoning Map(s) promptly after the amendment has been approved by the governing body, with an entry on the Official Zoning Map(s) as follows:

"On (date), by official action of the City Council, the following change was made in the Official Zoning Map(s) (brief description of the nature of the change)," which entry shall be signed by the Mayor and attested by the City Clerk.

4. No amendment to this resolution/ordinance, which involves matter portrayed on the Official Zoning Map(s), shall become effective until after such change and entry have been made on said map(s).
5. No changes of any nature shall be made in the Official Zoning Map(s) or matter shown thereon except in conformity with the procedures set forth in this ordinance.
6. In the event that the Official Zoning Map(s) become damaged, destroyed, lost or difficult to interpret, the City Council may, by ordinance, adopt a new Official Zoning Map(s) which shall supersede the prior Official Zoning Maps.

The new Official Zoning Map(s) may correct drafting or other errors or omissions in the prior Official Zoning Map(s), but no such correction shall have the effect of amending the original Official Zoning Map(s) or any subsequent amendment thereof.

4.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall apply to the boundaries of districts as shown on the Official Zoning Map(s):

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as parallel to or extension of features indicated in subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map(s) shall be determined by the scale of the map; and
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map(s), or in other circumstances not covered by subsection 1 through 5 above, the Board of Zoning Adjustment shall interpret the district boundaries.

ARTICLE 5

ZONING DISTRICTS

5.1 AG AGRICULTURAL RESIDENTIAL DISTRICT

5.1.1 Intent: This district is intended to provide for agricultural and low-density, acreage residential development in selected areas adjacent or in close proximity to the corporate limits of the City. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.

5.1.2 Permitted Principle Uses And Structures: The following shall be permitted as uses by right:

1. Agricultural uses, excluding the expansion of existing or development of new intensive livestock facilities operations/feedlots;
2. Any farm or acreage within the following animal to acre ratio:
 - a. One animal unit* (AU) per acre for a parcel less than forty (40) acres;
3. Single-family dwelling;
4. Irrigation and flood control projects;
5. Child care home;
6. Public parks and recreational areas;
7. Community buildings and/or facilities owned and/or occupied by public agencies;
8. Public and/or private schools;
9. Churches, places of worship and cemeteries; and
10. Fish hatcheries and facilities.

*One animal unit shall equal one (1) head of slaughter or feeder cattle, seven-tenths (0.7) head of mature dairy cattle (whether milked or dry cows), two and five-tenths (2.5) swine each weighing over 55 pounds, twenty-five (25) weaned pigs each weighing less than 55 pounds, five-

tenths (0.5) head of horses, ten (10) sheep or lambs, fifty-five (50) turkeys, one hundred (100) laying hens or broilers if the facility has continuous overflow watering, thirty (30) laying hens or broilers if the facility has a liquid manure system, and/or five (5) ducks.

5.1.3 Permitted Accessory Uses And Structures: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures;
2. Home occupations in conformance with Article 8.2;
3. Residences including mobile homes for farm residence or adjacent farm residence for relatives of consanguinity and marriage or farm workers;
4. Roadside stands for sale of agricultural produce; and
5. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

5.1.4 Permitted Special Uses: A building or premises may be used for the following purposes in the AG Agricultural Residential District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Airports and heliports, including crop dusting;
2. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
3. Child-care center;
4. Radio and television towers and transmitter
5. Camp grounds;
6. Wind generating systems;
7. Kennels;
8. Public and private charitable institutions;

9. Greenhouses and nurseries;
10. Animal clinics, animal hospitals, and veterinarian services;
11. Auction/ sale barns and yards;
12. Waste water treatment facilities; and
13. Any farm or acreage within the following animal to acre ratio
 - a. One and one-half (1\12) AU per acre for a parcel of land greater than forty (40) acres, but less than eighty (80) acres; or
 - b. Two (2) AU per acre for parcels over eighty (80) acres.

Notwithstanding the provisions above, any time the number or combination of Animal Units (AU) exceeds two hundred fifty (250), regardless of the size of the parcel of land, the operation shall be considered a LFO (Large Farming Operation) and is a prohibited use in the AG Zoning District.

5.1.5 Prohibited Uses And Structures: All other uses and structure which are not specifically permitted or not permissible as exceptions shall be prohibited from the AG Agricultural Residential District.

5.1.6 Minimum Area Requirements:

- a) General Requirements

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
If Septic System Used	100,000	150'	35'	20'	35'	35' for residential structures
If Lagoon System Used	120,000	150'	35'	20'	35'	35' for residential structures

- b) Maximum height for residential structures is thirty-five feet (35'); however, nonresidential structures shall have no height limitations except in conformance with Airport Zoning Regulations.

5.1.7 Parking Regulations: Parking shall be in conformance with the provisions of Article 7 of these regulations.

5.1.8 Intersections: No buildings, or any earlier structure shall be permitted within (200) feet of the center of an intersection of any public street, road or highway.

5.2 R-1 RESIDENTIAL DISTRICT

5.2.1 Intent: This district is intended to provide for low-density residential uses consisting of single-family dwelling units and accessory structures.

5.2.2 Permitted Principal Uses And Structures: The following shall be permitted as uses by right:

1. Single family dwellings;
2. Nursery, primary and secondary education;
3. Public parks, buildings and grounds;
4. Child care homes;
5. Public uses: including but not limited to public parks, playgrounds, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems; and
6. Places of worship such as churches and synagogues.

5.2.3 Permitted Accessory Uses And Structures: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2 and
2. Accessory uses and structures normally appurtenant to permitted uses and structures.

5.2.4 Permitted Special Uses: A building or premises may be used for the following purpose in the R-1 Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Medical clinics;

2. Mortuaries;
3. Child care center;
4. Expansion of nonconforming uses;
5. Museum and art galleries;
6. Nursing homes;
7. Public and private golf courses;
8. Retirement homes;
9. Bed and breakfast homes;
10. Townhouses; and
11. Hospitals.

5.2.5 Prohibited Uses And Structures: All other uses and structures that are not specifically permitted or not permissible as special uses shall be prohibited from the R-1 Residential District.

5.2.6 Height And Area Regulations: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	Lot Area Square	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Single family dwelling	10,500	75'	25'	5'	30'	35'
Other permitted uses	10,000	75'	25'	5'	30'	35'

- b) There shall be a required front yard setback of twenty-five (25) feet on each street side of a double frontage lot;
- c) Buildings on corner lots shall provide front yard setbacks of twenty-five (25) feet on one street side and twenty-five (25) feet on the other front yard and designate remaining yards as one rear and one side yard;

- d) The side yard setback between individual units of two-family dwellings may be reduced to zero, if a one-hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

5.2.7 Parking Regulations: Parking within the R-1 Residential District shall be in conformance with the provisions of Article 7 of this ordinance.

5.3 R-2 RESIDENTIAL DISTRICT

5.3.1 Intent: It is the intent of this district to provide for medium density residential uses and development of residential dwellings.

5.3.2 Permitted Principal Uses And Structures: The following shall be permitted as uses by right:

1. Single family dwellings;
2. Two-family dwellings;
3. Multi-family dwellings;
4. Child care homes;
5. Community buildings;
6. Public uses: including but not limited to public parks, playgrounds, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems; and
7. Places of worship such as churches and synagogues.

5.3.3 Permitted Accessory Uses And Structures: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2; and
2. Accessory uses and structures normally appurtenant to the permitted uses and structures.

5.3.4 Permitted Special Uses: A building or premises may be used for the following purposes in the R- 2 Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Child care center;
2. Bed and breakfast homes;
3. Communication and utility buildings and uses;
4. Medical clinics;
5. Funeral homes and mortuaries;
6. Clubs, fraternities, lodges, and meeting places of a non-commercial nature;
7. Retirement and/or nursing homes; and
8. Public and/or private golf courses.

5.3.5 Prohibited Uses And Structures: All other uses and structures, which are not specifically permitted or not permissible as special uses, shall be prohibited from the R-2 Residential District.

5.3.6 Height And Area Regulations: The maximum height and minimum area regulations shall be as follows:

a) General Requirements

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Single Family Dwelling	7,000	50'	25'	5'	15'	35'
Two Family Dwelling	3,500 per family	25' per family	25'	5' or 25' On corner lots	15'	45'
Multi-family Housing	2,200	50' per Family	25'	5' or 25' On corner lots	15'	45'
Other Permitted Uses	7,000	50'	25'	5' or 25'	15'	35'

- b) There shall be a required front yard set back of twenty-five (25) feet on each street side of a double frontage lot;
- c) Buildings on corner lots with a width less than fifty (50) feet shall provide a second frontage on the street side of not less than seven feet, provided that the buildable width need not be reduced to less than twenty-eight (28) feet, yards remaining shall be designated side yards each with a minimum depth of three (3) feet;
- d) Building on corner lots with a width of fifty (50) feet or greater shall provide a second frontage on the street side of not less than fifteen (15) feet, yards remaining shall be designated side yards with a minimum depth of five (5) feet; and
- e) Building and structures shall not exceed three (3) stories in height.

5.3.7 Parking Regulations: Parking within the R-2 Residential District shall be in conformance with the provisions of Article 7 of these regulations.

5.4 R-3 RESIDENTIAL/COMMERCIAL DISTRICT

5.4.1 Intent: This district is intended to provide for medium density residential uses and limited commercial services.

5.4.2 Permitted Principal Uses: The following uses are permitted in the R-3 Residential/Commercial District.

1. Automobile sales;
2. Automobile wash facilities;
3. Churches and other religious institutions;
4. Construction sales and services;
5. Commercial operations and businesses, intended for the purpose of servicing travel and recreational users;
6. Commercial recreational facilities (bowling alleys, miniature golf courses and similar uses);
7. Detached banking facilities (ATM);
8. Electric and telephone substations;

9. Farm implement sales and services;
10. Garden centers and nurseries;
11. Irrigation equipment sales and services;
12. Mini warehouses, and
13. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants.

5.4.3 Permitted Accessory Uses And Structures:

1. Buildings and uses customarily incidental to the permitted uses;
2. Home occupation; and
3. Off-street parking.

5.4.4 Permitted Special Uses: A building or premises may be used for the following purposes in the R3 Residential/Commercial District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Mobile Home Court;
2. Private clubs and lodges;
3. Facilities for the commercial storage or sale of fertilizer or toxic or flammable chemicals;
4. Radio studios, transmitters and antenna;
5. Recycling centers;
6. Mobile homes sales; and
7. Mobile homes for residential use.

5.4.5 Prohibited Uses And Structures: All other uses and structures that are not specifically permitted or not permissible as special uses shall be prohibited from the R-3 Residential District

5.4.6 Area And Lot Requirements:

1. A mobile home court shall have an area of not less than five (5) acres. No mobile homes shall be located within fifty (50) feet of the principal street on which the court has frontage. The setback on all other court property lines shall be twenty-five (25) feet. These areas shall be landscaped.
2. Each lot provided for occupancy of a single mobile home shall have an area of not less than four thousand (4000) square feet and a width of not less than forty (40) feet. Each individual lot shall have:
 - a. Side yards which total not less than twenty (20) feet provided one side yard shall not be less than five (5) feet.
 - b. Front yard of not less than twenty-five (25) feet.
 - c. Rear yard of not less than five (5) feet.
3. There shall be a minimum livable floor area of five hundred (500) square feet in each mobile home.

5.4.7 Community Facilities:

1. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with Article 5 of the subdivision regulations. The water supply shall be sufficient for domestic use and for fire protection.
2. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile home which do not have these facilities within each unit.
3. Not less than eight percent (8%) of the total court area shall be designated and used for park or playground and recreational purposes.

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

1. A development plan and grading plan of the court;

2. The area dimensions of the tract of land;
3. The number, location, and size of all mobile home spaces;
4. The area and dimensions of the park, playground and recreation areas;
5. The location and width of roadways and walkways;
6. The location of service buildings and any other proposed structures;
7. The location of water and sewer lines and sewage disposal facilities; and
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

5.4.9 Use Limitations: Each mobile home park shall be designed in accordance with the following minimum design standards:

1. Minimum Design Standards:
 - a) The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water;
 - b) Mobile home parks hereafter approved shall have a maximum density of seven (7) mobile homes per gross acre, and minimum area of four thousand (4,000) square feet shall be provided for each mobile home space;
 - c) Each mobile home space shall be at least forty (40) feet wide at the front setback line and clearly defined;
 - d) Mobile homes shall be located on each space so as to maintain a setback of no less than twenty-five (25) feet from any public street, highway right-of-way, or R-2 District boundary; as to maintain a setback of no less than twenty (20) feet from the edge of a park roadway or sidewalk; as to maintain a setback of no less than fifteen (15) feet from a rear boundary line that is not common to

any public street, highway right-of-way, or R-2 District boundary; and as to maintain a setback of no less than five (5) feet from any side boundary line of a mobile home space;

- e) All mobile homes shall be so located to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than fifteen (15) feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than twenty (20) feet from any building within the park;
- f) Mobile home spaces when front upon a private roadway shall not be of less than twenty four (24) feet in width, including curbs, if required; provided, however, that no on-street parking is permitted. Parallel parking is permitted on one side of the street; the width shall be increased to thirty-six (36) feet. All roadways shall have unobstructed access to a public street;
- g) Common walks shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance and to the office and other important facilities;
- h) All roadways and sidewalks within the mobile home park shall be constructed in accordance with City standards and shall be adequately lighted at night. A Street must be completely constructed prior to the occupancy of any mobile home space fronting on said street;
- i) A community building may be provided which may include recreation;
- j) A storm shelter or an approved evacuation plan to a designated storm-shelter shall be provided; and
- k) A landscape buffer may be required to provide screening for the park.

2. Tie-downs and ground anchors: All mobile homes shall be secured to the ground by tie-downs and ground anchors in accordance with industry standards.
3. Blocking: All mobile homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each mobile home, and this blocking shall provide sixteen (16) inches bearing upon the stand.
4. Pad Requirements: Shall be flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials, or shall be a hard surface of a minimum of two eighteen (18) inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.
5. Fire Safety Standards: When liquefied petroleum gas is used in a mobile home park, containers for such gas shall not hold more than five hundred (500) gallon water capacity, shall be the liquefied petroleum gas containers approved by the United States Commerce Commission for its intended purpose, and shall be attached to the mobile home in a manner approved by the Liquefied Petroleum Gas Association.
6. Skirting: Each mobile home shall be skirted within thirty (30) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home.

5.4.10 Parking Regulations: Parking within the R-3 Residential District shall be in conformance with the provisions of Article 7 of these regulations.

5.5 C-1 COMMERCIAL BUSINESS DISTRICT

5.5.1 Intent: This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a central business district. Highest density and intensity of use are permitted in this district.

5.5.2 Permitted Principal Uses And Structures: The following shall be permitted as uses by right:

1. Apartments on floors other than ground floor;
2. Automobile parts, supplies and services;
3. Building materials - retail;
4. Bakery;
5. Banks, savings and loan associations, credit unions and finance companies;
6. Barbershops, beauty parlors and shoeshine shops;
7. Business offices;
8. Child care homes and centers;
9. Detached banking facilities (ATM);
10. Chiropractors, optometrists, dentists, physicians and other similar health related services;
11. Dry cleaning or laundry establishments;
12. Food service, restaurants and taverns;
13. Food storage lockers;
14. Funeral homes and mortuaries;
15. Garden centers;
16. Postal, mailing services and related services;
17. Gift, stationary, china and related retails;
18. Museums and art galleries;
19. Nursery, primary and secondary education;
20. Office buildings;
21. Parking lots, parking garages and other off-street parking facilities;

22. Personal and professional services;
23. Photography studios;
24. Private schools, including but not limited to business or commercial schools, and dance or music academies;
25. Public and private charitable institutions;
26. Public parks, buildings and grounds;
27. Public uses of an administrative, public service or cultural type including City, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities;
28. Public utility facilities;
29. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
30. Service stations;
31. Stores or shops for the sale of goods at retail and/or wholesale;
32. Direct mail and telemarketing services;
33. Electrical and gas retail household appliances and services;
34. Employment services;
35. Furniture retail, upholstery and repair services;
36. General, hardware stores;
37. Insurance and brokers services;
38. Craft and jewelry making services and sales;
39. Motion picture theatres;
40. Newspapers publishing and printing;
41. Recycling drop-off point;

42. Household improvements retail;
43. Sporting goods retail and services;
44. Variety and discount stores retail;
45. Wine, beer, alcoholic products and related sales; and
46. Meat Locker.

5.5.3 Permitted Accessory Uses And Structures: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2; and
2. Accessory uses and structures normally appurtenant to permitted uses and structures and to uses and structures permitted as special uses.

5.5.4 Permitted Conditional Uses And Structures: The following shall be permitted when in conformance with the conditions prescribed herein:

1. Single family dwelling must comply with all provisions of the R-2 Residential District;
2. Two-family dwellings must comply with all provisions of the R-2 Residential District; and
3. Multiple family dwellings must comply with all provisions of the R-2 Residential district.

5.5.5 Permitted Special Uses: A building or premises will be used for the following purposes in the C-1 Commercial Business District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Bed and breakfast guest home;
2. Recycling center; and
3. Communications/transmitting towers.

5.5.6 Prohibited Uses And Structures: All other uses and structures that are not specifically permitted or not permissible as special uses shall be prohibited from the C-1 Commercial Business District.

1. No use shall be permitted and no process, equipment or materials shall be used by the City to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt refuse, noise, vibrations, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.

5.5.7 Screening Requirements:

1. Where a site adjoins or is located across an alley from the Residential District; a solid wall or fence or compact evergreen hedge six (6) feet in height shall be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.5.8 Height And Area Regulations: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	Lot Area (So. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	3000	25	0	0	0	35'
Special Uses	3000	25	0	0	0	35'

5.5.9 Parking Regulations: Parking within the C-1 Commercial Business District shall be in conformance with the provisions of Article 1 of these regulations.

5.6 C-2 HIGHWAY COMMERCIAL DISTRICT

5.6.1 Intent: The C-2 Highway Commercial District is intended for the purpose of servicing highway travelers and providing limited commercial services. Off-street parking is required in order to reduce possible adverse effects on adjacent properties.

5.6.2 Permitted Principle Uses And Structures: The following shall be permitted as uses by right:

1. Automobile sales;
2. Automobile wash facilities;
3. Churches and other religious institutions;
4. Construction sales and services;
5. Commercial operations and businesses, intended for the purpose of servicing travel and recreational users;
6. Commercial recreational facilities (bowling alleys, miniature golf courses and similar uses);
7. Detached banking facilities (ATM);
8. Electric and telephone substations;
9. Farm implement sales and services;
10. Garden centers and nurseries;
11. Irrigation equipment sales and services;
12. Mini warehouses;
13. Mobile homes sales;
14. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
15. Restaurants and cafes;
16. Service stations;

17. Single family homes;
18. Stores or shops for sale of goods at retail;
19. Transportation warehousing;
20. Trucks and freight terminals;
21. Utilities, including shops and offices; and
22. Medical clinics.

5.6.3 Permitted Accessory Uses And Structures: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.

5.6.4 Permitted Special Uses: A building or premises may be used for the following purposes in the C- 2 Highway Commercial District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Private clubs and lodges;
2. Facilities for the commercial storage or sale of fertilizer or toxic or flammable chemicals;
3. Radio studios, transmitters and antenna; and
4. Recycling centers.

5.6.5 Screening Requirements:

1. Where a site adjoins or is located across an alley from the Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height will be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.6.6 Prohibited Uses: All other uses and structures which are not specifically permitted or permissible as special uses shall be prohibited from the C-2 Highway Commercial District.

5.6.7 Height And Area Regulations: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	10,000	None	25'	5'	5' when abutting a residential district	35'
Special Uses	Subject to City Council approval	None	25'	5'	5' when abutting a residential district	35'

5.6.8 Parking Regulations: Parking within the C-2 Highway Commercial District shall be in conformance with the provisions of Article 7 of these regulations.

5.7 I-1 INDUSTRIAL DISTRICT

5.7.1 Intent: This district is designed to provide for a wide range of industrial and related uses.

5.7.2 Permitted Principal Uses And Structures: The following shall be permitted as uses by right:

1. Agriculture, excluding the expansion of existing or development of intensive livestock facilities/operations;
2. Animal care;
3. Automobile sales and services;
4. Automotive wash facilities;

5. Bottling works;
6. Building material sales, except for ready-mix concrete plants and similar uses which emit particulate, odor or smoke;
7. Carpenter, cabinet, plumbing or sheet metal shops;
8. Grain storage;
9. Construction sales and services;
10. Dry cleaning and/or laundry plants;
11. Farm implementation sales and services;
12. Farm produce sales;
13. Food service, restaurants and taverns;
14. Freight and truck terminals;
15. Frozen food lockers;
16. Furniture warehouses;
17. Garden centers and nurseries;
18. Groceries, retail and wholesale;
19. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials;
20. Manufacture of light sheet metal products including heating and ventilation equipment;
21. Machinery sales and storage lots;
22. Mobile and modular home sales and manufacturing;
23. Newspaper publishing plants;
24. Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools and junior high schools, high schools; private non-profit schools,

churches, parsonages, and other religious institutions; parks and playgrounds;

25. Public utility and public service uses;
26. Self storage units;
27. Stone and monument works;
28. Transportation warehousing;
29. Warehouse or storage houses;
30. Wholesale sales and services; and
31. Fertilizer plants.

5.7.3 Permitted Accessory Uses: Accessory uses and structures normally appurtenant to permitted uses and structures.

5.7.4 Permitted Special Uses: A building or premises may be used for the following purposes in the I-1 Industrial District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Recycling center;
2. Ethanol and/or alcohol plants; and
3. Communication/transmitting towers.

5.7.5 Prohibited Uses And Structures: All other uses and structures which are not specifically permitted or not permissible, as special uses shall be prohibited from the 1-1 Industrial District.

5.7.6 Height And Area Regulations: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	None	50'	35'	0' or 10' when abutting a residential district	45'	35'

5.77 Parking Regulations: Parking within the I-1 Industrial District shall be in conformance with the provisions of Article 7 of these regulations.

5.8 FLOODPLAIN OVERLAY

5.8.1 Intent: This is an overlay district placed over any zoning district within a designated flood area. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize losses due to flood hazards by applying the provisions of this ordinance to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

5.8.2 General Provisions:

1. Lands to which ordinance applies: This ordinance shall apply to all lands within the jurisdiction 1 of the City of Randolph identified on the Flood Insurance Rate map (FIRM) as numbered and unnumbered A Zones (including AE, AO, and AH Zones) and within the Zoning Districts FW and FF established in the Establishment of Zoning Districts section of this ordinance or by a Flood Plain Study prepared by FEMA and the Nebraska Natural Resources Commission. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop under such safeguards and restrictions as the city may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in the Standards for Flood Plain Development, Flood Fringe Overlay District, and Flood Way Overlay District sections.
2. The Zoning Administrator: The Mayor and City Council shall designate a person as the Zoning Administrator under this Ordinance.
3. Rules for interpretation of district boundaries: The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map or on the Flood Plain Study, prepared by FEMA and the Nebraska Natural Resources Commission. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable

opportunity to present their case to the Board of Adjustment and to submit their own technical evidence, if they so desire.

4. Compliance: Within the identified special flood hazard areas of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
5. Abrogation and greater restrictions: It is not intended by this ordinance to repeal, abrogate or impair any existent easements, covenants or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
6. Interpretation: In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
7. Warning and disclaimer of liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Randolph or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.
8. Severability: If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9. Appeal: Where a request for a permit to develop or a variance is denied by the Zoning Administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment.

5.8.3 Development Permit:

1. Permit required: No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as required in these regulations.
2. Administration: The Zoning Administrator shall administer and implement the provisions of this ordinance. Duties of the Zoning Administrator shall include, but not be limited to:
 - a) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - b) Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, State, or Local governmental agencies from which prior approval is required.
 - c) Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - e) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
 - f) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.

- g) When floodproofing is utilized for a particular structure the Zoning Administrator shall be presented with a certification from a registered professional engineer or architect.
3. Application for permit: To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
- a) Identify and describe development to be covered by the floodplain development permit.
 - b) Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
 - c) Indicate the use or occupancy for which the proposed development is intended.
 - d) Be accompanied by plans and specifications for proposed construction.
 - e) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - f) Give such other information as reasonably may be required by the Zoning Administrator.

5.8.4 Establishment Of Zoning Districts: Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified as the 100 Year Flood Outline or Floodway, on the Flood Plain Map(s). Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

5.8.5 Standards For Floodplain Development:

1. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones including AE, AO, and AH zones or the 100 Year flood plain, unless the conditions of this Section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of the Flood Fringe Overlay District. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State, and other sources.
3. Within a floodway, no development or substantial improvement may be permitted unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location.
4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
5. Storage of material and equipment
 - a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, that adequate drainage is provided so as to reduce exposure to flood hazards; and, (d) proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser include within such proposals the base flood elevations.

5.8 (a) FF FLOOD FRINGE OVERLAY DISTRICT - Including AO & AH Zones.

5.8 (a). 1 Permitted Uses: Any use permitted in the Floodway Overlay District shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the Standards for Floodplain Development are met.

5.8 (a). 2 Standards For The Flood Fringe Overlay District:

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
2. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator as set forth in the Development Permit, part 2. Administration.

3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
5. Manufactured Homes
 - a) All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (i) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 - (ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than sixty (60) feet long requiring four additional ties per -side;

- (iii) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (iv) Any additions to the manufactured home are similarly anchored.
- b) Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:
- (i) Outside of manufactured home-park or subdivision.
 - (ii) In a new manufactured home-park or subdivision.
 - (iii) In a subdivision to an existing manufactured home park or subdivision, or
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Flood Fringe Overlay District, part 2 Standards for the Flood Fringe Overlay District, section 5 Manufactured Homes, part a)(i).
- c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Flood Fringe Overlay District, part 2 Standards for the Flood Fringe Overlay District, section 5 Manufactured Homes, part a)(ii) be elevated so that either:
- (i) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or

- (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Flood Fringe Overlay District, part 2 Standards for the Flood Fringe Overlay District, section 5 Manufactured Homes, part a)(i).
- 6. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either: 1) be on the site for fewer than 180 consecutive days, 2) be fully licensed and ready for highway use, or 3) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently- attached additions.
- 7. Located within the areas of special flood hazard established in the General Provisions, part 1 Lands to Which Ordinance Applies of this article are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
 - a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - b) All new construction and substantial improvements of non-residential structures shall:

- (i) Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of buoyancy. Such certification shall be provided to the official as set forth in Development Permit, part 2. Administration.
- c) Adequate drainage paths mound structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

5.8 (a). 3 Minimum Standards Governing Location Of Obstructions And Substantial Improvements In The Flood Plains For The

Base Flood: The following minimum standards shall apply when an obstruction is to be located or substantially improved within the floodplain of a base flood. In the event of a conflict between the following minimum standards and those in the Standards for Flood Plain Development section.

1. Appurtenant structures used exclusively for storage of motor vehicles, and storage of other items readily removable in the event of a flood warning may have their lowest floor below one foot above the base flood elevation provided the structure is capable of withstanding hydrostatic and hydrodynamic forces caused by the base flood and provided that no utilities are installed in the structure except elevated or flood-proofed electrical fixtures. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

5.8 (b) FW FLOODWAY OVERLAY DISTRICT

5.8 (b). 1 Permitted Uses: Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway District:

1. Agricultural uses such as general farming, pasture, nurseries, forestry.
2. Residential uses such as lawns, gardens, parking, and play areas.
3. Non-residential areas such as loading areas, parking and airport landing strips.
4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

5.8 (b). 2 Standards For The Floodway Overlay District: New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of the Standards for Flood Plain Development and Flood Fringe Overlay District sections. In Zone A unnumbered, obtain, review, and reasonably utilize any flood elevation and floodway data available through Federal, State, and other sources or from base flood elevations included in development proposals, in meeting the standards of this section.

5.8 (c) GENERAL PROVISIONS OF THE FLOODPLAIN FF AND FW OVERLAY DISTRICTS

5.8 (c). 1 Variance Procedures

1. The Board of Adjustment, as herein established by the City, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this ordinance.
3. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the District Court as provided in Section 19-912, R.R.S. 1943.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and;
 - a) the danger that materials may be swept onto other lands to the injury of others;
 - b) the danger to life and property due to flooding or erosion damage;
 - c) the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d) the importance of the services provided by the proposed facility to the community;
 - e) the necessity to the facility of a waterfront location, where applicable;
 - f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

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

5.8 (c). 2 Conditions For Variances:

1. Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2 through 5 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon: 1) a showing of good and sufficient cause, 2) a determination that failure to grant the

variance would result in exceptional hardship to the applicant, and
3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

5. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.8 (c). 3 Non-Conforming Use:

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - a) If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Zoning Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.
 - b) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50%) percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State inventory of Historic Places.

5.8 (c). 4 Penalties For Violation: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than two hundred fifty (\$250.00) dollars and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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

5.8(c). 5 Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

5.8 (c). 6 Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.

5.8(c). 7 Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of City of Randolph or any officer or employee thereof for any flood damages that may result from

reliance on this ordinance or any administrative decision lawfully made thereunder.

- 5.8(c). 8 Separability:** If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.
- 5.8(c). 9 Conflicting Ordinances:** This ordinance shall take precedence over conflicting Ordinances or parts of Ordinances. The Governing Body of the City of Randolph may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Floodplain Management Act.
- 5.8(c). 10 Definitions:** Unless specifically defined below, words or phrases used in this Flood Plain Overlay District shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this District its most reasonable application.

APPEAL: A request for a review of the Zoning Administrator interpretation of any provision of this ordinance or a request for a variance.

APPURTENANT STRUCTURE: A structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure.

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

BASE FLOOD: The flood having one percent chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

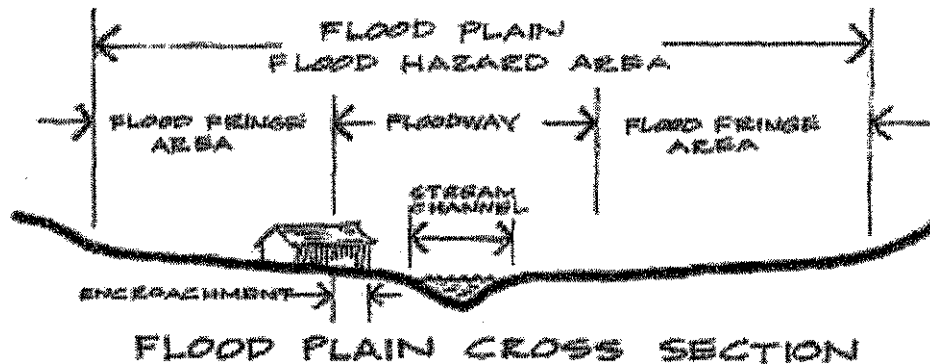
EXISTING CONSTRUCTION: (for the purpose of determining rates) Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to as an "existing structure."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community,

EXPANSION OF EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of these floodplain management regulations.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The usual and rapid accumulation of runoff of surface waters from any source.

FLOOD FRINGE: That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).



FLOOD MAP: A Flood Plain Study prepared by the Nebraska Natural Resources Commission.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Administrator has delineated both the special flood hazards areas and the risk premium applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOOD PLAIN OR FLOODPLAIN: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPROOFING: A combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY: The channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height

calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) By an approved state program as determined by the Secretary of the Interior or (b) Directly by the Secretary of the Interior in states without approved programs.

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

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

100-YEAR FLOOD: The condition of flooding having one percent chance of annual occurrence and is referred to as Flood Fringe.

OVERLAY DISTRICT: A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

PRINCIPALLY ABOVE GROUND: At least 51 percent of the actual cash value of the structure is above ground.

RECREATIONAL VEHICLE: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION: The water surface elevation of the 100-year flood.

SPECIAL FLOOD HAZARD AREA: The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

START OF CONSTRUCTION: [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings,

piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

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

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

VARIANCE: A grant of relief to a person from the terms of a floodplain management ordinance.

VIOLATION: means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

ARTICLE 6

SPECIAL USE PERMIT

6.1 GENERAL

The City Council may authorize by special permit after public hearing, any of the following buildings or uses designated in this Ordinance as permitted special uses. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

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

6.2 PROCEDURES

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

The application shall be accompanied by the full amount of the fee, as established by the City Council in the Schedule of Fees.

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

notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing.

The concurring vote of two-thirds of the members of the Council shall be necessary to grant a special use permit. No order of the Council granting a special use permit shall be valid for a period of longer than twelve months from the date of such order, unless the Council specifically grants a longer period of time upon the recommendation of the City Planning Commission.

Except as otherwise provided herein, no special use permit shall be granted by the City Council, without an affirmative vote of a majority of all members of the City Council and unless the proposed use is found to:

1. Be compatible with and similar to the use permitted in the district;
2. Not be a matter, which should require re-zoning of the property;
3. Not be detrimental to adjacent property;
4. Not tend to depreciate the value of the surrounding structures or property;
5. Be compatible with the stated intended use of the district;
6. Not change the character of the district; and
7. Be in accordance with the Comprehensive Plan.

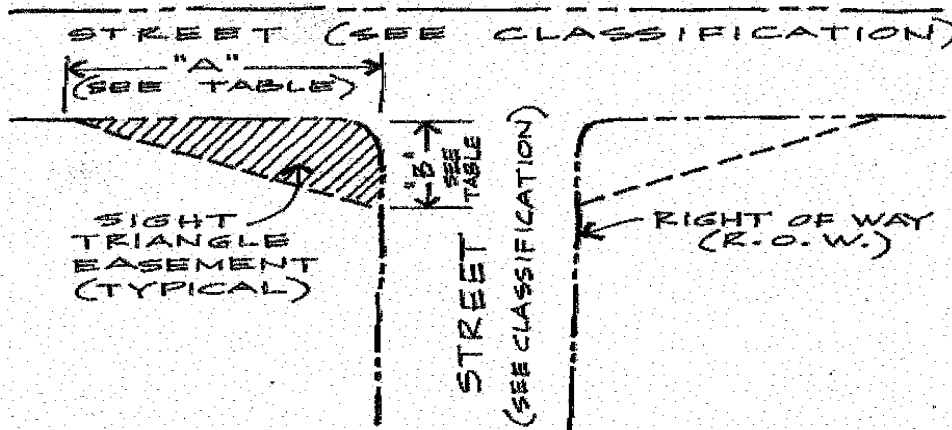
In case of protest against such special use permit, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending three hundred (300) feet, there from, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

ARTICLE 7

PARKING REGULATIONS

7.1 TRAFFIC VISIBILITY

On a corner lot in all districts except AG Agricultural Residential and C-1 Commercial Business District, continuous unobstructed sight distance shall be provided for safe traffic operations. No obstructions, including fences, hedges, walls, shrubbery or other manmade or natural obstructions, shall exist between a height of two and one-half (2\12) and ten (10) feet within sight triangle. The following diagrams depict "sight triangles" in which obstructions are prohibited:



REQUIREMENT BY STREET CLASSIFICATION (MEASURED ALONG R.O.W.)

"A" (DISTANCE IN FEET)

"B" (DISTANCE IN FEET)

"A" (DISTANCE IN FEET)	LOCAL STREET	COLLECTOR STREET	ARTERIAL STREET
30	30	100	130-150
100	30	100	130-150
130-150	30	100	130-150

SIGHT TRIANGLE

7.2 LOADING REQUIREMENTS

In all districts loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

7.3 SIGN REGULATIONS

7.3.1 Standard of Measurement:

1. The total area of all signs permitted on a lot shall include:
 - a) The total area of the faces of all permanent exterior signs visible from a public way; plus
 - b) The area of permanent signs placed upon the surface of windows and doors; plus
 - c) The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.
2. A building or use having frontage on a second street may include twenty (20%) percent of the length of the lot facing the second street.

7.3.2 Types of Signs:

Real Estate: Not more than two (2) signs per lot may be used as a temporary sign no larger than six (6) square feet each in area, except that a real estate sign not over 12 square feet in area, set back at least twenty (20) feet from the road right of way or road easement boundary may be erected.

Announcement: Small announcement or professional signs, not over six (6) square feet in area, except that an announcement sign or bulletin board not over eighteen (18) square feet in area, set back at least twenty (20) feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

Wall: A sign flat against a building not exceeding in the aggregate fifty (50) square feet in area. Name Plate: One nameplate not exceeding two (2) square feet for each dwelling.

Billboard: Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within one hundred (100) feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall exceed seven hundred (700) square feet in area.
4. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

Ground: Ground signs at least five (5) feet from any lot line with a maximum height of ten (10) feet.

Projecting or Pole: One free standing or projecting sign for each enterprise on the premises of not more than one hundred (100) square feet per sign face, at no point closer to the front line or a side line than one-half of the required building setback distance, and not exceeding fifty (50) feet in height from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

7.3.3 Sign Schedule: Signs shall be permitted in the various districts according to the following schedule.

Zonintl: District	AG	R-1	R-2	R-3	C-1	C-2	1-1	FF	FW
Sign Type	Use Type								
Real Estate	+	+	+	+	+	+	+	C	C
Announcement	+	+	+	+	+	+	+	C	C
Wall	-	-	-	-	+	+	+	C	C
Name Plate	+	+	+	+	+	+	+	C	C
Billboard	C	-	-	-	C	C	+	-	-
Elevated	C	C	C	C	C	C	+	C	C
Projection or Pole	-	-	-	-	+	+	+	-	-

- + Permitted
- Not permitted
- C Conditional Use

ARTICLE 8

ACCESSORY USES AND SUPPLEMENTAL REGULATIONS

8.1 ACCESSORY BUILDING

Buildings and structures may be erected and land may be used for purposes that are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof, and shall be on the premises of the main use.

8.2 HOME OCCUPATIONS

An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

The following conditions and restrictions shall apply to such customary home occupations:

1. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his private residence.
2. No assistant other than an immediate member of the family household shall be employed, and signs and displays shall be limited to one (1) non-illuminated sign not exceeding one (1) square foot in area.
3. No equipment or machinery shall be used in such activities that are perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.
4. No product shall be sold or delivered (received by customers) at wholesale or retail on the premises.

8.3 FENCES

Fences may be erected to a height not to exceed six (6) feet on any part of a lot or premises other than the required front yard, provided no fences shall be erected within the triangular area required for sight distance of vehicles entering or exiting the property or entering any adjacent intersection. The height of a fence shall be determined by a measurement from the ground beneath the fence to the top of the highest part of the fence. Manmade earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence. It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures must comply with these regulations.

8.4 MANUFACTURED HOMES

8.4.1 Standards: All manufactured homes located outside mobile home parks shall meet the following standards:

1. The home shall have no less than nine hundred (900) square feet of floor area;
2. The home shall have no less than an eighteen (18) foot exterior width;
3. The roof shall be pitched with a minimum vertical rise of two and one-half ($2 \frac{1}{2}$) inches for each twelve (12) inches of horizontal run;
4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
5. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock; and
6. The home shall have wheels, axles, transporting lights and removable towing apparatus removed.

8.4.2 Existing Covenants: Nothing in this Article shall be deemed to supersede any valid restrictive covenants of record.

8.4.3 Requirements: The home must meet building code requirements of the National Manufactured Home Standards adopted by the City and shall be placed on a permanent foundation as designated by the manufacturer.

8.5 RECREATIONAL VEHICLES, TRAILERS, OR EQUIPMENT

All vehicles, trailers or equipment expressly designated or used for recreational or seasonal use shall not be used for dwelling purposes on any lot except as may be authorized else where. Such vehicles or equipment shall not be allowed to be parked or maintained in the required front or side yard setback.

8.6 SWIMMING POOLS/PUBLIC AND PRIVATE

All "above" or "in" ground swimming pools of a permanent nature constructed within the zoning jurisdiction shall meet the following standards

1. Be located at least ten (10) feet from the nearest property line.
2. The area encompassed by the swimming pool shall be walled or fenced as to prevent uncontrolled access from the street or any adjacent property.
3. The wall or fence should be solid or semi-solid at least six (6) foot, but not more than eight (8) foot high with locked gate.
4. Drainage of said swimming pool must not be onto adjoining property. There shall be no drainage of said swimming pool into the sanitary sewer of the City.
5. Drainage may be permitted into the storm sewer provided the chemicals contained in said swimming pool are first diluted.
6. All chemicals for said swimming pool must be stored in a secure area.

8.7 YARD REGULATIONS

8.7.1 Front Yard: The front yards heretofore established shall be adjusted in the following cases:

1. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have observed a front yard greater in depth than herein required, new buildings shall not be

erected closer to the street than the average front yard so established by the existing buildings provided that no building shall be required to have a front yard setback of more than fifty (50) feet.

2. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard less than the required, new buildings shall not be erected closer to the street than the nearest building on the block.

8.7.2 Side Yard: The required side yard shall be maintained on each side of a dwelling, but such side yard may be reduced to ten (10%) percent of the lot width on lots of less than sixty (60) feet in width; Provided however, that no side yard shall be less than five (5) feet.

8.7.3 Rear Yard, Depth: The required rear yard may be reduced to twenty (20%) percent of the depth of the lot. An accessory building may be built within a required rear yard when located at least five (5) feet from the rear lot line and when occupying not more than thirty (30%) percent of the area of such required rear yard. Further, where access to a garage is provided from an alley, such structure shall be no closer than eight (8) feet to said alley.

8.7.4 Structural Projections: The ordinary projections of chimneys and flues, buttresses, eaves, overhangs, open-unenclosed steps or stoops up to five (5) feet in height may extend into required yards for a distance of not more than two (2) feet in the required side yard and not more than five (5) feet in the required front yard.

8.8 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy and agricultural structures.

ARTICLE 9

BOARD OF ZONING ADJUSTMENT

9.1 CREATION, MEMBERSHIP

The City Board of Zoning Adjustment is hereby created and shall be known as the City Board of Zoning Adjustment. The members of said board shall be appointed by the City Council.

One (1) member only of said board shall be appointed from membership of the Planning Commission and the loss of membership on the planning commission by such member shall also result in the immediate loss of membership on the City Board of Zoning Adjustment.

Said board shall consist of (5) five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for staggered terms of three (3) years and removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired terms of any member whose terms become vacant.

The members of the Board shall elect one of their number as chairperson and another as vice-chairperson and another secretary.

9.2 MEETINGS

Meetings of the Board of Zoning Adjustment shall be held at the call of the chairperson and at such times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record

9.3 INTERPRETATIONS AND VARIANCES

9.3.1 Duties and Powers: The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these regulations, have the following powers (Ref. 23-168.01 R.S. Neb.):

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an

administrative official or planning commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;

2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any maps, or for decisions upon other special questions upon which the Board is authorized by any such regulation to pass; and
3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that:
 - a. The strict application of the regulation would produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 - d. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

9.3.2 Interpretation and Variances: No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

9.3.3 Reversal, Affirmation, or Modification of Determination: In exercising the above-mentioned powers such Board may, in conformity with the provisions of said sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as shall be proper, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

9.4 PROCEDURES FOR REQUESTING A VARIANCE

The procedures to be followed by the Board of Zoning Adjustment shall be as follows:

9.4.1 Appeals: Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by any city officer or department. The appeal filed in writing shall define the appeal being requested and the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the paper constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining

order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

9.4.2 Hearings: The chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time and place.

9.5 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the City, may seek review of such decision by the district court for the City in the manner provided by the laws of the State and particularly by Section 19.912.

ARTICLE 10

ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

10.1 INTRODUCTION

The purpose of this section is to assist the City of Randolph in the implementation of the comprehensive plan, zoning and subdivision regulations. The City Council, Planning Commission, Zoning Administrator (or City Clerk) and the Zoning Board of Adjustment are responsible for the enforcement of the plan and its implementation, through utilization of the zoning and subdivision regulations.

The procedures provided in this section are to be used as a tool or means of assisting the community and local officials and commission members. It should be noted, however, the procedures and processes described in this section are models and are subject to change due to modifications, alterations and additional requirements through legislative action and/or judicial rulings by Courts of Law, it is therefore necessary to monitor potential legislative actions and judicial rulings. Several resources are available to assist the community in this task including the city attorney, city clerk, League of Nebraska Municipalities, Nebraska Planning and Zoning Association, American Planning Association - Nebraska Chapter, Nebraska Department of Economic Development - Community Affairs Division and local state senator(s). All of these resources should be utilized, particularly to maintain up-to-date and enforceable zoning and subdivision regulations.

10.2 GOVERNING BODY

One of the primary governmental organizations involved in the planning and zoning process is the governing body of the municipality. For the purpose of zoning administration, the governing body for the City of Randolph is the duly elected City Council and Mayor.

10.2.1 Responsibilities: The governing body has the following responsibilities for zoning administration:

1. Appoint members to the planning commission.
2. Officially adopt the comprehensive plan, zoning and subdivision regulations.

3. Hold public hearings prior to adoption or amendment of the comprehensive plan, zoning and subdivision regulations.
4. Create the Board of Zoning Adjustment.
5. Consult with the planning commission prior to official action by governing body on the adoption or amendment of zoning and subdivision regulations.
6. Approve or disapprove subdivision plats.
7. Grant waivers to the provisions of the subdivision regulations.
8. Approve expenditure of funds for zoning administration.

10.3 PLANNING COMMISSION

A planning commission is a group of local citizens, appointed by the Mayor and City Council. The planning commission carries out planning activities and serves in an "advisor" capacity to the City Council. State statutes require that planning commissions must be consulted by the governing body on matters concerning community planning before the elected officials can take formal action. The Planning Commission must therefore develop the capabilities, which enable it to provide sound and knowledgeable advice to those who seek it.

State Enabling Legislation: Nebraska legislation gives any municipality the power to create by ordinance a planning commission. The planning commission of a city shall be designated city planning or city plan commission. (Ref. 18-1302 R. S. NE) Planning commissions have jurisdictions over the incorporated area and can take jurisdiction over the area outside the city limits up to one mile.

10.3.1 Duties and Powers of the Planning Commission;

1. Make and adopt plans for the physical development of the municipality that can include the following:
 - Comprehensive Plan
 - Capital Improvement Program
 - Subdivision Regulation

- Building Codes
 - Zoning Ordinance
2. Consult and advise with public officials and agencies; public utilities, civic organizations, educational institutions and citizens with relation to the adoption and implementation of the comprehensive plan.
 3. Delegate authority to any such group to conduct studies and make surveys for the commission.
 4. Make recommendations to the City Council on the adoption or amendment of the comprehensive plan, subdivision regulations, zoning ordinance or capital improvements.
 5. Make and enter into contracts with public or private bodies, with the consent of the City Council.
 6. Conduct or sponsor special studies or planning work for any public body or appropriate agency.
 7. Receive grants, remuneration or reimbursement for studies conducted.
 8. Summon witnesses, administer oaths and compel the giving of testimony at public hearings.
 9. Make recommendation on the approval or denial of special permits to the City Council. (Ref. 18-1306 R.S. NE)

10.3.2 Meetings: The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. The planning commission meetings shall adhere to the public meetings law and the minutes of such meeting shall be a public record.

10.3.3 Nebraska Public Meeting Statutes: Every meeting of a public body shall be open to the public in order that citizens may attend and speak at such meeting. The public meeting law is broadly interpreted and liberally construed to obtain the objectives of openness in favor of the public and

provisions permitted closed sessions must be narrowly and strictly construed. (Ref. 84-1408 R.S. NE.) Public meetings shall also adhere to the rules and regulations authorized by Sections 84-1409 through 84-1414 of the Revised Statutes of Nebraska

10.4 ZONING ADMINISTRATOR

10.4.1 Duties and Powers: This ordinance shall be administered by a Zoning Administrator who shall be appointed by the City Council.

In many communities, the zoning administrator is also designated as the building inspector. The zoning administrator is the central figure in zoning administration. All zoning and subdivision cases are coordinated through the office of the zoning administrator and the administrator is the first and last person who has contact with developers and builders with regard to zoning and approval of subdivisions.

As the name implies, the zoning administrator is not a policy maker nor does the administrator establish the zoning regulations or subdivision requirements. If there is any question about whether or not to grant approval of a zoning permit or subdivision plat, the zoning administrator will immediately begin routing the application to the appropriate governmental organization for action.

Specific duties of the zoning administrator include:

1. Issue building permits and certificates of occupancy.
 - a. Receive application and permit fee from anyone who is erecting any structure within the zoning jurisdiction.
 - b. Explain to the applicant what the requirements are in the zoning regulations or any codes adopted by the governing body.
 - c. Check with zoning regulations to see if land is properly zoned and if plans meet the legal requirements. If in conformance, then issue permit.
 - d. Make final inspection at that time to determine if structure meets all legal requirements.

- e. Issue certificate of occupancy (certificate of zoning compliance).
2. Receive applications for variance.
 - a. Inform applicant of legal procedures.
 - b. Prepare report for zoning board of adjustment, which describes property and special conditions.
 - c. Transmits report to zoning board of adjustment.
 - d. Keep complete records on application.
3. Receive applications for special use permits.
 - a. Inform applicant of zoning requirements and codes and of legal process.
 - b. Advertise public hearing 10 days prior to planning commission meeting.
 - c. Notify area residents as prescribed by law.
 - d. Maintain records.
4. Receive requests for rezoning.
 - a. Inform applicant of legal process.
 - b. Prepare report for planning commission that describes property and neighborhood.
 - c. Advertise public hearing 10 days prior to planning commission meeting. Inform school board of proposed rezoning at least 10 days before public hearing. Notify area residents as prescribed by law.
 - d. Keep minutes of public hearing.
 - e. Advertise public hearing before governing body at least 10 days prior to meeting.
 - f. Keep minutes of public hearing held by governing body.

- g. Keep records of all subdivisions and incorporate appropriate changes to the official base map for the political jurisdiction resulting from approval of subdivision.
- 7. Receive application for waiver to the provisions of the subdivision regulations.
 - a. Receive application for waiver from subdivider.
 - b. Inform sub-divider of the required procedures.
 - c. Prepare report for the planning commission describing the waiver and applicable information relating to the waiver.
 - d. Transmit recommendations of the planning commission to the governing body with appropriate comments regarding approval or denial of the request for a waiver.
 - e. Notify sub-divider of action by the planning commission and the governing body.
 - f. Keep records of all applications for waivers.
- 8. Prepare proposals for amending the subdivision regulations.
 - a. Upon request from planning commission or governing body, prepare amendment to the regulations.
 - b. Present proposal to planning commission and governing body.
 - c. Advertise for public hearing before planning commission at least 10 days prior to hearing. Inform school board of proposed amendment at the same time.
 - d. Keep minutes of public hearing.
 - e. Advertise for public hearing before governing body at least 10 days prior to hearing.
 - f. Keep minutes of public hearing held by governing body.
 - g. If amendment is approved, make appropriate changes in all official copies of the subdivision regulations.

9. Maintain permanent and current records of the Zoning Ordinance including but not limited to, all zoning maps, amendments, special use permits, variances, appeals and applications thereof and records of hearings thereon and update each year:
 - a. The compiled text of the Zoning Ordinance and amendments thereto, including all amendments adopted through the preceding December 31; and
 - b. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding December 31.

10. Whenever the Zoning Administrator shall find that any of the provisions of this ordinance have been or are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she may order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, structures or additions or alterations thereto; discontinuance of any illegal work being done; or take any other appropriate action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions

As the above mentioned duties indicate, the zoning administrator equally serves both the citizens of the community who apply for building permits or submit plats and the local governing body.

10.5 ZONING BOARD OF ADJUSTMENT

The zoning board of adjustment has important duties. Its functions, partly administrative and partly judicial, are defined and limited by state enabling legislation and by provisions of the local zoning ordinance. This quasi-judicial body's powers include hearing and deciding appeals, map interpretations and granting variances from the zoning ordinance. Under Nebraska statutes, the zoning board of adjustment is not a policymaking body, nor is it intended to be. The board is the body, which provides flexibility in the administration of the zoning regulation.

State Enabling Legislation: Under Chapter 19, Article 9, Section 19-907 of the Nebraska State Statutes, the local legislative body creates zoning boards of adjustment by ordinance. Statutory references for municipal zoning boards of adjustment are Section 19-907 through 19-912.

Meetings:

1. Meetings of the board shall be held at such times as the governing body may designate or at the call of the chairperson.
2. All meetings of the board shall be open to the public and adhere to the provisions of the state public meetings law.
3. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
4. The board must hold a public hearing before deciding upon applications for variances.
5. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any municipal official, or to decide in favor of the applicant to effect any variance from the zoning ordinance.

Duties and Powers: The zoning board of adjustment has the following powers as authorized by state legislation and local ordinance.

1. To hear and decide appeals where it is alleged there is error in any order, requirement, and decision or determination made by a municipal official based on the zoning ordinance.
2. To hear and decide, in accordance with the provisions of the zoning ordinance, request for interpretation of any map.
3. To hear and decide applications for variance from the zoning ordinance.
4. Summon witnesses, administer oaths and compel the giving of testimony at public hearings.

Criteria for Granting variances: The criteria and conditions that must exist for granting a variance is identified by state statute and in the Randolph Zoning Ordinance. The variance is intended as a device for adjustment where the ordinance creates unnecessary hardship in unusual cases, to give affected property owners rights as nearly equal as possible to those of others in the same district.

A heavy caseload on variances may indicate that the ordinance is, or one of its specific regulations, is not appropriate, the board is malfunctioning, or both. The need for variances should be minor, and variances should be granted sparingly.

Under no circumstances can the board grant a variance to permit a use not generally or by special permit allowed in the zoning district.

A variance is granted for the property and not for the owner of the property. The variance is thus in effect perpetually and remains with the property and whatever structure may be constructed in the future.

The following are general guidelines, which can be used by the board in deciding upon applications for variances. These general guidelines are to be used in conjunction with the criteria and conditions specified in the zoning ordinance.

1. A variance is not the appropriate remedy for a general condition. If this were the case, a change in the zoning regulation would be the appropriate action.
2. Self-inflicted hardships are not grounds for a variance. If the request for the variance is based upon some action of the applicant such as the selling of a portion of a lot which does not comply to the existing district regulations as opposed to a case where the area or width of a lot was reduced because land was taken for street widening.
3. Personal hardship is not grounds for a variance. The hardship must relate to the physical character of the property.
4. Economic hardship in itself is not grounds for a variance. It may be considered as an element, but there must be other compelling considerations. In general, the law guarantees that police power

measures will not prevent a property owner from obtaining some reasonable return on his/her land, however that may be defined. One of the most common statements in variance law is that purely financial hardship -- i.e., restriction to a less profitable use -- is not sufficient to justify a variance. The granting of such variance must be based upon a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

10.6 ENFORCEMENT

10.6.1 Building Permit Required: No building or other structure shall be erected, moved, added to, or structurally altered without a building permit first having been issued by the Zoning Administrator. No building permit shall be issued unless the proposed construction or use is in conformance with all of the provisions of this ordinance and with all other applicable codes, regulations and laws of the City of Randolph and with all orders, and variances lawfully issued by the Board of Adjustment. A building permit shall not be required for agricultural (nonresidential) buildings or structures in the AG Agricultural Residential Districts or for improvements that have a value of one thousand dollars (\$1,000) or less. Construction must begin within ninety (90) days of issuance of the permit. The building permit will be valid for a period of two (2) years.

Application For Building Permit: All applications for a building permit shall be accompanied by a plot plan showing the location, ground area, height and bulk of all present and proposed structures, additions, parking areas and site improvements; the actual dimensions and shape of the lot lines; the uses to be built upon; the building lines in proposed structures or additions; and any other reasonable and pertinent information as may be required by the Zoning Administrator or the proper enforcement of this ordinance.

Approval Or Disapproval Of Permit: The Zoning Administrator shall examine all applications for building permits, including plans, specifications and documents filed therewith and shall either approve or

Approval Or Disapproval Of Permit: The Zoning Administrator shall examine all applications for building permits, including plans,

specifications and documents filed therewith and shall either approve or disapprove such application within thirty (30) days of receipt of same. Upon approval and receipt of required fees, the Zoning Administrator shall promptly issue the building permit and shall affix his/her signature to the permit and the plans and mark the plans "Approved." Upon disapproval of the application, the Zoning Administrator shall refuse to issue the permit and shall state in writing on the plans the reasons for disapproval, affix his/her signature and mark the plans "Disapproved."

Appeal From Approval Or Disapproval: An appeal from approval or disapproval of application shall be made to the Board of Adjustment in writing within ten (10) days after the determination of the Zoning Administrator has been filed.

Certification of Occupancy Required: No building, structure or land shall be used or occupied, in whole or in part, nor shall any change made in the use or type of occupancy of an existing building or structure requiring a building permit, nor shall any change be made in the use of land, except to any use which is primarily agricultural, unless a certificate of occupancy shall be issued by the Zoning Administrator in accordance with this ordinance.

Temporary Certificate: Upon request, the Zoning Administrator may issue a partial certificate of occupancy for a period not to exceed ninety (90) days, for a building or structure or part thereof; before the entire work covered by the building permit shall have been completed, provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

10.6.2 Application For Certificate Of Occupancy: All applications for certificate of occupancy shall be made by the owner or his agent and shall be accompanied by an affidavit of the owner, registered architect, licensed professional engineer, or superintendent of construction who shall state that he has examined the approved plans of the structure, that said structure has been erected in accordance with the approved plans and that it complies with this ordinance and all local code and resolutions/ordinances governing building construction. The application and affidavit shall be filed with the Zoning Administrator.

Issuance Of Certificate Of Occupancy: Before issuing a certificate of occupancy, the Zoning Administrator shall examine all buildings, structures or sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, or change the use or occupancy. The Zoning Administrator shall maintain a record of all examinations and inspections, together with a record of findings of violations of the law.

A certificate of occupancy shall be deemed to authorize, and is required for, both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect so long as such building or land is used as authorized in the certificate of occupancy.

10.7 SCHEDULE OF FEES

The schedule of fees shall be established for this Zoning Ordinance by resolution of the City Council. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal and under no condition shall said fee or any part thereof be refunded for failure of said action to be adopted by the City Council.

ARTICLE 12

COMPLAINTS, PENALTIES, REMEDIES

12.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

12.2 PENALTIES

The owner or agent of a building or premises in or upon which a violation of any provisions of this ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a misdemeanor. Each and every day that such violation continues after notification shall constitute a separate offense.

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

12.3 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of these regulations the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 13

LEGAL STATUS PROVISIONS

13.1 SEPARABILITY

Should any article, section or provisions of these regulations be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

13.2 PURPOSE OF CATCH HEADS

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

13.3 REPEAL OF CONFLICTING ORDINANCES

All other ordinances and regulations in conflict with this ordinance are hereby repealed to the extent necessary to give these regulations full force and effect.

13.4 EFFECT DATE

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