

ARTICLE 8 ACH AGRICULTURAL/BUSINESS AND COMMERCIAL DISTRICTS

The several classes of business and commercial districts included in this Ordinance are designed to provide the opportunity for the various types of retail stores, offices, service establishments and wholesale business to concentrate for the convenience of the public; to be established in such relationships to each other as to be mutually beneficial; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons which they serve.

SECTION 801 ACH AGRICULTURAL/HIGHWAY COMMERCIAL DISTRICT

801.01 INTENT: The ACH Agricultural/Highway Commercial District is intended primarily for application to areas along major highway entrances to a community in accord with policies of the comprehensive plan for controlled access to the highway is afforded for the convenience of patrons traveling the highway. For the purposes of Section 77-1343 R.R.S. Neb. the predominant use for this district is agricultural and horticultural uses.

801.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right except when located within 200 feet of any Residential District, in which case a conditional use permit will be required to allow the following uses:

- (1) Retail and Service which provide services or supply commodities primarily for the convenience of patrons traveling on state highways and major county road entrances to the community including:
 - Auditorium, exhibition hall, club
 - Auto and truck parts stores (retail only)
 - Athletic complexes and health centers
 - Barber, beauty, tanning, and manicure shops
 - Bars, cocktail lounges or nightclubs
 - Boat sales and services
 - Bowling alley
 - Bus depots and transit stations
 - Car and truck sales, both new and used, with full service and repairs
 - Car wash
 - Convenience stores with gasoline sales
 - Dry cleaning and laundry establishments
 - Feed, grain, and fertilizer sales
 - Furniture stores
 - Garden and lawn supplies stores, nurseries and greenhouses
 - Hotels and motels
 - Ice cream and confectionery stores
 - Lumber and building materials
 - Offices
 - Plumbing and heating services
 - Recreational vehicle sales and service

Rental and lease establishments, inside storage only
Restaurants, including drive-in restaurants
Sign Shops
Soda fountains
Theaters
Veterinary services and small animal hospitals

(2) Any principal permitted use in the CCB - Central Business District as specified in Section 802.02 if the total structure or building contains principal uses and structures specified in Section 802.02 and such building or structure contains 7,500 square feet or more.

(3) Signs subject to SECTION 1114 of this Ordinance.

(4) Road side rest areas.

(5) Row crop agricultural production (planting, fertilizing, harvesting) or alfalfa / feed grass production on parcels which have been regularly used for such production prior to January 1, 2011. No parcel in this zoning district shall be switched to this Use from a different use. Parcels three (3) acres or larger may continue with this Use and other Permitted or Excepted Uses with a minimum separation of fifty (50) feet from any other Use.

801.03 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 shall be permitted including the following:

(2) Offices and retail stores incidental to and on the same site with a highway commercial establishment prescribed in SECTION 801.02 of this Ordinance.

801.04 EXCEPTIONS: After the provisions of this Ordinance relating to exceptions have been fulfilled, the City Council may permit the following conditional uses as exceptions in the A/CH Highway Commercial District in accordance with ARTICLE 14 of this Ordinance.

(1) Automobile service stations

(2) Car and truck detailing shops; provided that no repair garage work is done

(3) Repair Garages

(4) Car and truck sales, both new and used, without full service and repairs

(5) Mini-storage units

(6) Contract construction offices and services, when all materials are contained within the walls of

the building

- (7) Farm implement and farm machinery fabrication, sales and service, and farm equipment and supplies, sales and service
- (8) Mobile Home sales
- (9) Amusement parks; carnivals, circuses, outdoor festivals and other transient amusement enterprises; drive-in theaters; golf driving ranges; pony rings; skating rinks; and miniature golf course;
- (10) Churches and other religious institutions;
- (11) Private clubs and lodges;
- (12) Public buildings and grounds;
- (13) Go-Cart race tracks.
- (14) Overnight recreational vehicle parking areas limited to six spaces in conjunction with another permitted use.
- (15) Multi-family dwellings.
- (16) Family day care home, group day care home, or day care center.
- (17) Public Utility structures, services and facilities
- (18) Any principal permitted use in the CCB - Central Business District as specified in Section 802.02 if the total structure or building contains principal uses and structures specified in Section 802.02 and such building or structure contains less than 7,500 square feet.
- (19) Rental and lease establishments, outside storage; provided however, no rental or lease establishments for construction equipment shall be allowed.

801.05 CONDITIONS FOR GRANTING EXCEPTIONS: The requirements of ARTICLE 14 of this Ordinance shall apply as minimum requirements for granting exceptions in the A/CH Highway Commercial District.

- (1) Where a site adjoins or is located across an alley from any R Residential District, a solid wall or fence, vine covered open fence or compact evergreen hedge six (6) feet in height shall be located 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 conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six (6) feet in height, provided that no

materials or equipment shall be stored to a height greater than that of the wall or fence.

(3) No use shall be permitted and no process, equipment or materials shall be used which are found by the Governing Body to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibrations, illumination, glare or unsightliness or to involve any hazard of fire or explosion.

801.06 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from the A/CH Highway Commission District.

801.07 MINIMUM LOT REQUIREMENTS:

(1) The minimum lot areas shall be eight thousand (8,000) square feet.

(2) Driveways shall have a maximum grade of ten (10) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway pavement on each side.

801.08 MINIMUM YARD REQUIREMENTS:

(1) Front yard: There shall be a minimum front yard of not less than a depth of one hundred (100) feet from the center line of a Federal Aid-Primary or Federal Aid-Secondary designated street or highway or thirty-five (35) feet from the property line, whichever is greater. On all other streets or highways there shall be a minimum front yard of not less than a depth of twenty (20) feet from the property line. These yard requirements shall apply to any yard abutting a Federal Aid-Primary or Federal Aid-Secondary designated street or highway regardless of the lot being an interior or corner lot.

(2) Rear yard: The minimum rear yard five (5) feet except when abutting a R Residential District(s) set back shall be ten (10) feet.

(3) Side yard: The minimum side yard five (5) feet except when abutting a R Residential District(s) set back shall be ten (10) feet.

(4) Distance between structures: The minimum distances between a residential or other principal structure and another structure shall be ten (10) feet.

(5) Additional set back requirements for multi-family dwellings: In addition to all other minimum rear, side, and front yard requirements herein, there shall be a minimum set back requirement of one hundred twenty (120) feet from the property line bordering on any street or highway for any multi-family dwelling unit which has been allowed pursuant to Section 801.04 herein.

(6) An additional set back requirement to all other minimum rear, side, and front yard requirements for antennas and transmitting structures shall be a minimum set back requirement equal to the height of said antenna or transmitting structure. Additionally no antenna or transmitting structure shall be located within a distance equal to the height of the tower of any utility transmission lines serving the

premises other than lines exclusively serving the premises upon which the tower is located.

(7) **YARD REQUIREMENTS FOR ACCESSORY BUILDINGS:**

- (A) Side yard - Same as district in which accessory use is located except an accessory building may be located in the side yard as close as five (5) feet to the property line and/or ten (10) feet from any other building, whichever is greater, providing it is located between the rear building line of the principle building and the rear property line and no building shall be located within any easement or right-of-way. If the accessory building abuts any "R" Residential District(s), the side yard requirement increases to ten (10) feet.
- (B) Front Yard - No accessory building shall be located between the front building line of the principle building and the front property line.
- (C) Rear Yard - Unless specifically permitted, no accessory building shall be located closer than five (5) feet from the rear property line and/or within ten (10) feet of any other building, whichever is greater, and no accessory building shall be located within any easement or right-of-way along the rear property line. If the accessory building abuts any "R" Residential District(s), the rear yard requirement increases to ten (10) feet.

801.085 **ADDITIONAL SETBACK REQUIREMENTS – CREEKS/WATER COURSES:** In addition to any other minimum yard requirements, no structure shall be installed or constructed in violation of Section 1110.5 of this Zoning Ordinance.

801.09 **MAXIMUM LOT COVERAGE:** No limitations.

801.10 **MAXIMUM HEIGHT:** No structure shall exceed forty-five (45) feet except an antenna or transmitting structure or by approval of a conditional use permit..

801.11 **SIGN REGULATIONS:** All signs shall be in conformance with the regulations provided herein and with the provisions of SECTION 1114 of this Ordinance.

801.12 **REPAIR GARAGE REQUIREMENT.** In addition to all other restrictions and requirements as provided herein, in the circumstance of a repair garage, all vehicles or motorized equipment awaiting repair, under repair, and all parts and materials shall be screened on all sides by a solid fence or a masonry wall or compact growth or natural plant materials not less than eight feet in height. Such screened area shall be limited to an area behind the rear line of any building or structure used as a repair garage on the premises.

801.13 **CAR AND TRUCK SALES REQUIREMENTS:** In addition to all other restrictions and requirements as provided herein, all areas which are used for the sale or storage of vehicles and are located within five hundred feet (500') of a Federal Aid-Primary or Federal Aid-Secondary designated street or highway shall be hard surfaced with concrete or asphalt. All lots shall provide and maintain a minimum of ten percent (10%) of the front yard as a permeable, uncovered and unused surface that contains grass, flowers, shrubs, trees or other living material.

801.14 SCREENING REQUIREMENTS. Screening pursuant to this section shall be required between the A/CH - Highway Commercial District and any residential district except when there is a distance of not less than two hundred feet (200') from any residential structure in the residential district and any building, parking area, or any other construction or improvement except landscaping in the A/CH - Highway Commercial District. Screening pursuant to this section shall be required only at such time a building permit is obtained for improvements in the A/CH - Highway Commercial District, and the value of the improvements listed on said building permit is equal to or greater than 20% of the assessed valuation of the A/CH - Highway Commercial property being so improved.

- (1) The screening shall consist of a solid or semi solid fence or wall at least six (6) feet in height or hedges, shrubs, trees, or other living landscape which effectively provides a solid, dense, and opaque mass, and shall be not less than six (6) feet in height or by planting vegetation which shall reach a height of not less than six (6) feet within three (3) years.
- (2) Landscaping – Required front and rear yards shall be landscaped. A landscaping plan shall be submitted contemporaneously with the building permit application. The landscaping shall be approved by the City Administrator.
- (3) Said screening shall not be required where the A/CH - Highway Commercial District and residential district are divided by a street or alley with a right of way not less than fifty (50) feet in width.
- (4) Said screening requirement shall not be required where the wall of any building is greater than five (5) feet from the set back requirement within the A/CH - Highway Commercial District, and there are no windows or other openings except for doors for emergency purposes only.
- (5) In the event hedges, shrubs, trees or other living landscape is used for the screening one (1) break or opening in the screen not more than twenty (20) feet in width shall be permitted per business or use within the A/CH - Highway Commercial District unless the business or use has direct alley access from the business property without such break.

801.15 OFF-STREET PARKING: Off-street parking shall be hard surfaced in conformance with the provisions of Section 204 of this Ordinance.

801.155 DRIVEWAYS: Driveways shall be paved as per section 303.01(51.5).

(END OF SECTION)