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ARTICLE SIX

SUPPLEMENTAL USE REGULATIONS

11.601 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this Ordinance. The regulations contained in this Article pertain both to uses allowed by right within various zoning districts; and to uses that require approval as Special Uses by the Planning Commission. Nothing contained in this section shall limit the right of the Planning Commission or City Council on appeal to impose additional conditions on developments seeking Special Use Permit approval.

11.602 Supplemental Use Regulations: Agricultural Uses

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

a. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

1. Garden Centers

(a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

(b) Garden centers must conform to all site development regulations for the zoning district.

(c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped bufferyard, consistent with the standards established in Article 11.804.

2. Roadside Stands

(a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

(b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.

(c) A roadside stand may operate for a maximum of 180 days in any one year.

b. Animal Production

1. No commercial poultry or livestock operation shall be located within 100 feet of any residential or commercial zoning district.

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2. Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla, and hamsters is permitted in the AG District, provided that any building housing such animals shall be at least 100 feet from any property line and 25 feet from any dwelling unit on the site. No animals with measurable odors shall be raised for commercial purposes within the city limits.

3. Within the AG District, any lot less than 2 acres shall be prohibited from maintaining any horses or other equine and/or hoofed animal. Any lot 2 acres and over may maintain one horse or other equine and/or hoofed animal and its immature offspring, up to a maximum total of two such animals. No stable shall be located closer than 50 feet to any dwelling unit on the site. *(Amended by Ord. 01-01, 1/3/01)*

c. Commercial Feedlots

Commercial Feedlots are not permitted within the jurisdiction of the City of Waverly.

11. 603 Supplemental Use Regulations: Residential Uses *(Amended by Ord. 25-18, 09-09-2025)*

a. Zero-Lot Line Single-Family Residential

Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

1. The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must taken by itself comply with all side yard requirements for the zoning district.
2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
3. An easement for maintenance of the zero lot line facade is filed with the Lancaster County Register of Deeds and the City Clerk at the time of application for a building permit.

b. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.
2. Coverage percentages are computed for the site of the entire townhouse common development.

c. Downtown Residential and Group Residential Uses in the DC District

Downtown Residential and Group Residential uses are permitted in the DC District subject to the following conditions:

1. Downtown and Group Residential uses are permitted in the DC District only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Planning Commission.
2. Residents of units must be informed by the owner of the building that lawful commercial uses have priority over residential uses.

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3. All upper level apartments must have two separate means of egress.
4. One parking space marked and reserved for tenants must be provided for each unit. This parking space shall be located within a maximum distance of 300 feet of the unit.

d. Group Residential

Where permitted, Group Residential use must comply with the following requirements:

1. Within the AG, RR, R-1, R-2, and MH districts, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non owner-occupied dwelling unit.
2. Within the R-3 and R-4 districts, no more than ten persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than seven persons shall be permitted to reside in a non owner-occupied dwelling unit.
3. A minimum of 250 square feet must be provided in the dwelling unit for each resident.

e. Mobile Home Parks

In the MH Mobile Home Residential District, which permits mobile home residential use, such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to approval as a Special Use by the Planning Commission and compliance with the following regulations:

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be issued by the Zoning Administrator prior to the occupancy of any new Mobile Home Park or any expansion of an existing Mobile Home Park.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall have a minimum of 2.5 acres and a maximum of 15 acres.

3. Density Requirements

- (a) The minimum gross site area per dwelling unit shall be 5,000 square feet.
- (b) The minimum size of an individual mobile home space shall be 4,000 square feet for single-wide mobile home units and 6,000 square feet for double-wide mobile home units.
- (c) Each mobile home space shall have a width of at least 50 feet wide and a length of at least 80 feet.

4. Site Development Standards

- (a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 30 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.

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(b) Setback landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 8 of this Ordinance. Screening shall be provided in conformance with Article 8 for any common property line with another non-residential use.

(c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 50 percent of the total site area.

(d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 15 feet.

(f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space maintains a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

5. Street Access and Circulation Requirements

(a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.

(b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length.

(c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.

(d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.

(e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.

(f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.

6. Tornado Shelters: Underground tornado shelters shall be provided in the Mobile Home Park. Such shelter or shelters shall be built according to the recommendations of the Emergency Management authority and be large enough to meet the specific needs of the park and its residents.

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7. Utilities

(a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.

(b) Complete sanitary and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.

(c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance and other applicable city codes and public improvement design standards.

(d) All electric, telephone, gas, and other utility lines shall be installed underground.

8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.

9. Completion Schedule: Construction must be begin on any approved Mobile Home Park within one year of the date of approval by the Planning Commission. Such construction shall be completed within two years of approval, unless otherwise extended by the Commission.

10. All other uses and provisions of the Waverly Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Waverly Municipal Codes.

f. Mobile Home Subdivisions

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Land Development Ordinance of Waverly. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.

2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.

3. Mobile Home Subdivisions shall provide tornado shelter facilities as required by Section 603 f(5).

4. The minimum size of a mobile home subdivision shall be ten (10) acres.

g. Earth-Sheltered Residences

No subterranean or basement structure shall be occupied for residential purposes, except for those that meet the following requirements as earth-sheltered residences:

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1. The living area shall be provided with exterior windows and/or skylights with a total glassed area of at least 10% of the gross floor area of the residence. Such windows or skylights shall give direct access to natural light and open space.
 2. All earth sheltered residences shall conform to the development regulations for their respective zoning districts.
 3. An outdoor space shall be provided immediately outside one wall of the residence that has:
 - a) A minimum size of 500 square feet.
 - b) A minimum width of 20 feet.
 - c) An average grade elevation no more than 2 feet above or below the finished floor elevation of the residence.
 4. All earth-sheltered residences shall have structural systems designed by a professional structural engineer and shall have plans signed and approved by such engineer.
- h. Homestead Exemptions (*Est. by Ord. 01-01, 1/3/01*)
- A lot or parcel of land of five acres or more located within an AG District may be used for a single-family dwelling, provided that a residential structure:
1. has existed on such land for more than five years;
 2. such structure is, or has been, used as the primary residence associated with a farm;
 3. is in conformance with other provisions of the zoning codes, the minimum building codes, and the minimum standards for water and sewage facilities and does not represent a hazard to the health and safety of occupants;
 4. have been properly platted and subdivided; and
 5. leaves a balance of twenty or more acres for each parcel of land platted.

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11.604 Supplemental Design Standards for Residential Districts(Amended by Ord. 11-07, 4/5/11)

a. Building Design

1. Architectural design and style are not restricted; however architectural style shall be consistent throughout the development. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
2. The primary building material of residential and non residential structures within the residential zoning districts shall be negotiated with the City; however, sample materials shall include, but not be limited to, preferred materials of high quality such as brick (clay), stucco, wood, glass, pre-cast concrete, split faced concrete masonry units (CMU) with integrated color pigmentation, stone material and architectural metal siding with a standard residential appearance. Pre-engineered metal buildings or standing seam metal siding is not allowed.
3. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
4. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance. Measures shall be taken to break up the flatness of all buildings and reduce the scale of large buildings using windows and architectural building design and techniques. No street-facing façade may have a continuous length of 50 feet or over without an offset in the building elevation equal to a dimension of at least five feet.
5. Pitched or gabled roofs shall have a minimum roof slope equal to one foot of vertical height to every three feet of horizontal distance. Flat roofs on buildings shall have parapets. Permitted roof materials may include asphalt shingles, slate or simulated slate shingles, standing seam metal, or other similar roof materials.

11.605 Supplemental Use Regulations: Civic Uses(Amended by Ord. 11-07, 4/5/11)

a. Community Centers and Clubs

Clubs located adjacent to residential uses shall maintain a buffer yard of not less than 40 feet along the common boundary with such residential use.

b. Day Care

1. Limited Day Care uses are permitted on residential lots and may be operated by the occupant of a dwelling unit on the site.
2. Day care facilities are permitted by Special Use permit in the GI General Industrial Zoning District only if incidental to a permitted primary use.
3. Day care centers accommodating more than four children or adults shall conform with all requirements and licensures of the State of Nebraska.

c. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

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2. Group homes are permitted in the DC District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

11.606 Supplemental Use Regulations: Commercial Uses (Amended by Ord. 11-07, 4/5/11)

a. Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. Screening is subject to provisions of Article 8 of this ordinance.

2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.

b. Auto Washing Facilities

1. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.

2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be hard-surfaced.

2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Bed and Breakfasts

Bed and Breakfasts permitted in the DC District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

e. Campgrounds

1. Minimum Size: Each campground established after the effective date of this Ordinance shall have a minimum size of one acre.

2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.

3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

f. Convenience Storage

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When permitted in the CC, GC, GI, LI, and MH Districts, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be one acre.
2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
3. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
5. No storage buildings may open into required front yards.
6. Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article Eight.

g. Kennels

1. The minimum lot size shall be two acres.
2. No building or dog runs shall be located nearer than 1,000 feet to the property line of any residential use or district.
3. All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Article 8, establishing landscape and screening standards.

h. Restaurants

Restaurants in the LC District that include the accessory sale of alcoholic beverages require approval of a Special Use Permit, as set forth in Section 11.1203.

i. Restricted Businesses (*Amended by Ord. 00-10, 1/15/01*)

1. Every restricted business shall require approval of a Special Use Permit, as set forth in Section 11.1203.
2. Not more than one restricted business shall be located within 1,500 feet of another restricted business measured from the nearest access doors of the two establishments, regardless of whether such uses are located in the same facility, separate facilities, or different zoning districts.
3. No restricted business shall be permitted on the same block with any property zoned AG, RR, R-1, R-2, R-3, R-4, MH, MX, LC, CC, or DC; or within 1,500 feet of any residential or civic use type as measured from the nearest access door of the restricted business to the property line of such property or outdoor use or the nearest access door of a use within a building.
4. The operation of any restricted business, if approved by Special Use Permit, shall have business hours not to exceed 11:00 a.m. to 12:00 midnight, Monday through Saturday.

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11.607 Supplemental Design Standards for Office and Commercial Uses in the MX and LC Districts (Amended by Ord. 11-07, 4/5/11)

a. Design Standards for the MX Mixed Use Urban and LC Limited Commercial Districts

In order to maintain the character of mixed use urban corridors within Waverly, the following design standards shall apply to any office or commercial use developed within the LC District:

1. No single building has a building coverage area that exceeds 10,000 square feet.
2. No street-facing facade may have a continuous length of 50 feet or over without an offset in the building elevation equal to a dimension of at least five feet.
3. Window area on each facade shall be equal to at least 20% of the area of that facade.
4. Exterior materials shall be brick, stone, wood clapboard, or other exterior materials typical of exterior building materials in common use in Waverly's residential districts or town center business district.
5. The dominant roof form shall be a pitched or gabled roof with a minimum roof slope equal to one foot of vertical height to every three feet of horizontal distance. Permitted roof materials may include asphalt shingles, slate or simulated slate shingles, standing seam metal, or other similar roof materials.
6. Surface parking may be adjacent to no more than 35% of the property line of the site's principal street frontage.
7. Each site design shall provide a clear and safe method of pedestrian circulation along the street right-of-way and between the street right-of-way and a principal customer entrance of the business.

11.608 Supplemental Use Regulations: Industrial Uses(Amended by Ord. 11-07, 4/5/11)

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the City Council.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
 - (b) Installation of perimeter safety screening.

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(c) Installation of visual screening adjacent to any property within a residential or public use district.

5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the Planning Commission.

b. Salvage Services (Amended by Ord. 04-05, 7/5/04)

1. All salvage service operations shall be conducted within a fully enclosed building.
2. No loading, unloading, or any other operational activity involving salvage materials may take place outside the boundaries of the enclosure. Burning of any materials shall be prohibited.
3. No Salvage Services use may be established within 1,000 feet of the nearest property line of a residential zoning district or any civic use.

11.609 Performance Standards for Industrial Uses(Amended by Ord. 11-07, 4/5/11)

a. Industrial Uses in the LI District: Performance Standards

The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Lancaster County and the City of Waverly.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the LI district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Air Contaminants: No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
6. Odor: The emission of odors determined by the Planning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.

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7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or carbon monoxide shall not exceed 5 parts per million taken at the property line of the operation.
8. Vibration: All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation which exceeds a displacement of 0.003 inch.
9. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
10. Storage of Chemical Products: If allowed by Special User Permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any Residential, Office, or Commercial zoning district.

11.610 Supplemental Design Standards for Industrial Districts (Amended by Ord. 11-07, 4/5/11)

a. Building Design

The primary building material of Industrial structures shall be negotiated with the City; however, sample materials shall include, but not be limited to, preferred materials of high quality such as brick (clay), stucco, wood, glass, pre-cast concrete, split faced concrete masonry units (CMU) with integrated color pigmentation, and stone material.

1. Exposed concrete systems are allowed subject to the following standards:
 - I. Panels shall be embossed with reveals that repeat a common pattern.
 - II. All elevations visible from a public or private street shall include variable parapet heights and two feet minimum projections with the distance between not to exceed 60 feet.
 - III. All main entries (or storefronts) shall be identified by the use of an arcade, covered entry, spandrel glass, or other similar architectural feature.
2. Pre-engineered metal building panels will be allowed provided that a minimum of 30 percent of the street side façade(s) is of a preferred material and that the metal material is of good quality with a factory applied finish. Standard corrugated or galvanized metal is not allowed.

b. Landscaping – Exterior Boundaries

1. A landscaped buffer of a minimum of 25 feet in width shall be maintained within and along the exterior boundaries of any industrial development or industrial park except those portions of the boundaries adjacent to dedicated public streets and alleys.

c. Landscaping – Developed Lots

1. All of a developed lot except that portion covered by buildings, parking lots, and driveways shall be landscaped. Landscaping may consist of grass, trees, decorative walls,

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screenings, terraces, fountains, pools, or other landscaping approved by the City of Waverly. Proposed landscaping shall be included upon the preliminary plat. Landscaping in accordance with the approved final plat and subdivision agreement is mandatory.

d. Outdoor Waste Storage – Screened From View

1. Outdoor storage of waste material or refuse and all refuse collection bins, cans, or other containers shall be concealed from view such that the same cannot be seen from any point under ten feet in height outside of the district, or from any point indoors or outdoors, on adjoining property within the district.

e. Landscaping – Interior Property Lines

1. A landscaped buffer of a minimum of ten feet in width shall be established and maintained along the interior of property lines of all lots in any industrial park except for those areas used for ingress and egress to the property through curb-cuts opening onto dedicated public streets and alleys.

11.611 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts (Amended by Ord. 11-07, 4/5/11)

Table 6-1 displays the maximum permitted sound levels that may be generated by uses in the CC, GC, BP, or LI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 6-1: Maximum Permitted Sound Levels at Residential Boundaries

<u>Originating Zoning District</u>	<u>Time</u>	<u>Maximum One Hour Leq*</u> <u>(dbA)</u>
CC, GC, LI	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
GI	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55

* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

11.612 Supplemental Use Regulations: Miscellaneous Uses (Amended by Ord. 11-07, 4/5/11)

a. Communications Towers

Communications towers, where permitted, are subject to the following additional requirements:

1. Co-Location: It is the policy of the City of Waverly to encourage the co-location of new communications towers with existing towers or as part of suitable existing structures. All applications for approval of a communications tower location shall include evidence that all potential alternatives for location on existing towers or suitable buildings has been explored and exhausted. Applicants may not be denied space on an existing tower within the City of Waverly unless mechanical, structural, or regulatory factors prevent co-location.

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2. Towers shall be located so that the distance from the base of the tower to any adjoining property line, or permanent structures except tower supporting structures, or the supporting structure of another separate tower is a minimum of 100% of the tower height. (*Amended by Ord. 04-04, 5/3/04*)
 3. The tower facility shall be designed to be aesthetically and architecturally compatible with the built environment of the City of Waverly. Associated support buildings shall be designed with materials that are consistent with those in the surrounding neighborhood. Metal exteriors shall not be permitted for support accessory buildings.
 4. All tower facilities shall provide landscaped peripheral yards with a minimum depth of 35 feet. One tree consistent with the provisions of Article 8 shall be planted for every 500 square feet of required peripheral yard area.
- b. Landfills
1. Compliance with Codes: Each landfill must comply with all relevant city, county, State, or Federal codes and statutes.
 2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.
 3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Waverly. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
 4. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any State or Federal Highway.
 5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Nebraska Department of Environmental Quality.
 6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Waverly and its extra-territorial jurisdiction.
- c. On-Site Dwelling for Resident Manager Permitted for Self-Storage Warehousing Only (*Amended by Ord. 14-05, 7-1-14*)
1. Minimum Lot Size: One acre.
 2. Dwelling: The minimum square feet of the dwelling unit for the resident manager shall be 900 square feet with a maximum of 1000 square feet. The dwelling shall be attached to one of the storage facility buildings and located at the main entrance of the property. The dwelling shall be a single story, slab on grade dwelling with a maximum height of 20 feet. The dwelling shall meet all Building, Energy Conservation, Plumbing, Mechanical, and Fire Codes set forth by the City of Waverly Residential Code. The exterior materials of the dwelling shall be similar to that of the materials of the storage facilities with a minimum of 30% of the street side facade(s)

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being of brick; native or manufactured stone. All Industrial Site Development Regulations not specified here within shall be followed.

d. Swimming Pools (Amended by Ord. 25-18, 09-09-2025)

1. Permit Required: Building permits are required for all pools, spas, and hot tubs which have a maximum depth of greater than twenty-four inches (24").
2. Barrier Requirement: The following is required for any pool, spa, and hot tub greater than 24" in maximum depth:
 - (a) A barrier with a minimum height of four feet (4') or forty-eight inches (48").
 - (b) Any openings in the barrier shall not allow the passage of a four-inch (4") diameter sphere
 - (c) Access gates shall be of the latching type and shall be equipped to accommodate a locking device

Exception: Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the above barrier requirements.

3. Location and Setbacks:

- (a) Pools, spas, and hot tubs shall not be allowed within the required front yard of any lot.
- (b) Pools, spas, and hot tubs shall be located a minimum of five feet (5') from any side and/or rear lot line.
- (c) Pools shall be located a minimum of six feet (6') from the foundation of any building, principal structure, and/or accessory structure.

11.613 Supplemental Use Regulations: Accessory Uses (Amended by Ord. 11-07, 4/5/11)

a. Home-Based Businesses/ Home Occupations

Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects:
 - (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 - (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
 - (c) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with these zoning regulations. All "External Effects" criteria in items a. 1. (a), (b), (d), (e) and (f) of this subsection are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.

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(d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.

(e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.

(f) No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.

3. Extent of Use: For all residential and agricultural zoning districts, the lesser of 25% of the floor area of the dwelling or 400 square feet may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.

4. Signage: Each home-based business shall be permitted to have one wall sign not to exceed four square feet in area.

5. Traffic Generation and Parking

(a) Deliveries or service by commercial vehicles or trucks rated at fourteen tons or more gross empty weight is prohibited for any home-based business located on a local street.

(b) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used by the home occupation at any one time.

6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:

(a) Animal hospitals.

(b) General retail sales.

(c) Mortuaries.

(d) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses except with a Special Use Permit.

(e) Stables or kennels.

(f) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

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11.614 SMALL AND COMMERCIAL WIND ENERGY CONVERSION SYSTEMS

(Amended by Ord. 13-11; 9/17/13)

1. **Intent:** In order to balance the need for clean, renewable energy resources with the protection of the health, safety, and welfare of the residents of Waverly, Nebraska, finds these regulations are necessary in order to ensure that all wind energy conversion systems are appropriately designed, sited, and installed.

These regulations pertaining to all wind energy conversion systems are intended to respond to equipment available at the time of adoption. The City of Waverly recognizes that this is an emerging technology and that new means of collecting wind energy, such as, but not limited to, vertical axis wind turbine generators are under development. Accordingly, these standards will be reviewed and may be amended as technology advances.

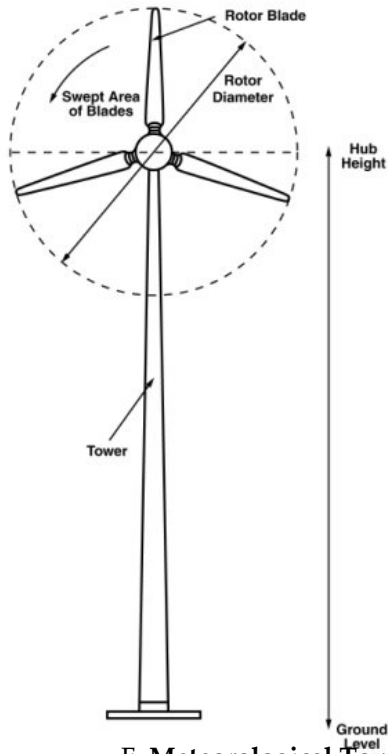
Types of Wind Energy Systems:

- A. **Small Wind Energy Conversion System - (SWECS)** – A wind energy conversion system which has a rated capacity of up to Twenty-Five (25) kilowatts, as per “Net Metering provisions, and which is incidental and subordinated to another use of the same parcel. A system is considered a small wind energy system only if it supplies electrical power for site use, except that when a parcel on which the system is installed also received electrical power supplied by a utility company, access electrical power generated and not presently needed for onsite use may be sold back to the utility company. *(25 Kilowatt limit approved by the Waverly Planning Commission to increase to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)*
- B. **Commercial Wind Energy Conversion System – (CWECS)** A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, who’s main purpose is to supply electricity to off-site customers.

Definitions:

- A. **Aggregated Project** – Those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual CWECS within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
- B. **Fall Zone** – The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

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C. **Feeder Line** – Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of the interconnection shall be the substation serving the WECS.

D. **Height, hub** – The height above grade of the fixed portion of the tower, including the generation unit, measured to the hub or center point of the rotor blade diameter.

E. **Height, total system** – The height above grade of the system, including the generating unit and measured the highest vertical extension of any rotor blades or rotors.

F. **Meteorological Tower** – For the purposes of wind energy conversion systems, meteorological towers are those which are erected primarily to measure wind speed and direction plus other data relevant to locating a CWECS. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Transportation or other similar applications to monitor weather conditions.

G. **Rotor Diameter** – The diameter of the circle created by the outer most point of the rotor blades of the windmill. (see Diagram #1)

H. **Shadow flicker** – Strobe effect that occurs when sun is horizontal to rotor blades, which causes repetitive intermittent shadows that can affect people on adjacent or near-by properties.

I. **Substations** – Any electrical facility utilized to convert electricity produced by a Commercial Wind Energy Conversion System for interconnection with high voltage transmission lines.

J. **Tower** – The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

K. **Transmission Line** – The electrical power lines that are High Voltage Transmission Lines carrying electricity over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

L. **Wind Energy Conversion System (WECS)** – An aggregation of parts including the base, tower, generator, rotor, blades, supports, and configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g. wind charger, windmill, or wind turbine.

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M. **Wind Turbine Generator** – The component of a wind energy system that transforms mechanical energy from the wind into electrical energy.

2. **Small Wind Energy Conversion System**

A Small Wind Energy Conversion System (SWECS) is a facility used for the production of a maximum of Twenty-Five (25) kilowatts of electrical energy supplied by the wind. The facility may include wind turbine(s) with total height(s) of one hundred (100) feet or less and any transmission lines. The SWECS is primarily used to generate energy for use by its owner. A small wind energy facility shall be sited and designed to minimize adverse visual impacts on neighboring properties. **To be used in conformance with Nebraska State Statutes, 70-2001 through 70-2005, regarding Net Metering.** *(25 Kilowatt limit approved by the Waverly Planning Commission to increase to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)*

A. **General Site and Design Standards**

1. Located on a lot or parcel of at least three (3) acres;
2. Shall be permitted by an approved **Special Use Permit** to be issued in the “AG”, “RR”, “R-1” to “R-4”, “MX”, “LC”, “CC”, “DC”, “GC”, “BP”, “LI” and “GI” Zoning Districts.
3. SWECS shall maintain a minimum setback distance from any property line of one (1.0) times the total system height of the windmill for non-participating property owners. Adjoining property owners participating in the same or Aggregated Project shall have no setback requirements between adjoining properties.
4. SWECS shall maintain a minimum setback distance from any public road, or highway of at least one point one (1.1) times the total system height of the windmill from the public road or highway right-of-way.
5. In no case shall a WECS be located within any required setback or in any front yard area.
6. Turbines and towers shall be of tubular design, or other design approved by the City of Waverly, and if painted or coated, shall be of a non-reflective white, grey, or other neutral color and shall not be used to display advertising.
7. SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA).
8. All electrical wires associated with a small wind energy system other than the wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

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9. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
10. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight (8) feet of the ground that is readily accessible to the public.
11. The owner of a small wind energy facility shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the facility.
12. Construction access must be re-graded and re-vegetated to minimize environmental impacts.
13. A SWECS application must include an agreement that addresses decommissioning and abandonment of the facility. The agreement must at a minimum provide for reuse or dismantlement of the facility at the owner's expense.

B. Application Requirements

1. A survey map at an appropriate scale identifying:
 - ❖ Site boundary;
 - ❖ Adjacent public right-of-ways;
 - ❖ Existing structures;
 - ❖ Proposed small wind energy system and accessory structures; Adjacent ownership and existing residences;
 - ❖ Any overhead utility lines.
2. A report from a licensed engineer containing:
 - a. Small wind system specifications including manufacturer and model; rotor diameter, tower height, tower type (freestanding or guyed);
 - b. Documentation to establish that the tower has sufficient structural integrity for the proposed use at the proposed location;
 - c. Certification that the small wind energy system complies with all applicable state construction and electrical codes and the National Electrical Code.
3. Compliance with FAA Regulations, including any Documentation required by the FAA certifying approval of proposed location when located within the three (3) mile Planning Jurisdiction of any airport.
4. Signed letter of Notification by the property owner submitted to the Electrical Supplier/Purchaser, Lancaster County Assessor's Office, and City of Waverly Zoning Administrator, signifying utility service is approved.
5. Require proof of insurance on application.

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3. Commercial Wind Energy Conversion System – (CWECS)

A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, who's main purpose is to supply electricity to off-site customers.

Commercial Wind Energy Conversion Systems may be included as an aggregated project. Such as those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the CWECS within a larger project.

Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity, but are also part of the aggregated project. All individual wind turbine towers of an aggregated project shall be in conformance with Section 6.55 (A) items one through 15.

A) General Site and Design Standards:

1. Located on a lot or parcel of at least ten (10) acres in size.
2. The entire aggregated project shall be permitted by a **Special Use Permit** in an "AG" Zoning District.
3. If an aggregated project, setbacks from multiple entities (turbines) shall be one and one-tenth (1.1) times the height of the total system.
4. Each CWECS location must have a 911 address.
5. CWECS shall be designed and placed in such a manner as to minimize to the greatest extent feasible, adverse visual and noise impacts on adjacent areas. This shall include documentation of:
 - a) Noise levels conforming to the International Electromechanical Commission (IEC) Standard 61400-11 part 11; and
 - b) Projections of the "shadow flicker" on any existing structures located off the property on which the CWECS will be constructed and the extent and duration of the shadow flicker on these existing structures.
6. CWECS shall maintain a minimum setback distance from any property line of one and one-half (1.5) times the total system height of the windmill for non-participating property owners. Adjoining property owners participating in the same Aggregated Project shall have no setback requirements between adjoining properties.
7. CWECS shall maintain a minimum setback distance from any public road, or highway of at least one point one (1.1) times the total system height of the windmill from the public road or highway right-of-way.
8. In no case shall a WECS be located within any required setback or in any front yard area.

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9. Structures for wind turbines shall be self-supporting tubular towers, if painted or coated shall be of a non-reflective neutral color such as white or pale gray. No lattice structure shall be used. No logos or advertisements are allowed on these structures. Each turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level.
10. Colors and surface treatment of the CWECS and supporting structures shall, to the greatest extent possible, minimize disruption of the natural characteristics of the site.
11. Reasonable measures shall be taken to mitigate specific adverse visual impacts such as reflections, shadow flicker, and blade glint affecting residences within or immediately adjacent to the project area.
12. CWECS shall be equipped with air traffic warning lights or other marking lights only if so required by the Federal Aviation Administration and in which event, such light should be positioned or shielded to avoid visual impact on neighboring properties, and shall be a white flashing light from daylight till twilight and a steady red light night time. Light system must be maintained and working at all times.
13. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.
14. A Meteorological Tower is permitted by a **Special Use Permit** for the purposes of the Aggregated Project. Meteorological towers shall meet the same setback requirements of those established for an Aggregated Project. If the tower is non-functional, it shall be removed after a period of two (2) years.
15. CWECS shall have a minimum setback of one-quarter (1/4) mile from any adjacent residence not owned by the owner of the CWECS. However, no setback is required between an adjacent residence of an owner participating in the same Aggregated Project.

Application Requirements

The applicant for a Special Use Permit for construction of a CWECS shall file an application with the City of Waverly Zoning Administrator. The application shall include the name(s) of the project applicant(s), the name of the project owner(s), and the legal description and address for the project. The application shall also include the following documents:

A. A survey map illustrating the following:

1. Property lines, dimension, acreage and contours with appropriate intervals for site evaluation.
2. Location and elevation of all components of the proposed CWECS.

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3. Location and dimensions of all existing structures and uses on property within three hundred (300) feet of the system;
4. Height of any structures over thirty-five (35) feet within a five hundred (500) foot radius on site or offsite of the proposed CWECS;
5. Location of any overhead utility lines on the property;
6. Location of all known communications towers within two (2) miles of the proposed CWECS
7. Access roads;
8. Adjacent ownership, land uses, existing residences, schools, churches, hospitals, public libraries, federal, state, county or local parks, recognized historic or heritage sites, identified wildlife preserves, or habitat areas to a distance of 2,640 feet (one-half mile).
9. Provide a copy of the Easement Deed from the Lancaster County Register of Deeds Office for each property involved in the CWECS.
10. Provide a map illustrating all transmission lines connecting to the Substation.
11. Copy of Agreement or Notification of Compliance Letter between any Airport Authority and the Applicant.

B. Applicant shall identify potential effects in terms of constraints or benefits the wind energy facility may place on current or future use of the land within the project site and the surrounding area. The extent of any limitations due to public health and safety risks shall be specifically addressed, and the effects on the following activities shall also be addressed:

1. Existing or proposed tourist or recreation activities;
2. Residential activities;
3. Industrial activities;
4. Agricultural activities;
5. Commercial activities

C. Soil erosion, sediment control, and storm water runoff plan shall address what types of erosion control measures will be used during each phase of the project. It shall identify plans for:

1. Grading;
2. Construction and drainage of access roads and turbine pads;
3. Design features to control dust;
4. Design features to maintain downstream water quality;
5. Re-vegetation to ensure slope stability;
6. Restoring the site after temporary project activities;
7. Disposal or storage of excavated materials;
8. Protecting exposed soil;

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9. Stabilizing restored material and removal of silt fences or barriers when the area is stabilized; and
 10. Maintenance of erosion controls throughout the life of the project.
- D. Applicant shall provide information regarding flora and fauna of the proposed project area including:
1. Officially listed threatened or endangered species;
 2. Critical habitat and habitat conditions;
 3. An avian study based on the US Fish and Wildlife Services "Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines"
- F. Standard drawings of the structural components of the CWECS, including structures, tower, base, and footings.
- G. Certification by a registered engineer that:
1. There is a substantial need for the proposed use or CWECS, one hundred (100) kW or greater;
 2. All applicable local, state, and federal building, structural and electrical codes have been followed;
 3. The site is feasible for a CWECS; the CWECS can be successfully operated in the climate conditions found in Lancaster County;
 4. The rotor and over speed control have been designed for the proposed use on the proposed site;
 5. The design and safety of the proposed tower to withstand winds of ninety (90) miles per hour; and
 6. If the wind turbine were to fall, no building or structure, existing or potential, would be damaged.

Construction and Operations

- A. All public roads to be used for the purpose of transporting CWECS, substation parts, cement or equipment for construction, operation, or maintenance of the CWECS shall be identified and applicable weight and size permits from the impacted road authority(ies) shall be obtained prior to construction.

A pre-construction survey must be conducted with the appropriate jurisdictions to determine existing road conditions. Those included are Applicant(s); Land Owner(s); CWECS Owner(s); Township Representative(s), Highway Superintendent and/or Zoning Administrator. The survey shall include photographs and a written agreement to document the conditions of the public roads and facilities. All expenses of the survey shall be the Applicant's responsibility.

- B. The CWECS owner shall be responsible for immediate repair of damage to public roads and drainage systems stemming from construction, operation, or maintenance of the CWECS
- C. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.

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Safety Measures

- A. Each CWECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
- B. The Planning Commission shall determine the height, color, and type of fencing, if needed, for the CWECS installation. CWECS shall include no sign or advertising of any kind, except for one sign not to exceed two (2) square feet posted at the base of the tower, electrical equipment, and entrances. The sign shall contain the following information:
 - 1. Warning – high voltage
 - 2. Manufacturer's name
 - 3. Operator's name
 - 4. Emergency phone number
 - 5. Emergency shutdown procedures
- C. Each CWECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electric Code.
- D. Any CWECS facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within fifteen (15) feet of the ground. Where the tower is capable of being climbed, a locked, protective fence at least six (6) feet high shall enclose the tower.
- E. The CWECS operator shall maintain a current insurance policy which will cover liability, installation, operation, and any possible damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility. The amount of said policy shall be established as a condition of approval. The CWECS shall be warranted against any system failures reasonably expected in severe weather operation conditions

Discontinuation and Decommissioning.

- A. CWECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City of Waverly Zoning Administrator outlining the steps and schedule for returning the CWECS to service. All CWECS and accessory facilities shall be removed four (4) feet below ground level within ninety (90) days of the discontinuation of use. This period may be extended by the Zoning Administrator following a written request by an agent of the owner of the CWECS.
- B. Each CWECS shall have a decommissioning plan outlining the anticipated means and costs of removing CWECS at the end of the serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a profession engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning.
- C. At the end of the aggregated project's useful life, the entire site shall be restored in accordance with the requirements of this condition within eighteen (18) months.

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Noise

No CWECS shall exceed 60 dBA at the nearest structure occupied by humans. In the event of periods of severe weather, as defined by the United States Weather Service, a CWECS may exceed 60 dBA

11.615 Supplemental Use Regulations: Temporary Uses(Amended by Ord. 11-07, 4/5/11)

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a "GC" General Commercial District or more intensive zoning district.
(Amended by Ord 13-11; 9-17-13)
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices and related storage units:(Amended by Ord. 08-10; 8-4-08)
 - a. Located on the construction site itself and shall be removed within two weeks of receipt of the certificate of occupancy.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
9. Construction Batch Plants in the LI District, provided that:
 - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
 - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.

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(c) Hours of operation do not exceed 12 hours per day.

(d) The duration of the plant's operation does not exceed 180 days.

10. Portable storage units for on-site storage: (*Established by Ord. 08-10; 8-4-08*)

a. Number, Duration and Removal:

- 1.) No more than one portable storage unit per site.
- 2.) Storage unit shall be no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high.
- 3.) No portable storage unit shall remain on site in a residential district in excess of thirty (30) consecutive days during a one-year period. The building official may permit placement of portable storage container on a residential property for more than thirty days, subject to building setback requirements, provided that the property owner has a valid building permit or can demonstrate that extenuating circumstances exist to justify the extension. Extenuating circumstances include, but not limited to a disaster such as a tornado, flood or fire.
- 4.) Under no circumstances should a portable storage container be defined or allowed to become an accessory structure or use on the site.

b. Placement:

- 1.) Portable storage units are to be placed only in driveway or back yard and be set back a minimum of ten (10) feet from the front property line or five (5) feet from the rear property line.

c. Signage:

- 1.) All portable storage containers must include a sign not to exceed two (2) square feet which is clearly visible from the right of way which includes the container identification number, date of placement on the property, date that removal is required, and a local or toll free number of the storage container company.

d. Allowed Use;

- 1.) The Zoning Administrator shall allow portable storage units only upon issuance of a permit. The Governing Body shall set the fee for such permit by resolution.

11. Roll-off unit: (*Established by Ord. 08-10; 8-4-08*)

- a. Used only in conjunction with construction, remodeling, or demolition of structure, or for large scale clean up of a site.
- b. Its use shall be temporary and used expressly for the collection of construction debris and at no time shall sanitary waste be disposed of in unit.
- c. Placement of roll-off unit shall be on property site or driveway. Roll-off units shall not be placed in streets.
- d. Allowed in conjunction with construction activities requiring a building permit or upon issuance of a temporary permit by the Zoning Administrator for uses not requiring a building permit such as a minor remodeling project.

12. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.

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2. The Zoning Administrator may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.
- d. Permit Application and Issuance
1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
 2. The Zoning Administrator may authorize a temporary use only if he/she determines that:
 - (a) The use will not impair the normal operation of a present or future permanent use on the site.
 - (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
 3. The duration of the permit shall be explicitly stated on the permit and shall not exceed a time period of one (1) year. *(Amended by Ord 13-11; 9-17-13)*
 4. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.