

ORDINANCE NO. 489

AN ORDINANCE OF THE CITY OF TERRYTOWN, NEBRASKA AMENDING PORTIONS OF CHAPTER 10, SECTION 104 OF THE TERRYTOWN MUNICIPAL CODE IN DEALING WITH ZONING AND MISCELLANEOUS REGULATIONS BY INCLUDING ADDING REGULATIONS CONCERNING SHIPPING CONTAINERS, AND RESTRICTING THE USE OF SHIPPING CONTAINERS AND ACCESSORY BUILDINGS GENERALLY, REPEALING PRIOR PORTIONS OF CHAPTER 10, SECTION 104. ADDING IN CHAPTER 10, SECTION 107 DEALING WITH AIRPORT ZONING AND ENFORCEMENT, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TERRYTOWN, NEBRASKA:

Section 1. Chapter 10, Section 104.02 of the Terrytown Municipal Code is amended by repealing and replacing the existing language in subsections (1), (2), and (49) and adding subsection (97) to Definitions as follows:

“4.02 Definitions: For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

1. Accessory Building. A subordinate building which serves a function customarily incidental to that of the Principal Building. Customary accessory buildings include but are not limited to garages, carports, and small storage sheds. No accessory building shall be built upon a lot in any zone until construction of the principal building has begun.

2. Accessory Use. A subordinate use which serves a function customarily incidental to that of the Principal Building. Customary accessory buildings include but are not limited to garages, carports, and small storage sheds.

3. Alley. A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, and has a right-of-way which is 20 feet or less in width.

4. Alteration. Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.

5. Animal hospital or Clinic. An establishment where animals are admitted principally for examination, treatment, board of care by a Doctor of Veterinary Medicine. (This does not include open kennels or runs.)

6. Automobile Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, of this type of like nature and no other:

1. Sale and servicing of spark plugs, batteries, and distributors and distributor parts.
2. Tire servicing and repair, but not recapping or regrooving;

3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing, and sale of automotive washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
12. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for automobile service station customers;
13. Provisions of road maps and other information material to customers; provision of rest room facilities.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair garage nor a body shop.

7. Automobile Wrecking Yard. Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment as a result of dismantling or wrecking.

8. Basement. That portion of a building having more than one-half of its height below finished grade. This portion shall not be a completed structure, but shall serve as a substructure of foundation of the remainder of the building.

9. Bed and Breakfast. Any place of lodging that provides rented rooms to six (6) or fewer people for a period not to exceed seven (7) days per renter at a time, that is the personal residence of the owner, that is occupied by the owner at the time of rental, and in which the only meal served to renters is breakfast.

10. Block. Is an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or a lake, and which has been designated as such on a plat for description purposes.

11. Board of Adjustment. That Board which serves to hear and determine appeals and variances to the zoning regulations.

12. Boarding or Lodging House. A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding 20 persons. Individual cooking facilities are not provided.

13. Building Area. The portion of a lot remaining after required yards have been provided.

14. Building. Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property. It is a structure which is entirely separated from any other structure by

space or by walls in which there are no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which conducted the principal use of the lot on which it is situated. In any Residential District, any dwelling shall be deemed to be the principal building on the lot which the same is situated.

15. Building, Height. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top floor in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gabled, hip or gambrel roof.

16. Campground. 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 purpose, which includes any buildings structures, vehicles or enclosure used or intended for use or intended wholly or in part for the accommodation of transient campers.

17. Camping Unit. Any vehicle, tent, trailer, or other movable shelter used for camping purposes.

18. Cat: Any feline species over six (6) months of age

19. Clinic. (See Medical, dental, or Health Clinic).

20. Collector Street. (See Street Network, Collector).

21. Common Open Space. An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

22. Common Sewer System. A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluents in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Control for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

23. Common Water System. A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.

24. Comprehensive Plan. Is the plan or series of plans for the future development of the City recommended by the Planning Commission and adopted by the City Council.

25. Conditional Use Permit. A Conditional Use Permit is a written permit issued by the Zoning Administration with the written authorization of the Board of Adjustment. This Conditional Use Permit provides permission under specific conditions to make certain conditional uses of land in certain zoning districts as stipulated under exceptions in each of the district zoning regulations.

26. Condominium. A single dwelling unit under individual ownership within a two-family or multiple dwelling unit structure.

27. Cul-De-Sac. Is a street having one end open to traffic and being terminated by a vehicular turnaround.

28. Day Care Center. A building or place where care, supervision, custody or control is

provided for more than eight (8) unrelated children or adults for any part of a 24-hour day.

29. Day Care Home. A residence or building in which care, supervision, custody or control is provided for eight (8) or less unrelated children or adults for any part of a 24-hour day. Babysitting service for eight (8) or less infants shall be considered a day care home.

30. District. A section or sections of the area within the zoning jurisdiction of the City for which uniform regulations governing the use, height, area, size, density, and intensity of the use of buildings, land, and open spaces are established.

31. Dog. Any canine species over six (6) months of age.

32. Domestic Animal. Any Dog or Cat over six (6) months of age

33. Drive-In or Drive-Thru Restaurant or Refreshment Stand. Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises. These restaurants may be served by a drive through lane(s), a drive up service window(s), or both.

34. Dwelling. Any building or portion thereof, not including mobile, cabin manufactured homes but including modular homes, which is designed and used exclusively for residential purposes.

35. Dwelling, Single Family. A dwelling having accommodations for and occupied exclusively by one family.

36. Dwelling, Single-Family Attached or Town House. A portion of a dwelling having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each dwelling may be sold independently of the other portions.

37. Dwelling, Two-Family. A dwelling on a single lot of record having accommodations for and occupied exclusively by two families, independently.

38. Dwelling, Multi-Family. A dwelling having accommodations for and occupied exclusively by more than two families, independently.

39. Dwelling for the Elderly and/or Handicapped. A two-family or multiple-family dwelling or multiple-family dwelling having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel. Elderly residents are those people who are at least sixty-two (62) years of age. Handicapped persons are those people having an impairment which is expected to be of long, continuous and indefinite duration and is a substantial limitation to their ability to live independently.

40. Dwelling Unit. One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

41. Earth Sheltered Residence. A residence designed as a complete structure below or partially below ground level, which was not intended to serve as a substructure or foundation for a building.

42. Easement. Is a grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specified purpose or purposes.

43. Efficiency Unit. A dwelling unit having only one room exclusive of bathroom, water, closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. An efficiency unit shall be permitted only in a multi-family dwelling.

44. Exception. An exception is a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. These uses may be permitted in the zoning districts as exceptions, if specific provisions for these exceptions are made within this Ordinance. (See Conditional Use Permits, Section 19).

45. Family. One person or more than one person related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel, or motel.

46. Floodway-Commission. A floodway whose limits have been designated and established by order of the Nebraska Natural Resources Commission.

47. Floodway-Selected. A floodway within the limits of a Commission Floodway is recognized by the Nebraska Natural Resources Commission as being subjected to a high degree of flood hazard.

48. Floor Area. Shall mean the gross area of the building measured from the external faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following area:

1. The basement floor area.
2. The area of each floor of the structure.
3. The attic space having headroom of seven (7) feet or more.

49. Garage, Private. A detached accessory building of a portion of the Principal Building, used for the storage of not more than three motor driven vehicles per family occupying the residence.

50. Gasoline Service Station. (See Automobile Service Station).

51. Group Home. A facility licensed by the State of Nebraska in which at least four but not more than eight persons not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purposes of adaptation to living with, or rehabilitation from cerebral palsy, autism, or mental retardation.

52. Home Occupation. A business, profession, service or trade conducted for gain or support entirely within a residential building or its accessory structures. (See Section 12.06 for requirement).

53. Hotel or Motel. A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether the establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designations.

54. Inoperable Motor Vehicle. A motor vehicle that is wrecked, dismantled, or unable to move under its own power; is impounded by a governmental agency; or is not currently licensed.

55. Institution. A building occupied by a non-profit corporation or non-profit establishment for public use.

56. Kennel - Boarding. Any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.

57. Kennel - Breeding. Any place, area, building or structure where more than one dog is kept for purposes of breeding or raising for a fee.

58. Kennel. Any premises upon which is located more than four (4) Domestic Animals over the six (6) months of age.

59. Loading Space, Off Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to these vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking space in computation of required off-street parking space.

60. Loop Street. A street having both ends terminating on another single street.
61. Lot. For purposes of this Ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning and subdivision requirements, for use, coverage, and area, and to provide yards and other open spaces as are herein required. The lot shall have frontage on an improved public street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, or of portions of lots of record; a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
62. Lot, Corner. A lot abutting upon two or more streets at their intersection.
63. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.
64. Lot, Double Frontage. A lot having a frontage on two non-intersecting streets.
65. Lot, Front. The front lot line of a lot shall be that narrowest dimension abutting a street right-of-way. In the case of corner lots with more than two (2) frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:
- a. At least one front yard shall be provided having the full depth required generally in the district; and
 - b. No other front yard on the lot shall have less than half the full depth required generally.
66. Lot, Rear. The rear of a lot shall be that side opposite the front of the lot.
67. Lot, Zoning. A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. The parcel may be a tract or may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
68. Lot of Record. A lot which is a part of a subdivision the plat of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds of the description of which was recorded in the office of the Register of Deeds prior to the adoption of these regulations.
69. Major Recreation Equipment. Major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers and the like, and shall include the term Recreational Vehicle.
70. Manufactured Home. A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly as the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code. Three types of manufactured homes (Type I, Type II, Type III) are defined based upon exterior appearance standards.
71. Medical, Dental or Health Clinic. Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and in which no patients are lodged overnight, but which may include an apothecary.

72. Mini-Warehouse. A building or group of buildings that contains varying sizes of individual, compartmentalized and controlled-access cubicles, stalls, bays or lockers for the dead storage of a customer's goods or wares.

73. Mobile Home. A transportable structure larger than three hundred and twenty (320) square feet in floor area, designed to be used as a year-round residential dwelling, and built prior to the enactment of the federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 15, 1976.

74. Modular Home. Any prefabricated structure of conventional construction used for dwelling purposes moved on to a site in essentially complete constructed condition, in one or more parts and when completed, is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. Modular Homes shall be considered single-family dwellings for the purposes of this Ordinance. This does not include double-wide mobile homes.

75. Mobile Home Park. Any area of land upon which one (1) or more mobile homes are parked, connected to utilities and used by one (1) or more persons for living or sleeping purposes. A mobile home parked in this area can either be placed on a permanent foundation or supported only by its wheels, jacks, blocks, or skirting or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue for one (1) or more mobile homes, connected to utilities and used by one (1) or more persons for living or sleeping purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of the mobile home park; and shall include any buildings, structures, tents, vehicles, or enclosures used or intended for use or intended wholly or in part for the accommodation of automobile transients.

76. Nonconforming Structure. A structure which does not comply with the lot size requirement or bulk regulations applicable to new structures in the zoning district in which it is located.

77. Nonconforming Use. An existing use of a structure or land which does not conform.

78. Nursing Homes or Convalescent Homes. An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

79. Off-Street Parking. An area that is laid out for the purpose of parking motor vehicle of residents, customers, employees, or visitors and is not located on public right-of-way. Off-street parking shall be considered as an accessory use to the principal use for which the parking is provided and shall be provided. Off-street parking spaces shall not open directly on a public street but shall open directly on a driveway or aisle that is adequate to provide a safe means of access.

80. Parking Space. An all-weather surfaced area for the purpose of storing one parked automobile. For the purpose of this regulation, one parking space shall have a minimum width of 8 feet 6 inches and a minimum length of 19 feet. In computing off-street parking, additional area shall be required for access drives to each parking space.

81. Pedestrian Ways. Is a tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.

82. Permanent Wall Foundation. An exterior wall, constructed of concrete, concrete block, brick, stone or other equivalent masonry material, designed to resist frost action and to safely support a building. The wall shall be continuous around the perimeter of the building, but may have openings as are needed for doors, windows, and ventilators. Except when located upon solid rock,

the foundation wall shall extend twelve (12) inches below the frost line. The wall shall be a minimum of eight (8) inches thick or not less than the thickness of the wall being supported, whichever is the greater. The wall shall be set on a footing which shall be a minimum of sixteen (16) inches in width and seven (7) inches in depth for an eight (8) inch or wider wall. The foundation wall shall extend at least six (6) inches above the finished grade. Local soil conditions may dictate the need for a higher standard in order to adequately support the building and it is the responsibility of the owner to meet that higher standard if necessary.

83. Planning Commission. The Terrytown Planning Commission.

84. Planned Development. Special development of certain tracts of land, planned and designed as a unit for one of more land uses under the regulations and procedures contained in this Ordinance and as approved by the City Council.

85. Private Club. A non-profit association of persons who are bona-fide members paying annual dues, which owns, hires or leases a building or premises, or portion thereof, the use of the building or premises being restricted to members and their guests. The affairs and management of private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on the premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objectives by the organization, and further provided that the sale of alcoholic beverages is in compliance with the applicable federal, state, county, and municipal laws.

86. Professional Office. Any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.

87. Public Utility. Any business which furnishes to the general public:

1. Telephone service,
2. Telegraph service,
3. Electricity,
4. Natural gas,
5. Water and sewer,
6. Any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.

88. Recreational Vehicle. A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted or drawn by another vehicle, and which has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet.

89. Recreational Vehicle Park. (See Campground).

90. Right-of-way. An area dedicated to the public use which provides vehicular and pedestrian access to adjacent properties.

91. Salvage or Junk Yard. A building or premise where junk, waste, inoperable motor vehicles or discarded and salvaged materials are bought, sold, bartered, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling which shall include auto wrecking yards, but shall not include retail secondhand furniture stores.

92. Service Station. (See Automobile Service Station).
93. Sign. Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, devise, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business, but shall not include any display of governmental notice or official flag.
94. Signs, On-Site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
95. Signs, Off-Site. A sign other than an on-site sign.
96. Sight Triangle. An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 50 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 50-foot distance shall be increased to 100 feet for each arterial leg of the intersection.
97. Shipping Container: Any container, which may otherwise be known as a container, freight container, ISO container, shipping container, high-cub container, box, C container, or container van, designed to store and move materials and products across various modes of the Intermodal Freight Transportation System.
98. Street. The traveled surface of a right-of-way.
99. 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.
100. Street, Marginal. A minor street which is parallel to and adjacent to an arterial street and which serves to reduce the number of access points to the arterial street and thereby increase traffic safety.
101. Street, Network.
1. Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
 2. Arterial: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.
 3. Collector: A street which provides for traffic movement between arterial and local streets, with direct access to abutting property.
 4. Local: A street which provides direct access to abutting land, and local traffic movement whether in business, industrial, or residential land.
102. Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.
103. Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:

106. Traveled Way. The portion of a roadway of a street or highway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

107. Variance. A variance is a relaxation of the terms of this Zoning Ordinance where the relaxation 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 this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or used in adjoining zoning district or because of conditions created by the landowner.

108. City Council. The City Council of Terrytown, Nebraska.

109. Yard. A space on a lot that is open, unoccupied and unobstructed by buildings or structures from the ground upward.

110. Yard, Front. A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building setback line.

111. Yard, Rear. A yard extending across the full width of the lot, the depth of which is the least distance between a rear lot line and the rear setback line.

112. Yard, Side. A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.

113. Zone or Zoning District. (See District).

114. Zoning Administrator. The person or persons authorized and empowered by the City Council to administer the requirements of these zoning regulations.

115. Zoning Area. The area that is zoned as set out on the Official Zoning Map which is made a part of this ordinance by reference.

116. Zoning Regulations. The term zoning regulations shall mean the requirements stipulated in this ordinance and any amendments to it.”

Section 2. Chapter 10, Section 104.03 of the Terrytown Municipal Code is hereby added to the Zoning Code:

“Section 4.03. Rules Applicable to All Zones.

4.03 Rules Applicable to All Zones: For the purpose of this Zoning Ordinance, the following shall apply to all Zoning Districts

1. Accessory Buildings:

a. **Placement.** No accessory building shall be built upon any lot until construction of the principal building has begun. An accessory building shall be located to the rear of the principal building, and; may not project beyond the rear of the principal building, provided, in the R-1 zoning districts, this requirement may be waived if the setback requirements are met. No accessory buildings shall be placed over easements or rights-of-way.

b. **Distance from other Buildings.** Unless attached to the Principal Building, an accessory building shall be located at least ten (10) feet from

2. Shipping Containers:

- a. **Placement.** A shipping container may not be placed within the Site Triangle, easements, public rights-of-way, and setbacks, except: a shipping container may be placed temporarily in the front yard setback if the shipping container is being used for moving or relocating purposes;
- b. **Size.** A shipping container shall not exceed eight (8) feet in width, nine (9) feet in height, or forty (40) feet in length.
- c. **Non-permanent uses permitted:** Shipping containers may be permitted in all zoning districts of the City for the non-permanent purposes provided below;
 - (1) A shipping container may be permitted for a maximum of 30 days for moving or relocating purposes; provided a valid permit is issued by the Development Services Department; or
 - (2) A shipping container may be permitted for the duration of the building permit if it is incidental to the permitted construction activities on the same lot. The shipping container shall be removed at the completion of the construction project or expiration of the building permit.
 - (3)

Section 3. Chapter 10, Section 109.07 of the Terrytown Municipal Code is hereby amended to the Zoning Code to add references to shipping containers in Commercial "C" Districts:

"Section 9.07 Use Limitations.

Except as set forth herein, no outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

1. Except as set forth herein, no outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
 - (A) Shipping containers may be placed permanently for onsite storage of material incidental to the permitted or accessory use of the lot in C zoning districts, provided;
 - a. A building permit for its use is issued by the Development Services Department;
 - b. The shipping container(s) are located in areas not generally utilized by customers of the business or is located where shipping and receiving are conducted on the lot;
 - c. The shipping container(s) are maintained and kept in good repair with no holes or rust;
 - d. The shipping container(s) shall be adequately secured to prevent entry by unauthorized persons;
 - e. The shipping container(s) is painted so no signage or language is visible;
 - f. The shipping container(s) shall be placed on a level surface with a base of rock or concrete/pavement;

the adjacent Residential District and the commercial development are separated by a street right-of-way. The fence or wall shall be maintained in good condition by the owner or owners of the property in a "C" District.

Section 4. Provisions of the City's prior zoning ordinance were inadvertently omitted when the Zoning Ordinance was Codified as Chapter 10 of the Terrytown Municipal Code. In order to rectify, Chapter 10, Section 107 of the Terrytown Municipal Code is hereby added to the Zoning Code:

“SECTION 10-107. AIRPORT ZONING AND ENFORCEMENT

A. The location of various airport encroachment areas is within the zoning authority of the city. In order to properly enforce the Airport Zoning Regulations and protect air traffic at Western Nebraska Regional Airport, the City Council granted to the City of Scottsbluff Development Services Department authority to act as administrative agency and enforcement agency as it pertains to the enforcement of the airport zoning regulations only.

B. It shall be the duty of the City of Scottsbluff Development Services Department to enforce this ordinance; and said department is hereby appointed the administrative agency provided for in Neb. Rev. Stat. §3-319. The administrative agency shall have all the powers and perform all duties as provided by the Airport Zoning Act.


C. Applications for permits shall be made to the City of Scottsbluff Development Services Department upon a form furnished by it. Any application shall be promptly considered and granted or denied. Applications for action by the zoning Board of Adjustment shall be transmitted in accordance with the applicable provisions of the Airport Zoning Regulations, appropriate city ordinances and state law.
(Neb. Rev. Stat. §3-319) (Ord. No. 393, 1/7/10)”

Section 5. All other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 6. This Ordinance shall become effective upon its passage and approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on December 12, 2024.

Attest:


City Clerk (Seal)




Mayor