
ARTICLE 1: GENERAL PROVISIONS

SECTION 101 TITLE

This Ordinance shall be known, referred to, and cited as the “Zoning Ordinance of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska”.

SECTION 102 JURISDICTION

The provisions of this Ordinance shall apply within the corporate limits of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska and the territory beyond said corporate limits which is within one (1) mile of said corporate limits, as delineated on the Official Zoning Map of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska, as the same may be amended by official action upon subsequent annexations.

SECTION 103 PURPOSE

This Zoning Ordinance is adopted to preserve, protect and promote the public health, safety, morals, convenience, and general welfare of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska. More specifically, this Zoning Ordinance is adopted in order to achieve the following objectives:

1. To provide a plan for the physical development of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska in such a manner as to achieve, progressively, the general arrangement of land uses depicted in the Comprehensive Plan of the Village.
2. To foster a harmonious, convenient, workable relationship among land uses and a wholesome, serviceable, and attractive living environment.
3. To promote the stability of existing land uses which conform with the development objectives of the Village’s Comprehensive Plan and to protect such existing land uses from inharmonious influences and development of incompatible land uses.
4. To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the Village as a community of citizens.
5. To promote beneficial redevelopment of those areas which exhibit conflicting patterns of use.
6. To prevent excessive population densities and overcrowding of the land with structures.
7. To promote a safe, efficient, and effective traffic circulation system.
8. To protect and promote appropriately located agricultural, commercial and industrial pursuits in order to preserve and strengthen the economic base of the Village.
9. To protect and enhance real property values.
10. To facilitate the appropriate location of public facilities and institutions.
11. To conserve the natural and historic assets of the Village and to capitalize on the economic and quality of life opportunities offered by its terrain, soils, vegetation and waterways.

ARTICLE 2: APPLICATION OF REGULATIONS

SECTION 201 GENERAL APPLICATION

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

SECTION 202 ZONING AFFECTS EVERY BUILDING AND USE

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

SECTION 203 GENERAL PERFORMANCE STANDARDS

No building or structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any manner contrary to the provisions of this Ordinance.

SECTION 204 OPEN SPACE, PARKING AND LOADING AREAS

Except where specifically authorized in this Ordinance, no part of any yard or other open space, off-street parking area or loading area required in connection with any building or use for the purpose of complying with the requirements of the Ordinance shall be included as part of any yard or other open space, off-street parking area or loading area similarly required for any other building or use.

SECTION 205 YARD AND LOT REDUCTION PROHIBITED

No yard or lot, existing at the time of adoption of this Ordinance, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet or exceed the minimum requirements established herein.

SECTION 206 COMBINATION OF LOTS OR PORTIONS OF LOTS

Any lot, portion of a lot, two or more contiguous lots, combination of contiguous lots or portions of contiguous lots under the same ownership, of record on the effective date of this Ordinance shall, under this Ordinance, be considered a single lot and shall not be separated or subdivided in any way unless all lots created or remaining from such separation or subdivision shall meet or exceed the minimum lot area, lot width, lot frontage and / or yard requirements of the zoning district in which such lot, portion or a lot, two or more contiguous lots, combination of contiguous lots or portions of contiguous lots is/are located.

SECTION 207 PROVISIONS ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the provisions of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or structures, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Similarly, where the provisions of any other ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or structures, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by this Ordinance, the provisions of such other ordinance shall govern.

ARTICLE 3: CONSTRUCTION AND DEFINITIONS

SECTION 301 CONSTRUCTION

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

301.01 TENSE:

Words used in the present tense include the future tense.

301.02 NUMBER:

Words used in the singular include the plural and words used in the plural include the singular.

301.03 SHALL AND MAY:

The word “shall” is mandatory. The word “may” is permissive.

301.04 GENDER:

The masculine shall include the feminine and the neuter.

301.05 HEADINGS:

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

SECTION 302 GENERAL TERMINOLOGY

The word “Village” shall mean the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska. The words “Village Board” shall mean the Village Board of Trustees of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska. The words “Planning Commission” shall mean the Joint Planning Commission of Thayer County and the Villages of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska duly appointed and the words “Board of Zoning Adjustment” shall mean the Village Board of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska Board of Zoning Adjustment, sitting as such Board of Zoning Adjustment.

SECTION 303 DEFINITIONS

Words or terms not herein defined shall have their ordinary meanings in relation to the context of this Ordinance. For purposes of this Ordinance, certain words and terms used herein are defined as follows:

303.01 ABUT: Any situation where a lot or parcel borders directly on another lot or parcel or is separated from another lot or parcel by a public right-of-way which is less than fifty (50) feet in width.

303.02 ACCESSORY USE OR BUILDING: A building or use located on the same premises as a principal building or use, which is subordinate to the principal building or use of the premises and is customarily incidental to such principal building or use of the premises.

303.03 AGRICULTURAL USE: The business and science of cultivating the soil, producing crops, forestry, orchards, vineyards, storage of crop products produced on the premises, and the breeding, feeding, pasturing of livestock, raising and management of poultry, fish, bees and other animals, the temporary confinement of fewer than one hundred (100) head of ruminant animals for birthing, weaning or backgrounding for less than one hundred eighty (180) days in any calendar year in lots or pens normally used for crop production or pasture, provided such use shall not include any confined animal feeding use, as defined in Section 303.31 of this Ordinance.

303.04 AGRONOMIC RATE: The application of plant nutrients, from all sources, to meet, but not exceed, the estimated annual nutrient needs of the crop being produced, based upon past or projected yields, so as to avoid build-up of nutrients including, but not limited to, nitrate, chloride, ammonia and phosphorus. Determination

of the agronomic rate shall include the available nutrients in the soil, the nitrogen content of any irrigation water, and the nutrient content of any animal wastes and commercial fertilizer to be applied.

- 303.05 ALLEY:** A dedicated public right-of-way other than a street, which provides secondary access to property abutting such right-of-way.
- 303.06 ANIMAL HOSPITAL OR VETERINARY CLINIC:** An establishment where animals are admitted principally for examination, treatment, and/or board or care by a Doctor of Veterinary Medicine, excluding outdoor kennels or runs as defined in Section 303.62 of this Ordinance.
- 303.07 ANIMAL WASTE:** Any animal excrement, animal carcass, feed waste, animal waste water, or other waste associated with the care and feeding of animals.
- 303.08 APARTMENT:** A part of a two-family (duplex) or multi-family dwelling consisting of a room or suite of rooms intended, designed, or used as a residence by an individual or individuals or single family.
- 303.09 AWNING:** A structural extension over the exterior of a door or window, which provides protection from sun and / or rain.
- 303.10 BASEMENT:** A space, wholly or partially underground, having more than one-half (1/2) its height, measured from its floor to its ceiling, below the average finished grade of the ground surrounding such space.
- 303.11 BED AND BREAKFAST USE:** A building, other than a hotel, motel or boarding or lodging house, where for compensation, temporary lodging and breakfast is provided by the occupant of such building to persons lodging in rooms at the premises where such rooms are not equipped with individual cooking facilities.
- 303.12 BOARDING HOUSE, LODGING HOUSE:** A building, other than a motel or hotel, where for compensation, lodging and meals are provided to persons residing in rooms at the premises where such rooms are not equipped with individual cooking facilities.
- 303.13 BLOCK:** An area of land that is entirely bounded by streets, by streets and the exterior boundaries of a subdivision, or by a combination of the above with a river, lake, or railroad line.
- 303.14 BUILDABLE AREA:** The portion of a lot remaining after required setbacks (yards) have been provided.
- 303.15 BUILDING:** A structure having a roof and intended for the enclosure, shelter or protection of people, animals or property.
- 303.16 BULK STORAGE:** The storage of materials for distribution to other locations and not for use or consumption of such materials on the premises.
- 303.17 CAMPGROUND:** A premises where two (2) or more camping units are parked or placed for camping purposes, or a premises used or set apart for supply to the general public, camping space for two (2) or more camping units for camping purposes, including any buildings, structures, vehicles or enclosure used or intended wholly or partially for the accommodation of transient campers.
- 303.18 CAMPING UNIT:** A vehicle, tent, trailer, recreational vehicle or other movable shelter used for camping purposes.
- 303.19 CANOPY:** A roof projection over a door, entrance into a building, a drive through window or over business related uses including automatic teller machines, bank by car facilities, fuel pumps and the like which is supported only by attachment to the main building and by posts or columns and is without walls.
- 303.20 CARPORT:** An awning or roofed structure intended to provide shelter for a vehicle or vehicles, which may be free standing or partially supported by a building.

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- 303.21 CERTIFICATE OF ZONING COMPLIANCE:** A written certificate, issued by the Zoning Administrator, stating that the premises has been inspected after the erection, construction, reconstruction, alteration or moving of a building or structure, or after a change in use of the premises and that such building, structure, and use complies with the applicable provisions of this Ordinance.
- 303.22 CHILD CARE CENTER:** A facility used for the care of children from different families, which is or should be licensed by the Nebraska Department of Social Services as a day care center or home.
- 303.23 CLINIC, MEDICAL, DENTAL OR HEALTH:** A building designed for use by one or more persons lawfully engaged in the diagnoses, care and treatment of physical or mental ailments or diseases of human beings, including but not limited to doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, where no patients are lodged overnight.
- 303.24 CLUB:** An establishment operated for social, fraternal, recreational or educational purposes, which is open only to club members and not the general public.
- 303.25 COMMERCIAL USE:** A use, other than an agricultural use, where products are grown or purchased for sale or resale for profit or where services are sold or provided for profit.
- 303.26 COMMISSION:** The Joint Planning Commission of Thayer County and the Villages of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska.
- 303.27 COMPATIBLE USE:** A use of land suitable for direct association with abutting and/or surrounding uses of land because of consistency with the intent of the applicable zoning district, because the use exhibits similar or comparable characteristics as abutting and/or surrounding uses, and because a mutually harmonious relationship with respect to protecting the use, value and enjoyment of property will result.
- 303.28 COMPREHENSIVE PLAN:** The plan or series of plans for the future development of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska, recommended to the Village Board of Trustees by the Planning Commission and duly adopted by action of the Board of Trustees of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska.
- 303.29 CONDITIONAL USE:** A use of land that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, size, height, intensity, location or relationship to the surrounding property would promote the public health, safety, morals, convenience and general welfare.
- 303.30 CONDITIONAL USE PERMIT:** A written zoning permit, issued by the Zoning Administrator after action by the Planning Commission and Village Board, which provides permission, under specific conditions, to develop certain uses of land in certain zoning districts that are set forth as conditional uses in each zoning district contained in this Ordinance.
- 303.31 CONFINED LIVESTOCK FEEDING: CONFINED ANIMAL FEEDING USE:** The raising, feeding or management of more than one hundred (100) head of animals at any one time in buildings, structures, pens or lots used for confinement of such animals where such lots or pens are not normally used for crop production or pasture, provided a confined animal feeding use shall not include the confinement of fewer than one hundred (100) head of ruminant animals for birthing, weaning or backgrounding for less than one hundred eighty (180) days in any calendar year in lots or pens normally used for crop production or pasture.
- 303.32 CONVENIENCE STORE:** A retail store specializing in the sale of gasoline and the sale of articles such as food products, over-the-counter drugs, tobacco products, magazines, candy, beverages and similar convenience items which are purchased frequently for “near term” consumption and use. A retail store not selling both gasoline and convenience goods shall not be considered a convenience store.

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- 303.33 COURT:** An outdoor, unoccupied space open to the sky, enclosed on all sides by the exterior walls of a building or buildings.
- 303.34 CUL-DE-SAC STREET:** A street having one end open to traffic and being terminated on the opposite end by a vehicular turnaround.
- 303.35 DAY CARE CENTER / NURSERY SCHOOL:** An establishment, other than public, private non-religious or parochial school, which provides day care, play groups, nursery school or education for five (5) or more unrelated children.
- 303.36 DEAD STORAGE:** The storage of any partially dismantled, non-operating, wrecked, junked, discarded, unregistered or unlicensed vehicle or parts thereof on any premises outside of any entirely enclosed building.
- 303.37 DEVELOPED AREA:** An area of land, consisting of one or more parcels or lots, which fronts on one side of a street between two intersecting streets or in the absence of any intersecting street, a distance of one hundred fifty (150) feet on either or both sides of the sides of the lot on which development is proposed, whereon at least fifty one (51) percent of the parcels or lots are developed with buildings.
- 303.38 DISTRICT (ZONING):** A section or sections of this Ordinance which sets forth uniform regulation regarding use of land, minimum lot widths, frontages and areas, minimum yards, maximum building heights and similar regulations.
- 303.39 DUPLEX:** See Section 303.45 - DWELLING, TWO-FAMILY.
- 303.40 DWELLING:** A building or portion thereof, which is designed and used for residential living.
- 303.41 DWELLING, ASSISTED LIVING:** A dwelling, which is part of a multi-family dwelling (see Section 303.43) designed for occupancy by elderly or disabled persons, in which the elderly or disabled occupants are provided varying forms of home care and / or medical or nursing assistance.
- 303.42 DWELLING, ATTACHED:** A residential building which is joined to another residential building on one or more sides by a common wall.
- 303.43 DWELLING, MULTI-FAMILY:** A building, other than a hotel, motel, boarding or lodging house or bed and breakfast facility, used by five or more unrelated persons or families living independently of each other in separate dwelling units.
- 303.44 DWELLING, SINGLE-FAMILY:** A building, other than a manufactured or mobile home, having accommodations for and intended to be occupied exclusively by one family.
- 303.45 DWELLING, TWO-FAMILY:** A building, other than a manufactured home or mobile home, having independent accommodations for and intended to be occupied exclusively by two families.
- 303.46 DWELLING UNIT:** Multiple rooms connected together, which constitute a separate and independent residence for human occupancy and which contains cooking, sleeping and restroom facilities.
- 303.47 EASEMENT:** A grant for the use of a defined tract of land for a specific purpose or purposes by a property owner to the public, another person, corporation, or legal entity.
- 303.48 FAMILY:** An individual person or two (2) or more persons related by blood, marriage or adoption, living together in a dwelling unit.
- 303.49 FARM:** A crop production, livestock production or other similar enterprise containing twenty (20) acres or more of land from which one thousand dollars (\$1,000) or more of crop or meat products are produced each year.

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- 303.50 FLOOD HAZARD AREA:** Any land which is subject to a one (1) percent or greater chance of flooding in any given year.
- 303.51 FLOOR:** A level or story in a building.
- 303.52 FLOOR AREA:** The sum of the gross horizontal areas of the one or more floors in a building.
- 303.53 FLOOR AREA RATIO:** The total floor area of a building divided by the lot area on which the subject building or buildings is/are located.
- 303.54 FRONTAGE (LOT):** The length of the real property abutting one side of a street, measured along the right of-way line or other dividing line between the real property and the street.
- 303.55 GROUP HOME:** A facility, licensed or approved by the State of Nebraska or other appropriate agency, in which more than two (2) persons who are unrelated by blood, marriage or adoption reside while receiving therapy or counseling, but not nursing care, for any of the following purposes: 1) Adaptation to living with, or rehabilitation from disabilities; 2) Adaptation to living with, or rehabilitation from, emotional or mental disorders, or retardation; 3) Rehabilitation from the effects of drug or alcohol abuse; or 4) Supervision while under a program of alternatives to imprisonment, including, but not limited to pre-release, work release and probationary programs.
- 303.56 HEIGHT (BUILDING):** The vertical dimension measured from the average elevation of the finished grade at the front building line to the highest point of a building, excluding chimneys, antennae and similar appurtenances.
- 303.57 HEIGHT (STRUCTURE):** The vertical dimension measured from the average elevation of the finished grade at the base of the structure to the highest point of the structure.
- 303.58 HOME OCCUPATION / HOME BASED BUSINESS:** A business use conducted within a dwelling or building accessory to such dwelling, where such business use is conducted primarily by a person or persons residing in such dwelling, which is clearly incidental and secondary to the residential occupancy of the dwelling, which does not change the character thereof, and complies with the standards for home occupations set forth in Section 515 of this Ordinance.
- 303.59 INCOMPATIBLE USE:** A use of land unsuitable for direct association with abutting and/or surrounding uses of land because of inconsistency with the intent of the applicable zoning district, because the use exhibits characteristics which would negatively impact abutting and/or surrounding uses with respect to the use, value and enjoyment of such abutting and/or surrounding property.
- 303.60 INDUSTRIAL USE:** A use, other than an agricultural or commercial use, in which products or goods are manufactured from raw materials by hand or by machines
- 303.61 JUNK YARD:** See Section 303.93 SALVAGE YARD.
- 303.62 KENNEL:** Any premise in which more than four (4) dogs, cats, or other domesticated or wild animals, excluding domestic livestock, over six (6) months of age, are kept, bred, boarded, trained, groomed, sheltered or otherwise maintained on the premises.
- 303.63 LANDFILL:** A waste disposal site, employing an engineered method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting and applying cover material over all exposed waste, designed in accordance with the requirements of the Nebraska Department of Environmental Quality and licensed or permitted by said Department.
- 303.64 LANDSCAPE BUFFER:** A maintained land area in the front yard of a lot, developed in accordance with the landscape buffer depth requirements of each applicable zoning district set forth in this Ordinance, of which a minimum of fifty (50) percent shall be covered by any combination of living landscape material including trees,

shrubs, living ground cover, or other living materials other than turf grasses, at the time of planting. The remaining fifty (50) percent of the area shall be covered by turf grasses or other landscape materials, living or non-living.

303.65 LANDSCAPE SCREEN: Any fence, wall, hedge, shrubs or trees and other customary landscape materials or combination thereof, developed in accordance with the requirements of each applicable zoning district set forth in this Ordinance, which effectively provide a solid, dense and opaque mass which prohibits view from abutting property, absorbs sound and provides site delineation at all times throughout the year. Customary landscape materials shall not include vehicle bodies, truck trailers or other similar items.

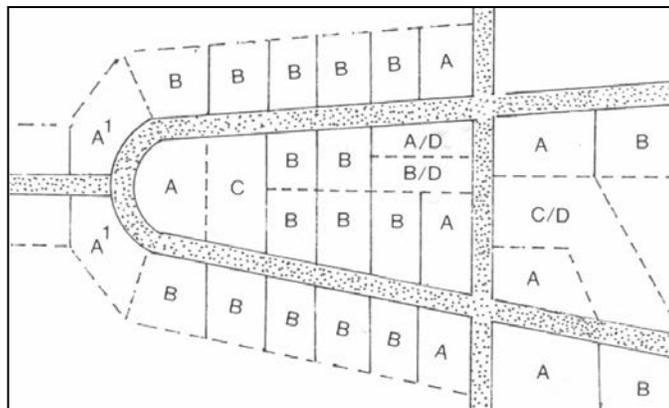
303.66 LOADING AREA: A space on a premises, which is logically and conveniently located for delivery or pick-up of raw materials, supplies or products and which is scaled to the delivery vehicles expected to be used and accessible to such vehicles when required off-street parking areas are filled with vehicles.

303.67 LOT (ZONING): A piece, parcel or plot of land under single ownership or control, not divided by any public street or public alley, having frontage on a public street or officially approved private street, which is occupied or intended to be occupied by one principal building and its accessory buildings or structures. A lot may consist of a single lot of record, a portion of a lot of record, a combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record, or a parcel described by metes and bounds. *(Refer to Section 206 of this Ordinance.)*

303.68 LOT AREA: The horizontal area of a lot exclusive of any portion of a street or alley right-of-way.

303.69 LOT, CORNER: A lot located at the intersection of two (2) or more streets, indicated as “A” in the diagram below, or a lot abutting a curved street or streets where straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees, indicated as “A1” in the diagram below.

*Lot
Diagram*



303.70 LOT COVERAGE: The total area of the lot, usually expressed as a percentage of the lot area, that is covered, occupied or enclosed by principal and accessory buildings, structures, porches, patios, decks, swimming pools, parking areas, loading areas, driveways or other constructed feature.

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

303.72 LOT, INTERIOR: A lot, other than a corner lot with only one (1) frontage on a street, indicated as “B” in the above diagram.

303.73 LOT OF RECORD: A lot which is part of a subdivision plat or lot, plot or parcel described by metes and bounds which was recorded in the office of the Registrar of Deeds of Thayer County, Nebraska as of the effective date of enactment of this Ordinance.

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- 303.74 LOT, REVERSED FRONTAGE:** A lot on which frontage is at right angles or approximately right angles (interior angles less than one hundred thirty five (135) degrees) to the general lot pattern in the area, indicated as “D” in the above diagram. A reversed frontage lot may be a corner lot, indicated as “AD” in the above diagram, an interior lot, indicated as BD in the above diagram, or a through lot, indicated as CD in the above diagram.
- 303.75 LOT, THROUGH:** A lot, other than a corner lot with frontage on more than one (1) street, indicated as “C” in the above diagram.
- 303.76 LOT WIDTH:** The distance between straight lines connecting the front and rear lot corners at each side of the lot, measured at the required front yard depth (setback line).
- 303.77 MANUFACTURED HOME:** A factory-built structure, which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et. Seq. promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes 1943 which bears the seal of the Nebraska Department of Health or successor thereto and which complies with the following minimum standards:
1. a minimum floor area of nine hundred (900) square feet,
 2. a minimum exterior width of eighteen (18) feet,
 3. a minimum roof pitch of two and one-half (2 ½) inches of rise per each twelve (12) inches of horizontal run,
 4. exterior material shall be of a color, material, and scale comparable with existing residential site built, single-family construction,
 5. a non-reflective roof of material which is or simulates asphalt or wood shingles, tile or rock,
 6. all wheels, axles, transporting lights and removable towing apparatus have been removed
 7. is placed on and permanently attached to a foundation of the same construction as required for site-built homes,
 8. is permanently connected to public utilities in the same manner required for site-built homes.
- 303.78 MOBILE HOME:** A detached, single or two-family dwelling, which was originally designed for long-term human habitation, which was constructed and fabricated into a complete unit at a factory, which is capable of being transported to a location for use on its own chassis and wheels, which is identified by model number and serial number by its manufacturer, and which is designed primarily for placement on a non-permanent foundation, but which does not comply with the definition of Section 303.77, MANUFACTURED HOME.
- 303.79 MOBILE HOME PARK / COURT:** Any parcel or contiguous parcels of land designated, maintained, used or intended to be used for the placement of two (2) or more mobile homes where such homes are connected to public and/or semi-public utilities and used for living or sleeping purposes, whether or not a charge is made for location of such homes on such parcel or contiguous parcels of land.
- 303.80 MOBILE HOME SUBDIVISION:** An area of land which has been subdivided for the sale of two (2) or more lots for the purpose of placing a mobile home on such lots with such mobile homes to be used for living or sleeping purposes.
- 303.81 MODULAR HOME:** A manufactured housing unit, as defined in Section 71-1557 of the Nebraska Revised Statutes 1943, which bears the seal of the Nebraska Department of Health or its successor agency.
- 303.82 NON-CONFORMING LOT OF RECORD:** A lawfully existing lot in existence, as evidenced by recordation of such lot in the Butler County Registrar of Deeds office as of the effective date of this Ordinance, which does not comply with the minimum lot area, width and other lot standards established in the various zoning districts created by this Ordinance.

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- 303.83 NON-CONFORMING STRUCTURE:** A building or other structure, legally existing on the date of enactment of this Ordinance or amendment thereto, which does not comply with the minimum lot area, lot coverage, height, yard, or other applicable regulation of this Ordinance other than use of such building or structure.
- 303.84 NON-CONFORMING USE:** Any use of a building, structure, or land, legally existing on the date of enactment of this Ordinance or amendment thereto, which does not conform to the regulations of the zoning district in which it is located.
- 303.85 NURSING / CONVELSCENT HOME:** A group housing structured, licensed by the State for the reception, board, care or treatment of three (3) or more unrelated individuals, excluding a group home as defined in Section 303.55 of this Ordinance.
- 303.86 PARKING SPACE, OFF-STREET:** An area, open or closed, which is sufficient in size to permit the parking of one (1) vehicle, together with a driveway connecting said parking space to a street or road to permit ingress and egress by said vehicle.
- 303.87 PERMANENT FOUNDATION:** The substructure of a structure to which the structure is permanently attached which provides a permanent support for said structure around its entire perimeter and at points within its perimeter where needed.
- 303.88 PREMISES:** The land area containing a land use, which is contiguous with and under the same ownership as the land use.
- 303.89 PRINCIPAL BUILDING:** A building in which the primary use of the lot, tract or parcel of land is situated.
- 303.90 PRIVATE STREET:** A privately owned, open and unoccupied space other than a public street or alley which is reserved as the principal means of vehicular access to lots or parcels abutting such space and which is developed, improved and approved in accordance with the requirements for such spaces established by the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska.
- 303.91 RECREATIONAL VEHICLE:** A temporary dwelling for travel, recreation and vacation use including travel trailers, camping trailers, pickup campers, motor coaches, camp cars, tent trailers, boats or any other vehicular portable structure. A recreational vehicle shall not be considered to be a dwelling unit.
- 303.92 RESIDENTIAL USE:** A land use wherein one or more persons resides in a building containing one room or combination of rooms which are used for living, cooking, sleeping purposes.
- 303.93 SALVAGE YARD:** Any lot, parcel or tract of land or portion thereof used for the purpose of dismantling of machinery, equipment or vehicles or for the storage or keeping for sale of parts and equipment resulting from such dismantling, wrecking or other method of salvaging of such items, or for the storage or keeping of scrap metals and other scrap or waste materials, provided that the storage of machinery, equipment or vehicles in entirely enclosed buildings shall not be considered a salvage yard.
- 303.94 SETBACK LINE:** A line defined by connecting two (2) points, each measured from the front, side or rear lot line which establishes the interior boundary of the front, side or rear yard on a lot. For purposes of this Ordinance, a front setback line shall be determined by measuring from the existing right-of-way line of the abutting street or the proposed right-of-way width established for the classification of the abutting street as set forth in the Village's Major Street Plan of current adoption, whichever is greater.
- 303.95 SIGN:** As defined in Section 521 of this Ordinance.
- 303.96 SIGN, BILLBOARD:** As defined in Section 521 of this Ordinance.
- 303.97 SIGN, BUSINESS:** As defined in Section 521 of this Ordinance.

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- 303.98 SIGN FACING:** As defined in Section 521 of this Ordinance.
- 303.99 SIGN, FREE-STANDING:** As defined in Section 521 of this Ordinance.
- 303.100 SIGN, INCIDENTAL:** As defined in Section 521 of this Ordinance.
- 303.101 SIGN, MONUMENTAL:** As defined in Section 521 of this Ordinance.
- 303.102 SIGN, PROJECTING:** As defined in Section 521 of this Ordinance.
- 303.103 SIGN STRUCTURE:** As defined in Section 521 of this Ordinance.
- 303.104 SIGN SURFACE:** As defined in Section 521 of this Ordinance.
- 303.105 SOLID MANURE:** Waste produced by living cattle, dairy cattle, sheep and other ruminants and horses which contains not less than twelve percent (12%) solids by weight and waste produced by living swine, poultry or other non-ruminant animals which contains not less than twenty five percent (25%) solids by weight.
- 303.106 SOLID WASTE:** Any garbage, refuse, discarded material including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, residential or other use, but excluding any animal waste, animal waste water or any waste from a waste handling facility, as defined in Section 303.119 of this Ordinance.
- 303.107 STORAGE, PERMANENT:** The presence of any regulated item not stored in an entirely enclosed building for a period of ten (10) or more consecutive days. A mobile home, as defined herein, shall not be considered an enclosed building for storage.
- 303.108 STREET:** A public way set aside for public travel, which affords the principal means of vehicular access to abutting property. A street shall include a road, highway, thoroughfare, and avenue.
- 303.109 STREET CENTERLINE:** A line extending down the center of a street right-of-way.
- 303.110 STREET LINE:** A right-of-way line of a street or the dividing line between a lot, tract, or parcel of land and the private street abutting such lot, tract, or parcel of land.
- 303.111 STRUCTURAL ALTERATION:** Any change to the supporting members of a building or structure including foundations, bearing walls, columns, beams or girders.
- 303.112 STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.
- 303.113 STRUCTURE, TEMPORARY:** A non-permanent structure designed or used for a limited period of time or any structure utilizing canvas, plastic or other types of covering for a roof or walls.
- 303.114 TOWNHOUSE:** One of a group or row of not less than three (3) nor more than twelve (12) attached, single family dwelling units designed and constructed as a single structure facing upon a street in which the individual dwelling units may or may not be owned separately.
- 303.115 USE:** The purpose or activity for which the land and/or buildings and structures thereon is designed, arranged, or intended, or for which it is occupied or maintained, including any manner of standards of this Ordinance.
- 303.116 VARIANCE:** A relaxation of the requirements of this Ordinance where such relaxation of the requirements of this Ordinance will not be contrary to the public interest and where, owing to conditions peculiar to the real property and not the result of the actions or desires of the owner of such real property, a literal enforcement of the requirements of the Ordinance would result in unnecessary and undue hardship. Relaxation of the

requirements of the Ordinance shall apply only to height, area and size of a building or structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited by this Ordinance shall not be allowed by relaxation of the requirements of the Ordinance, nor shall any relaxation of the requirements of this Ordinance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district or because of conditions created by the owner of said real property.

303.117 VEHICLE: Any device with a chassis and wheels or originally constructed with chassis and wheels, or runners, designed for the conveyance of persons or objects.

303.118 WALL: A vertical structure which encloses, divides, supports or protects.

303.119 WASTE HANDLING FACILITY: Any facility including:

- A. any and all structures, combination of structures, under-floor pits, holding ponds, waste or manure catch basins, lots or pens where animal waste is accumulated, diversion terraces, liquid manure storage pits, lagoons, manure or other waste composting sites or other facility used to hold, store, process, digest, control or otherwise dispose of dead animals, animal waste, animal waste water or other waste materials, other than solid waste as defined in Section 303.106 of this Ordinance, generated by any industrial use, any municipal waste treatment facility or other use, including animal waste and animal waste water generated by any confined animal feeding use, as defined in Section 303.31 of this Ordinance, whether on the same or different premises as the use generating said waste; and
- B. any above ground pipelines for transporting of wastes other than solid wastes, as defined in Section 303.106 of this Ordinance, any irrigation or other device, equipment, or mechanism used to transport and/or land apply or otherwise dispose of such wastes, whether on the same or different premises than the industrial use, municipal waste treatment facility or other use, including animal waste and animal waste water generated by any confined animal feeding use, as defined in Section 303.31 of this Ordinance; and
- C. any land on which animal waste, animal waste water or other waste, excluding solid waste as defined in Section 303.106 of this Ordinance, generated by any industrial use, municipal waste treatment facility or other use, including animal waste and animal waste water generated by any confined animal feeding use, as defined in Section 303.31 and of this Ordinance, is applied; and
- D. any facilities, apparatus, or mechanism used to ventilate, exhaust, process, or treat gases, odor, dust, smoke or other waste product emanating from any building or structure associated with any, industrial use, municipal waste treatment facility or other use, including any confined animal feeding use, as defined in Section 303.31 of this Ordinance.

303.120 YARD (SETBACK): An open space on the same lot with a building, buildings, structure or structures, lying between the front, side or rear wall of such building, buildings, or such structure or structures and the nearest lot line, unoccupied except for specific minor structures permitted to be located in this open space by this Ordinance.

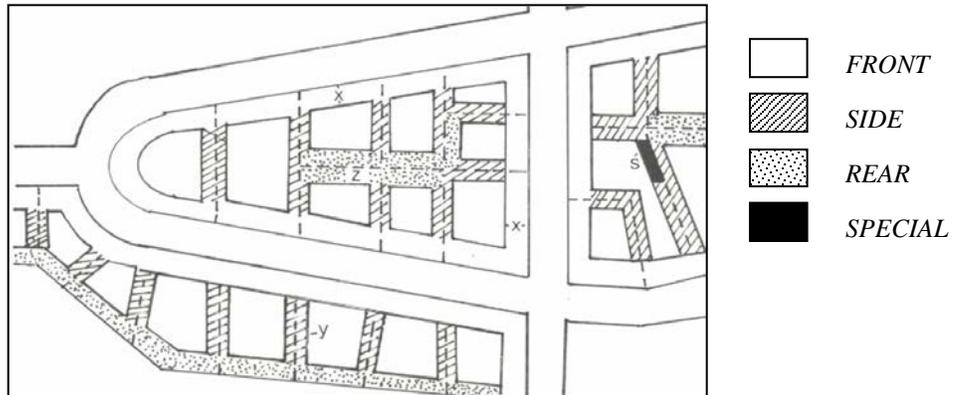
303.121 YARD, FRONT (SETBACK): A yard extending across the entire width of the lot between the front lot line and the nearest point of the primary building. For purposes of determining yard requirements for corner and through lots, all sides of a lot abutting a street shall be considered a front yard and shall comply with the requirements thereof. (Refer to "X" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

303.122 YARD, REAR (SETBACK): A yard extending across the entire width of the lot between the rear lot line and the nearest part of the primary building. (Refer to "Z" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

303.123 YARD, SIDE (SETBACK): On single frontage lots, a yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of a primary building. On through lots, a yard extending along the side lot line from front yard to front yard and lying between the side lot lines and the nearest part of the primary building. On corner lots, a yard extending along the side lot line from the front yard to the opposite side lot line, lying between the side lot line and the nearest part of the primary building. (Refer to “Y” on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

303.124 YARD, SPECIAL (SETBACK): A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term “side yard” or “rear yard” clearly applies. In such cases, the Zoning Administrator shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the zoning district, determining which shall apply by the relationship of the portion of the lot on which the yard is to be located to the adjoining lot or lots with due regard to the orientation and location of buildings, structures and buildable areas thereon. (Refer to “S” on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

Location and Measurements of Yards On Lots



303.125 YARD, TRANSITIONAL (SETBACK): A yard in effect where a non-residential zoning district abuts or is adjacent across a street or alley from a residential zoning district.

303.126 ZONING DISTRICT: A portion of the zoned area of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska and the jurisdictional area of the Village for which uniform regulations governing the use, height, area, size and intensity of the use of buildings and structures, land and open space are established by this Ordinance.

303.127 ZONING ADMINISTRATOR: The person or persons authorized and empowered by the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska to administer and enforce the requirements of this Ordinance.

303.128 ZONED AREA: The land area included in the various zoning districts established by this Ordinance as indicated on the Official Zoning Map of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska.

303.129 ZONING REGULATIONS: The requirements stipulated in this Ordinance, as it may be amended from time to time.

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ARTICLE 4: ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

SECTION 401 PLANNING COMMISSION RECOMMENDATIONS

It shall be the purpose of the Planning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold at least one (1) public hearing thereon before submitting its final report to the Village Board of Trustees. The Village Board of Trustees shall not hold a public hearing on such zoning regulations and districts or take action on adoption thereof until it has received the final report of the Planning Commission.

SECTION 402 ZONING DISTRICTS CREATED

For the purpose of this Ordinance, there are hereby created the following types of zoning districts, zoning district regulations and zoning district designations for which all land contained within the corporate limits of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska and the jurisdictional area outside of the corporate limits of said Village, as defined in Section 102 of this Ordinance, shall be divided:

AG	Agricultural District
R	Residential District
C - 1	Central Business District
C - 2	General Commercial District
I - 1	Light Industrial District
I - 2	Industrial District
WPO	Wellhead Protection Overlay District

SECTION 403 OFFICAL ZONING MAP

The Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska and its jurisdictional area, as defined in Section 102 of this Ordinance is hereby divided into zoning districts, as indicated and shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Chairperson of the Village Board of Trustees, attested by the signature of the Village Clerk and bearing the seal of the Village under the following words: “This is to certify that this is the Official Zoning Map referred to in Section 403 of Ordinance No. ___ of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska”, together with the date of the adoption of this Ordinance.

SECTION 404 OFFICAL ZONING MAP CHANGES

- 404.01** If, in accordance with the provisions of this Ordinance, changes are made in the zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the change or amendment has been approved by the Village Board of Trustees with an entry being made on the Official Zoning Map as follows: “On ___(date)___, by official action of the Village Board of Trustees, the following change(s) was / were made in the Official Zoning Map”, which entry shall be signed by the Chairperson of the Village Board of Trustees and attested by the signature of the Village Clerk. No amendment to this Ordinance, which involves matters portrayed on the Official Zoning Map, shall be effective until after such change and entry have been made on said Official Zoning Map.
- 404.02** No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change by any person or persons shall be considered a violation of this Ordinance and shall be punishable as provided in Section 1102 of this Ordinance.
- 404.03** Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map, which shall be located in the Office of the Village Clerk, shall be the final authority as to the current zoning status of all areas within the Village of Alexandria / Belvidere /

Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska and its jurisdictional area, as defined in Section 102 of this Ordinance.

SECTION 405 OFFICAL ZONING MAP REPLACEMENT

- 405.01** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Village Board of Trustees may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof.
- 405.02** Each new Official Zoning Map shall be identified by the signature of the Chairperson of the Village Board of Trustees attested by the signature of the Village Clerk and bearing the seal of the Village under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted ___(date)___ as part of Ordinance No. _____of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska."
- 405.03** Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant part thereof remaining, shall be preserved together with all available related amendment records.

SECTION 406 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- 406.01** Boundaries indicated as approximately following the centerline of streets, roads, or alleys shall be interpreted as following such centerlines.
- 406.02** Boundaries indicated as following platted lot lines shall be interpreted as following such platted lot lines.
- 406.03** Boundaries indicated as approximately following the corporate limit lines of the Village shall be interpreted as following such corporate limit lines.
- 406.04** Boundaries indicated as approximately following railroad lines shall be interpreted as following a line midway between the main railroad tracks.
- 406.05** Boundaries indicated as following the shore lines of a river, creek, canal, lake or other body of water shall be interpreted as following such shore lines and boundaries indicated as approximately following the centerline of a river, creek, canal, lake or other body of water shall be interpreted as following such centerline. In either instance, in the event of a change in the location of the shore line or centerline of any such body of water, the boundaries shall be interpreted as moving with such shore lines or centerlines.
- 406.06** Boundaries indicated as parallel to or extensions of features indicated in Subsections 406.01 through 406.05 above shall be so interpreted and distances not specifically indicated on the Official Zoning Map shall be determined by the scale of said Official Zoning Map.
- 406.07** Where a zoning district boundary line divides a lot, which was of single ownership at the time of adoption of this Ordinance, the Board of Zoning Adjustment may permit the extension of the zoning district boundary for either portion of the lot, not to exceed fifty (50) feet beyond the location of the boundary line indicated on the Official Zoning Map, into the remaining portion of the lot.
- 406.08** In circumstances not covered by Subsections 406.01 through 406.07 above, or where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Zoning Adjustment shall interpret the zoning district boundary.

SECTION 407 ANNEXATION RULE

Annexation of land to the Village shall not affect the zoning applied to such annexed land prior to such annexation, except where annexation of land occurs which may result in expansion of the one (1) mile jurisdictional planning and zoning boundaries of the Village as may be indicated on an amended Official Zoning Map, in which case the additional area included within such jurisdictional area shall be zoned in a manner consistent with the Comprehensive Plan of the Village and the Official Zoning Map shall be modified in a manner consistent with such revised boundaries and zoning.

SECTION 408 DISTRICT REGULATIONS

District regulations for each zoning district, as set forth in Section 402 of this Ordinance, shall be as hereinafter described.

SECTION 409 AG AGRICULTURAL DISTRICT

409.01 INTENT:

This district is established for the purposes of: 1) protecting and preserving productive agricultural land and to avoid, as much as possible, agricultural versus urban land use conflicts in the area surrounding the Village by discouraging leap-frog urban development, 2) avoiding urban and suburban developments which could result in demands for improvements to existing roads and higher levels of public services and 3) avoiding the development of agricultural uses which would be incompatible with the existing and proposed urban uses within and around the Village.

409.02 OUTRIGHT ALLOWABLE PRINCIPAL USES AND STRUCTURES: The following uses and structures shall be allowable uses outright and shall not require a written zoning permit or certificate of zoning compliance:

1. Agricultural uses, as defined in Subsection 303.03 of this Ordinance, but excluding any confined animal feeding use, as defined in Section 303.31 of this Ordinance, and excluding livestock auction barns or yards, commercial grain storage grain elevators, grain milling or bulk fuel or fertilizer facilities, not subordinate to the agricultural activities on the premises and further excluding wineries.
2. Forestry, tree farms, plant nurseries, vineyards and orchards, including facilities for the storage and sale of produce grown on the premises, provided that any buildings associated with such storage or sale of produce, if other than a moveable roadside stand, shall require a zoning permit.
3. Day care and child care uses, when conducted within a residential dwelling unit by the occupant(s) of said dwelling unit.
4. Irrigation wells, pivot and other irrigation systems and erosion, runoff control and flood control structures.

409.03 PERMITTED PRINCIPAL USES AND STRUCTURES: The following uses and structures shall be permitted uses, but shall require the issuance of a building / zoning permit and / or certificate of zoning compliance:

1. Single-family residential dwellings, including manufactured homes meeting the definition for such homes and the performance standards for such homes as set forth in Section 303.77 of this Ordinance, but excluding manufactured or mobile homes which do not meet said definition and performance standards, provided that the following restrictions shall apply:
 - A. The lot on which such dwelling unit is to be located shall front on or have access to an existing public Village, County or State roadway other than a roadway, classified by the Thayer County Board of Commissioners, as a minimum maintenance road, provided that if a dwelling unit is to be located on a lot which fronts on or has access only to a road classified as a minimum maintenance road, it shall be the responsibility of the owner of such dwelling unit to improve such road or that portion thereof which would connect such lot to the nearest public roadway other than a minimum maintenance road to County road standards prior to the Board of Commissioners accepting such road or portion thereof for County maintenance.
2. Churches, temples and similar religious uses, excluding buildings used all or in part for the general education of youth where the education curriculum is similar to that of a public school.
3. Wineries.
4. Below ground utility lines and above ground utility installations and structures including local distribution lines, cable, poles and appurtenances, below ground and above ground public utility water storage tanks, distribution substations, regulator stations, communications equipment buildings, but excluding storage or maintenance yards, buildings or administrative offices for such utilities and excluding communications, micro-wave, cellular communications or other towers in excess of thirty five (35) feet in height.

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5. On-site wind energy systems, as defined in Section 527 of this Ordinance, subject to the requirements and limitations set forth in Section 527, Supplemental Regulations, of this Ordinance.

409.04 PERMITTED ACCESSORY USES AND STRUCTURES: The following uses and structures shall be permitted as accessory to the permitted principal uses and structures:

1. Accessory uses, buildings and structures normally and commonly appurtenant to the permitted principal uses and structures. Such uses, buildings or structures shall require the issuance of a building / zoning permit and / or certificate of zoning compliance.
2. Home occupations, in accordance with Section 515 of this Ordinance. Issuance of a building / zoning permit or certificate of zoning compliance shall be required.
3. Moveable roadside stands for the temporary sale of produce grown or crafts produced on the premises. No zoning permit shall be required.
4. Radio and television antennae, less than thirty five (35) feet in height, and television satellite receiving antennae (satellite dishes), provided that satellite receiving antennae larger than twenty four (24) inches in diameter shall be located in the side or rear yard. Such antennae shall not require the issuance of a building / zoning permit.
5. On-site signs, excluding billboards, related to permitted uses and approved conditional uses, all subject to the regulations and requirements of Section 521 of this Ordinance. All signs shall require issuance of a building / zoning permit.

409.05 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Cemeteries,
2. Public schools, private schools and schools affiliated with a church or religion,
3. Public or private golf courses and driving ranges, excluding miniature golf courses.
4. Parks, playgrounds, wildlife preserves, conservation areas, lakes, ponds and similar open space uses.
5. Recreational vehicle parks and campgrounds.
6. Communications equipment buildings, storage or maintenance yards, buildings or administrative offices for such utilities, communications, micro-wave, cellular communications or other towers in excess of thirty five (35) feet in height,
7. Municipal sewage treatment facilities, sanitary landfills and recycling or waste composting centers,
8. Rock, sand, gravel or other mineral extraction or mineral processing uses,
9. Airports, aircraft landing strips and heliports,
10. Agricultural service establishments engaged in providing horticultural or animal husbandry products or services to area agricultural product producers, agricultural equipment repair services, crop seed and commercial grain storage and processing facilities and similar agricultural service uses,
11. Other uses and structures determined by the Commission to be comparable with the above stated conditional uses and consistent with the intent statement of this zoning district.

409.06 PROHIBITED USES AND STRUCTURES:

All other uses and structures, which are not specifically allowable, permitted or authorized as conditional uses shall be prohibited in this zoning district.

409.07 MINIMUM LOT AREA:

1. The minimum lot area for a single-family dwelling unit, manufactured home or modular home shall be two (2) acres, provided that a minimum three (3) acre area shall be required if compliance with minimum soil percolation rates and maximum slope as set forth in the Nebraska Department of Environmental Quality Title 124 with regard to proper sizing and location of septic tank and tile field or lagoon sewage disposal systems are less than the minimum percolation rate or greater than the maximum slope standards established in said Title 124.
2. The minimum lot area for uses identified as conditional uses in this District shall be the lot area appropriate for such uses, as determined by the Commission in authorizing of any such use in accordance with Article 10 of this Ordinance, provided that no lot shall be less than two (2) acres in area.

409.08 MINIMUM LOT WIDTH AND FRONTAGE:

The minimum lot width, measured at the minimum required front setback line, and the minimum lot frontage, measured at the front lot (right-of-way) line, for uses in this district shall be as follows:

1. The minimum lot width shall be (200) feet.
2. The minimum lot frontage shall be sixty six (66) feet.
3. The minimum lot width and frontage for conditional uses listed in Section 409.05 shall be the width and frontage appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance, provided, however, that in no event shall the minimum lot width be less than two hundred (200) feet and the minimum lot frontage be less than sixty six (66) feet.

409.09 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line shall be as follows:

1. Front Yard - Thirty (30) feet from the right-of-way line of the street or road which establishes the front lot line.
2. Side Yard - Each side yard shall be fifteen (15) feet, provided that where any use other than a single family dwelling unit abuts a residential zoning district the minimum side yard on the side adjoining such zoning district shall be fifty (50) feet.
1. Rear Yard - Fifteen (15) feet, provided that where any use other than a single-family dwelling unit abuts a residential zoning district the minimum rear yard shall be fifty (50) feet.

409.10 MAXIMUM HEIGHT:

No limitation

409.11 MAXIMUM LOT COVERAGE:

The maximum area of any lot, which is occupied by buildings, structures, decks, patios, accessory buildings, driveways and parking areas shall not exceed fifty (50) percent of the lot area.

409.12 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces and minimum loading areas required for each allowable, and permitted use and any authorized conditional use in this district shall be in accordance with the requirements of Sections 516 through 520 of this Ordinance.

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SECTION 410 R RESIDENTIAL DISTRICT

410.01 INTENT:

This district is established for the purpose of providing areas within and around the Village for a wide range of residential uses, to encourage the development of alternative housing styles which make more efficient use of the land and public infrastructure and create more usable open spaces while maintaining building height and building mass compatibility of such alternative housing styles with single-family detached housing and for the purpose of protecting such residential areas from development of incompatible land uses in order to promote and maintain a stable residential environment.

410.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

1. Single-family, detached and attached (zero lot line) dwellings, two-family (duplex) dwellings, multi-family dwellings, townhouses, and manufactured homes meeting the definition for such homes and the performance standards for such homes as set forth in Subsection 303.77 of this Ordinance, but excluding manufactured homes which do not meet said definition and performance standards,
2. Nursing and convalescent homes, assisted living homes and hospice centers,
3. Churches, temples and similar religious uses, excluding buildings used all or in part as schools or for (non-religious) education of youth where the education curriculum is similar to that of a public school,
4. Horticultural uses customary to urban residential uses,
5. Temporary uses in accordance with Section 523 of this Ordinance,
6. Raising of crops, pasturing of livestock (in accordance with applicable Village ordinances), but excluding the feeding of any type of livestock in buildings or pens and excluding any buildings for agricultural equipment storage, grain storage bins or buildings, buildings for the raising or management of livestock or other building which supports agricultural operations on the premises,
7. Below ground utility lines and above ground utility installations and structures including local distribution lines, cable, poles and appurtenances, below ground and above ground public utility water storage tanks, distribution substations, regulator stations, communications equipment buildings, but excluding storage or maintenance yards, buildings or administrative offices for such utilities and excluding communications, micro-wave, cellular communications or other towers in excess of thirty five (35) feet in height.

410.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Garages, carports, patios, outbuildings for storage and other similar structures customary and incidental to the allowable and permitted uses and authorized conditional uses, provided outbuildings shall not include buildings for storage of agricultural equipment, grain or other agricultural use except such buildings associated with sale of produce produced on the premises. Such uses, buildings or structures shall require the issuance of a building / zoning permit and / or certificate of zoning compliance.
2. Home occupations, in accordance with Section 515 of this Ordinance. Issuance of a building / zoning permit or certificate of zoning compliance shall be required.
3. Moveable roadside stands for the temporary sale of produce grown or crafts produced on the premises. No zoning permit shall be required.
4. Radio and television antennae, less than thirty five (35) feet in height, and television satellite receiving antennae (satellite dishes), provided that satellite receiving antennae larger than twenty four (24) inches in diameter shall be located in the side or rear yard. Such antennae shall not require the issuance of a building / zoning permit.

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5. On-site wind energy systems, as defined in Section 527 of this Ordinance, subject to the requirements and limitations set forth in Section 527, Supplemental Regulations, of this Ordinance.

410.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Parks, playgrounds, golf courses and other open space recreation uses, excluding miniature golf facilities and water parks,
2. Public or private schools, colleges, and similar education facilities,
3. Public uses of an administrative, service or cultural nature including libraries, museums, fire stations, administrative offices and similar uses,
4. Communications, micro-wave, cellular communications or other towers in excess of thirty five (35) feet in height, storage or maintenance yards, buildings or administrative offices for such utility uses,
5. Hospitals, day care and child care centers.
6. Bed and Breakfast uses,
7. Mobile home park, court or subdivision, developed in accordance with the standards set forth in Section 524 of this Ordinance,
8. Agricultural buildings, non-commercial grain storage bins and similar structures designed to support existing agricultural operations,
9. Other uses, determined by the Village Board of Trustees, after recommendation by the Planning Commission, to be comparable with the other uses listed as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

410.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district. Such prohibition shall include the erection or maintaining of any temporary structure as defined in Section 303.113 of this Ordinance.

410.06 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 410.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, minimum frontage, minimum yards, minimum parking area, and maximum rear yard coverage requirements specified in this district.
2. The minimum lot area for conditional uses listed in Section 410.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance, provided that each lot area shall be sufficient in size to allow a buildings thereon to comply with the minimum width, minimum frontage, minimum yards, minimum parking area, and maximum rear yard coverage requirements specified in this district.

410.07 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 410.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, minimum yards, minimum parking area, and maximum rear yard coverage requirements specified in this district.

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2. The minimum lot width and frontage for conditional uses listed in Section 410.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance, provided that each lot area shall be sufficient in size to allow a buildings thereon to comply with the minimum width, minimum frontage, minimum yards, minimum parking area, and maximum rear yard coverage requirements specified in this district.

410.08 MINIMUM YARD REQUIREMENTS:

The minimum yards (setbacks) for any building from a property line or street right-of-way line shall be as follows, (*Refer to Section 502 of this Ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like*):

1. Front Yard - Thirty five (35) feet from a street designated on the Village's Major Street Plan as an arterial street and twenty five (25) feet from a street designated as a collector street, local street or frontage road.

For developed areas, as defined in Subsection 303.37 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

2. Side Yard - For all uses, except accessory buildings and zero-lot line residential dwellings, each side yard shall be a minimum of ten (10) feet, provided that:
 - A. Where the side yard of any residential use abuts a commercial or industrial zoning district, the side yard abutting such commercial or industrial zoning district shall be a minimum of thirty (30) feet.
 - B. Where any side yard of a townhouse or a two or more story multi-family residential use abuts a residential use other than another townhouse or two or more story multi-family use, the side yard abutting such non-townhouse or non-two or more story multi-family residential use shall be a minimum of thirty (30) feet.
 - C. Where any use, other than a residential use, which is permitted outright or by conditional use in this district, abuts a residentially zoned lot on the side, the minimum side yard on the side adjoining such lot shall be a minimum of thirty (30) feet.

For detached accessory buildings, the minimum side yard shall be five (5) feet from the side lot line to the nearest point of the accessory building, provided that any such accessory building shall comply with the following limitations:

- A. Accessory buildings shall not be placed on any recorded easement.
 - B. The total accessory building or buildings shall not cover more than thirty (30) percent of the rear yard.
 - C. The maximum height of any accessory building with a side yard setback of less than ten (10) feet shall be limited to sixteen (16) feet.
3. Rear Yard - The minimum rear yard shall be twenty (20) feet, provided that where any use permitted outright or by conditional use in this district other than a single family detached or attached dwelling unit, a two-family dwelling unit or single story multi-family residential use, abuts a residentially zoned lot to the rear, the minimum rear yard shall be thirty (30) feet.

For detached accessory buildings, the minimum rear yard shall be five (5) feet from the rear lot line to the nearest point of the accessory building, provided that any such accessory buildings shall comply with the following restrictions:

- A. Accessory buildings shall not be placed on any recorded easement.
- B. The total accessory building or buildings shall not cover more than thirty (30) percent of the rear yard.
- C. The maximum height of any accessory building with a rear yard setback of less than twenty (20) feet shall be limited to sixteen (16) feet.

410.09 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be forty (40) feet.

410.10 OFF-STREET PARKING AND LOADING:

The minimum number of off-street parking spaces and minimum loading areas required for each allowable, and permitted use and any authorized conditional use in this district shall be in accordance with the requirements of Sections 516 through 520 of this Ordinance.

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SECTION 411 C - 1 CENTRAL BUSINESS DISTRICT

411.01 INTENT:

This district is intended to provide a commercial area for those establishments serving the general shopping, business service, financial and professional service needs of the trade area, in particular those establishments customarily oriented to the pedestrian shopper. The district is intended to preserve the central business area of the Village as a primary shopping, service and governmental center while providing the flexibility of land uses and development standards to allow the central business area to adjust to changes in shopper preferences and the development of a tourist oriented center.

411.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

1. Banks and similar financial service uses,
2. Retail sales of comparison and convenience goods,
3. Convenience stores and food service uses including grocery stores, delicatessens, meat markets, bakeries, and restaurants, including outdoor restaurants and sidewalk cafes,
4. Personal and business service uses,
5. Professional service uses such as law, real estate brokerage, medical and dental offices,
6. Mortuaries and funeral parlors,
7. Indoor commercial recreation uses such as auditoriums, theaters, bowling alleys, billiard rooms, dance studios, video game rental and game rooms,
8. Special service uses including day care centers, youth centers, senior and social centers,
9. Private clubs or lodges, philanthropic and charitable institution uses, athletic clubs, health studios,
10. Communications uses such as newspaper publishing uses, photocopying shops, radio and television studios, telecommunication uses, but excluding exterior warehousing of any equipment or products,
11. Public service and governmental uses, excluding exterior warehousing of equipment or products,
12. Hotels, motels, bed and breakfast and similar uses catering to the traveling public and tourists,
13. Lounges, taverns and night clubs,
14. Off-street parking lots and structures,
15. Lumber yards, building supply, hardware and appliance stores,
16. Antique and craft stores,
17. Temporary uses in accordance with Section 523 of this Ordinance,
18. Below ground utility lines and above ground utility installations and structures including local distribution lines, cable, poles and appurtenances, below ground and above ground public utility water storage tanks, distribution substations, regulator stations, communications equipment buildings, but excluding storage or maintenance yards, buildings or administrative offices for such utilities and excluding communications, micro-wave, cellular communications or other towers in excess of thirty five (35) feet in height.
19. On-site wind energy systems, as defined in Section 527 of this Ordinance, subject to the requirements and limitations set forth in Section 527, Supplemental Regulations, of this Ordinance.

411.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Drive-thru service facilities,
2. Radio and television satellite receiving antennae (satellite dishes), provided that such satellite receiving antennae larger than twenty four (24) inches in diameter shall be located in the side or rear yard or on the roof only,
3. On-site signs, excluding billboards, related to permitted uses and approved conditional uses, all subject to the regulations and requirements of Section 521 of this Ordinance,
4. Outdoor display of merchandise, provided such display shall not be interpreted as meaning the storage, stockpiling or warehousing of materials which are not immediately available for purchase,
5. Residential dwelling units on the second or higher floors,
6. Accessory uses and structures customarily associated with and incidental to the principal uses.

411.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Automobile service stations,
2. Schools, colleges and similar private or public educational uses,
3. Other office, business and commercial service uses, determined by the Village Board of Trustees, upon recommendation of the Planning Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

411.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district.

411.06 DESIGN STANDARDS:

All new buildings and modification of existing buildings in this zoning district shall be designed in a manner and use construction materials consistent with the historic character of the Central Business District in the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska. The final design and construction materials shall be approved by the Village Board of Trustees prior to the approval of any zoning permit by the Zoning Administrator.

411.07 MINIMUM LOT AREA:

No limitation

411.08 MINIMUM LOT WIDTH AND FRONTAGE:

No limitation

411.09 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, *(Refer to Section 502 of this Ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):*

-
1. Front Yard - Zero (0) feet.
 2. Side Yard - Zero (0) feet, except where the lot line abuts a residential zoning district the minimum side yard shall be ten (10) feet and a landscape screen, as defined in Subsection 303.65 of this Ordinance shall be installed on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.
 3. Rear Yard - Zero (0) feet, except where the lot line abuts a residential zoning district the minimum rear yard shall be twenty (20) feet and a landscape screen, as defined in Subsection 303.65 of this Ordinance shall be installed on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.

411.10 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be fifty (50) feet.

411.11 MAXIMUM LOT COVERAGE:

No limitation

411.12 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Sections 516 through 520 of this Ordinance.

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SECTION 412 C - 2 GENERAL COMMERCIAL DISTRICT

412.01 INTENT:

This district is intended primarily for application along the major streets serving the Village to provide areas for development of traffic-oriented commercial uses offering goods and services to the motoring public and the development of general business uses.

412.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

1. Uses permitted in the C-1 Central Business District,
2. Sales, rental and display of automobiles, trucks, campers, recreational vehicles, manufactured homes, boats and agricultural equipment, provided that all servicing and maintenance shall be conducted entirely within enclosed buildings,
3. Automobile and tire service use, including auto or truck body repair uses when all repair work and related storage is conducted in completely enclosed buildings, but excluding the dismantling or salvaging of vehicles or the storage of damaged or inoperable vehicles,
4. Recreational vehicle parks and campgrounds,
5. Commercial recreational facilities such a miniature golf courses, golf driving ranges, drive-in theaters, riding stables, museums, bowling alleys and similar recreational uses,
6. Car and truck wash uses,
7. Special service uses such as model home displays and sales, building material sales, non-livestock auction rooms, plant nurseries, greenhouses, monument sales and similar special service uses,
8. Animal feed and crop and garden seed sales uses,
9. Raising of crops, pasturing of livestock (in accordance with any other applicable Village ordinances) and other open space agricultural uses, but excluding agricultural production related grain bins and buildings or the confined feeding of livestock,
10. Orchards, vineyards and associated wineries, including the retail sales of produce with the retail sales of food items, nursery stock and the sales of Christmas trees,
11. Wineries,
12. Churches, temples and similar religious uses, excluding buildings used all or in part as schools or for (non-religious) education of youth where the education curriculum is similar to that of a public school,
13. Temporary uses in accordance with Section 523 of this Ordinance,
14. Below ground utility lines and above ground utility installations and structures including local distribution lines, cable, poles and appurtenances, below ground and above ground public utility water storage tanks, distribution substations, regulator stations, communications equipment buildings, but excluding storage or maintenance yards, buildings or administrative offices for such utilities and excluding communications, micro-wave, cellular communications or other towers in excess of thirty five (35) feet in height.
15. On-site wind energy systems, as defined in Section 527 of this Ordinance, subject to the requirements and limitations set forth in Section 527, Supplemental Regulations, of this Ordinance.

412.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Drive-thru service facilities,
2. Radio and television satellite receiving antennae (satellite dishes), provided that such satellite receiving antennae larger than twenty four (24) inches in diameter shall be located in the side or rear yard or on the roof only,
3. On-site signs, including billboards, related to permitted uses and approved conditional uses, all subject to the regulations and requirements of Section 521 of this Ordinance,
4. Outdoor display of merchandise, provided such display shall not be interpreted as meaning the storage, stockpiling or warehousing of materials which are not immediately available for purchase,
5. Accessory uses and structures customarily associated with and incidental to the principal uses.

412.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Animal hospitals, veterinary clinics and kennels,
2. Truck stops, including those with complete truck services,
3. Other office, business and commercial service uses, determined by the Village Board of Trustees, upon recommendation by the Planning Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

412.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district.

412.06 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 412.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking and loading areas, and maximum rear yard coverage requirements specified in this district.
2. The minimum lot area for conditional uses listed in Section 412.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

412.07 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 412.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.
2. The minimum lot width and frontage for conditional uses listed in Section 412.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

412.08 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (*Refer to Section 502 of this Ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like*):

1. Front Yard - Thirty five (35) feet from a street designated on the Village's Major Street Plan as an arterial street and twenty five (25) feet from a street designated as a collector street, local street or frontage road.

For developed areas, as defined in Subsection 303.37 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

A landscape buffer, as defined in Subsection 303.64 of this Ordinance, at least five (5) feet in depth shall be provided along and adjacent to the front property line.

2. Side Yard - The minimum side yard shall be ten (10) feet where the lot line abuts another commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum side yard shall be twenty (20) feet and a landscape screen, as defined in Subsection 303.65 of this Ordinance shall be installed on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.
3. Rear Yard - The minimum rear yard shall be ten (10) feet where the lot line abuts another commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum side yard shall be thirty (30) feet and a landscape screen, as defined in Subsection 303.65 of this Ordinance shall be installed on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.

412.09 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be forty (40) feet.

412.10 MAXIMUM LOT COVERAGE:

No limitation

412.11 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Sections 516 through 520 of this Ordinance.

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SECTION 413 I - 1 LIGHT INDUSTRIAL DISTRICT

413.01 INTENT:

This district is established to provide areas for a limited range of industrial and certain commercial uses which are able to meet certain performance standards to protect nearby non-commercial and non-industrial uses from land use conflicts or undesirable environmental impacts and to protect such industrial and commercial uses from negative impacts from other commercial and industrial uses not able to meet the performance standards.

413.02 PERMITTED PRINCIPAL USES:

1. Wholesale, warehouse, distribution, storage and transfer businesses meeting the performance requirements set forth in this I-1, Light Industrial District,
2. Engineering or research laboratories, vocational or industrial training schools and data processing uses,
3. Printing and lithography uses,
4. Light industrial uses including the manufacture, assembly, processing, fabrication, cleaning, testing or refining of products, provided such uses meet the performance requirements set forth in this I-1, Light Industrial District,
5. Cold storage and food locker establishments which meet the performance requirements set for in this I-1, Light Industrial District,
6. Automobile and truck repair and service business, including automotive body and painting businesses which meet the performance requirements set forth in this I-1, Light Industrial District,
7. Trade shops, including plumbing, heating and air conditioning, electrical , cabinetry, and similar service trade uses which meet the performance requirements of this I-1, Light Industrial District,
8. Temporary uses in accordance with Section 523 of this Ordinance,
9. Billboards and similar off-site signs in accordance with the regulations of Section 521 of this Ordinance,
10. Below ground utility lines and above ground utility installations and structures including local distribution lines, cable, poles and appurtenances, below ground and above ground public utility water storage tanks, distribution substations, regulator stations, communications equipment buildings, but excluding storage or maintenance yards, buildings or administrative offices for such utilities and excluding communications, micro-wave, cellular communications or other towers in excess of thirty five (35) feet in height.
11. Use permitted in the C-2, General Commercial zoning district.
12. On-site wind energy systems, as defined in Section 527 of this Ordinance, subject to the requirements and limitations set forth in Section 527, Supplemental Regulations, of this Ordinance.

413.03 PERMITTED ACCESSORY USES

1. General office and sales rooms, medical and recreational facilities and watchman quarters associated with the permitted uses,
2. Radio and television satellite receiving antennae (satellite dishes), provided that such satellite receiving antennae larger than twenty four (24) inches in diameter shall be located in the side or rear yard or on the roof only,
3. On-site signs related to permitted uses and approved conditional uses, subject to the regulations and requirements of Section 521 of this Ordinance,
4. Accessory uses and structures customarily associated with and incidental to the principal uses.

413.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Any use involving the storage, use or manufacture of hazardous or explosive materials beyond that typically required for normal housecleaning and maintenance activities,
2. Heliports,
3. Public service uses, including police and fire stations, offices, equipment maintenance buildings and similar public uses,
4. Garbage and refuse collection and disposal contractors and waste recycling operations which meet the performance requirements of this I-1, Light Industrial District,
5. Communications, micro wave, cellular communications or other towers in excess of thirty five (35) feet in height, storage or maintenance yards, buildings or administrative offices for such utility uses,
6. Other industrial and commercial service uses, determined by the Village Board of Trustees, upon recommendation of the Planning Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

413.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district.

413.06 PERFORMANCE STANDARDS:

All uses permitted in this zoning district shall at all times comply with the following performance standards:

1. All activities shall be conducted within entirely enclosed buildings including storage or warehousing of raw materials or products produced.
2. Emission of gasses, odor, dust, smoke, noise, glare, heat or vibration detectable beyond the property line of the site on which the use is located is prohibited.
3. Any waste materials produced on the premises shall be stored outdoors, provided such materials are stored in containers which are not visible from the street(s) on which the use has frontage or access or any abutting residential zoning district and such containers will avoid the blowing of waste material or the attraction of insects or vermin.

413.07 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 413.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking and loading areas, and maximum rear yard coverage requirements specified in this district.
2. The minimum lot area for conditional uses listed in Section 413.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

413.08 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 413.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.

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2. The minimum lot width and frontage for conditional uses listed in Section 413.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

413.09 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (*Refer to Section 502 of this Ordinance for required modifications to minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like*):

1. Front Yard - Thirty five (35) feet from a street designated on the Village's Major Street Plan as an arterial street and twenty five (25) feet from a street designated as a collector street, local street or frontage road.

For developed areas, as defined in Subsection 303.37 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

A landscape buffer, as defined in Subsection 303.64 of this Ordinance, at least five (5) feet in depth shall be provided along and adjacent to the front property line.

2. Side Yard - The minimum side yard shall be twenty (20) feet where the lot line abuts an agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum side yard shall be thirty (30) feet and a landscape screen, as defined in Section 303.65 of this Ordinance shall be installed on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.
3. Rear Yard - The minimum rear yard shall be twenty (20) feet where the lot line abuts an agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum rear yard shall be thirty (30) feet and a landscape screen, as defined in Section 303.65 of this Ordinance, shall be installed on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.

413.10 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be fifty (50) feet, except uses located within one hundred (100) feet of any residential zoning district where such maximum height shall be thirty five (35) feet.

413.11 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Sections 516 through 520 of this Ordinance.

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SECTION 414 I - 2 INDUSTRIAL DISTRICT

414.01 INTENT:

This district is established to provide areas for a wide range of industrial and certain commercial uses which are able to meet certain performance standards to protect nearby non-commercial and non-industrial uses from land use conflicts or undesirable environmental impacts and to protect such industrial and commercial uses from negative impacts from other uses which would conflict with such industrial and commercial uses.

414.02 PERMITTED PRINCIPAL USES:

1. Any use permitted in the I-1, Light Industrial District,
2. Contractor's and construction equipment storage yards,
3. Grain elevators, feed mills, alfalfa mills and similar agricultural product processing mills including ethanol production plants, and related storage,
4. Power production plants and facilities,
5. Any manufacturing or other industrial use which can meet the performance standards set forth in this I-2 District and which is not listed as a conditional use or prohibited use in this I-2, Industrial District.
6. On-site wind energy systems, as defined in Section 527 of this Ordinance, subject to the requirements and limitations set forth in Section 527, Supplemental Regulations, of this Ordinance.

414.03 PERMITTED ACCESSORY USES

1. General office and sales rooms, medical and recreational facilities and watchman quarters associated with the permitted uses,
2. Radio and television satellite receiving antennae (satellite dishes), provided that such satellite receiving antennae larger than twenty four (24) inches in diameter shall be located in the side or rear yard or on the roof only,
3. On-site signs related to permitted uses and approved conditional uses, subject to the regulations and requirements of Section 521 of this Ordinance,
4. Accessory uses and structures customarily associated with and incidental to the principal uses.

414.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Any use involving the storage, use or manufacture of hazardous or explosive materials beyond that typically required for normal housecleaning and maintenance activities,
2. Heliports,
3. Public service uses, including police and fire stations, offices, equipment maintenance buildings, and similar public uses,
4. Electrical, natural gas and cable distribution substations, regulator stations, communications equipment buildings, communications, micro wave, cellular communications or other towers in excess of thirty five (35) feet in height, storage or maintenance yards, buildings or offices for such utility uses, all subject to the applicable provisions of any Airport Hazard regulations,
5. Animal rendering, animal slaughtering plants, including curing and tanning plants,

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6. Production of asphalt products, concrete, and other paving materials including recycling of these and other construction materials,
 7. Tar, tar paper and tar product manufacturing or processing,
 8. Manufacture of chemicals, gases, poisons, insecticides and herbicides,
 9. Storage, processing or salvaging of automobiles, trucks, agricultural or other equipment, scrap and junk (junk or salvage yards),
 10. Livestock auction barns and yards,
 11. Bulk fuel, and fertilizer plants,
 12. Sand, gravel, mineral, aggregate or production, screening, crushing, or processing operations,
 13. Sanitary landfills, waste incinerators, solid waste recycling and composting operations,
 14. Other industrial and commercial service uses, determined by the Village Board of Trustees, upon recommendation by the Planning Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

414.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district.

414.06 PERFORMANCE STANDARDS:

All uses permitted in this zoning district shall at all times comply with the following performance standards:

1. All activities, excluding those uses such as ethanol production plants, cracking plants, fertilizer production plants or similar uses which utilize production structures instead of buildings, not conducted within entirely enclosed buildings including storage or warehousing of raw materials or products produced shall be screened from view from any abutting property not included in an I-2, Industrial District in accordance with the requirements of Section 414.09 of this Ordinance.
2. Emission of gasses, odor, noise, glare, heat, dust, smoke or vibration detectable beyond the property line of the site on which the use is located is prohibited shall not be of such quantity or concentration so as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public in general.
3. All activities involving the storage or salvaging of automobiles, trucks, agricultural or other equipment and similar operations shall be screened from view from all adjoining streets and all abutting properties not included in an I-2, Industrial District by an opaque fence or evergreen tree landscape screen and said screen shall be maintained in good repair at all times.
4. Any waste materials produced on the premises shall be stored outdoors, provided such materials are stored in containers which are not visible from the street(s) on which the use has frontage or access or any abutting residential zoning district and such containers will avoid the blowing of waste material or the attraction of insects or vermin.

414.07 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 414.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking and loading areas, and maximum rear yard coverage requirements specified in this district.

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2. The minimum lot area for conditional uses listed in Section 414.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

414.08 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 414.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.
2. The minimum lot width and frontage for conditional uses listed in Section 414.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

414.09 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (*Refer to Section 502 of this Ordinance for required modifications to minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like*):

1. Front Yard - Thirty five (35) feet from a street designated on the Village's Major Street Plan as an arterial street and twenty five (25) feet from a street designated as a collector street, local street or frontage road.

For developed areas, as defined in Subsection 303.37 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

A landscape buffer, as defined in Subsection 303.64 of this Ordinance, at least five (5) feet in depth shall be provided along and adjacent to the front property line.

2. Side Yard - The minimum side yard shall be twenty (20) feet where the lot line abuts an agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum side yard shall be fifty (50) feet and a landscape screen, as defined in Section 303.65 of this Ordinance shall be installed on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.
3. Rear Yard - The minimum rear yard shall be twenty (20) feet where the lot line abuts an agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum rear yard shall be fifty (50) feet and a landscape screen, as defined in Section 303.65 of this Ordinance shall be installed on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.

414.10 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be one hundred (100) feet, except for uses located within three hundred (300) feet of any residential zoning district where such maximum height shall be forty (40) feet.

414.11 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Sections 516 through 520 of this Ordinance.

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SECTION 415 WPO WELLHEAD PROTECTION OVERLAY DISTRICT

415.01 INTENT: The intent of this district is to provide the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell with the ability to protect the municipal water supply from contamination, as much as possible, through the regulation of land uses which have the potential for contamination of the groundwater source(s) from which municipal wells derive water.

415.02 REREQUISTE REQUIREMENTS FOR APPLICATION OF THIS DISTRICT: Prior to the application of this district to any lands in the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell or its one (1) mile jurisdictional area, the Village shall first comply with all other requirements of the Wellhead Protection Areas Act (Neb. Rev. Stat. 46-1501 through 46-1509). This requirements include the following:

1. Delineation of the Wellhead Protection Area based upon a twenty (20) year time of travel recharge zone,
2. Approval of such Wellhead Protection Area by the Nebraska Department of Environmental Quality,
3. Completion and mapping of an inventory of potential contamination sources within the Wellhead Protection Area,
4. Formulation of emergency / contingency / long-range plans in the event of disruption of supply of water from the wells in the Wellhead Protection Area,
5. Formulation of and ability to implement an on-going Public Involvement / Education Program to permit public comment in the establishment of the Wellhead Protection Program and to provide information to the public regarding the program and voluntary cooperation with said program,
6. Development of a program to install and maintain Wellhead Protection Area signs on roadways around the Wellhead Protection Area,

415.03 LIMITATION ON APPLICATION OF THIS DISTRICT: This district may be applied only to Wellhead Protection Areas officially approved by the Nebraska Department of Environmental Quality. In the event the boundaries of any such officially approved Wellhead Protection Areas do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such area shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries.

415.04 AMENDMENT OF OFFICIAL ZONING MAP: Whenever the requirements of Section 415.02 of this Ordinance have been complied with, and the Planning Commission and Village Board of Trustees have conducted public hearings regarding application of this overlay zoning district in accordance with Article 10 of this Ordinance and the Village Board of Trustees has acted to approve a wellhead protection overlay district, the boundaries of such wellhead protection area (overlay zoning district), defined in accordance with Section 415.03 above, shall be indicated on the Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska Official Zoning Map and such map shall be signed in accordance with the requirements of Section 404 of this Ordinance.

415.05 ALLOWABLE, PERMITTED AND ACCESSORY USES AND STRUCTURES: Any use or structure indicated as an allowable use, permitted use or accessory use in the primary zoning district(s) on which this wellhead protection overlay district is overlain, shall be allowed or permitted in accordance with the zoning permit requirements set forth in such primary zoning district(s), except when specifically prohibited in Section 415.07 of this Ordinance and except when an otherwise allowable, permitted or accessory use is listed as a conditional use in Section 415.08 of this Ordinance. All such allowable, permitted and accessory uses shall comply with the additional wellhead protection restrictions set forth in Section 415.08 of this Ordinance.

415.06 CONDITIONAL USES: Any use listed as a conditional use in the primary zoning district(s) on which this wellhead protection overlay district is overlain, except the uses specifically prohibited in Section 415.07 of this Ordinance, may be authorized as a conditional use in accordance with the requirements and procedures specified in Article 7 of this Ordinance, provided the authorization of any conditional use shall comply with the additional wellhead protection restrictions set forth in Section 415.08 of this Ordinance.

415.07 PROHIBITED USES AND STRUCTURES: Uses and structures, which are prohibited in the primary zoning district(s) on which this district is overlain, shall be prohibited and, regardless of whether prohibited in the primary zoning district(s), the following uses and structures shall be specifically prohibited on any land area on which this wellhead protection overlay district is applied:

1. Confined animal feeding uses and associated waste handling facility uses,
2. Landfills and refuse recycling centers.

415.08 WELLHEAD AREA PROTECTION REQUIREMENTS: The following restrictions shall apply to all uses within any land areas on which this Wellhead Protection Overlay District is applied:

1. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or in association with another land use, shall comply with the rules and regulations of Titles 126 and 159, administered by the Nebraska Department of Environmental Quality or other responsible agency or department. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or other land area, in excess of one thousand one hundred (1,100) gallons shall be prohibited.
2. Fuel storage associated with any irrigation well engine shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30 and with Title 126, administered by the Nebraska Department of Environmental Quality, in the event of a fuel release.
3. Fuel storage, except when associated with a commercial or industrial use, except for any fuel storage associated with any irrigation well engines (Item 2 above) shall not be permitted within one thousand (1,000) feet of any well protected under this wellhead protection overlay district.
4. Storage of fertilizers, herbicides, pesticides and other materials, determined by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, except when a conditional use for such use is authorized and such authorization includes a condition that all such uses shall comply with the applicable rules and regulations of Title 118, 121, 126, 128, 159 and 198, administered by the Nebraska Department of Environmental Quality and other agencies.
5. No septic tank, tile field or other on-site sewage disposal system, associated with any residential, commercial, industrial or other type of land use, shall be located within one thousand (1,000) feet of any well protected under this wellhead protection overlay district, provided that if a lot of record, as defined in Section 303.73 of this Ordinance, exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one septic tank and tile field or other on-site sewage disposal system may be established, provided such tank, tile field or other system complies with all requirements of Title 124 of the Nebraska Department of Environmental Quality.
6. Domestic, irrigation and any other water wells shall not be located closer than one thousand (1,000) feet of any well protected under this wellhead protection overlay district, provided that if a lot of record, as defined in Section 303.73 of this Ordinance, exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one (1) well may be established, provided such well shall be constructed in accordance with the rules and requirements of Title 178.
7. Any application of fertilizers, pesticides, or herbicides to the land or crops through an irrigation system (chemigation) shall comply with the rules and requirements of Title 195.

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8. If any land area contained within a wellhead protection overlay zoning district is also part of a special protection area or ground water management area, established under the Groundwater Management Protection Act, all uses within such areas, including agricultural uses, shall comply with the action plan and best management practices established for such areas by the local Natural Resource District(s).

415.09 MINIMUM LOT AREA REQUIREMENTS: The minimum lot area for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

415.10 MINIMUM LOT AREA AND FRONTAGE REQUIREMENTS: The minimum lot width and frontage for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

415.11 MINIMUM BUILDING SETBACK REQUIREMENTS: The minimum setback for all regulated structures and buildings in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain, provided that the minimum setback requirements from protected wells, as set forth in Section 420.08 of this Ordinance, shall also be complied with.

415.12 MAXIMUM HEIGHT: The maximum height of any building or structure shall be as set forth in the primary zoning district on which this district is overlain.

ARTICLE 5: SUPPLEMENTAL REGULATIONS

SECTION 501 APPLICATION

The regulations set forth in the following Sections qualify and supplement all zoning district regulations and are declared to be a part of the Ordinance.

SECTION 502 YARD REQUIREMENTS

- 502.01** Minimum yards shall be required along all public and private streets as set forth in the zoning district regulations. Any yard abutting a street shall be deemed a front yard for purposes of determining yard requirements.
- 502.02** No principal or accessory building or structure or part thereof, except those structures listed in Section 503 of this Ordinance, shall project into a required front, side, or rear yard.
- 502.03** No eave, cornice overhang, awning, balcony, sills, lintels, chimneys or other similar architectural features of any building shall project into a required front, side or rear yard.
- 502.04** No unenclosed or enclosed steps, porch, entrance platform, ramp, terrace, landing, deck or similar above grade structure shall project into a required front, side or rear yard. (*Refer to Section 503.02*).
- 502.05** Any setback (yard) so placed or oriented that none of the specific setback definitions contained in this Ordinance are applicable shall necessitate a determination by the Zoning Administrator of a suitable setback (yard) dimension which will be consistent with the intent of the setback (yard) requirements within the applicable zoning district.

SECTION 503 YARD EXCEPTIONS

- 503.01** At grade patios, driveways, parking areas, loading areas and similar at grade surfacing shall be permitted to encroach into any yard, and such surfaced areas shall not be included in the calculation of maximum lot coverage as set forth in each zoning district regulation.
- 503.02** Awnings and projecting business signs in the C-2 - Central Business District shall be permitted to encroach into a front yard, provided that the bottom of such awnings or signs shall not be less than eighty (80) inches from ground level.
- 503.03** Signs within the required yards when developed in accordance with the requirements of Section 521 of this Ordinance.
- 503.04** Notwithstanding the requirements of Section 502.04 of this Ordinance, structural canopies for drive through entrances to multi-family, group housing, assisted living, hospitals, nursing homes, convalescent centers, and canopies associated with commercial uses, except open air businesses and canopies over fuel pumps as regulated in Section 514.02 of this Ordinance, shall be permitted to encroach on a front yard, but shall not extend closer than twelve (12) feet to the front lot line.

SECTION 504 FENCES AND WALLS

- 504.01** No fence or wall shall be constructed or moved until a zoning permit has been issued for such fence or wall, provided that no such permit shall be required to construct a fence within the AG, Agricultural District for the purpose of containing of livestock.
- 504.02** Any fence or wall shall be constructed so as to have the finished side facing adjacent property and street frontage or such fence shall be constructed to have the same finish on both sides.

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- 504.03** Ornamental fences, open fences, screen fences, walls, structural screens, and shrubs used to create a natural fence or screen shall be permitted in any required yard, provided that any such fence, wall, screen or shrubs used to create a natural fence or screen located in a front yard shall not exceed a height of forty two (42) inches as measured by perpendicular measured from the nearest ground level. All such fences, walls, or structural screens shall comply with the requirements of Section 510 of this Ordinance with regard to driver visibility at street intersections.
- 504.04** The maximum fence, free-standing wall or screen height along any side or rear yard shall be six (6) feet, as determined by perpendicular measurement from the nearest ground level. All such fences, walls, or structural screens shall comply with the requirements of Section 510 of this Ordinance with regard to driver visibility at street intersections.
- 504.05** Nothing contained in this Section shall be deemed to prohibit the erection and maintenance of an open fence or chain link fence in connection with an agricultural use, recreational use, or public safety and security fences in any non-residential district. An open fence shall be defined as having at least fifty (50) percent unobstructed openings per square foot and any such fence shall comply with the requirements of Section 510 of this Ordinance with regard to driver visibility at street intersections.
- 504.06** The use of any electrified or barbed wire fence in residential district shall be prohibited. Use of such fences may be used on top of fencing used as security fencing on public grounds or on private land in commercial and industrial districts and for agricultural purposes for containing livestock in the AG, Agricultural District
- 504.07** Retaining walls shall not be limited in height, but shall be constructed so that such wall is structurally sound for the height and type of material being retained. Retaining walls shall be constructed only of concrete, wood, steel or retaining wall blocks or combination thereof. Use of any other material shall be prohibited. The location of any such retaining wall shall comply with the requirements of Section 510 of this Ordinance with regard to driver visibility at street intersections.

SECTION 505 HEIGHT EXCEPTIONS

The height limitations set forth in the zoning district regulations shall not apply to spires, belfries, cupolas, parapets, grain elevators, silos, grain legs, antennae, water towers, ventilators, chimneys or other roof appurtenance usually required to be placed above the roof level provided that said appurtenance is not intended for human habitation and that appurtenances such as towers for mechanical or structural necessity with a roof area equal to or in excess of fifty (50) percent of the first floor area of the building shall be considered part of the regulated height of the building.

SECTION 506 BUILDING RELOCATION

No building or structure shall be moved from one lot or premises for location on another lot or premises unless such building or structure shall thereupon conform with the regulations of the zoning district in which such building or structure is to be located.

SECTION 507 BULK STORAGE OF CERTAIN MATERIALS

In any zoning district any building, structure, or above ground tank used for the bulk storage of any poisonous or explosive material shall be located at least one hundred (100) feet from any property line.

SECTION 508 STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved, with the exception of non-residential agricultural structures located in the AG, Agricultural zoning district, shall be on a lot or premises which fronts on a public or approved private street or shall be accessible by means of a recorded access easement at least twenty (20) feet in width to provide safe and convenient access for servicing, fire protection and required off-street parking.

SECTION 509 PARKING AND STORAGE OF CERTAIN VEHICLES

509.01 It shall be unlawful for any person in charge or control of any property within the Village or its one (1) mile planning and zoning jurisdictional area, as indicated on the Official Zoning Map, whether as owner, tenant, occupant, lessee or otherwise, to park, store or place any non-operating, wrecked, junked, partially dismantled or unregistered vehicle or new vehicle parts, used parts of junked or salvaged vehicles on such property. This Section shall not apply to a vehicle, new vehicle parts or used parts of junked or salvaged vehicles stored or placed in an enclosed building on the premises, a vehicle or new vehicle parts or used parts of junked or salvaged vehicles on the premises of a business enterprise operated in a lawful place and in a manner when necessary to the lawful operation of such business enterprise, or a vehicle, new vehicle parts or used parts of junked or salvaged vehicles on the premises under the control of a person who has obtained a hobbyist permit for the restoration of said vehicle. Further, the following exceptions shall apply:

1. New or used vehicles in transition of becoming registered and duly licensed operable vehicles with substantially all main component parts attached, provided such vehicles shall be parked, stored or placed in a garage, carport or driveway or other space intended for such use.
2. Not more than one (1) vehicle, which is properly insured and licensed but is temporarily inoperable due to minor mechanical failure but which is not in any manner dismantled and has substantially all main component parts attached, shall remain upon a premises for longer than ten (10) consecutive calendar days.
3. Not more than one (1) vehicle in fully operational condition, such as a stock car or modified care that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, shall be parked on any premises, provided that no building or garage is located on the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side yard of any residential premises.

509.02 No repairing, modifying or dismantling work or operation shall be conducted on any vehicle or parts thereof upon any public right-of-way, whether improved or not, or other public property. Further no repairing, modifying or dismantling work or operation shall be conducted on any vehicle or parts on any premises used or zoned for residential purposes for a period in excess of twenty four (24) hours, except such as shall be accomplished with a hobbyist permit as may be issued by the Village.

509.03 Storage or parking of licensed recreational vehicles, trailers and boats shall be in a garage, carport or behind the nearest portion of a building to a street, provided that not more than two (2) such vehicles shall be parked or stored in an open space, defined as the horizontal area of a premises excluding the building area(s).

509.04 A recreational vehicle, trailer or boat may be parked outside of an enclosed structure in the required front yard, on a concrete driveway or its equivalent, or on an undeveloped lot under the following conditions:

1. Open space is unavailable in the rear or side yards of the developed property and there is reasonable vehicular access to either the rear or side yards. A corner lot shall always be deemed to have reasonable access to a side yard and a fence is not deemed to prevent reasonable access.
2. The recreational vehicle, trailer or boat shall be parked not less than two (2) feet from the front property line or side lot line.
3. No part of a recreational vehicle, trailer or boat shall extend over a public sidewalk or public right-of-way.
3. On an undeveloped lot, not more than two (2) such vehicles shall be permitted to be parked or stored.
4. Parking is permitted for storage only and any recreational vehicle, trailer, or boat shall not be:
 - A. used for dwelling purposes for more than fourteen (14) days in a calendar year,

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- B. permanently connected to sewer lines, water lines or to electrical lines except for temporary connection to electrical lines for charging batteries,
 - C. used for storage of goods, materials, junk or other items other than those considered to be a part of the unit or essential for its immediate use.
- 5. A self-propelled recreational vehicle may be parked next to the curb of a public street in front of the premises of the owner of such vehicle, provided such vehicle shall not be parked for a period exceeding twenty four (24) hours.
 - 6. A non-powered recreation vehicle or trailer may be parked next to the curb of a public street in front of the premises of the owner of such vehicle or trailer if attached to the towing vehicle, provided such vehicle shall not be parked for a period exceeding twenty four (24) hours.

509.05 NOTICE OF VIOLATION AND PENALTIES FOR VIOLATION:

If a violation of this Section occurs, the Zoning Administrator shall issue a notice of violation to any person in charge of control of such premises or shall post a notice of violation on said premises. Such notice of violation shall indicate the nature of the violation, the date of issuance and shall indicate that the person in charge or control of such premises shall have either:

- 1. Seven (7) calendar days from the date of issuance of the notice of violation to eliminate such violation if the maximum storage or parking period set forth in this Section exceeds twenty four (24) hours, or
- 2. Twenty four (24) hours from the date of issuance of the notice of violation to eliminate such violation if the maximum storage or parking period set forth in this Section is twenty four (24) hours or less.

Failure to eliminate such violation shall be a violation of this Ordinance and shall be punishable in accordance with Section 1102 of this Ordinance.

SECTION 510 STREET INTERSECTION VISIBILITY

On any corner lot in any zoning district, except the C -1, Central Business District, no building, fence, wall, structure or other obstruction shall be placed or maintained between a height of three and one-half (3 ½) feet and eight (8) feet above the centerline grades of the intersecting streets within the triangular area formed by the intersecting street right-of-way lines and a line connecting points on said right-of-way line which is twenty five (25) feet from the intersection of said right-of-way lines.

SECTION 511 ONE PRIMARY STRUCTURE PER LOT

Not more than one (1) primary structure shall be located on a single lot, except where primary structures are designed and platted as a single entity, under single ownership and control, such as multi-family and clustered residential developments, townhouse development or shopping centers and lots located in recognized industrial parks.

SECTION 512 EASEMENTS

No building or structure shall be placed or erected on or over any utility easements, except for structures associated with such utility easements.

SECTION 513 ACCESSORY USES

513.01 Accessory uses shall be incidental to, subordinate to, and commonly associated with the principal use of the premises and shall be operated and maintained under the same ownership and on the same lot as the principal use.

513.02 Accessory uses shall be subordinate to the principal structure on the lot in height, area, bulk, extent and purpose, shall not be located closer to any lot line than set forth in the minimum yard requirements for the zoning district in which it is located and shall be included in the calculation of maximum lot coverage regulations of the zoning district in which it is located.

513.03 Accessory uses shall be permitted only after the erection and operation of the principal structure and shall not be used unless the principal structure is being used.

513.04 Accessory uses for residential uses and commercial uses shall include swimming pools, provided such swimming pools require a zoning/building permit and shall comply with the following requirements:

1. Swimming pools associated with residential uses shall be located in the side and/or rear yard. Swimming pools associated with commercial uses may be located any yard.
2. Swimming pools and related decks and landings shall comply with the minimum setback requirements in all yards for accessory building and structures.
3. Swimming pools shall be considered part of any required open space and shall not be considered lot coverage.
4. No swimming pool shall be constructed until adequate provisions for drainage of the pool, which will avoid drainage onto neighboring properties, have been made and adequate distance from overhead electrical wires and electrical appurtenances is provided.
5. All swimming pools shall be enclosed by a substantial fence, wall or other barrier which shall be adequate to prevent unauthorized entrance to the pool and pool area by persons or animals. Such fenced or walled area shall be at minimum of five (5) feet in height and shall be equipped with a self-closing, self-latching gate which is lockable.

SECTION 514 OPEN AIR BUSINESSES

514.01 Any business establishment where the principal use is the drive-in type or is generally characterized by open air operations shall be permitted to locate such open air aspects of the business in the front yard, provided that a landscape buffer, as defined in this Section 303.64 of this Ordinance, at least ten (10) feet in width shall be provided along the front property line.

514.02 For convenience stores and other businesses dispensing gasoline or other fuels at retail, pump islands shall be permitted no closer than twenty (20) feet to the front property line and any canopy covering such pump islands shall not extend closer than twelve (12) feet to the front property line.

SECTION 515 HOME OCCUPATIONS AND HOME BASED BUSINESSES

515.01 A home occupation or home based business may be permitted to accompany any residential use only after the issuance of an occupancy permit by the Zoning Administrator and such permit shall be issued only if the home occupation or home based business complies in all respects to the requirements of this Section.

515.02 A home occupation or home based business shall be of a personal or professional service nature and such home occupations or home based business shall not change the residential character of the premises or the structures thereon or interfere with the residential use of adjoining residential uses or residential uses across the street of the premises. No provision for additional off-street parking or loading facilities other than those which would normally be accessory to the residential use shall be permitted and on-street parking for customers of such home occupation or home based business shall be limited to those on-street parking spaces located on the same side of the street and along the frontage of the lot or premises where such home occupation or business is located. In instances where on-street parking is prohibited on one or both sides of the street, customer parking shall be limited to the off-street parking on the premises.

515.03 The principal use of the premises shall be for residential purposes and the owner and operator of the home occupation or home based business shall be the occupant of the residential dwelling on the premises.

515.04 The owner / operator of the home occupation or home based business shall not employ more than one (1) employee other than members of the immediate family of the owner / operator who reside on the premises.

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- 515.05** No exterior alteration which would change the residential appearance of the residential dwelling structure or any accessory building, including the use of lighted canopies, shall be permitted.
- 515.06** If the home occupation or home based business is located in the residential dwelling structure, such use shall not occupy more than twenty five (25) percent of the floor area of such structure. A home occupation or home based business may be conducted in an accessory building, provided such building is clearly a building that is accessory to the residential use.
- 515.07** No additional or separate entrance which is inconsistent with the use of the residential dwelling structure shall be constructed solely for the purpose of conducting such home occupation or home based business.
- 515.08** No display of goods or exterior evidence of the home occupation or home based business shall be permitted, except for one (1) non-animated, non-illuminated, non-flashing sign which identifies the occupation business. Said sign shall not exceed a total of ten (10) square feet in area and shall be attached flat against a wall of the residential dwelling structure or accessory structure in which the occupation or business is conducted. No temporary or movable signs of any type shall be used in conjunction with any such occupation or business.
- 515.09** No equipment of process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises of such home occupation or home based business.
- 515.10** No stock in trade or products, other than those used, manufactured, assembled, produced or created on the premises shall be sold on the premises, provided that a stocking of products to be sold where the operator of the home occupation or business delivers such products to the purchaser and the number of customers visiting the location of the home occupation business to pick up such products is limited to a total of four (4) per day.

SECTION 516 OFF-STREET PARKING

- 516.01** Accessory off-street parking facilities, including parking facilities for handicapped drivers as required under the Americans with Disabilities Act, shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Ordinance in accordance with the provisions of this Section, which are designed to alleviate or prevent congestion of public streets by establishing minimum requirements for on-site and off-site parking areas for motor vehicles consistent with the parking needs of the use on each premises.
- 516.02** No use lawfully existing at the date of adoption of this Ordinance or amendment thereto shall be required to provide or maintain the parking spaces required in this Section, provided that off-street parking spaces required by any previous ordinance shall be provided and maintained and further provided that if the number of existing off-street parking spaces which are in excess of any prior ordinance, but less than the number required by this Ordinance shall be maintained.
- 516.03** For any non-conforming structure which is hereafter damaged or partially destroyed and which is lawfully reconstructed, reestablished, or repaired, off-street parking spaces equivalent to those maintained on the premises at the time of such damage shall be restored and maintained, provided that in no case shall it be required to restore off-street parking spaces in excess of those required by this Ordinance for the use on the premises.
- 516.04** If the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other means which will have the effect of increasing the need for parking spaces, the number of additional off-street parking spaces required by this Ordinance for such additions shall be provided.
- 516.05** Whenever, the existing use of a building, structure or premises shall hereafter be changed or converted to another use, off-street parking spaces required by this Ordinance for such new use shall be provided on the premises, except that this requirement shall not apply to a change of use in the C-1, Central Business District.

- 516.06** Nothing in this Ordinance shall prevent the voluntary establishment of accessory off-street parking facilities to serve any existing use, provided that all requirements with regard to location, design, landscape screening or buffering are complied with.
- 516.07** Off-street parking spaces shall be provided in one or more areas on the same lot or premises as the use served, except as otherwise provided in the Ordinance.
- 516.08** Off-street parking spaces required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity of employees, occupants or customers and such spaces shall not be used for the storage or display of materials or products or the repair or dismantling of any material.
- 516.09** Required off-street loading areas shall not be construed as being part of any required off-street parking area.
- 516.10** Each required off-street parking space shall be at least eight and one-half (8 ½) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns or work areas, provided that the minimum length of any parallel parking space shall be twenty three (23) feet and further provided that parking space dimensions for handicapped drivers shall be as set forth in Section 516.11. Such parking spaces shall have adequate vertical clearance to allow each space to be used for parking.
- 516.11** In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors or both, then parking spaces for those with disabilities shall be provided in each parking area in conformance with the number of such spaces herein specified and the following requirements:

1. NUMBER OF DISABLED ACCESSIBLE PARKING SPACES:

<u>Total Parking Spaces</u>	<u>Required Minimum Number of Disabled Accessible Parking Spaces</u>
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	Two (2) percent of the total
1,001 and over	Twenty (20) plus one (1) for each 100 over 1,000

At facilities providing medical care and other services for persons with mobility impairments, parking accessible parking spaces in compliance with this Section shall be provided as follows:

- Outpatient Facilities..... Ten percent (10%) of the total spaces
- Facilities specializing in treatment
or services for persons with
mobility impairments..... Twenty percent (20%) of the total spaces

2. LOCATION OF DISABLED ACCESSABLE PARKING SPACES:

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from the parking area to an accessible entrance. In parking facilities which do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking areas, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

3. SIGNAGE:

Signage of accessible parking spaces shall be designated as reserved by a sign showing a symbol of accessibility. Spaces complying with Subsection 4 below shall have an additional "van accessible" sign mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

4. ACCESS AISLES:

One (1) in every eight (8) disabled accessible parking spaces, but not less than one (1) space, shall be served by an access aisle at least eight (8) feet wide and shall be designated "van accessible". The vertical clearance shall be at least the minimum specified in Subsection 7 below. All such spaces may be grouped on one (1) level of a parking structure. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions.

5. VALET PARKING:

If valet parking services and facilities are provided a passenger loading zone complying with Subsection 6 below, located on an accessible route to the entrance of the facility served, shall be provided.

6. PASSENGER LOADING ZONES:

If passenger loading zones are provided in association with any use, at least one (1) passenger loading zone shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

7. MINIMUM VERTICAL CLEARANCE:

Minimum vertical clearance of one hundred fourteen (114) inches at accessible passenger loading zones and along at least one (1) vehicle route to such areas from the site entrance(s) and exit(s) shall be provided. At parking spaces complying with Subsection 4 above a minimum vertical clearance of ninety eight (98) inches at the parking space and along at least one (1) vehicle access to such space from the site entrance(s) and exit(s) shall be provided.

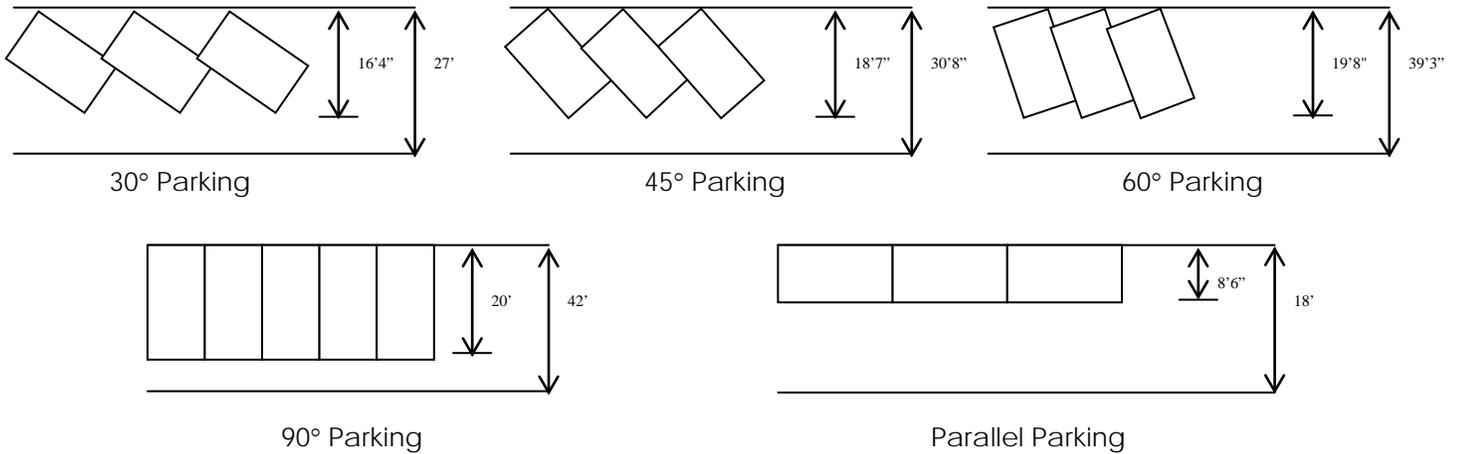
516.12 All driveways or other areas used to satisfy the off-street parking requirement shall be surfaced with gravel, crushed rock or paved with asphalt or concrete.

516.13 Off-street parking areas may be provided in the required front yard, except as otherwise restricted in this Ordinance, provided that any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

516.14 Except for single-family and two-family dwellings, each required off-street parking space shall open directly upon a drive aisle of sufficient width, as set forth and illustrated below, to provide safe and efficient means of vehicular access to and from such parking spaces and such drive aisle shall be unobstructed and allow for passage of emergency vehicles.

<u>Parking Angle*</u> <u>(in degrees)</u>	<u>Minimum Required Aisle Width</u> <u>(in feet)</u>
less than 45	12
45	14
60	18
90	24

* Angle shall be measured between center line of parking space and centerline of drive aisle.



516.15 The minimum off-street parking spaces required in association with the various uses permitted under this Ordinance shall be as follows:

Use Description

Off-Street Parking Spaces Required

Agricultural uses

No requirement, except for roadside stands for the sale of produce shall be provided with an adequate number of off-street parking spaces so that parking does not occur on a public roadway and for residential uses associated with an agricultural use which shall comply with the parking requirements for such residential use as set forth herein.

Single-family residential uses

Two (2) spaces per dwelling unit including garage, carport or driveway parking

Two-family, townhouse or multi-family residential uses

One and one half (1 ½) spaces per dwelling unit including garage, carport or driveway parking

Rooming houses, dormitories, fraternities or sororities

One (1) parking space for each two (2) beds

Hotels and motels

One (1) parking space per lodging room plus one (1) parking space per employee per largest working shift and any spaces required for any restaurant or lounge associated with any hotel or motel

Bed and Breakfast businesses

One (1) parking space for each two (2) lodging rooms

Nursing homes, and hospitals

One (1) parking space for each four hundred (400) square feet of floor area or one (1) parking space for each two patient beds, whichever is lesser, plus one (1) parking space per employee per largest working shift

Assisted living and hospice housing

One (1) parking space for each independent dwelling unit and one-half (1/2) space for each dependent dwelling unit plus one (1) parking space per employee per largest working shift

Use Description

Off-Street Parking Spaces Required

Children's homes	One (1) parking space for each six (6) beds, plus one (1) space for each employee per largest working shift
Child care centers, day nurseries and similar uses	One (1) parking space for each three children served plus one (1) parking space for each employee per largest working shift.
Clubs, and lodges (without bars, lounges or restaurants), community centers, public administrative, utility and public service offices, libraries, museums and similar uses	One (1) parking space per each four hundred (400) square feet of floor area or one (1) parking space per for each eight hundred (800) square feet of floor area plus one (1) parking space for each employee per largest working shift, whichever is greater
Public or private schools	Eight (8) parking spaces per classroom, laboratory or other student instruction area
Sports arena, gymnasium or similar use	One (1) parking space for each three (3) seats unless said arena or gymnasium is operated in conjunction with a public or private school where either the parking requirement for the school or for the arena or gymnasium, whichever is greater, shall apply
Theaters, auditoriums, assembly halls, funeral homes and similar places of congregation	One (1) parking space for each four (4) seats in the main seating area
Churches and similar places of worship	One (1) parking space for each three (3) seats in the main seating area
Boarding schools, vocational and trade schools colleges and similar educational institutions	One (1) parking space for each six (6) students based upon the maximum number of students the facility is designed to accommodate at any one time during a twenty four (24) hour period
General business uses, offices, retail and personal and professional service uses, except eating establishment, bars and lounges, discount retail stores, and strip developments with more than two (2) retail stores and retail shopping malls	One (1) parking space for each four hundred (400) square feet of floor area
Discount retail stores, strip developments with more than two (2) retail stores and retail shopping malls	One (1) parking space for each three hundred (300) square feet of floor area
Eating establishments, bars, lounges, night clubs and similar uses, excluding drive-in eating establishment where the customer eats in their vehicle	One (1) parking space for each three (3) customer seats plus one (1) parking space for each employee per largest working shift
Drive-in eating establishments where the customer eats in their vehicle	One (1) parking space for each two hundred (200) square feet plus one (1) parking space per employee per largest working shift

Use Description

Off-Street Parking Spaces Required

Open air businesses including auto, truck, recreational vehicle, mobile home or boat sales uses, kennels, plant nurseries and similar uses

One (1) parking space per employee per largest working shift plus an adequate number of parking spaces for customers, but not less than five (5) additional parking spaces

Automobile or truck service stations or repair businesses

One (1) parking space for each employee per largest working shift plus two (2) parking spaces for each automobile or truck service stall

Amusement establishments, public swimming pools, golf courses, bowling alleys, skating rinks, and similar recreational uses

One (1) parking space for each five hundred (500) square feet of floor area or five (5) parking spaces for each hole or alley, or one hundred (100) square feet of water surface area, whichever is greater

Commercial and industrial uses not catering to on premise retail customers

One (1) parking space for each one and one-fourth (1 and ¼) employees per largest working shift plus an adequate number of parking spaces to accommodate visitors and business vehicles operating from the premises

516.16 If the unit of measurement for determining the minimum number of off-street parking spaces is any fraction of a space, said fraction shall be considered as requiring one (1) additional parking space.

516.17 In sports arenas, gymnasiums, churches and other places of assembly or worship in which patrons occupy benches, pews or similar seating facilities, each twenty (20) inches of such seating shall be counted as one (1) seat for purposes of determining off-street parking requirements.

516.18 For uses not specified in this Section or in any instance when the requirement for an adequate number of off street parking spaces is unclear, the number of off-street parking spaces shall be determined by the Zoning Administrator on the basis of similar uses, the number of persons expected to be employed or served on the premises and the capability of the use to adequately serve the visiting public.

516.19 The required number of off-street parking spaces for premises involving more than one (1) type of use shall be the combination of the required parking spaces for such uses, except where the Zoning Administrator determines that the parking spaces available for one use on the premises can be reasonably expected to function adequately for any other use on the premises without conflict.

SECTION 517 OFF-SITE PARKING FACILITIES

The Village Board of Trustees is hereby authorized to grant off-site parking facilities as conditional uses for any non-residential use in any zoning district, in accordance with Article 7 of this Ordinance and with the following conditions:

517.01 A site development plan for such off-site parking facility shall be filed with the Board of Trustees and said site plan shall demonstrate compliance with all applicable requirements for off-street parking facilities, including landscape buffer and screening, as set forth in this Ordinance, and a listing of all individual off-site uses which shall be entitled to utilize such off-site parking facility, including the number of spaces committed to each such off-site use.

517.02 Any such off-site parking facility shall be located in any non-residential zoning district and shall be situated within three hundred (300) feet of the lot(s) on which the use or uses to be served by said off-site parking facility, measured along the street or sidewalk connecting such parking facility to the use or uses served by the parking facility.

517.03 Any such off-site parking facility shall be surfaced with gravel or crushed rock, asphalt or concrete capable of carrying a wheel load of four thousand (4,000) pounds and shall be maintained in good condition and be free of all weeds, dirt, trash or debris.

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- 517.04** The individual parking spaces in any such off-site parking area shall be delineated either by properly anchored wheel stops in the case of gravel or crushed rock surfacing or by painting of stripes and installation of curb or wheel stops in the case of asphalt or concrete surfacing.
- 517.05** Any off-site parking facility shall have a landscape buffer on all street frontages at least six (6) feet in width and any off-site parking facility abutting a residential zoning district shall be required to have a landscape screen on all side or rear yards that abut a residential zoning district.

SECTION 518 ON-STREET PARKING BLISTERS

Notwithstanding other requirements of this Ordinance, the establishment of parking blisters on public street rights-of-way within the Village may be authorized by the Village Board of Trustees, after review and recommendation by the Planning Commission, to substitute for all or part of the off-street parking requirement for two-family, townhouse, and multi-family residential uses, subject to the following limitations and requirements:

- 518.01** Parking blisters shall be permitted only on streets classified on the Village's Major Street Plan as local streets.
- 518.02** All parking blisters shall be located to maintain the minimum street intersection site distance as required in Section 510 of this Ordinance and such site distance requirement shall also apply to any intersection of a street and a public alley.
- 518.03** The parking arrangement of any parking blister shall be parallel with the street curb or edge of pavement or angled from such curb or edge of pavement at an angle not exceeding forty one (41) degrees from the curb or edge of pavement. Where a street curb does not exist such shall be installed as part of the paving of such parking blister.
- 518.04** All parking blisters shall provide for pedestrian movement in the form a sidewalk abutting the edge of the parking blister which is a minimum of six (6) feet in width and extending the length of the parking blister. Such sidewalk shall connect with any other sidewalks serving the premises or adjoining lots.
- 518.05** Any parking blister shall not exceed the length of the frontage of the lot of which the use it serves is located and no part of any vehicle parked in such parking blister shall extend beyond the frontage of the lot which the parking blister serves.
- 518.06** Any parking blister shall be paved with concrete or asphalt in accordance with Village street paving standards and shall provide for proper drainage and be equipped with a curb on the frontage of the lot. Minimum parking space dimensions, as set forth in this Ordinance, shall be required in any parking blister.
- 518.07** Maintenance and snow removal from a parking blister shall be the responsibility of the owner of the lot which such parking blister serves.
- 518.08** Any part of the total off-street parking requirement not satisfied by a parking blister shall be provided on the lot on which the use served by the parking blister is located.
- 518.09** If disabled accessible parking is not provided elsewhere on the lot on which the use served by the parking blister is located such parking space(s) shall provided in the parking blister in accordance with the requirements of Section 516.11 of this Ordinance.

SECTION 519 DOWNTOWN PARKING

- 519.01** Due to the pedestrian oriented nature of the some areas included in the C-1, General Business Zoning District, and the availability of on-street parking in the central business district, the off-street parking requirements contained in Section 516 of this Ordinance shall not be applicable to any commercial use existing in the C-1, Central Business District at the date of adoption of this Ordinance.

SECTION 520 LOADING AREA REQUIREMENTS

520.10 Except for uses located in the C-1, Central Business District, every lot used for commercial purposes where a stock of goods is maintained or industrial purposes shall be provided with an off-street loading area that will accommodate semi-tractors and trailers. Such loading area shall have access to a public street or alley and shall not interfere with the use of required off-street parking spaces or interfere with any sidewalk on the premises to maneuver or park any vehicles for loading or unloading. Such loading areas shall be surfaced with gravel or crushed rock or paved with asphalt or concrete.

520.02 Commercial uses located in the C-1, Central Business District and existing at the date of adoption of this Ordinance shall not be required to meet the loading area requirements of this Section.

SECTION 521 SIGNS

521.01 Any sign shall, by definition, be a structure. No land, building, or structure shall be used for sign purposes except in conformance with these regulations and those of the applicable zoning district. Signs shall only be permitted in zoning districts permitting the same and no sign shall be erected, enlarged, or otherwise modified until a zoning permit for same has been issued, except as specified in this Section.

521.02 All signs legally existing at the date of adoption of this Ordinance or applicable amendment thereto may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed without compliance with this Ordinance, provided, however, that normal maintenance of such signs and the changing of the advertising display in the case of billboards shall not be restricted. Conversion of any non-conforming business sign to another business sign or product name may be done, provided such non-conforming sign is not an obsolete sign, as defined in Section 521.03, Subsection 7 herein. If such non-conforming sign is determined to be an obsolete sign, it shall not be converted to any other sign unless such conversion would bring such sign in conformance with these regulations.

521.03 Definitions:

1. **SIGN:** Any outdoor visual identification, description, display, or illustration which is affixed to, painted on, or attached to a building, post, pole or other structure and which directs attention to an object, product, place, activity, business, person or persons, service or interest, provides direction or otherwise provides a means of visually communicating with the general public.

521.04 EXEMPTIONS:

The following signs shall be exempt from these regulations, subject to the conditions specified below:

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, address numbers, names of occupants or premises, or other identification of the premises not denoting any business activity.
2. Flags, signs and insignia of any governmental unit, civic, educational or religious organization, except where displayed in connection with a business promotion.
3. Legal notices, identification, informational, warning, no trespassing, directional or other similar signs erected, or required to be erected by any governmental unit and informational or directional signs allowed by the Village Board of Trustees to be placed in any public right-of-way.
4. Memorial plaques, historical markers, integral decorative or architectural features of a building, except trademarks, moving parts or moving lights.
5. One (1) real estate sign for each lot frontage indicating “for sale”, “for rent or lease”, provided any such sign shall be set back at least five (5) feet from any street right-of-way line.

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6. Political campaign yard signs, provided such signs are not placed in any public right-of-way.
 7. Window signs, including pictures, symbols, writing or combination thereof designed to promote an on-site activity that is placed inside a window and is visible from the exterior.

521.05 INCIDENTAL SIGNS:

The following incidental signs shall be permitted, subject to the listed requirements and limitations:

1. Signs, on private property, directing and guiding traffic, identifying a parking or loading area, designating building entrances. Such signs shall not exceed ten (10) square feet in area for each sign, shall not exceed a height of three and one-half (3 1/2) feet. A free-standing incidental sign shall be set back a minimum of five (5) feet from any street or alley right-of-way line.
2. Temporary signs in connection with a special event, provided such signs are limited in use to thirty (30) days per premises and are set back a minimum of five (5) feet from any street or alley right-of-way line.
3. Temporary signs in connection with buildings under construction, model homes and similar longer term temporary signs which shall be removed when the work or sale is completed. Such signs shall be set back a minimum of five (5) feet from any street or alley right-of-way line.
4. A temporary or permanent subdivision identification sign for each street entrance into a subdivision. Such sign shall not exceed two hundred fifty (250) square feet or forty-two (42) inches in height and shall be set back a minimum of ten (10) feet from any right-of-way line unless a greater set back is required to maintain street intersection visibility in accordance with Section 510 of this Ordinance.
5. Off-site signs identifying a church, school, hospital, public park, historic site, local service and benevolent organizations and other public facilities, subject to the following limitations:
 - A. Such signs shall be placed on private property and shall not be placed on any public property or public right-of-way unless so authorized by the Village Board of Trustees.
 - B. Such signs may only be placed in a commercial or industrial zoning district.
 - C. Such signs shall be located no closer than five (5) feet to a right-of-way line of any street.
 - D. Such signs shall not have a sign face area exceeding sixteen (16) square feet and such signs shall not exceed ten (10) feet in height.
 - E. Not more than one (1) such sign may be placed on the same sign structure.
 - F. Such signs shall be located no closer than two hundred (200) feet to any other sign, excluding those signs listed as exempted signs in Section 521.04 of this Ordinance.
 - G. Such signs may be lighted.

521.06 MAINTENANCE AND REMOVAL:

1. All signs shall be kept in good repair.
2. Signs and sign structures which are obsolete, no longer functional or are abandoned shall be removed within sixty (60) days after written notification from the Zoning Administrator that such sign is deemed to be obsolete, non-functional, abandoned, or the sign face and/or structure is dilapidated.

521.07 GENERAL PROVISIONS:

1. No sign or sign structure shall be placed on private property or public property without the consent of the owner of such property.
2. No sign or sign structure, other than official street or highway signs, shall be placed upon, over or in any street or highway right-of-way, except in the Central Business District or as otherwise authorized by the Village Board of Trustees.
3. No sign or sign structure shall be erected at any location where it will interfere with, obstruct the view of pedestrians or on-coming vehicular or railroad traffic, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency vehicle lights shall be used in connection with any sign.
4. It shall be unlawful to erect and maintain any trailer, vehicle, semi-truck trailer or other movable vehicle for use as a sign.

SECTION 522 TOWERS

The Communications Act of 1934, as amended by the Telecommunications Act of 1996 prohibits local governments from prohibiting or tending to prohibit any person from providing wireless telecommunications service. In compliance with this Act, erected telecommunications towers and other erected towers in excess of thirty five (35) feet in height shall be approved as conditional uses in the zoning districts in which said towers are allowable, provided such towers comply with or exceed the following minimum requirements:

- 522.01** The applicant proposing to construct any such tower shall submit an affidavit attesting to the fact that the applicant has made diligent, but unsuccessful efforts to obtain permission to share or co-locate the applicant's telecommunications facilities on a tower or usable antenna support or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or co-located on an existing tower or usable antenna support structure.
- 522.02** Any tower shall be set back from the right-of-way line of any public roadway or from the nearest wall of any neighboring church, school, or residential dwelling by a distance equal to or exceeding the height of the tower.
- 522.03** The base of any tower shall be enclosed within a security fence or wall to preclude unauthorized access to the tower.
- 522.04** When located within one hundred fifty feet of any residential zoning district, a landscape screen shall be installed along the boundaries of the tower site abutting any residential zoning district.
- 522.05** A condition of conditional use authorization of any tower shall be that the applicant shall agree to allow sharing or co-location by other telecommunications entities whenever possible.
- 522.06** Any tower shall not be artificially lighted, except as required by the Federal Aviation Administration. In cases where lighting is required and there are residentially zoned properties within three hundred percent (300%) of the height of a tower, any such tower shall be equipped with dual mode lighting.

SECTION 523 TEMPORARY USES

523.01 Temporary uses customary and commonly associated with the primary uses allowed within each zoning district shall be permitted and such uses shall be subject to the regulations of the applicable zoning district and the following time period restrictions:

<u>Temporary Use</u>	<u>Time Limit</u>
Temporary office, model home or apartment and incidental signs necessary for The sale, rental or lease of real property.....	1 year
Temporary building or yard for storage of construction materials and equipment necessary to the construction of a building or structure on or near the storage premises.....	1 year
Temporary structures for farmer’s markets, bazaars and similar activities.....	6 months
Mobile home or truck trailer parking as a temporary construction office during construction of a building or structure on or near the office premises.....	1 year
Announcement signs in association with buildings under construction, demolition or remodeling announcing the future use, developer, architect, engineer and contractor.....	1 year
Subdivision or building development signs necessary to advertise the sale, rental or lease of real property within the subdivision or development.....	1 year
Commercial construction / paving material batch plants necessary to construction on or near the batch plant premises, provided such plants shall not be located in any residential zoning district.....	6 months
Sites for the sale of fireworks, Christmas trees and similar seasonal items and signs associated with such uses.....	60 days
Special events, such as meetings, exhibitions, sales, political campaign Headquarters and similar special events.....	60 days
Temporary signs announcing a special event.....	60 days
Parking lot or areas designated for a special event.....	30 days
Carnivals, rummage, garage or yards sales, auctions and similar uses.....	14 days / year
Other temporary uses customary to and commonly associated with the primary uses permitted in each zoning district.....	60 days

523.02 Temporary uses shall also comply with the following performance standards:

1. Except for the temporary use of a portable public address system in association with an auction, no public address system or noise producing device shall be permitted in any residential zoning district.
2. Floodlighting or other lighting used in association with a temporary uses shall be restricted to lighting of the premises of the temporary use and shall not be directed or allowed to shine directly on to adjoining properties.
3. Temporary uses shall not block public street and alley intersection visibility and shall comply with Section 510 of this Ordinance.

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4. Temporary uses shall not be permitted to use or occur on any public property, except as approved by the Village Board of Trustees and except for on street parking associated with a temporary use where such parking is permitted.
 5. Temporary uses shall comply with the requirements of the zoning district in which the use occurs and signs associated with a temporary uses shall comply with the applicable regulations of Section 621 of this Ordinance.

SECTION 524 MANUFACTURED HOME - MOBILE HOME PARKS, COURTS AND SUBDIVISIONS

524.01 Manufactured Homes, as defined in Section 303.77 of this Ordinance and Mobile Homes, as defined in Section 303.78 of this Ordinance, as well as site-built homes may be placed in manufactured home - mobile home parks, courts or subdivisions, provided such mobile home parks, courts or subdivisions have been authorized as a conditional use and such parks, courts or subdivisions meet the following minimum requirements:

524.02 Manufactured Home - Mobile Home Park / Court:

The following minimum requirements shall apply to any manufactured home - mobile home park or court developed after the effective date of this Ordinance and to any expansion of any mobile home park or court already existing as of the effective date of this Ordinance:

1. A manufactured home - mobile home park or court shall have an area of not less than one (1) acre.
2. Each lot provided for manufactured or mobile home placement shall have on area of not less than four thousand (4,000) square feet and a minimum width of thirty six (36) feet.
3. Thirty five (35) feet from a street designated on the Village's Major Street Plan as an arterial street and twenty five (25) feet from a street designated as a collector street, local street or frontage road. A front yard may contain the vehicle parking spaces required for each mobile home lot.
4. The minimum side yard for each manufactured or mobile home or addition thereto shall be five (5) feet.
5. The minimum rear yard shall be fifteen (15) feet.
6. Each manufactured home or mobile home lot shall be served by a hard surfaced street at least twenty four (24) feet in width. Any dead end street shall be provided with a hard surfaced turn-around at least sixty (60) feet in diameter.
7. Municipal water and sewage utilities shall be provided to each lot. The water supply shall be sufficient to provide water for domestic consumption and adequate flow for fire protection. Fire hydrants shall be installed so that no lot is more than one hundred fifty (150) feet from a fire hydrant measured along the streets on the perimeter or within the mobile home park or court.
8. Each lot shall be provided with a minimum of two (2) off-street parking spaces. Parking spaces and walkways connecting the parking spaces to the manufactured home or mobile home shall be hard surfaced.
9. Street lighting within and on the perimeter of any manufactured home - mobile home park or court shall be in a manner equivalent with that required for other residential subdivisions within the Village.
10. Not less than eight (8) percent of the total land area in the manufactured home - mobile home park or court shall be designated as common open space for a park and playground. Any such area shall be designed so that its length is not more than twice its width and is not traversed by any street or motor vehicle traffic.

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11. If common refuse storage facilities are to be provided, such facilities shall not be located more than one hundred fifty (150) feet from any mobile home lot and all refuse containers shall be screened from view by a solid fence at least six (6) feet in height with hinged openings to permit dumping of waste into the refuse containers and emptying of the containers.
 12. The owner / management of the manufactured home - mobile home park or court shall prohibit storage of any materials, equipment, or trash receptacles, except licensed, operable vehicles, outside or underneath any manufactured home or mobile home unless such materials are stored in an enclosed building or inside an solid fence with a minimum height of six (6) feet.
 13. All manufactured home and mobile homes located in a mobile home park shall be completely skirted, provided that skirting of recreational vehicles either pull type or motorized which are not designed for skirting shall not be required to be skirted.
 14. All manufactured home and mobile home lots shall provide pads and anchors for support of and windstorm protection for such homes and such pads and anchors shall be constructed in accordance with manufacturer's specifications or in the event of non-availability of such specifications, such pads and anchors shall be constructed to meet the minimum requirements of 24 CFR 3280.
 15. Each manufactured home or mobile home lot shall be provided with a minimum eighty (80) square foot of enclosed storage space for storage of refuse containers, bicycles, mowers or other items. Such enclosed storage space may be provided through providing a small storage building on each lot, by providing a centralized storage building sufficient in size to meet the minimum square footage of storage area requirement or by providing oversized garages sufficient in size to provide the required eighty (80) square feet of storage area.
 16. Not less than one reinforced storm shelter be provided for use by occupants of the manufactured home - mobile home park or court in the event of hazardous storms. Such shelter shall be of adequate size and capacity to safely house all occupants in the mobile home park or court and shall provide at least ten (10) square feet of floor space for each person utilizing an average of two and one-half (2 ½) persons per manufactured home or mobile home. Such storm shelter shall be located near the center of the manufactured home - mobile home park or court to provide the shortest possible distance between all lots within the park or court.

524.03 Manufactured Home - Mobile Home Park / Court Plan Requirements

As part of any conditional use application, the developer of any new or expanded manufactured home - mobile home park or court shall submit a complete, accurately scaled plan of the proposed park or court. Said plan shall include at least the following information:

1. The legal description and area of the land to be included in the park or court.
2. The number, size and location of each mobile home lot, including the location of required parking spaces and walkways.
3. A grading and drainage plan for the park of court.
4. The location and width of all streets and walkways.
5. The size and location of all water and sewer lines, fire hydrants and other infrastructure improvements together with easement locations and widths.
6. The location of all proposed street lights and utility easements to provide power to such lights.
7. The location and dimensions of the required common recreational open space together with playground equipment to be provided.

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8. The location, size and capacity of the required reinforced storm shelter.
 9. The location of all refuse storage areas, other buildings and structures and other improvements to be provided in the park or court.
 10. Plans and specifications of all buildings to be provided.

524.04 Manufactured Home - Mobile Home Subdivision

The following minimum requirements shall apply to any manufactured home - mobile home subdivision developed after the effective date of this Ordinance and to any expansion of any manufactured home - mobile home subdivision already existing as of the effective date of this Ordinance:

1. A manufactured home or mobile home subdivision shall have an area of not less than two (2) acres.
2. Each lot provided for manufactured home or mobile home placement, or site-built home shall have on area of not less than six thousand (6,000) square feet and a minimum width of fifty (50) feet, except that any lot to accommodate a double-wide mobile home shall have a minimum lot width of seventy (70) feet.
2. Thirty five (35) feet from a street designated on the Village's Major Street Plan as an arterial street and twenty five (25) feet from a street designated as a collector street, local street or frontage road. A front yard may contain the vehicle parking spaces required for each mobile home lot.
4. The minimum side yard for each manufactured home or mobile home or addition thereto shall be five (5) feet.
5. The minimum rear yard shall be fifteen (15) feet.
6. Each manufactured home or mobile home lot shall be served by a dedicated public street developed in accordance with the standards set forth in the Village's Subdivision Regulation Ordinance.
7. Municipal water and sewage utilities shall be provided to each lot. The water supply shall be sufficient to provide water for domestic consumption and adequate flow for fire protection. Fire hydrants shall be installed so that no lot is more than one hundred fifty (150) feet from a fire hydrant measured along the streets on the perimeter or within the mobile home park or court.
8. Each lot shall be provided with a minimum of two (2) off-street parking spaces. Parking spaces and walkways connecting the parking spaces to the manufactured home or mobile home shall be hard surfaced.
9. Street lighting within and on the perimeter of any manufactured home - mobile home subdivision shall be in a manner equivalent with that required for other residential subdivisions within the Village.
10. The developer of the manufactured home - mobile home subdivision shall establish restrictive covenants which prohibit storage of any materials, equipment, or trash receptacles, except licensed, operable vehicles, outside or underneath any manufactured home or mobile home unless such materials are stored in an enclosed building or inside an solid fence with a minimum height of six (6) feet.
11. The developer of the manufactured home - mobile home subdivision shall establish restrictive covenants which require that each manufactured home or mobile home located in the mobile home subdivision shall be completely skirted.
12. Not less than one reinforced storm shelter shall be provided for use by occupants of the manufactured home - mobile home subdivision in the event of hazardous storms. Such shelter shall be of adequate size and capacity to safely house all occupants in the mobile home subdivision and shall provide at least ten (10) square feet of floor space for each person utilizing an average of two and one-half (2 ½) persons per mobile

home. Such storm shelter shall be located near the center of the mobile home subdivision to provide the shortest possible distance between all lots within the subdivision and the developer shall make provisions for a homeowner's association with assessment authority to provide sufficient funds with which the lot owners can properly maintain such storm shelter.

524.05 Manufactured Home - Mobile Home Subdivision Requirements

As part of any conditional use application, the developer of any new or expanded manufactured home - mobile home subdivision shall submit a complete, accurately scaled plat of the proposed subdivision in accordance with the requirements of the Subdivision Regulation Ordinance of the Village.

SECTION 525 OCCUPANCY OF BASEMENTS AND CELLARS

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially constructed and can be occupied for residential purposes.

SECTION 526 OTHER GENERAL BUSINESS STANDARDS

Any business or industrial use shall comply with the following general business standards:

1. No music or audio advertising shall be permitted on the exterior of any business premises, except that music may be permitted on the exterior of business enterprises during holiday seasons or special events, provided that the number of special events shall not exceed two (2) per year and that the level of amplification of such music or advertising shall not create an annoyance or nuisance to nearby businesses or other uses.
2. Each business shall provide adequate refuse containers for waste produced on the premises. Any waste container located on the exterior of a building, which is larger than six (6) cubic yards in capacity, shall be enclosed in an opaque fence or walled area and said fence or wall shall be sufficient height to hide said refuse container, but shall exceed six (6) feet in height.
3. No strobe or lighting utilizing rotating beacons or an attracting device of the type used by emergency vehicles as emergency or warning lights shall be permitted on the exterior of any building.

SECTION 527 WIND ENERGY SYSTEMS

INTENT:

According to the research conducted by the Michigan Department of Labor and Economic Development, Energy Office, generation of electricity in the United States is responsible for 36% of carbon dioxide pollution, 64% of sulfur dioxide pollution, 26% of nitrogen oxide pollution and 34% of mercury pollution.

Development of facilities to generate clean, renewable energy will reduce air pollution, increase the fuel diversity of our electric system, save natural resources and provide a hedge against increases in price of fossil fuels used for electric generation.

The intent of these regulations is to strike an appropriate balance between our Nation's need and our State's need to develop clean, renewable energy resources and the necessity to protect the public health, safety and welfare within the zoning jurisdiction of Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska.

DEFINITIONS:

1. **AGGREGATE WIND ENERGY CONVERSION SYSTEM (WECS) PROJECT:** A utility grid wind energy conversion system project (WECS) or projects that is / are developed and operated in a coordinated fashion, but which have multiple entities separately owning one (1) or more of the individual WECS(s) within the 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 aggregate project.

2. **AMBIENT:** The sound pressure level exceeded ninety percent (90%) of the time.
3. **ANSI:** American National Standards Institute.
4. **dB(A):** The sound pressure level in decibels utilizing the “a” weighted scale defined by ANSI for weighting the frequency spectrum to mimic the human ear.
5. **DECIBEL:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. **FALL ZONE:** The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of structural failure. This area is less than the total height of the tower.
7. **FEEDER LINE:** Any power line that carries electrical power from one (1) or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the wind energy conversion system.
8. **IMPACT EASEMENT:** An easement or deed restriction, recorded in the office of the York County, Nebraska Registrar of Deeds, which runs with the land, which is granted to the owner of an industrial use, a confined or intensive animal feeding use, a waste handling facility use, a wind energy conversion system or other use for the period of time that such use shall exist, by the owners of adjoining or neighboring real property in which it is mutually agreed between the grantor and grantee that the grantor shall hold the grantee harmless from odor, smoke, dust, noise, visual or other legal impacts associated with such use on the grantor’s property when such use is operated in accordance with the terms of such easement or deed restriction.
9. **METEOROLOGICAL TOWER:** A temporary tower, base plate, anchors, guy wires, hardware, anemometers, wind direction vanes, booms to hold equipment, data loggers, instrument wiring and any telemetry devices that are used to monitor or transmit wind speed, direction and flow characteristics over a period of time at a given location. For the purpose of this regulation, such towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct and operate a WECS project which shall be in place on the premises not more than one (1) year from the date of completion of installation.
10. **MODIFICATION:** Any change to the on-site WECS that materially alters the size, type, capacity or location of the WECS. Like-kind replacement and normal repairs shall not be construed to be a modification.
11. **NET METERING:** The difference between the electricity supplied to a customer over the electric grid system and the electricity generated by the customer’s WECS that is fed back into the grid system over a billing period.
12. **OCCUPIED BUILDING:** A residential dwelling, school, hospital, church, public library or other building use for public gathering that is occupied by or used by humans for its intended purpose
13. **ON-SITE WIND ENERGY CONVERSION SYSTEM:** An on-site wind energy system with no or one (1) tower, intended to primarily serve the needs of the use on the premises where such system is located. Such system may be connected to the electric grid through net metering, but the primary use shall be to generate electricity to serve the needs of the use on the premises where such system is located.
14. **OPERATOR:** The entity responsible for the day-to-day operation and maintenance of any WECS, WECS project of substation, including any third-party subcontractors.
15. **OWNER:** The entity or entities with an equity interest in the WECS(s), including their respective, successors and assigns. Owner does not mean 1) the property owner from whom land is leased for locating the WECS(s) unless the property owner has an equity interest in the WECS(s) or 2) any person holding a security interest in

the WECS(s) solely to secure an extension of credit or person foreclosing on such security interest, provided that after foreclosure such person seeks to sell the WECS(s) at the earliest practicable date.

16. **PUBLIC CONSERVATION LANDS:** Land owned in fee title by State or Federal Government agencies and managed specifically for conservation purposes, including but not limited to wildlife management areas, parks, wildlife refuges and waterfowl production areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations and private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
17. **ROTOR:** A component of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
18. **SCADA TOWER:** A free-standing tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
19. **SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blades of a wind energy system which cast a repeating pattern of shadows on the ground and stationary objects, such as a window of a dwelling.
20. **SOUND PRESSURE:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of sound measured at the receiver.
21. **SOUND PRESSURE LEVEL:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
22. **SUBSTATION:** The apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection to the utility grid transmission lines.
23. **SYSTEM HEIGHT:** The vertical distance from ground level to the tip of the wind generator blade when at its highest point from the ground.
24. **TOWER HEIGHT:** The height above grade of the fixed portion of the tower, excluding the wind generator.
25. **TRANSMISSION LINE:** The electrical power lines that carry voltages of at least sixty-nine thousand volts (69kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supply electrical energy to retail customers.
26. **UTILITY GRID WIND ENERGY SYSTEM:** A wind energy conversion system which is designed and constructed to provide electricity to an electric utility grid.
27. **WIND ENERGY CONVERSION SYSTEM (WECS):** A system with all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation and transformer, in any.
28. **WIND ENERGY CONVERSION SYSTEM PROJECT (WECS Project):** The WECS(s) and associated support facilities including, but not limited to, roads, transformers, electrical cabling, substations, operation and maintenance buildings, SCADA towers within the boundaries of the project site.
29. **WIND GENERATOR:** The blades and associated mechanical and electrical conversion components mounted on top of a tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.
30. **WIND SITE ASSESSMENT:** An assessment to determine wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

ZONING PERMIT REQUIRED: Issuance of a zoning permit shall be required prior to construction of any on-site or utility grid WECS. Failure to comply with the permitting requirement or any requirement or standard of this section shall constitute a violation of this Ordinance.

ON-SITE WIND ENERGY CONVERSION SYSTEM REQUIREMENTS:

Application Requirements: Applications for an on-site WECS shall contain a scaled site plan containing the following information together with attachments which provide non-map data indicated.

1. Property lines and physical dimensions of the property where the on-site WECS is proposed, including the right-of-way lines of any public road that is contiguous to the property.
2. Location, dimensions and types of existing major structures on the property and height to the top of the canopy of any tree(s) of other obstruction within three hundred feet (300') of the proposed WECS location.
3. Location of the proposed WECS, foundation, guy wire anchors and associated equipment.
4. Setback distances of the WECS as set forth in this regulation.
5. Location of overhead utility lines.
6. WECS specifications, including manufacturer, model, rotor diameter, tower height, tower type and nameplate generation capacity.
7. Sound level analysis prepared by the manufacturer or qualified engineer.
8. Electrical components in sufficient detail to allow for determination of compliance with applicable electrical codes.
9. Evidence of compliance or non-applicability with the Federal Aviation Administration requirements.
10. For on-site WECS which will be connected to the power grid, a copy of the application for interconnection with the electric utility provider.

Standard and Requirements: On-site WECS shall be permitted in the applicable zoning district when in compliance with the following standards and requirements:

1. **SETBACKS:** The setbacks shall be calculated by multiplying the minimum setback requirement number indicated in the table below by the system height and measured from the center of the tower base to property lines, public road rights-of-way or nearest wall of an occupied building. In no event shall the setbacks be less than the minimum setbacks required in the applicable zoning district, except that guy wire anchors shall have a minimum setback from property lines of ten (10) feet.

MINIMUM SETBACK REQUIREMENTS			
From occupied buildings on the same premises as the WECS	From occupied buildings on abutting properties	From property lines and utility lines	From public road rights-of-way
0	1.5	1.1	1.1

2. **SYSTEM HEIGHT:** The maximum system height shall be forty (40) feet above the highest tree canopy or other obstruction within three hundred feet (300') of the WECS, provided that no system height shall exceed one hundred twenty feet (120').

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3. **SOUND LEVEL:** The on-site WECS shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the property lines, except during short-term events such as severe wind storms and utility outages.
 4. **SHADOW FLICKER:** The on-site WECS shall be sited in a manner that does not result in shadow flicker impacts more than thirty (30) hours per year on any occupied building on abutting properties. The applicant shall provide a map of such shadow flicker impacts based upon high and low sun angles for the proposed site.
 5. **SIGNS:** There shall be no signs or logos of any type allowed in the WECS tower or wind generator with the exception of warning signs and manufacturer identification.
 6. **AVIATION:** Any on-site WECS proposed near an airport shall comply with applicable Federal Aviation Administration regulations.
 7. **VISUAL IMPACTS:**
 - A. Screening of ground mounted electrical and control equipment from public roads and occupied buildings on abutting properties shall be provided by means of fencing and /or landscaping or a combination thereof.
 - B. The color of the on-site WECS shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends with the surrounding environment. Approved colors shall include white, off-white or gray or such other color that the applicant can demonstrate will blend with the surrounding environment and the sky.
 - C. The on-site WECS shall not be artificially lit in any manner unless lighting is required by the Federal Aviation Administration, in which case shall provide a copy of the FAA determination and the required markings and /or lights. Red lights shall be used during nighttime illumination to reduce impacts on abutting properties.
 8. **ACCESS:** The WECS tower shall be designed and installed so as not to provide step bolts, ladders or other means of access for a minimum height of eight feet (8') from ground level and the applicant shall provided evidence as to how all ground mounted equipment shall be secured to prevent unauthorized access.
 9. **DESIGN SAFETY:** On-site WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and the National Electrical Commission (NEC). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party. Further, the applicant shall provide certification by a Professional Engineer, licensed in the State of Nebraska, that the WECS foundation and tower design is within accepted safety and design standards for the local soil and climate conditions. Such certification may be provided by the manufacturer of the WECS.
 10. **CONTROLS AND BRAKES:** Each WECS shall be equipped with a redundant braking system, which may include aerodynamic overspeed controls (variable pitch, tip and / or other similar system and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection. Certification of compliance with this requirements shall be provided by the manufacturer.
 11. **CODE COMPLIANCE:** On-site WECS(s) shall comply with the electrical codes applicable in the County and / or the National Electrical Code.

12. **UTILITY CONNECTION:** If the on-site WECS is to be connected to the utility grid, the applicant shall submit written verification that the utility serving the site of the proposed WECS has been notified and that the proposed interconnection complies with the requirements of said utility.

13. **ABANDONMENT:**

- A. At such time that an on-site WECS is scheduled to be abandoned or discontinued, the owner of said WECS shall notify the Zoning Administrator of the proposed date of abandonment or discontinuance of operation.
- B. Upon abandonment or discontinuation of use, the owner of the on-site WECS shall physically dismantle all above ground components of the WECS within ninety (90) days from the date of abandonment or discontinuation of use.
- C. In the event that an owner of an on-site WECS fails to give notice of abandonment or discontinuation of use, the WECS shall be considered to be abandoned or discontinued if the system is out-of-service for a twelve (12) consecutive months. After such twelve (12) consecutive months the Zoning Administrator shall issue a written Notice of Abandonment by certified mail to the owner of the WECS at the address indicated for the site of the WECS in the County Treasurers Office. The owner of the WECS shall have the right to respond to the Notice of Abandonment within thirty (30) days from the date of receipt of such notice to present evidence that the WECS has not been abandoned or discontinued. The Zoning Administrator shall review any such response to determine if the WECS has been abandoned or discontinued. If it is determined that said WECS has not been abandoned or discontinued, the Notice of Abandonment shall be withdrawn and notice of same shall be provided to the owner of said WECS. If, after review of the owner's response, it is determined that said WECS has been abandoned or discontinued, notice of such finding shall be provided by certified mail to the owner of the WECS.

If the owner of said WECS fails to respond to the Notice of Abandonment or, after review of any response from the owner, the Zoning Administrator determines that the WECS has been abandoned or discontinued for twelve (12) consecutive months, the owner shall have ninety (90) days from the date of receipt of such notice to dismantle all above ground components of said WECS. If the owner of said WECS fails to dismantle said WECS within the prescribed time period, such shall be considered a violation of the Ordinance and shall be subject to the penalties set forth in Section 1102 of this Ordinance.

14. **PRIOR EXISTING USES:** On-site WECS(s) installed prior to the effective date of these regulations shall be exempt from the requirements of these regulations, except when modification of the WECS is proposed. Any on-site WECS which was abandoned or the use of which has been discontinued for a period of twelve (12) consecutive months prior to the effective date of these regulations shall be subject to the notice and dismantling requirements set forth in Item 13 immediately above.

ARTICLE 6: NON-CONFORMING USES

SECTION 601 INTENT

601.01 Within the zoning districts established by this Ordinance or amendment thereto, there may exist lots, structures, or use of land and structures, or characteristics of structures or use which were legally established on the date of adoption of this Ordinance, but which are prohibited, regulated, or restricted under the terms of this Ordinance or amendment thereto. It is the intent of this Ordinance to permit these non-conformities to continue until such are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

601.02 Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the applicable zoning district. A non-conforming use of a structure, of land or of a structure and land in combination shall not be extended or enlarged after adoption of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses which are prohibited in the applicable zoning district.

SECTION 602 HARDSHIP

To avoid any undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or structure for which a zoning permit has been lawfully issued or for which actual construction has been lawfully initiated in good faith prior to the effective date of the Ordinance or amendment thereto where actual construction activity has been carried on diligently. Actual construction is defined to be the placing of substantial construction materials, other than earth, in a permanent position and fastened in a permanent manner. "Carried on diligently" shall be defined to mean that construction has been on-going except through the winter months, defined as being November 1 through April 1 of the following year.

SECTION 603 EXCEPTIONS

Notwithstanding other provisions of this Section, a lawfully established residential use rendered non conforming by adoption of this Ordinance or amendment thereto may be enlarged, altered or reconstructed, provided that:

1. Such residential use shall comply with Section 602 of this Ordinance.
2. This provision shall not be construed to include more than one (1) use on a lot and shall be applicable so long as such use remains otherwise lawful.
3. Any such enlargement or alteration shall not increase the non-conformity of the dwelling.

SECTION 604 NON-CONFORMING LOTS OF RECORD

602.01 In any zoning district in which single-family dwelling structures are permitted, a single-family dwelling and its customary accessory buildings may be erected on a single lot which is a lot of record on the date of adoption of this Ordinance or amendment thereto. Such lot of record must be in separate ownership and not of continuous frontage with other lots in the same ownership. The provision shall apply even though such lot fails to meet the requirements for area, width, or both, of the applicable zoning district, provided that yard dimensions shall conform to the applicable zoning district regulations.

602.02 If two (2) or more lots or combinations of lots or portions of lots with continuous frontage and in the same ownership are of record on the date of adoption of this Ordinance or applicable amendment thereto, and if all or part of the lots do not comply with the lot width and area requirements of the applicable zoning district, the lots or portions or lots involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of such lot or portions of lots shall be used or sold in a manner which would diminish compliance with the minimum lot width and area requirements of the applicable zoning district.

SECTION 605 NON-CONFORMING USES OF LAND WITH MINOR STRUCTURES

603.01 Where, at the date of adoption of this Ordinance or applicable amendment thereto, lawful use of land exists which would not be permitted under the regulations of the applicable zoning district and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

1. With the exception of livestock production uses, If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform in all respects to the requirements of the applicable zoning district. If any livestock production use ceases for any reason for a period of more than thirty six (36) consecutive months, such production use shall be deemed to be abandoned and shall not be re-established.
2. No additional structure shall be erected in connection with any such non-conforming use.
3. No such non-conforming use shall be moved, in whole or in part, to occupy any portion of the lot or parcel on which such use was located on the date of adoption of this Ordinance or applicable amendment thereto.
4. No such non-conforming use shall be enlarged, increased in any way, or extended to occupy a greater area of land than was occupied by such use as of the date of adoption of this Ordinance or applicable amendment thereto.

SECTION 606 NON-CONFORMING STRUCTURES

604.01 Where a lawful structure exists on the date of adoption of this Ordinance or applicable amendment thereto which could not be constructed under the requirements of this Ordinance by reason of restrictions on area, lot coverage, height, yards, location or the lot, or other requirement concerning such structure, such structure may be continued as long as it remains otherwise lawful, provided:

1. No such non-conforming structure may be enlarged or altered in any way which would increase its non conformity, but any structure or portion thereof may be altered to reduce its non-conformity.
2. Should such structure or non-conforming portion of such structure be destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this Ordinance or applicable amendment thereto.
3. Should such structure be moved for any reason for any distance, it shall conform to the requirements of this Ordinance or applicable amendment thereto at its new location.

SECTION 607 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

605.01 If a lawful use involving individual structures with a replacement cost of more than one thousand dollars (\$1,000.00) or structure of such value and land in combination exists on the effective date of adoption of this Ordinance or applicable amendment thereto, that would not be permitted in the applicable zoning district, the use may be continued as long as it remains otherwise lawful, provided:

1. No such existing structure devoted to a use not permitted in the applicable zoning district shall be enlarged, extended, reconstructed, moved or structurally altered, except in conjunction with changing the use of the structure to a use permitted in the applicable zoning district.
2. Any non-conforming use may be extended throughout any parts of an existing building or area which was manifestly arranged or designed for such use at the date of adoption of this Ordinance or applicable amendment thereto, but no such use shall be extended to occupy any land outside such building or area.

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3. If no structural alterations are made, any non-conforming use of a structure or structure and premises may, as a conditional use, be changed to another non-conforming use provided that the Village Board of Trustees, after review and recommendation by the Planning Commission, either by general rule or findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the applicable zoning district than the existing non-conforming use. In permitting such change, the Village Board of Trustees may require compliance with conditions and safeguards which it deems appropriate.
 4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the requirements of this Ordinance and a non-conforming use may not thereafter be resumed or established.
 5. Except for livestock production uses, when a non-conforming use or structure, or structure and premises in combination, is discontinued or is abandoned by twelve (12) consecutive months, except when governmental action impedes access to the premises, the structure or structure and land in combination shall not thereafter be used except in conformity with the requirements of this Ordinance. If any livestock production use ceases for any reason for a period of more than thirty six (36) consecutive months, such production use shall be deemed to be abandoned and shall not be re-established.
 6. Where a non-conforming use status applies to a structure or structure and land in combination, removal or destruction of the structure by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of such destruction it shall eliminate the non-conforming status of the land and such structure and use shall not be reconstructed except in conformity with the requirements of this Ordinance.

SECTION 608 REPAIR AND MAINTENANCE OF NON-CONFORMING STRUCTURES

- 606.01** Ordinary repairs and maintenance of or replacement of non-bearing walls, fixtures, heating and cooling systems, wiring, plumbing, roofing material or similar non-structural building components is permitted, provided that such repairs, maintenance or replacement does not increase the area or cubic content of the structure which existed on the date of adoption of the Ordinance or applicable amendment thereto.
- 606.02** If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs or maintenance and is declared by any authorized official to be unsafe or unlawful by reason of such physical condition, such structure shall not be restored, repaired, or reconstructed after six (6) months from the date of such declaration.

SECTION 609 CONDITIONAL USES AND NON-CONFORMING USES

- 607.01** A use granted as a conditional use under the terms and requirements of the Ordinance shall not be deemed a non-conforming use.
- 607.02** A non-conforming use may be converted to another non-conforming use as a conditional use in accordance with Section 605.01, Subsection 3 of this Ordinance. A conditional use allowing a change from one non-conforming use to another non-conforming use shall remain a non-conforming use.

ARTICLE 7: CONDITIONAL USE PERMITTED BY SPECIAL REVIEW

SECTION 701 GENERAL POWERS

The Village Board of Trustees may grant conditional uses to property owners for the use of their property as authorized by this Ordinance. The granting of a conditional use shall permit only the use requested that is among those uses listed in the applicable zoning district regulations as conditional uses. The Board of Trustees may attach any conditions or additional requirements in authorizing a conditional use and such conditions or additional requirements shall be complied with in the same manner as any other requirement of this Ordinance. The conditional use authorization shall take effect upon authorization of the conditional use and issuance of a zoning permit by the Zoning Administrator. The power to grant conditional uses shall be the exclusive authority of the Village Board of Trustees, provided that the Village Board of Trustees shall not consider any conditional use application until such application has been reviewed and recommendations provided to the Village Board of Trustees by the Planning Commission. The Planning Commission and Village Board of Trustees, when considering any application for a conditional use, shall comply with the following standards and procedures:

SECTION 702 APPLICATION REQUIREMENTS

A written application for a conditional use permit shall be submitted to the Zoning Administrator on the form provided by the Zoning Administrator. A conditional use application shall be filed with the Zoning Administrator at least fifteen (15) days prior to the date of any review of such application by the Planning Commission together with the established fee for review of such conditional use application. Such application shall include, but not be limited to, the following information:

1. A legal description of the property on which the proposed conditional use is requested, including the specific size and dimension of the area on which the proposed conditional use would be located if less than the total property owned by the applicant;
2. The size and locations of all existing and proposed buildings and structures;
3. A detailed description of the use proposed and the activities involved in such use;
4. The location(s) of access to public roadway(s);
5. The type and locations of easements effecting the property;
6. A description of the provisions made for adequate water supply, sewage disposal, public utilities and erosion control;
7. The extent and location of parking, loading, outdoor storage areas and refuse disposal and collection facilities;
8. A description and location of any screen fencing or landscape screening proposed;
9. A description of the size, height and location of any proposed signs;
10. An indication of the land uses on all properties adjoining the property on which the conditional use is proposed;
11. An indication of surface water drainage onto, through and off of the subject property which would occur after development of the proposed conditional use;
12. A description of how the use or uses proposed will address the compatibility issues of traffic generation, noise, odor, dust, potential air, water or soil pollution or explosion hazards or other compatibility issue which may result from the proposed use;
13. Any areas on the property subject to flooding or considered to be a wetland.

SECTION 703 PROCEDURE AND PUBLIC HEARINGS

703.01 PLANNING COMMISSION PUBLIC HEARING: For any action on a conditional use application, the Village Clerk shall have published a written notice in the legal newspaper of the Village at least ten (10) days prior to the date of the Planning Commission meeting at which the conditional use request is scheduled to be heard. Such notice shall state the date, time and place of such public hearing and contain a statement describing the legal description, street address and type of conditional use requested, the name of the person(s) or entity making application for a conditional use and a statement indicating that all interested citizens can attend this public hearing and be heard with regard to this application.

703.02 PLANNING COMMISSION REVIEW AND RECOMMENDATION: The Planning Commission shall hear and review each conditional use application within thirty (30) days of the date that a complete application for a conditional use is submitted to the Zoning Administrator. The Planning Commission shall hear the applicant's petition and all comments by the public and shall review such application with regard to the factors, issues, requirements and limitations set forth in Section 704 of this Ordinance.

The Planning Commission, after review of the application, shall, by majority vote, act to recommend approval or disapproval the application, provided that if the Commission recommends approval of such application it shall specify conditions and limitations which it recommends to assure that the proposed use will not unreasonably impact neighboring properties and the neighborhood and community in general. The Commission, in its review of a conditional use application, shall consider the issues and factors set forth in Section 704 of this Ordinance. If the Commission recommends disapproval of an application, it shall state the reason(s) for such disapproval. The recommendations of the Planning Commission, together with recommended conditions of approval or recommended reasons for disapproval shall be recorded in the minutes of the Commission and such recommendations shall be forwarded by the Zoning Administrator to the Village Board of Trustees for its consideration.

If the Planning Commission determines that additional information is needed with regard to the conditional use application, it may continue the public hearing until the next meeting of the Planning Commission to provide time for the applicant to provide such additional information. The Chairperson of the Commission shall indicate to the applicant what additional information is needed and shall state the date, time and location of the next meeting of the Planning Commission at which the conditional use will again be considered.

703.03 VILLAGE BOARD OF TRUSTEES PUBLIC HEARING: For any action on a conditional use application, the Village Clerk shall have published a written notice in the legal newspaper of the Village at least ten (10) days prior to the date of the Village Board of Trustees meeting at which the conditional use request is scheduled to be heard. Such notice shall state the date, time and place of such public hearing and contain a statement describing the legal description, street address and type of conditional use requested, the name of the person(s) or entity making application for a conditional use and a statement indicating that all interested citizens can attend this public hearing and be heard with regard to this application.

703.04 VILLAGE BOARD OF TRUSTEES REVIEW AND ACTION: The Village Board of Trustees shall hear, review and decide each conditional use application at its next regular meeting after hearing and recommendation on each conditional use application by the Planning Commission. The Village Board of Trustees, at public hearing, shall:

1. consider and review the application,
2. consider the comments of all interested citizens,
3. review and consider the recommendations of the Planning Commission, and
4. consider the issues and factors set forth in Section 704 of this Ordinance.

After such public hearing, review and consideration, the Village Board of Trustees shall, by majority vote, either:

1. approve the application as proposed,

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2. deny the application,
 3. approve such application with conditions, or
 4. table the application to a specified date, time and place to provide for further study and review.

Any Village Board of Trustees action to authorize a conditional use shall be recorded in the minutes of the Board of Trustees together with all conditions applicable to such authorization and the Zoning Administrator shall be instructed to attach such conditions to a zoning permit to be forwarded to the applicant. Any Village Board of Trustees action to deny an application shall be recorded in the minutes of the Village Board of Trustees together with the reason(s) for such denial and the Village Board of Trustees shall cause a letter stating the reasons for the denial to be sent to the applicant.

SECTION 704 RULES GOVERNING CONSIDERATION AND AUTHORIZATION OF CONDITIONAL USES

704.01 The Planning Commission and Village Board of Trustees, in considering an application for a conditional use, shall prior to any action on a conditional use application, consider the definition of "conditional use" as defined in Section 303.29 of this Ordinance and which reads as follows:

Conditional Use: A use of land that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, size, height, intensity, location or relationship to the surrounding property would promote the public health, safety, morals, convenience and general welfare.

The Planning Commission and Village Board of Trustees shall also, prior to any action on a conditional use application, consider the following factors with regard to evaluation of the appropriateness of a proposed conditional use:

1. The location of all ingress and egress points to the property on which the conditional use is proposed to be located with particular reference to pedestrian and vehicle safety and convenience, traffic flow and control and access by emergency vehicles.
2. The impact of off-street parking and loading areas and related traffic, noise, glare and other impact on adjoining properties and the neighborhood in general.
3. The location and adequacy of refuse collection and utility locations and easements.
4. The adequacy of surface drainage provisions proposed and the impact of surface drainage on neighboring properties and existing drainage facilities.
5. The adequacy of landscape screening or buffering proposed or the need for such screening or buffering to protect abutting properties.
6. The appropriateness of the location, size and height of signs and exterior lighting with regard to impact on abutting properties and the neighborhood in general.
7. The compliance with yard and open space requirements of the applicable zoning district.
8. The overall compatibility of the proposed conditional use with abutting properties and the neighborhood in general, the possible impacts on property values in the area of the proposed conditional use and the consistency of the proposed use with the Village's Comprehensive Plan.
9. The possible long-term impacts on and the long-term compatibility of the proposed conditional use with abutting properties and the neighborhood and community in general.
10. Other factors, peculiar to the conditional use requested which could negatively impact abutting properties, the neighborhood or the community in general.

The Planning Commission may recommend and the Village Board of Trustees, in authorizing any conditional use, may stipulate and require compliance with such conditions and restrictions as it deems appropriate to assure that any conditional use authorized will not unreasonably impact the value of neighboring properties, traffic levels on adjoining streets, capacities of public utilities, surface drainage and the general public health and safety of the community.

In the event a proposed conditional use is to be temporary in nature, the Planning Commission may recommend and the Village Board of Trustees may stipulate a time limit for the operation of such use. If a proposed conditional use is to be a permanent use, evaluation of the appropriateness of the proposed use shall include an evaluation of the long-term impacts on and long-term compatibility with abutting properties, the neighborhood and the community in general. If such a permanent use is authorized, such authorization shall be without a time limit.

SECTION 705 EXPIRATION OF CONDITIONAL USES

Construction or development of any authorized conditional use shall be commenced within twelve (12) months after issuance of a zoning permit by the Zoning Administrator after authorization of such conditional use by the Village Board of Trustees. If such construction or development does not occur within this time, the conditional use authorization and permit become null and void. The applicant may, however, file a written request for an extension of the conditional use authorization and permit stating the length of the extension requested and the reason(s) such extension is needed. After proper legal notice in accordance with Section 703 of this Ordinance, the Village Board of Trustees shall review the extension request and decide if such conditional use remains appropriate. The Village Board of Trustees may grant an extension of up to twelve (12) additional months or it may deny the extension request and, in either case, the action of the Village Board of Trustees shall be recorded in the minutes of the Board of Trustees together with the reason(s) for such action. The Village Board of Trustees shall cause a letter stating the Board's action and reason(s) for such action to be provided to the applicant.

ARTICLE 8: BOARD OF ADJUSTMENT

SECTION 801 CREATION, TERMS OF OFFICE, MEETINGS, RULES

- 801.01** A Board of Adjustment is hereby created and shall be known as the Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska Board of Adjustment. The Village Board of Trustees shall act as the Board of Adjustment.
- 801.02** Each member of the Village Board of Trustees shall be a voting member of the Board of Adjustment. Loss of membership on the Village Board of Trustees shall result in the immediate loss of membership on the Board of Adjustment.
- 801.03** The Chairperson and Vice Chairperson of the Village Board of Trustees shall be the Chairperson and Vice Chairperson of the Board of Adjustment. The Village Clerk shall serve as the Secretary of the Board of Adjustment.
- 801.04** The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or the Vice Chairperson, may administer oaths and compel attendance of witnesses.
- 801.05** The quorum for the Board of Adjustment shall be a minimum of three (3) members. Passage of any motion by the Board on any question, **EXCEPT THOSE MATTERS REQUIRING A PUBLIC HEARING**, shall require a concurring vote of a minimum of three (3) members. Passage of any motion on a matter which requires a public hearing shall require a concurring vote of a minimum of four (4) members.
- 801.06** All meetings of the Board of Adjustment shall be open to the public. The Board shall cause accurate minutes of its proceedings to be prepared and such minutes shall include members in attendance, evidence presented, findings of fact by the Board, all motions and decisions of the Board together with any conditions attached to such decisions and the vote of each member. Records of all official actions of the Board shall be maintained in the Office of the Village Clerk and shall be open to public inspection.

SECTION 802 POWERS AND DUTIES

The Board of Adjustment shall have the powers and duties herein described and shall have **ONLY** such powers and duties.

802.01 POWERS AND JURISDICTION RELATING TO ADMINISTRATIVE REVIEW

The Board of Adjustment shall have the power and responsibility to hear and decide appeals from any affected person where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator, based on or made in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures, or to interpret any map.

1. The Board of Adjustment shall hear and determine appeals from any requirement, interpretation or decision of the Zoning Administrator. Upon filing of an appeal, the Board shall fix a time and place for hearing of the appeal. Public notice of the time, place and subject of such hearing shall be published in the legal newspaper of the Village at least ten (10) calendar days prior to the date fixed for such hearing. A copy of such notice shall be mailed to the person or persons who filed the appeal.
2. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau affected by any decision of the Zoning Administrator regarding the interpretation and enforcement of this Ordinance. Such appeal shall be filed within a reasonable period of time, as provided by the rules of the Board, by filing a notice of appeal with the Zoning Administrator and the Board specifying the grounds for such appeal and such notice shall be accompanied by payment of any fee established for filing of such appeal. The Zoning Administrator shall provide all papers constituting the

applicable records of the Administrator to the Board on or before the date of the hearing set for hearing the appeal.

3. An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board, after a notice of appeal has been filed, that by reason of facts in such case, that a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed, except by a restraining order which may be granted by the Board or Court.

802.02 POWERS AND JURISDICTION RELATING TO MAP INTERPRETATION

The Board of Adjustment shall have the power and responsibility to hear and decide questions regarding the interpretation of the Official Zoning Map in the same manner as the hearing of an appeal and in accordance with the limitations set forth in Section 406 of this Ordinance.

802.03 POWERS AND JURISDICTION RELATING TO VARIANCES

The Board of Adjustment shall have the power to authorize, in specific cases, a variance from the specific terms of this Ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would, in an individual case, result in unnecessary hardship, and provided that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in such case upon findings of the Board that **ALL** of the following conditions have been met:

1. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of each specific piece of property, the strict application of any applicable provision of this Ordinance would result in peculiar or exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, the Board of Adjustment shall have the power to authorize a variance from the strict application of such applicable provision so as to relieve such difficulties or hardship if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. No such variance shall be authorized by the Board unless and until it finds that:
 - A. the strict application of the applicable provisions of this Ordinance would produce undue difficulty or hardship,
 - B. such difficulty or hardship is not generally shared by other properties in the same zoning district and the same vicinity,
 - C. the authorization of a variance shall not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the authorization of a variance,
 - D. the authorization of a variance is based upon reasons of demonstrable and exceptional difficulty or hardship, as distinguished from a variance for purposes of the property owner's convenience, profit, or caprice,
 - E. the condition or situation of the property concerned or the intended use of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.
2. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted to the Zoning Administrator. Such application shall be in the form prescribed by the Board and the applicant shall identify the special conditions and circumstances which are peculiar to the land, the structure(s) or building involved which, in the opinion of the applicant, are not applicable to other lands, structures, or buildings in the same zoning district. The applicant shall also 1) state the reason(s) that a literal enforcement of the applicable provision(s) of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance, 2) indicate why the conditions or

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- circumstances related to such variance do not result from the action of the applicant, and 3) the reason(s) that granting of the requested variance will not confer any special privilege on the applicant that is denied by the provisions of this Ordinance to other land, structures, or buildings in the same zoning district.
3. A non-conforming use of neighboring land, structure(s) or building(s) in the same zoning district, and permitted or non-conforming uses of land, structure(s) or building(s) in other zoning districts shall not be considered grounds for difficulty or hardship and thus the authorization of a variance.
 4. Upon filing of a variance application with the Zoning Administrator, notice of public hearing shall be published in the same manner as set forth in Subsection 801.02 above and the Board of Zoning Adjustment shall conduct a public hearing. Any party may appear in person or be represented by agent or attorney. Upon closing of such public hearing the Board shall take any of the following actions:
 - A. Continue the application for a specified period of time to allow the Board to gather more information in regard to the variance application. In acting to continue such application the Board shall set a specific date, time and place where it shall take further action of continued application,
 - B. Deny the application for a variance and state the reason(s) for such denial,
 - C. Authorize a variance, provided that the Board shall make written findings that particular reasons set forth in the application justify the authorization of a variance and that the variance is the minimum variance that will make possible the reasonable use of the land, structure(s) or building(s) and shall make written findings that the authorization of said variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to abutting property, the property in the vicinity of the subject property or be otherwise detrimental to the public welfare.
 5. In authorizing any variance, the Board of Adjustment may prescribe any conditions and safeguards it believes are appropriate to protect abutting property, property in the vicinity and the public in general. Violation of such conditions and safeguards by the applicant shall be deemed a violation of this Ordinance and punishable under Section 1102 of this Ordinance.
 6. Under no circumstances shall the Board of Zoning Adjustment authorize a variance to allow a use not permitted under the regulations of any zoning district or any use expressly or by implication prohibited by the regulations of any zoning district.

SECTION 803 BOARD OF ADJUSTMENT HAS POWERS OF ZONING ADMINISTRATOR UPON APPEAL

In exercising the above mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or interpretation as ought to be made and to this end shall have all powers of the Zoning Administrator, provided that a concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to reverse any order, requirement, decision or interpretation of the Zoning Administrator or to decide in favor of any applicant upon which it is required to act under this Ordinance or to authorize any variance to this Ordinance.

SECTION 804 APPEALS FROM DECISIONS OF THE BOARD OF ADJUSTMENT

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment, or any taxpayer, or any officer, department, board or bureau of the Village may present to the District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of such illegality as provided for in law. Such petition must be presented to the Court within fifteen (15) days after the filing of the decision of the Board of Zoning Adjustment in the Office of the Village Clerk.

ARTICLE 9: ADMINISTRATIVE PROCEDURE AND ENFORCEMENT OF THIS ORDINANCE

SECTION 901 ORGANIZATION

The administration and enforcement of this Ordinance is hereby vested in the Planning Commission, the Board of Zoning Adjustment, the Zoning Administrator and such other officials designated by the Village Board of Trustees as may be necessary to enforce this Ordinance.

SECTION 902 AUTHORITY

902.01 PLANNING COMMISSION

1. Hear and provide recommendations to the Village Board of Trustees regarding amendments to this Ordinance or the Official Zoning Map.
2. Review and administer all matters upon which it is required to act.
3. Establish uniform bylaws and rules of procedure pertaining to review of applications, conduct of public hearings and issuance of permits.
4. Periodically review the effectiveness of the Comprehensive Plan and requirements of this Ordinance and initiate and recommend amendments thereto.
5. Invoke any authorized legal, equitable or special remedy for the proper and effective enforcement of this Ordinance.
6. Hear and provide recommendations to the Village Board of Trustees with regard to conditional use applications in accordance with the requirements and limitations of this Ordinance.
7. Conduct or review special studies and prepare recommendations as may be required by law or requested by the Village Board of Trustees.

902.02 BOARD OF ZONING ADJUSTMENT

1. Hear and decide appeals from and review and order, requirement, decision, or determination made by the Zoning Administrator.
2. Hear and authorize specific variances from the terms of this Ordinance which will not be contrary to the public interest, where owing to special conditions fully demonstrated, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship.
3. Hear and decide appeals regarding the Official Zoning Map in accordance with the limitations set forth in this Ordinance.
4. Establish uniform bylaws and rules of procedure pertaining to review of applications, conduct of public hearings and issuance of permits.
5. Invoke any authorized legal, equitable or special remedy for the proper and effective enforcement of this Ordinance.

902.03 ZONING ADMINISTRATOR

1. Issue in the name of the Village, zoning permits, occupancy permits, and other permits required or appropriate to the proper administration and enforcement of this Ordinance and maintain records thereof.
2. Conduct inspections of buildings, structures, and the use of land to determine compliance with the terms of this Ordinance and report said findings to the Commission and Board of Zoning Adjustment for purposes of ordering compliance with this Ordinance.
3. Provide interpretation of this Ordinance and Official Zoning Map when requested by an applicant, the Commission or the Board of Zoning Adjustment and provide and maintain public information relative to all matters rising out of this Ordinance.
4. Maintain permanent and current records related to this Ordinance including, but not limited to all maps, amendments, certificates and permits, variances, conditional uses, appeals and applications therefore and records of meetings and public hearings.

SECTION 903 RESPONSIBILITIES

1. It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Adjustment only on appeal from the decision of the Zoning Administrator and that recourse from the decisions of the Board of Zoning Adjustment shall be to the courts as provided by law.
2. It is further the intent of this Ordinance that the duties of the Village Board of Trustees in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement. The procedure for deciding such questions shall be as stated herein. Under this Ordinance, the Village Board of Trustees shall have only the duties of appointment of a Zoning Administrator, the funding of such office and necessary legal services to enable proper administration and enforcement of this Ordinance, considering and adopting or denying proposed amendments to this Ordinance or the Official Zoning Map or the repeal of this Ordinance and of establishing of fees and charges as stated in this Ordinance.
3. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify the person responsible for such violation in writing, indicating the nature of the violation and order the action(s) necessary to eliminate the violation. He / She shall order removal of illegal buildings, structures and discontinuance of uses of land and order the elimination of any other type of violation to ensure compliance with the requirements of this Ordinance and shall take any other action authorized herein and by statute to insure compliance with or to prevent violation of this Ordinance.

SECTION 904 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, expanded or structurally altered without a zoning permit authorizing such activity, issued by the Zoning Administrator. No zoning permit shall be issued by the Zoning Administrator except in conformity with all applicable provisions of this Ordinance, unless the Zoning Administrator shall receive a written order from the Board of Adjustment in the form of a variance, authorized under the terms and conditions of this Ordinance.

902.06 APPLICATION FOR ZONING PERMIT

1. An application for a zoning permit shall be accompanied by plans, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the sizes and locations of buildings or structures already existing on said lot, if any, the location and dimensions of the proposed building(s) or addition or expansion thereof. All dimensions relating to lot dimensions shall be provided by the applicant and the applicant shall assume the liability with regard to any errors in said dimensions. The application shall include such other information as may be required by the Zoning Administrator, including the identification of building alterations, existing and proposed uses of the building(s) and land, the number of families, housekeeping units, or rental units the building is designed for, conditions existing on the lot, easement

locations, and such other matters as may be necessary to determine conformance of the proposed building, structure or use with this Ordinance and its enforcement.

2. One (1) copy of any approved zoning permit, together with any conditions of such permit shall be provided to the applicant by the Zoning Administrator. If a application for a zoning permit is denied, the Zoning Administrator shall indicate to the applicant the reason(s) for such denial. The Zoning Administrator shall maintain a permanent record of all applications for zoning permits and maintain One (1) copy of each permit which is approved. The issuance of a zoning permit shall, in no case, be construed by the applicant or any other person or persons as waiving any requirement of this Ordinance.

SECTION 905 CERTIFICATE OF ZONING COMPLIANCE (OCCUPANCY PERMIT) FOR NEW, ALTERED, NON-ALTERED OR NON-CONFORMING USE

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. Said certificate shall state that the use or uses of the building or premises conforms to the requirements of this Ordinance and authorize occupancy of such building or premises for the use or uses so stated.
2. No Certificate of Zoning Compliance shall be issued by the Zoning Administrator except in conformity with the requirements of this Ordinance, unless the Administrator has received a written order from the Board of Adjustment in the form of a variance for any attribute of the building, structure or premises other than the use, authorized under the terms and conditions of this Ordinance.
3. If the Zoning Administrator determines that the construction or development for which a zoning permit has been issued is not proceeding according to applicable requirements of this Ordinance or is contrary in any way to the information and conditions included on such approved zoning permit, or is otherwise proceeding in violation of law, the zoning permit shall be revoked and the Zoning Administrator shall issue a "Stop Work Order" to the applicant whose name and address is indicated on the affected building permit.
4. A Certificate of Zoning Compliance shall not be issued to any non-conforming use, except when a non conforming use is converted to a permitted use or another non-conforming use which is authorized in accordance to the requirements of the Ordinance.
5. When a Certificate of Zoning Compliance is requested by any applicant between November 1 and April 30 of any year and all required landscape screens or buffers required by this Ordinance have not or cannot be installed due to weather conditions, the Zoning Administrator shall issue a Certificate of Zoning Compliance, provided the applicant shall first submit a detailed landscaping plan conforming to the definition(s) of landscape screen and / or landscape buffer set forth in this Ordinance to the Zoning Administrator and shall sign and certify on said plan that the landscaping indicated shall be installed by June 30 of the following year if the Certificate of Zoning Compliance is issued on or before November 1, and by June 30 of the same year if said certificate is issued between January 1 and April 30. This deferred landscaping provision shall not apply to any Certificate of Zoning Compliance issued on dates other than specified in this paragraph.
6. The Zoning Administrator shall maintain a permanent record of all Certificates of Zoning Compliance issued. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and shall be punishable under Section 1002 of this Ordinance.

SECTION 906 EXPIRATION OF ZONING PERMIT

If the construction described in any issued zoning permit has not been initiated within six (6) months from the date of the issuance thereof, said zoning permit shall expire and be canceled by the Zoning Administrator with written notice thereof provided to the applicant for such permit. If the construction described in an issued zoning permit has not been completed beyond one-fourth (1/4) of its construction cost within two (2) years from the date of issuance thereof, said zoning permit shall expire and be canceled by the Zoning Administrator with written notice thereof indicating to the applicant for such permit that no further construction shall proceed unless a new zoning permit has been issued.

A zoning permit and Certificate of Zoning Compliance issued on the basis of plans and application and approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permit or certificate and no other use, arrangement or construction. Any use, arrangement or construction at variance with the approved permit or certificate shall be deemed a violation of this Ordinance and punishable in accordance with Section 1102 of this Ordinance.

SECTION 907 SCHEDULE OF FEES AND CHARGES

The fees and charges for a rezoning application, conditional use application, variance application, zoning permit, Certificate of Zoning Compliance, or such other permit as may be utilized under the terms of the Ordinance shall be as established by the Village Board of Trustees and shall be paid by the applicant at the time of application. A schedule of fees and charges shall be posted in the Office of the Zoning Administrator and may be amended only by action of the Village Board of Trustees. Until all applicable fees and charges are paid, no action shall be taken on any permit or certificate.

ARTICLE 10: AMENDMENT

SECTION 1001 GENERAL REQUIREMENTS

The Village Board of Trustees may from time to time supplement, change, or generally revise the zoning district boundaries and regulations contained in this Ordinance by amendment. A proposal for any such amendment may be initiated by the Village Board of Trustees, the Planning Commission, or upon application of the owner of property affected by this Ordinance. A filing fee, as established by the Village Board of Trustees, shall be required for each application to be considered by the Planning Commission and Village Board of Trustees. A proposal for amendment initiated by the Planning Commission or Village Board of Trustees shall not require payment of any fee.

SECTION 1002 SUBMISSION OF PROPOSED AMENDMENT TO PLANNING COMMISSION

1002.01 All proposed amendments shall first be submitted to the Planning Commission for review, comment and recommendation. Public notice of the time and place of a public hearing shall be given by publication thereof in the legal newspaper of the Village at least ten (10) days prior to such hearing. Such notice shall contain a statement regarding the proposed amendment in regulations or boundaries of any zoning district. In addition to the publication of notice prescribed above, a notice shall be posted in a conspicuous place on or near the property on which amendment action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 ½) inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the premises and shall be so posted at least ten (10) days prior to the date of such public hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice. If the record owner(s) of any lots included in such proposed amendment be non-residents of the Village, a written notice of such hearing shall be mailed by certified mail to such owner(s), addressed to their last known address at least ten (10) days prior to the date of such public hearing.

1002.02 At the option of the Village Board of Trustees, in place of the posted notice, the owners and occupants of the real estate to be affected by any proposed amendment and all owners and occupants of all real estate located within three hundred (300) feet of the real estate affected by the proposed amendment shall be mailed a written notice of the public hearing by first class mail at least ten (10) days prior to such public hearing.

1002.03 The provisions of a notice of public hearing published in the legal newspaper of the Village, in accordance with the content and time requirements of such public notice as specified herein shall be applicable, but the posted notice or written notice mailed to property owners provisions, as specified herein, shall not apply when:

1. the proposed amendment applies throughout the entire area of an existing zoning district or the entire areas of the Village and its jurisdictional area,
2. the amendment proposes the establishment of additional or different types of zoning districts, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district or the Village and its jurisdictional area.

SECTION 1003 PLANNING COMMISSION CONSIDERATION OF AMENDMENTS

Following a public hearing on any amendment, the Planning Commission shall formulate a recommendation to the Village Board of Trustees to be summarized in the minutes of the Commission which shall constitute a report to the Village Board of Trustees. For action by the Commission on any amendment, a quorum of one (1) more than one-half (1/2) of the total membership of the Commission shall be present and voting. A vote either for or against the amendment by a majority of the Commission members, but at least the number of members which constitutes a quorum, shall constitute a recommendation of the Commission. The Planning Commission shall cause its recommendation to be forwarded to the Village Board of Trustees.

SECTION 1004 VILLAGE BOARD OF TRUSTEES CONSIDERATION AND ACTION ON AMENDMENTS

Upon receipt of a recommendation from the Planning Commission regarding any amendment, the Village Board of Trustees shall give public notice of a public hearing in the same manner as prescribed in Section 1002 above. The Village Board of Trustees may approve or reject the recommendations of the Planning Commission with regard to any amendment. If the Commission should fail to submit a recommendation, the Village Board of Trustees may take such action as it deems appropriate regarding such amendment. If any amendment which is approved by the Village Board of Trustees affects the boundaries of any zoning district, the ordinance adopted by the Village Board of Trustees shall define the change in the boundaries of the zoning district, shall order that the Official Zoning Map be modified to reflect such amendment, and shall amend the Article and Section of this Ordinance, incorporating the same and reincorporating the Official Zoning Map.

SECTION 1005 PROTESTS

Regardless of whether or not the Planning Commission recommends approval or disapproval of a proposed amendment or fails to provide a recommendation to the Village Board of Trustees, if a protest against any amendment is filed in the Office of the Village Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners or twenty (20) percent or more of any real property, excluding rights-of-way for public streets and ways, located within or outside of the corporate limits of the Village and located within three hundred (300) feet of the boundaries of the property proposed to be rezoned, the Ordinance adopting such amendment shall not be passed except by at least three-fourths (3/4) of all members of the Village Board of Trustees.

ARTICLE 11: COMPLAINTS, VIOLATIONS, PENALTIES AND REMEDIES

SECTION 1101 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Zoning Administrator. The Administrator shall properly record such complaint, immediately investigate the complaint, and take action thereon, as required by this Ordinance.

SECTION 1102 PENALTIES FOR VIOLATION

The owner(s) or agent of a building, structure or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant or an entire building or entire premises in or upon which such violation shall exist, or the agent, architect, engineer, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which a violation shall exist shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100.00) for any one offense recoverable with costs. Each and every day that such violation continues after notification of any violation shall constitute a separate offense. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the proper local authorities of the Village of Alexandria / Belvidere / Bruning / Byron / Carleton / Chester / Davenport / Gilead / Hubbell, Nebraska, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or prevent any illegal act, conduct of business or use in or about such premises.

SECTION 1103 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance, the Zoning Administrator and such other authorities of the Village may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of land, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

ARTICLE 12: LEGAL STATUS PROVISIONS

SECTION 1201 SEVERABILITY

Should any Article, Section, Subsection or provisions of this Ordinance be declared by the Court to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1202 PURPOSE OF CATCH HEADS

The titles appearing in connection with the foregoing Articles and Sections are inserted simply for convenience to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

SECTION 1203 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 1204 EFFECTIVE DATE

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2005.

Chairperson, Village Board of Trustees

Attest: Village Clerk

APPENDIX 1 - APPLICATION AND PERMIT FORMS

