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PREAMBLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH: FOR THE VILLAGE OF WATERLOO, NEBRASKA.

Whereas, Sections 19-901 through 19-914, Reissue Revised Statutes of 1943 empowers the Village to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment, and

Whereas, the Village Board deems it necessary for the purposes of promoting the health, safety, morals, and the general welfare of the Village to enact such an Ordinance, and

Whereas, the Village Board of Waterloo established a Village Planning Commission pursuant to Sections 19-901 through 19-914 and 19-924 through 19-933, Reissue Revised Statutes of 1943, and

Whereas, the Planning Commission has recommended the boundaries of the various original districts and appropriate regulations to be enforced therein, and

Whereas, the Planning Commission has divided the Village into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive Plan, based on a Land Use Plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, and

Whereas, the Planning Commission has given reasonable consideration among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village; and

Whereas, the Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Village Board, and

Whereas, the Village Board has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

Whereas, the Village Board deems it necessary for the purpose of promoting the health, safety, morals of the general welfare of the Village; of providing for the harmonious development and coordinated layout for the subdivided area; for the proper arrangements of streets, for adequate sanitary facilities; and for reducing flood damage potentials to the greatest extent possible, and

Whereas, all requirements of Sections 19-929, Reissue Revised Statutes of 1943 with regard to the preparation of the report of the Planning Commission and subsequent action of the Village Board have been met:

NOW THEREFORE, BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF WATERLOO, NEBRASKA:

TABLE OF CONTENTS FOR THE ZONING REGULATIONS FOR THE
VILLAGE OF WATERLOO, NEBRASKA

PREAMBLE

ARTICLE 1. GENERAL PROVISIONS PAGE 11

SECTION 101 TITLE
SECTION 102 JURISDICTION
SECTION 103 PURPOSES AND OBJECTIVES OF THE ORDINANCE

ARTICLE 2. APPLICATION OF REGULATIONS PAGE 11

SECTION 201 GENERAL
SECTION 202 ZONING AFFECTS EVERY BUILDING AND USE
SECTION 203 PERFORMANCE STANDARDS
SECTION 204 OPEN SPACE, OR OFF-STREET PARKING OR LOADING SPACE
SECTION 205 YARD AND LOT REDUCTION PROHIBITED
SECTION 206 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

ARTICLE 3. CONSTRUCTION AND DEFINITIONS PAGE 12

SECTION 301 CONSTRUCTION
 301.01 TENSE
 301.02 NUMBER
 301.03 SHALL AND MAY
 301.04 GENDER
 301.05 HEADINGS
SECTION 302 GENERAL TERMINOLOGY
SECTION 303 DEFINITIONS
 303.01 TEXT OF DEFINITIONS
 (1) ABANDONMENT
 (2) ABUTTING
 (3) ACCESSORY USE OR BUILDING
 (4) ADULT ESTABLISHMENT
 (5) AGRICULTURE
 (6) AGRICULTURAL/ HORITCULTURAL SALES AND SERVICE
 (7) ALLEY
 (8) ALTERATION
 (9) ANIMAL HOSPITAL OR CLINIC
 (10) ANTENNA (SEE ALSO SATELLITE DISH ANTENNA AND TOWER)
 (11) APARTMENT (SEE DWELLING, MULTI-FAMILY)
 (12) AUTOMOBILE SALES AND RENTAL
 (13) AUTOMOBILE SERVICE STATION
 (14) AUTOMOBILE WRECKING YARD
 (15) BAR (SEE TAVERN)
 (16) BASEMENT
 (17) BED AND BREAKFAST INN
 (18) BEDROOM
 (19) BILLBOARD
 (20) BOARDING OR LODGING HOUSE
 (21) BLOCK
 (22) BUFFER AREA

- (23) BUILDABLE AREA
- (24) BUILDING
- (25) BUILDING, PRINCIPAL
- (26) BUILDING HEIGHT
- (27) BUILDING LINE
- (28) CAMPGROUND
- (29) CAMPING UNIT
- (30) CAR WASH
- (31) CHURCH
- (32) CLINIC
- (33) COMMUNITY CENTER
- (34) COMPREHENSIVE PLAN
- (35) CONDITIONAL USE
- (36) CONVENIENCE STORE
- (37) CUL-DE-SAC
- (38) DAY CARE CENTER
- (39) DENSITY
- (40) DISTRICT
- (41) DWELLING
- (42) DWELLING, EFFICIENCY
- (43) DWELLING, MULTI-FAMILY
- (44) DWELLING, SINGLE-FAMILY
- (45) DWELLING, TWO-FAMILY
- (46) DWELLING UNIT
- (47) EASEMENT
- (48) ELDERLY HOUSING
- (49) EXCEPTION
- (50) FACADE
- (51) FAMILY
- (52) FARMSTEAD
- (53) FARM RESIDENCE
- (54) FEEDLOT
- (55) FLOODPLAIN
- (56) FLOODWAY
- (57) FLOOR AREA, GROSS
- (58) FLOOR AREA RATIO
- (59) FRONTAGE
- (60) FUNERAL HOME
- (61) GARAGE, PRIVATE
- (62) GARAGE, PUBLIC
- (63) GARAGE, REPAIR
- (64) GOVERNING BODY
- (65) GRADE
- (66) HOME OCCUPATION
- (67) HOTEL
- (68) HOUSEHOLD PET
- (69) INSTITUTION
- (70) JUNK YARD
- (71) KENNEL-COMMERCIAL
- (72) KENNEL-PRIVATE
- (73) LOADING SPACE, OFF-STREET
- (74) LODGING HOUSE
- (75) LOOP STREET
- (76) LOT
- (77) LOT AREA
- (78) LOT COVERAGE

- (79) LOT DEPTH
- (80) LOT FRONTAGE
- (81) LOT OF RECORD
- (82) LOT LINE
- (83) LOT WIDTH
- (84) LOT, CORNER
- (85) LOT, INTERIOR
- (86) LOT, THROUGH
- (87) LOT, REVERSED FRONTAGE
- (88) LOT, ZONING
- (89) MAJOR RECREATION EQUIPMENT
- (90) MANUFACTURED HOUSING
- (91) MANUFACTURED HOUSING PARK
- (92) MEDICAL, DENTAL OR HEALTH CLINIC
- (93) MOBILE HOME
- (94) MOBILE HOME PARK
- (95) MOTEL
- (96) NONCONFORMING LOT
- (97) NONCONFORMING STRUCTURE
- (98) NONCONFORMING USE
- (99) OFFICE
- (100) OFFICE PARK
- (101) OPEN SPACE
- (102) OPEN SPACE, COMMON
- (103) NURSING HOMES OR CONVALESCENT HOMES
- (104) PARCEL
- (105) PARKING SPACE, OFF-STREET
- (106) PARKWAYS
- (107) PEDESTRIAN WAYS
- (108) PERMANENT FOUNDATION
- (109) PET (SEE HOUSEHOLD PET)
- (110) PRIVATE CLUB
- (111) PUBLIC UTILITY
- (112) RECREATIONAL VEHICLE
- (113) RECREATIONAL VEHICLE PARK
- (114) REFRESHMENT STAND
- (115) RESTAURANT
- (116) RESTAURANT, DRIVE-IN
- (117) RESTAURANT, FAST-FOOD
- (118) SALVAGE YARD
- (119) SATELLITE DISH ANTENNA
- (120) SCREENING
- (121) SERVICE STATION (SEE AUTOMOBILE SERVICE STATION)
- (122) SEWER SYSTEM
- (123) SIGN
- (124) SIGNS, ON-SITE
- (125) SIGNS, OFF-SITE
- (126) SPECIAL USE PERMIT
- (127) STORY
- (128) STREET
- (129) STREET LINE
- (130) STREET, MARGINAL
- (131) STREET NETWORK
- (132) STRUCTURE
- (133) STRUCTURAL ALTERATIONS
- (134) TAVERN

- (135) TOWER (SEE ALSO ANTENNA)
- (136) TRAILER (SEE MOBILE HOME)
- (137) TRAVELED WAY
- (138) VARIANCE
- (139) WATER SYSTEM
- (140) YARD
- (141) YARD, FRONT
- (142) YARD, REAR
- (143) YARD, SIDE
- (144) YARD, SPECIAL
- (145) ZONE
- (146) ZONING ADMINISTRATOR
- (147) ZONING AREA
- (148) ZONING REGULATIONS

ARTICLE 4. ESTABLISHMENT AND DESIGNATION OF DISTRICTS PAGE 26

- SECTION 401 PLANNING COMMISSION RECOMMENDATIONS
- SECTION 402 DISTRICTS CREATED
- SECTION 403 DISTRICT ZONING MAP
- SECTION 404 ZONING MAP CHANGES
- SECTION 405 ZONING MAP REPLACEMENT
- SECTION 406 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES
- SECTION 407 ANNEXATION RULE

ARTICLE 5. SUPPLEMENTARY DISTRICT REGULATIONS PAGE 28

- SECTION 501 VISIBILITY AT INTERSECTIONS
- SECTION 502 FENCES, WALLS, AND HEDGES
- SECTION 503 ACCESSORY USES
 - 503.01 USE FOR DWELLING
 - 503.02 YARD REQUIREMENTS FOR ACCESSORY BUILDINGS
 - 503.03 VEHICLE ACCESS
 - 503.04 ATTACHED ACCESSORY USE
 - 503.05 ARCHITECTURAL PROJECTIONS
 - 503.06 FIRE HAZARDOUS ACCESSORY USES
- SECTION 504 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT
- SECTION 505 EXCEPTIONS TO HEIGHT REGULATIONS
- SECTION 506 STRUCTURES TO HAVE ACCESS
- SECTION 507 UTILITY AND LOT AREA REQUIREMENTS FOR RESIDENTIAL STRUCTURES
- SECTION 508 TEMPORARY STRUCTURES
- SECTION 509 CARETAKERS QUARTERS
- SECTION 510 ADJUSTMENTS TO FRONT YARD REQUIREMENTS
- SECTION 511 PARKING REGULATIONS
 - 511.01 PARKING AND STORAGE OF CERTAIN VEHICLES
 - 511.02 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS
SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING
REQUIREMENTS
- SECTION 512 SIGN REGULATIONS
 - 512.01 ON AND OFF-SITE SIGNS ON INTERSTATE OR FEDERAL AID PRIMARY
HIGHWAYS
 - 512.02 ON-SITE SIGNS
 - 512.03 OFF-SITE SIGNS
- SECTION 513 PERFORMANCE STANDARDS FOR INDUSTRIAL USES

- 513.01 LIMITED INDUSTRIAL PERFORMANCE STANDARDS
 - (1) PHYSICAL APPEARANCE
 - (2) FIRE HAZARD
 - (3) NOISE
 - (4) SEWAGE AND LIQUID WASTES
 - (5) AIR CONTAMINANTS
 - (6) ODOR
 - (7) GASSES
 - (8) VIBRATION
 - (9) GLARE AND HEAT

ARTICLE 6. AG AGRICULTURAL DISTRICT

PAGE 34

SECTION 601 AG AGRICULTURAL DISTRICT

- 601.01 INTENT
- 601.02 PERMITTED PRINCIPAL USES AND STRUCTURES
- 601.03 PERMITTED ACCESSORY USES AND STRUCTURES
- 601.04 EXCEPTIONS
- 601.05 CONDITIONS FOR GRANTING EXCEPTIONS
- 601.06 PROHIBITED USES AND STRUCTURES
- 601.07 MINIMUM LOT REQUIREMENTS
- 601.08 MINIMUM YARD REQUIREMENTS
- 601.09 MAXIMUM LOT COVERAGE
- 601.10 MAXIMUM HEIGHT
- 601.11 SIGN REGULATIONS

ARTICLE 7. R-1 RESIDENTIAL DISTRICT, LOW DENSITY

PAGE 36

SECTION 701 R-1 RESIDENTIAL DISTRICT, LOW DENSITY

- 701.01 INTENT
- 701.02 PERMITTED PRINCIPAL USES AND STRUCTURES
- 701.03 PERMITTED ACCESSORY USES AND STRUCTURES
- 701.04 EXCEPTIONS
- 701.05 CONDITIONS FOR GRANTING EXCEPTIONS
- 701.06 PROHIBITED USES AND STRUCTURES
- 701.07 MINIMUM LOT REQUIREMENTS
- 701.08 MINIMUM YARD REQUIREMENTS
- 701.09 MAXIMUM LOT COVERAGE
- 701.10 MAXIMUM HEIGHT
- 701.11 SIGN REGULATIONS

ARTICLE 8. R-2 RESIDENTIAL DISTRICT, MEDIUM DENSITY

PAGE 38

SECTION 801 R-2 RESIDENTIAL DISTRICT, MEDIUM DENSITY

- 801.01 INTENT
- 801.02 PERMITTED PRINCIPAL USES AND STRUCTURES
- 801.03 PERMITTED ACCESSORY USES AND STRUCTURES
- 801.04 EXCEPTIONS
- 801.05 CONDITIONS FOR GRANTING EXCEPTIONS
- 801.06 PROHIBITED USES AND STRUCTURES
- 801.07 MINIMUM LOT REQUIREMENTS
- 801.08 MINIMUM YARD REQUIREMENTS
- 801.09 MAXIMUM LOT COVERAGE

- 801.10 MAXIMUM HEIGHT
- 801.11 SIGN REGULATIONS

ARTICLE 9. BC BUSINESS AND COMMERCIAL DISTRICT PAGE 40

- SECTION 801 BC BUSINESS AND COMMERCIAL DISTRICT
 - 901.01 INTENT
 - 901.02 PERMITTED PRINCIPAL USES AND STRUCTURES
 - 901.03 PERMITTED ACCESSORY USES AND STRUCTURES
 - 901.04 EXCEPTIONS
 - 901.05 SPECIAL CONDITIONS AND CONDITIONS FOR GRANTING EXCEPTIONS
 - 901.06 PROHIBITED USES AND STRUCTURES
 - 901.07 MINIMUM LOT REQUIREMENTS
 - 901.08 MINIMUM YARD REQUIREMENTS
 - 901.09 MAXIMUM LOT COVERAGE
 - 901.10 MAXIMUM HEIGHT
 - 901.11 SIGN REGULATIONS

ARTICLE 10. IM INDUSTRIAL AND MANUFACTURING DISTRICT PAGE 45

- SECTION 1001 IM INDUSTRIAL AND MANUFACTURING DISTRICT
 - 1001.01 INTENT
 - 1001.02 PERMITTED PRINCIPAL USES AND STRUCTURES
 - 1001.03 PERMITTED ACCESSORY USES AND STRUCTURES
 - 1001.04 EXCEPTIONS
 - 1001.05 SPECIAL CONDITIONS AND CONDITIONS FOR GRANTING EXCEPTIONS
 - 1001.06 PROHIBITED USES AND STRUCTURES
 - 1001.07 MINIMUM LOT REQUIREMENTS
 - 1001.08 MINIMUM YARD REQUIREMENTS
 - 1001.09 MAXIMUM LOT COVERAGE
 - 1001.10 MAXIMUM HEIGHT
 - 1001.11 SIGN REGULATIONS

ARTICLE 11. S SPECIAL, MODIFIED AND APPENDED DISTRICTS PAGE 47

- SECTION 1101 SFP FLOOD PLAIN DISTRICT
 - 1101.01 INTENT
 - 1101.02 PERMITTED PRINCIPAL USES AND STRUCTURES
 - 1101.03 PERMITTED ACCESSORY USES AND STRUCTURES
 - 1101.04 EXCEPTIONS
 - 1101.05 SPECIAL CONDITIONS AND CONDITIONS FOR GRANTING EXCEPTIONS
 - 1101.06 PROHIBITED USES AND STRUCTURES
 - 1101.07 MINIMUM LOT REQUIREMENTS
 - 1101.08 MINIMUM YARD REQUIREMENTS
 - 1101.09 MAXIMUM LOT COVERAGE
 - 1101.10 MAXIMUM HEIGHT
 - 1101.11 SIGN REGULATIONS

ARTICLE 12. NONCONFORMING USES PAGE 49

- SECTION 1201 INTENT
- SECTION 1202 NONCONFORMING LOTS OF RECORD

- SECTION 1203 NONCONFORMING USES OF LAND WITH MINOR STRUCTURES ONLY
- SECTION 1204 NONCONFORMING STRUCTURES
- SECTION 1205 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION
- SECTION 1206 REPAIRS AND MAINTENANCE
- SECTION 1207 USES UNDER EXCEPTION, PROVISIONS NOT NONCONFORMING USES

ARTICLE 13. BOARD OF ZONING ADJUSTMENT

PAGE 52

- SECTION 1301 CREATION, TERMS, MEETINGS RULE
- SECTION 1302 APPEALS TO VILLAGE BOARD
- SECTION 1303 POWERS AND JURISDICTION RELATING TO ADMINISTRATIVE REVIEW
- SECTION 1304 POWERS AND JURISDICTION RELATING TO EXCEPTIONS
 - 1304.01 APPLICATION
 - 1304.02 HEARINGS
 - 1304.03 FINDINGS
 - 1304.04 RULES GOVERNING INDIVIDUAL EXCEPTIONS
- SECTION 1305 POWERS AND JURISDICTION RELATING TO VARIANCES
 - 1305.01 UNIQUE CIRCUMSTANCES
 - 1305.02 CONSIDERATION OF ADJACENT PROPERTY RIGHTS
 - 1305.03 APPLICATION OF REGULATIONS CONSTITUTES UNDUE HARDSHIP
 - 1305.04 CONSIDERATION OF GENERAL WELFARE OF PUBLIC
 - 1305.05 ADHERENCE TO INTENT OF REGULATIONS
 - 1305.06 REQUIREMENT FOR WRITTEN APPLICATION AND CONDITIONS
 - 1305.07 EFFECT ON NON-CONFORMANCE
 - 1305.08 PUBLIC HEARING AND FINDINGS OF THE BOARD
 - 1305.09 CONDITIONS IMPOSED
 - 1305.10 USE VARIANCE
- SECTION 1306 BOARD HAS POWERS OF ADMINISTRATIVE OFFICER ON APPEALS: REVERSING DECISION OF ADMINISTRATIVE OFFICER
- SECTION 1307 APPEALS TO DISTRICT COURT

ARTICLE 14. ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

PAGE 55

- SECTION 1401 DUTIES OF ADMINISTRATIVE OFFICIAL, VILLAGE BOARD, AND COURTS ON MATTERS OF APPEALS
- SECTION 1402 ADMINISTRATION AND ENFORCEMENT
- SECTION 1403 BUILDING PERMITS REQUIRED
- SECTION 1404 APPLICATION FOR BUILDING PERMIT
- SECTION 1405 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED OR NON-ALTERED OR NON-CONFORMING USES
- SECTION 1406 EXPIRATION OF BUILDING PERMIT
- SECTION 1407 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES, OF ZONING COMPLIANCE
- SECTION 1408 SCHEDULE OF FEES, CHARGES, AND EXPENSES
- SECTION 1409 NEW BUILDINGS ON UNAPPROVED STREETS

ARTICLE 15. AMENDMENT

PAGE 58

- SECTION 1501 GENERAL
- SECTION 1502 SUBMISSION TO PLANNING COMMISSION
- SECTION 1503 AMENDMENT CONSIDERATION AND ADOPTION
- SECTION 1504 PROTEST

ARTICLE 16. COMPLAINTS, PENALTIES, REMEDIES

PAGE 59

SECTION 1601 COMPLAINTS REGARDING VIOLATIONS
SECTION 1602 PENALTIES
SECTION 1603 REMEDIES

ARTICLE 17. LEGAL STATUS PROVISIONS

PAGE 60

SECTION 1701 SEPARABILITY
SECTION 1702 REPEAL OF CONFLICTING ORDINANCES
SECTION 1703 EFFECTIVE DATE

ARTICLE 1. GENERAL PROVISIONS

SECTION 101 TITLE

This Ordinance may be known and may be cited and referred to as the " Zoning Ordinance of the Village of Waterloo, Nebraska" to the same effect as if the full title were stated.

SECTION 102 JURISDICTION

The provisions of this Ordinance shall apply to all areas within the corporate limits and the extraterritorial jurisdiction of the Village as defined on the Official Zoning Map of Waterloo, Nebraska, as the same may be amended by subsequent annexation.

SECTION 103 PURPOSES AND OBJECTIVES OF THE ORDINANCE

The Zoning Ordinance is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Zoning Ordinance is adopted in order to achieve the following objectives:

1. To provide a precise plan for the physical development of the Village in such a manner as to achieve progressively the general arrangement of land uses depicted in the Comprehensive Plan.
2. To foster harmonious, convenient, workable relationship among local uses and a wholesome, serviceable and attractive living environment.
3. To promote the stability of existing land uses which conform with objectives and policies of the Comprehensive Plan and to protect them from inharmonious influences and harmful intrusions.
4. To insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the Village.
5. To promote the beneficial development 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, effective traffic circulation pattern.
8. To foster the provision of adequate off-street parking and truck loading facilities.
9. To facilitate the appropriate location of public facilities and institutions.
10. To protect and promote appropriately located agricultural, commercial, and industrial pursuits in order to preserve and strengthen its economic base.
11. To protect and enhance real property values.
12. To conserve the Village natural assets and to capitalize on the opportunities offered by its terrain, soils, vegetation, and waterways.
13. To coordinate policies and regulations relating to the use of land with such policies and regulations of incorporated municipalities of the county in order to: facilitate transition from county to municipal jurisdiction that land which is first developed in an unincorporated area and is subsequently annexed to Waterloo; foster the protection of farming operations in areas of planned urban expansion, and ensure unimpeded development of such new urban expansion that is logical, desirable and in accordance with objectives and policies of the Comprehensive Plan.

ARTICLE 2. APPLICATION OF REGULATIONS

SECTION 201 GENERAL

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

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 zoning regulations herein specified for the district in which it is located.

SECTION 203 PERFORMANCE STANDARDS

No building or other structure shall hereafter be erected or altered;

1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required; or in any other manner contrary to the provisions of this Ordinance.

SECTION 204 OPEN SPACE, OR OFF-STREET PARKING OR LOADING SPACE

No part of the yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 205 YARD AND LOT REDUCTION PERMITTED

No yard or lot existing at the time of passage 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 at least the minimum requirements established by this Ordinance.

SECTION 206 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

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

ARTICLE 3. CONSTRUCTION AND DEFINITIONS

SECTION 301 CONSTRUCTION

The following rules of construction shall apply 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 context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

SECTION 302 GENERAL TERMINOLOGY

The word "Village" shall mean the Village of Waterloo, Nebraska. The word "Village Board" shall mean the Village Board of Waterloo, Nebraska. The words "Planning Commission" shall mean the Planning Commission duly appointed by the Village Board of Waterloo. The words "Board of Zoning Adjustment" and "Board" shall mean the Board of Zoning Adjustment duly constituted in accordance with these regulations.

SECTION 303 DEFINITIONS

- 303.01 TEXT OF DEFINITIONS: Words or terms not herein defined shall have the ordinary meaning in relation to the context.

For the purposes of this Ordinance certain words and terms used herein are defined as follows:

- (1) **ABANDONMENT:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.
- (2) **ABUTTING:** To have a common border with, or being separated from a common border by a public right-of-way, alley, or easement.
- (3) **ACCESSORY USE OR BUILDING:** A subordinate building or use which customarily is incidental to that of the main or principal building or use of the premises. Customary accessory uses include but are not limited to, tennis courts, swimming pools, detached garages, air conditioners, garden houses, children's play houses, barbecue ovens, fire places, patios, and residential storage sheds. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.
- (4) **ADULT ESTABLISHMENT:** A business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas" including, but without limitation, adult bookstores, adult motion picture theatres, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
- (5) **AGRICULTURE:** The use of a tract of land for the growing of crops, pasturage, nursery, or the raising of livestock and poultry, including the structures necessary for carrying out farming operations, the residence or residences of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots. The raising and feeding of livestock and poultry shall be an agricultural or farming venture if the area in which the livestock or poultry is kept is twenty (20) acres or more in area and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and not a "feedlot" as defined herein. (Also see farm)
- (6) **AGRICULTURAL/ HORTICULTURAL SALES AND SERVICE:** The sale of agricultural or horticultural products, such as feed, grain, fertilizer, and pesticides as well as nursery plants, shrubs and trees, and the provision of agricultural or horticultural services such as tree trimming, lawn maintenance, and similar activities.
- (7) **ALLEY:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.
- (8) **ALTERATION:** Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered as an alteration.
- (9) **ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. (This does not include open kennels or runs).
- (10) **ANTENNA:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of a building. (See also satellite dish and tower)
- (11) **APARTMENT:** (See Dwelling, Multi-Family)

- (12) **AUTOMOBILE SALES AND RENTAL:** The sale or rental of automobiles, noncommercial trucks, motorcycles, trailers, recreational vehicles or boats, including incidental parking and facilities for servicing the vehicles available for sale or rent.
- (13) **AUTOMOBILE SERVICE STATION:** Buildings and premises where, gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, where, in addition, the following services may be rendered and sales made, and no other:
- A. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
 - B. Tire servicing and repair, but not recapping or regrooving;
 - C. Replacement of mufflers and tail pipes, water hose, fans belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
 - D. Radiator cleaning and flushing;
 - E. Washing and polishing, and sale of automotive washing and polishing materials;
 - F. Greasing and lubricating;
 - G. Providing and repairing fuel pumps, oil pumps, and lines;
 - H. Minor servicing and repair of carburetors;
 - I. Emergency wiring repairs;
 - J. Adjusting and repairing brakes;
 - K. Minor motor adjustments not involving removal of head or crankcase or racing the motor;
 - L. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for automobile service station customers, and
 - M. Provision of road maps and other information material to customers; and
 - N. Provision of restroom facilities.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is neither a repair garage nor a body shop.

- (14) **AUTOMOBILE WRECKING YARD:** Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- (15) **BAR:** (See Tavern)
- (16) **BASEMENT:** A space wholly or partly underground, and having more than one-half (1/2) of its height, measured from its floor to its ceiling, below the mean finished grade.
- (17) **BED AND BREAKFAST INN:** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises. Must meet all State Regulations for Bed and Breakfasts.
- (18) **BEDROOM:** A room in a dwelling unit planned or intended for sleeping, separable from other rooms by a door.
- (19) **BILLBOARD:** A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

- (20) BOARDING OR LODGING HOUSE: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for 3 or more persons, but not exceeding 20 persons. Individual cooking facilities are not provided.
- (21) BLOCK: Is an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake, and which has been designated as such on a plat for descriptive purposes.
- (22) BUFFER AREA: A strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road.
- (23) BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.
- (24) BUILDING: The word building includes the word structure and is a structure, which is entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot, which the same is situated.
- (25) BUILDING, PRINCIPAL: Any building in which the primary use of a lot on which the building is located is conducted.
- (26) BUILDING HEIGHT: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
- (27) BUILDING LINE: The line, parallel to the street line that passes through the point of the principal building nearest the front lot line.
- (28) CAMPGROUND: Any premises where two (2) or more camping units are parked/ placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosure used or intended for use or intended wholly or in part for the accommodation of transient campers.
- (29) CAMPING UNIT: Any vehicle, tent, trailer, or other moveable shelter used for camping purposes.
- (30) CAR WASH: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.
- (31) CHURCH: A place where religious worship is conducted including accessory uses as schools, day care centers, bingo parlors and halls.
- (32) CLINIC: (See Medical, Dental, or Health Clinic).
- (33) COMMUNITY CENTER: A place, structure or other facility used for and providing either religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
- (34) COMPREHENSIVE PLAN: The plan or series of plans for the future development of the Village recommended by the Planning Commission and adopted by the Village Board.
- (35) CONDITIONAL USE: A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, or noise), is permitted in a district subject to

approval by the Village Board, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

- (36) CONVENIENCE STORE: A one-story, retail store designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic.
- (37) CUL-DE-SAC: A street having one end open to traffic and being terminated by a vehicular turnaround.
- (38) DAY CARE CENTER: An establishment other than a parochial school, which provides day care and education for four (4) or more unrelated children. Must meet all State Regulations for Day Care Centers.
- (39) DENSITY: The number of dwelling units permitted per net acre of land.
- (40) DISTRICT: A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards and the intensity of use are uniform.
- (41) DWELLING: Any building or portion thereof, which is designed and used exclusively for residential purposes, excluding mobile homes and cabin trailers.
- (42) DWELLING, EFFICIENCY: A dwelling unit having only one room exclusive of bathroom, water closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. An efficiency unit shall be permitted only in a multi-family dwelling.
- (43) DWELLING, MULTI-FAMILY: A building having accommodations for and occupied exclusively by more than two families, independently, excluding mobile homes and trailers.
- (44) DWELLING, SINGLE-FAMILY: A building having accommodation for and occupied exclusively by one family, excluding mobile homes and cabin trailers.
- (45) DWELLING, TWO-FAMILY: A building having accommodations for and occupied exclusively by two families, independently, excluding mobile homes and cabin trailers.
- (46) DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- (47) EASEMENT: Is a grant by the property owner to the public, a corporation, or persons of the use of a tract of land for specific purpose or purposes.
- (48) ELDERLY HOUSING: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing facilities.
- (49) EXCEPTION: An exception is a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as exceptions, if specific provision for such exceptions is made in this Ordinance.

- (50) **FACADE:** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.
- (51) **FAMILY:** One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.
- (52) **FARMSTEAD:** An area of twenty (20) acres or more on which is located at least one farm residence and on which farm products of a value of one thousand (1,000) dollars or more are normally produced each year.
- (53) **FARM RESIDENCE:** Residential dwellings located on a farmstead including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.
- (54) **FEEDLOT:** A feedlot shall mean the confinement of horse and food animals in building lots, pens, pools, or ponds which normally are not used for raising crops or grazing animals.
- (55) **FLOODPLAIN:** Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.
- (56) **FLOODWAY:** The channel of a river or other watercourse and the adjacent land uses that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.
- (57) **FLOOR AREA, GROSS:** The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or other floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.
- (58) **FLOOR AREA RATIO:**
- A. For computing off-street parking requirements: Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:
 - a. One-half (1/2) the basement floor area.
 - b. The area of each floor of the structure.
 - B. Floor area for determining floor area ratio: As used herein shall be computed as the sum of the following areas:
 - a. The gross horizontal areas of the several buildings measured from the exterior faces of the exterior walls or from the centering of walls separating two buildings which shall include floor area utilized for stairwells or elevator shafts and floor space used for mechanical equipment (except equipment open or enclosed, located on the roof).
 - b. Penthouses.
 - c. One-half (1/2) the basement floor area.
 - d. Interior balconies and mezzanines.
 - e. Enclosed porches.
 - f. Floor area devoted to accessory uses.
 - g. Interior walls.

- C. Floor Area Ratio: The maximum percentage of allowable floor of a building or complex (including both principal and accessory buildings) computed by dividing the floor area of said complex or buildings by the area of the building site.
- (59) FRONTAGE: The length of the property abutting on one side of the street measured along the dividing line between the property and the street.
- (60) FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space for and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies, and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
- (61) GARAGE, PRIVATE: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
- (62) GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.
- (63) GARAGE, REPAIR: (See also Automobile Service Station)
- (64) GOVERNING BODY: That Body having jurisdiction in the zoning area.
- (65) GRADE:
- A. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
- B. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in A above) of all walls facing each street.
- C. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade. Any wall approximately parallel to and not more than five (5) feet from a street line is considered as facing the street.
- (66) HOME OCCUPATION: An occupation conducted in a dwelling unit provided that:
- A. No more than two other people in addition to members of the family, residing on the premises, shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty (30) percent of the floor area of the dwelling shall be used in the conduct of the home occupation;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than (1) sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building;
- D. The home occupation shall be carried on entirely within the principal residential structure and under no circumstances shall the home occupation be carried on within a detached accessory building;
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical

interference, no equipment, or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage of the premises.

- G. No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes;
 - H. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
 - I. The property owner shall apply for and receive a special use permit on an annual basis.
- (67) HOTEL: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor lodge, motor court, tourist cabin, tourist court or other similar designation.
- (68) HOUSEHOLD PET: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.
- (69) INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.
- (70) JUNK YARD: (See Salvage Yard).
- (71) KENNEL-COMMERCIAL: Any premises where five (5) or more dogs or cats or any combination thereof (of at least four (4) months of age), are boarded, housed, cared for, fed or trained by someone other than the owner.
- (72) KENNEL-PRIVATE: Any premises where four (4) or fewer dogs, cats, or any combination thereof are kept for purposes of showing, hunting, or as pets. The animals shall belong to the owner/occupant and their keeping shall be incidental to the main use of the premises.
- (73) LOADING SPACE, OFF-STREET: Space logically or conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking space in computation of required off-street parking space.
- (74) LODGING HOUSE: (See Boarding House).
- (75) LOOP STREET: A street having both ends terminating on another single street.
- (76) LOT: For purpose of this Ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning and subdivision requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, and portions of lots of record, or of portions of lots of records; a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
- (77) LOT AREA: The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.
- (78) LOT COVERAGE: The area of a lot, which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

- (79) LOT DEPTH: Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (80) LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this article.
- (81) LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been so recorded.
- (82) LOT LINE: A line dividing one lot from another lot or from a street or alley.
- (83) LOT WIDTH: Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines and their foremost points where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, or on loop streets, where the eighty (80) percent requirement shall not apply.
- (84) LOT, CORNER: A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if 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.
- (85) LOT, INTERIOR: An interior lot is defined as a lot other than a corner lot with only one frontage on a street.
- (86) LOT, THROUGH: A through lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as a double frontage lot.
- (87) LOT, REVERSED FRONTAGE: A reversed frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles, with an interior angle of less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may be a corner lot, an interior lot, or a through lot.
- (88) LOT, ZONING: A parcel or tract of land used, developed, or built upon as a unit under single ownership of control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof.
- (89) MAJOR RECREATION EQUIPMENT: Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers and coaches, designed to be mounted on automobile vehicles, motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not, and shall include the term Recreational Vehicle.
- (90) MANUFACTURED HOUSING: A factory-built structure which is to be used as a place for human habitation, and which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, and 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 standards promulgated by the United States Department of Housing and Urban Development and complies with N.R.S. §23.114.

- (91) MANUFACTURED HOUSING PARK: A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.
- (92) MEDICAL, DENTAL OR HEALTH CLINIC: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and in which no patients are lodged overnight, but which may include an apothecary.
- (93) MOBILE HOME: Any transportable dwelling unit designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels, or detachable chassis and wheels. This shall include doublewide mobile homes.
- A. PERMANENTLY ATTACHED: Attached to real estate owned by the title holder of the mobile home in such a way as to require dismantling, cutting away, unbolting from foundation or structural change in such mobile home in order to relocate it on another site.
- B. MODULAR HOME: (does not include double-wide mobile homes) Any prefabricated structure of conventional construction used for dwelling purposes moved onto a site in essentially complete constructed condition, in one or more parts and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. Modular homes shall be considered single-family dwellings for purposes of this Ordinance.
- (94) MOBILE HOME PARK: Any area of land upon which one (1) or more mobile homes are parked, connected to utilities and used by one (1) or more persons for living or sleeping purposes. A mobile home parked in the area can either be placed on a permanent foundation or supported only by its wheels, jacks, blocks, or skirtings or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for one (1) or more mobile homes, connected to utilities and used by one (1) or more persons for living or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park; and shall include any buildings, structures, tents, vehicles, or enclosures used or intended for use or intended wholly or in part for the accommodation of automobile transients.
- (95) MOTEL: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.
- (96) NONCONFORMING LOT: A use or activity which lawfully by existed prior to the adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the use district in which it is located.
- (97) NONCONFORMING STRUCTURE: A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district which it is located.
- (98) NONCONFORMING USE: An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendment thereto.
- (99) OFFICE: A building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

- (100) **OFFICE PARK:** A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.
- (101) **OPEN SPACE:** Shall mean an area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular traffic.
- (102) **OPEN SPACE, COMMON:** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.
- (103) **NURSING HOMES OR CONVALESCENT HOMES:** An institution or agency licensed by the State for the reception, board, care or treatment of 3 or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.
- (104) **PARCEL:** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.
- (105) **PARKING SPACE, OFF-STREET:** For the purposes of the Ordinance an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.
- For purposes of both rough computation, an off-street parking space and necessary access and maneuvering may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all Ordinances and regulations of the Village.
- (106) **PARKWAYS:** Those streets, which are similar to an arterial, but with a large median for landscaping and somewhat slower traffic flow.
- (107) **PEDESTRIAN WAYS:** Is a tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.
- (108) **PERMANENT FOUNDATION:** The masonry or concrete substructure of a structure which directly supports the structure around its entire perimeter and at points within its perimeter where needed.
- (109) **PET:** (See Household Pet)
- (110) **PRIVATE CLUB:** A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further

provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State, County, and Municipal laws.

- (111) PUBLIC UTILITY: Any businesses which furnishes the general public (a) telephone service, (b) telegraph service, (c) electricity, (d) natural gas, (e) water and sewer, (f) any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.
- (112) RECREATIONAL VEHICLE: (See Major Recreational Vehicle).
- (113) RECREATIONAL VEHICLE PARK: (See Campground).
- (114) REFRESHMENT STAND: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.
- (115) RESTAURANT: An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tearooms, and outdoor cafes.
- (116) RESTAURANT, DRIVE-IN: An establishment where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.
- (117) RESTAURANT, FAST FOOD: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
- (118) SALVAGE YARD: Any lot, or the use of any portion of a lot, for the dismantling of machinery, farm machinery, and including motor vehicles or for the storage or keeping for sale of parts of equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk including scrap metals or other scrap materials, with no burning permitted.
- (119) SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television only satellite dish antennas), and satellite microwave antennas.
- (120) SCREENING: The method of which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
- (121) SERVICE STATION: (See Automobile Service Station).
- (122) SEWER SYSTEM: A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Control for primary and secondary sewage treatment facilities.
- (123) SIGN: Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business but shall not include any display of official notice or official flag.

- (124) **SIGNS, ON-SITE:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
- (125) **SIGNS, OFF-SITE:** A sign other than an on-site sign.
- (126) **SPECIAL USE PERMIT:** A special use permit is a written permit issued by the Zoning Administrator with the written authorization of the Board. This special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.
- (127) **STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- (128) **STREET:** A right-of-way dedicated to the public use, which provide vehicular and pedestrian access to adjacent properties.
- (129) **STREET LINE:** A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.
- (130) **STREET, MARGINAL:** A minor street which is parallel or adjacent to an arterial street and which serves to reduce the number of access points to the arterial street and thereby increase traffic safety.
- (131) **STREET NETWORK:**
- A. **EXPRESSWAY:** A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
 - B. **ARTERIAL:** A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.
 - C. **COLLECTOR:** A street which provides for traffic movement between arterial and local streets, with direct access to abutting property.
 - D. **LOCAL:** A street which provides direct access to abutting land, and local traffic movement whether in business, industrial, or residential land.
- (132) **STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs.
- (133) **STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns; beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered as structural alterations:
- A. Attachment of a new front where structural supports are not changed.
 - B. Addition of fire escapes where structural supports are not changed.
 - C. New windows where lintels and support walls are not materially changed.
 - D. Repair or replacement of non-structural members.
- (134) **TAVERN:** An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served, only to members and their guests.

- (135) TOWER: Shall mean a structure situated in a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications (See also antenna).
- (136) TRAILER: (See Mobile Home).
- (137) TRAVELED WAY: The portion of a roadway of a street or highway used for the movement of vehicles, exclusive of shoulders, and auxiliary lanes.
- (138) VARIANCE: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district or because of conditions created by the landlord.
- (139) WATER SYSTEM: A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in the public ownership.
- (140) YARD: A required open space, other than a court, unoccupied and obstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility and subject to the district regulations.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage, unless otherwise provided in the district regulations.

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

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet. See Section 502.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage unless otherwise provided in the district regulations.

In the case of corner lots with more than two (2) frontages, the administrative official shall determine the front yard requirements, subject to the following limitations: (1) at least one (1) front yard shall be provided having the full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. The front lot line and the inner edge of the front yard shall be parallel.

- (142) YARD, REAR: A yard extending from the rear lot line to the rear of the building between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

- (143) YARD, SIDE: A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through streets, side yards shall extend from the rear lines of the front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established shall be considered side yards.

- (144) YARD, SPECIAL: 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" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation 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 structures and buildable areas thereon.

- (145) ZONE: A section of the Zoning Area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings are herein established.

- (146) ZONING ADMINISTRATOR: The person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.

- (147) ZONING AREA: The area to be zoned as set out on the Official Zoning Map filed on record.

- (148) ZONING REGULATIONS: The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

ARTICLE 4. ESTABLISHMENT AND DESIGNATION OF DISTRICTS

SECTION 401 PLANNING COMMISSION

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

SECTION 402 DISTRICTS CREATED

For the purpose of this Ordinance there are hereby created the following types of districts by which the jurisdiction area defined in Section 102 shall be divided:

- SFP Flood Plain District
- AG Agricultural District

- R-1 Residential District, Low Density
- R-2 Residential District, Medium Density
- BC Business and Commercial District
- IM Industrial and Manufacturing District

SECTION 403 DISTRICT ZONING MAP

The Village is hereby divided into zones, or districts, as shown on the Official Zoning Maps which, with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Maps shall be identified by the signature of the Chairman of the Village Board attested by the Village Clerk and bearing the seal of the Village under the following words: "This is to certify that this map is the Official Zoning Maps referred to in Section 403 of Ordinance No. 625 of the Village of Waterloo, Nebraska," together with the date of the adoption of this Ordinance.

SECTION 404 ZONING MAP CHANGES

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Village Board with an entry on the Official Zoning Map as follows: "On (date), by official action of the Village Board the following change (changes) were made to the Official Zoning Map; (brief description of nature of change)", which entry shall be signed by the Chairman of the Village Board, and attested by the Village Clerk. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

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 changes of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 1602.

Regardless of the existence of purported copies of the Official Zoning Maps which may, from time to time, be made or published, the Official Zoning Maps which shall be located in the office of the Village Clerk shall be the final authority as to the current zoning statutes of land and water areas, buildings, and other structures in the Village.

SECTION 405 ZONING MAP REPLACEMENT

In the event that the Official Zoning Map become damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and additions, the Village Board may, by resolution, adopt new Official Zoning Map which shall supercede 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 an subsequent amendment thereof.

Each of the new Official Zoning Map shall be identified by the signature of the Chairman of the Village Board attested by the Village Clerk and bearing the seal of the Village under the following words:

"This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. 443 of the Village of Waterloo, Nebraska."

Unless the prior Official Zoning Map have been lost, or have been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to their adoption or amendment.

SECTION 406 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 5 above shall be construed. Distances not specifically indicated on the Official Zoning Map shall be determined by scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Village Board shall interpret the district boundaries.
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance the Village Board may permit, as an exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 407 ANNEXATION RULE

All territory which may hereafter be annexed by the Village shall be zoned in the AG Agricultural District until otherwise changed, however, where the area annexed was already zoned prior to annexation, the same district shall apply within the Village until otherwise changed.

ARTICLE 5. SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 501 VISIBILITY AT INTERSECTIONS

On the corner lot in all districts a sight triangle shall be provided such that nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

SECTION 502 FENCES, WALLS, AND HEDGES

Section 1. Where no other specific requirement of this Ordinance applies, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half (2 1/2) feet in height; except that split-rail, chain-link or other type of fence not restricting visibility, which shall be permitted up to three and one-half feet (3 1/2) feet in height.

Section 2. If any section, clause, provision, or part or portion of this section, clause, or provision of this Ordinance or the application thereof to any person or circumstance is held unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any others section, clause, provision or part or portion of this Ordinance.

Section 3. All Ordinances or parts thereof in conflict herewith, including without limitation, Article 5, Section 502 as written prior to the effective date of this Ordinance, are hereby repealed.

Section 4. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

SECTION 503 ACCESSORY USES

503.01 USE FOR DWELLING: Accessory buildings shall not be used for dwelling purposes unless specifically permitted.

503.02 YARD REQUIREMENTS FOR ACCESSORY BUILDINGS:

- (1) SIDE YARD- Same as district in which accessory use is located except an accessory building may be located in the side yard as close as three (3) feet to the property line providing it is located between the rear building line of the principal building and the rear property line.
- (2) FRONT YARD- No accessory building shall be located between the front building line of the principal building and the front property line.
- (3) REAR YARD- Unless specifically permitted, no accessory building shall be located closer than three (3) feet from the rear property line or within ten (10) feet of any other building on adjacent properties, and no accessory building shall be located within any easement or right-of-way along the rear property line.

503.03 VEHICLE ACCESS: Unless otherwise specifically permitted, any accessory building requiring vehicle access from an alley way shall be located a minimum of fifteen (15) feet from the rear property line.

503.04 ATTACHED ACCESSORY USE: Any accessory structure attached to the principal building shall be considered as a part of the principal building and shall meet the same requirements as specified for the principal building in said district.

503.05 ARCHITECTURAL PROJECTIONS: Architectural projections including roofs which cover porches shall not extend more than three (3) feet into any side, front, or rear yard. Any porches enclosed with screens, windows, permanent construction or porches extending greater than three (3) feet into the side, rear and front yard shall be considered as a part of the principal structure and meet the requirements of the principal structure.

503.06 FIRE HAZARDOUS ACCESSORY STRUCTURES: No accessory use that creates a fire hazard or would subject the residential structure to a potential fire, such as a detached fireplace, barbecue oven, or flammable liquid storage shall be located within five (5) feet of a residential dwelling

SECTION 504 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any zoning district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each principal structure as though it were on an individual lot.

SECTION 505 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in this Ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, domes, chimneys, grain elevators, accessory agricultural structures, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 506 STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved with the exception of non-residential agricultural related structures in AG Agricultural zoned districts, shall be on a lot adjacent to a public street and all

structures shall be so located on lots as to provide safe and convenient access for servicing fire protection and required off-street parking.

SECTION 507 UTILITY AND LOT AREA REQUIREMENTS FOR RESIDENTIAL STRUCTURES

Notwithstanding other provisions of this Ordinance, all dwellings hereafter erected, enlarged, or reconstructed in AG Agricultural, or R-1 or R-2 Residential Districts shall be located upon lots containing the following areas:

1. Every lot served by a septic system shall have a lot area of not less than one (1) acre and a lot width of not less than one hundred-forty (140) feet. No septic system shall be located within 1,000 feet of a community well.
2. Every lot served by a well shall have an area of not less than one-half (1/2) acre and a lot width of not less than one hundred-forty (140) feet. All wells shall be located upstream from septic systems and no well shall be located within 100 feet of a septic system.
3. Every lot served by a septic system and well shall have an area of not less than two-and-one-half (2 1/2) acres and a lot width of not less than two-hundred-fifty (250) feet, and the structure shall be located to permit later subdivision into usable residential lots of the minimum size permitted in the district. No septic system shall be located within 1,000 feet of a community well. All wells shall be located upstream from septic systems and no well shall be located within 100 feet of a septic system.

SECTION 508 TEMPORARY STRUCTURES

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts; however, basements and cellars shall not be occupied for residential purposes until the building is complete.

SECTION 509 CARETAKERS QUARTERS

Caretaker's quarters are permitted in all districts, if included in the principal structure, providing said use is incidental to the principal use.

SECTION 510 ADJUSTMENTS TO FRONT YARD REQUIREMENTS

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

1. Where forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have observed, with a variation of five (5) feet or less, a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
2. Where forty (40) percent or more of the frontage on one (1) side of the street between two (2) intersecting streets is developed with buildings that have not observed a front yard as described above, then:
 - a. Where a building is to be erected on a parcel of land that is within one-hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent buildings on the two (2) sides, or
 - b. Where a building is to be erected on a parcel of land that is within one-hundred (100) feet of an existing building on one (1) side only, such building may be erected as close to the street as the adjacent building.

SECTION 511 PARKING REGULATIONS

- 511.01 PARKING AND STORAGE OF CERTAIN VEHICLES: Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored in any R-1 or R-2 Residential District other than in completely enclosed buildings.
- 511.02 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS: Off-street motor vehicle parking and loading space shall be provided on any lot on which any of the indicated structures and uses are hereafter established. Such space as defined in SECTION 303 of this Ordinance shall be provided with vehicular access to a street or an alley. A required loading space shall include a ten (10) foot by fifty (50) foot space with a minimum of fourteen (14) feet of height clearance. The loading space shall be so located as to avoid undue interference with public use of streets, alleys, and walkways. Minimum off-street parking and loading requirements, which shall be applicable in all zoning districts to the structures and uses indicated, shall be set forth in the Schedule of Minimum Off-Street Parking and loading requirements, hereby adopted by reference and declared to be a part of this Ordinance. If minimum off-street parking required in said schedule, cannot be reasonably provided on the same lot on which the principal structure or use is conducted in the opinion of the Village Board, the Board may permit such space to be provided on other off-street property, provided that such space lies within four hundred (400) feet of the entrance to such principal structure or use.

SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Regulations
Bowling Alleys	4 Spaces per alley	1 Space per establishment
Churches, Synagogues, and Temples	1 Space per 8 seats in main unit of worship	None required
Eating and Drinking Establishments	Parking spaces equal to 30% of capacity in persons	2 Spaces per establishment
Educational Uses, Nursery and Primary	Parking spaces equal to 20% of capacity in students	2 Spaces per structure
Educational Uses, All Other	Parking spaces equal to 40% of capacity in students	2 Spaces per structure
Funeral Homes and Chapels	8 Spaces per reposing room	2 Spaces per establishment
Hospitals	1 Space per 2 beds	3 Spaces per structure
Hotels	1 Space per 2 rental units	1 Space per establishment
Industrial Uses	1 Space per 2 employees on largest shift	2 Spaces per establishment
Libraries	1 Space per 500 square feet of floor area	1 Space per structure
Lodging and Boarding Houses	1 Space per 2 rental units	None required
Medical Clinics	5 Spaces per staff doctor or dentist	None required
Motels	1 Space per rental unit	None required
Private Clubs and Lodges	1 Space per 500 square feet of floor area	1 Space per establishment
Residential Structures (multi-family)	1 1/2 Space per dwelling unit	None required
Residential Structures (single-family)	1 Space per dwelling unit	None required

Retail Sales Establishments	1 Space per 200 square feet of gross floor area	1 Space per establishment
Roadside Stands	4 Spaces per establishment	None required
Sanitariums, Convalescent, and Rest Home Services	1 Space per 3 beds, plus 1 Space per employee	1 Space per establishment
Service Establishments	1 Space per 200 square feet of gross floor area	1 Space per establishment
Theatres, Auditoriums, and Places of Assembly	1 Space per 5 people of designed capacity	1 Space per establishment
Veterinary Establishments	3 spaces per staff doctor	None required
Wholesaling and Distribution Operations	1 Space per 2 employees on largest shift	2 Spaces per establishment

SECTION 512 SIGN REGULATIONS

512.01 ON AND OFF-SITE SIGNS ON INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS:

The erection or maintenance of any advertising sign, display, or device which is visible to the traveled way of the National System of Interstate and Defense Highways, and the System of Federal-Aid Primary Roads of the State of Nebraska as defined by the Nebraska Department of Roads, is hereby prohibited unless in compliance with the regulations set forth within the Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Interstate and Federal-Aid Primary Highways; as amended, adopted and published by the Nebraska Department of Roads.

512.02 ON-SITE SIGNS: On-site signs not on interstate or federal aid primary highways, and erected as an on-site sign in those districts where such is permitted, shall have a maximum surface area of eighty (80) square feet and shall be located in an area from the street right-of-way to a point fifteen (15) feet beyond the right-of-way.

512.03 OFF-SITE SIGNS: Off-site signs not on interstate or federal-aid primary highways, erected in those districts where permitted, shall conform to the following requirements:

- (1) Each sign shall have a maximum surface area of eighty (80) square feet;
- (2) Each sign shall have a maximum width of ten (10) feet and a maximum height of eight (8) feet;
- (3) The highest point on any sign shall not extend more than twenty (20) feet measured from ground level at its supports;
- (4) Each sign shall be no less than one hundred (100) feet from any other sign erected on the same side of a street from which the signs are intended to be read;
- (5) Each sign shall not be closer than fifty (50) feet from a street intersection at grade;
- (6) Each sign shall be located in an area from the street or road right-of-way to a point fifteen (15) feet beyond the right-of-way.

SECTION 513 PERFORMANCE STANDARDS FOR INDUSTRIAL USE

These performance standards shall apply as minimum standards in those districts where compliance with said standards is required.

513.01 LIMITED INDUSTRIAL PERFORMANCE STANDARDS: To be a permitted industrial use in the IM Industrial and Manufacturing District, whether as a permitted use or as an exception, such use must meet the following performance standards:

- (1) Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are readily visible from the street.
- (2) Fire Hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazard. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels, and welding gasses when handled in accordance with other Village regulations.
- (3) Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.
- (4) Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course or the ground, of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- (5) Air Contaminants: Air contaminants and smoke shall be less dark than designated Number One of the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half (1/2) hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths (.2) grains per cubic foot as corrected to a temperature of five-hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal but not exceed six-tenths (.6) grains per cubic foot as corrected to a temperature of five-hundred (500) degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities or air contaminants of other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

- (6) Odor: The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited. Observations of odors shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors or putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.

- (7) Gasses: The gasses sulfur dioxide, hydrogen sulfide and carbon monoxide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of the particular establishment involved.
- (8) Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (3/1,000) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted.
- (9) Glare and Heat: All glare, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

ARTICLE 6. AG AGRICULTURAL DISTRICT

The purposes and objectives of the Agricultural District is to preserve land best suited for agriculture from the encroachment of incompatible uses, to prevent the intrusion of urban development into agricultural areas which would make agricultural production uneconomical or impractical, to preserve in agricultural use land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of this land to nonagricultural use; to provide appropriate locations for certain types of establishments primarily serving agricultural producers; to permit the application of regulations to major agricultural areas of agricultural producers; to permit the application of regulations to major agricultural areas of the Village which will reflect basic physical differences and attractions among such areas.

SECTION 601 AG AGRICULTURAL DISTRICT

601.01 INTENT: This district is intended primarily for application to rural areas of the Village which is generally characterized by extensive or intensive agricultural uses of land.

601.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right.

- (1) Any form of agriculture including the raising of crops, horticultural uses, animal husbandry (except kennels), poultry husbandry, fisheries.
- (2) Single-family Dwellings.
- (3) Manufactured Housing.
- (4) Bulk grain storage both publicly or privately owned or managed.
- (5) Irrigation and flood control projects.
- (1) Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay bailing and thrashing services, contract sorting, grading and packaging fruits and vegetables for the grower; agricultural product milling and processing; horticultural services such as plant nurseries, landscape gardening, landscape contracting; establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, land leveling, harvesting, plowing, farm equipment service and repair; veterinary services; commercial auction yards and barns; bulk storage of petroleum products for distribution or direct sales to agricultural consumers.

- (7) Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications equipment buildings, public service plumbing stations, and reservoirs.
- (8) Guest ranches; drive-in theaters; racetracks for the racing of horses; stadiums for contests for football, baseball, soccer, track and field, and other sports events, but not including enclosed uses such as a bowling alley;
- (9) Public and private open recreational facilities operated for profit or otherwise, including golf courses, country clubs and appurtenant pro shops including restaurants and liquor sales, subject to local Ordinances, golf driving ranges, archery ranges, swimming pools, riding academies, and commercial stables, parks, community centers, but not including enclosed uses such as a bowling alley;
- (10) Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools, and colleges;
- (11) Community facilities and institutions including monasteries, convents and other religious institutions; public and private philanthropic and charitable institutions; cemeteries; hospitals, sanitariums, nursing homes and rest homes; private, noncommercial clubs and lodges;
- (12) Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other buildings, structures, and facilities;
- (13) Sewage treatment plants for primary and secondary treatment;
- (14) Agricultural retail and wholesale establishments and grocery stores, service stations and restaurants for convenience of rural areas;
- (15) Signs subject to Section 512 of this Ordinance.

601.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures and to those uses and structures permitted as exceptions;
- (2) Home occupations;
- (3) Roadside stands for the sale of agricultural produce grown on the site.

601.04 EXCEPTIONS: After the provisions of this Ordinance relating to exceptions have been fulfilled, the Village Board may permit the following conditional uses as exceptions in the AGG General Agricultural District.

- (1) Rock, sand and gravel extraction and processing sites.

601.05 CONDITIONS FOR GRANTING EXCEPTIONS: In addition to the requirements of SECTION 1304 of this Ordinance, the following regulations shall apply as minimum requirements for granting exceptions in AGG General Agricultural District.

- (1) Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from a Residential District, shall be screened by a solid fence or masonry wall or a compact growth of natural plant materials not less than six (6) feet in height if the Board finds said use is unsightly.

601.06 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from the AGG General Agricultural District.

601.07 MINIMUM LOT REQUIREMENTS:

- (1) The minimum lot area for single-family dwellings or manufactured housing shall be ten (10) acres.
- (2) The minimum lot area for other uses permitted or prescribed as exceptions shall be five (5) acres subject to approval of the Board;
- (3) The minimum lot width at the front building line shall be three-hundred (300) feet.

601.08 MINIMUM YARD REQUIREMENTS:

- (1) Front yard: There shall be a minimum front yard of not less than a depth of one-hundred twenty (120) feet from the center line of a Federal Aid-Primary and Federal Aid-Secondary designated street or highway or fifty (50) feet from the property line, whichever is greater. On all other streets or highways there shall be a minimum front yard of not less than a depth of ninety (90) feet from the center line of the street or highway of fifty (50) feet from the property line, whichever is greater; and further, these yard requirements shall apply to any yard abutting a public street or highway regardless of the lot being an interior or corner lot.
- (2) Rear yard: There shall be a minimum yard of not less than a depth of fifty (50) feet;
- (3) Side yard: Side yards shall not be less than fifteen (15) feet.
- (4) Distance between structures: The minimum distance between a principal structure used for human habitation and any accessory building shall be ninety (90) feet.

601.09 MAXIMUM LOT COVERAGE: No limitations.

601.10 MAXIMUM HEIGHT: No limitations.

601.11 SIGN REGULATIONS: All signs shall be in conformance with the regulations provided herein and with the provisions of SECTION 4042 512 of this Ordinance.

ARTICLE 7. R-1 RESIDENTIAL DISTRICT, LOW DENSITY

The purpose and objectives of the R-1 Residential District is to preserve and protect areas in the Village which by their location, proximity to other land uses, the character of the natural environment, and accessibility to public services and facilities, exhibit a high potential as living areas for the people. The regulations are intended to preserve the quality and character of existing neighborhoods, as well as encourage continuing maintenance and rehabilitation by insuring that incompatible uses of the land will not encroach upon the residential areas.

SECTION 701 R-1 RESIDENTIAL DISTRICT, LOW DENSITY

701.01 INTENT: This district is intended primarily to provide living areas within the Village where development is limited to low density concentrations of one or two family dwellings where regulations are designated to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment; to minimize traffic congestion and to avoid the overloading of utilities and public facilities designed to service only one and two family residential uses in accord with standards of the comprehensive plan.

701.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right.

- (1) Horticultural uses and the raising of crops;
- (2) Single-family dwellings;
- (3) Manufactured Housing;
- (4) Two-family dwellings;
- (5) Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day nursery and group day care centers; private nonprofit schools and colleges; churches, parsonages, and other religious institutions; public parks, and public playgrounds;
- (6) Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and water tanks;
- (7) Public uses of an administrative, public service or cultural type including city, county, state, or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures, and facilities.

701.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted.

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as exceptions;
- (2) Home occupations and home offices, except barber and beauty shops.

701.04 EXCEPTIONS: After the provisions of this Ordinance relating to exceptions have been fulfilled, the Village Board may permit the following conditional uses as exceptions in the R-1 Residential District.

- (1) Home occupation barber, beauty shops, and bed and breakfast inns;
- (2) Convalescent, nursing and rest homes;
- (3) Hospitals, medical and dental clinics and other medical and health facilities;
- (4) Funeral homes and funeral chapels;
- (5) Elevated pressure tanks;
- (6) Signs subject to SECTION 512 of this Ordinance.

701.05 CONDITIONS FOR GRANTING EXCEPTIONS: The requirements of SECTION 1304 of this Ordinance shall apply as minimum requirements for granting exceptions in R-1 Residential District.

701.06 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from the R-1 Residential District.

701.07 MINIMUM LOT REQUIREMENTS:

- (1) The minimum lot area for single-family dwellings shall be ten thousand (10,000) square feet; the minimum lot area for two-family dwellings shall be twelve thousand (12,000) square feet and the minimum lot area per dwelling unit shall be six thousand (6,000) square feet;
- (2) Each lot shall have not less than forty (40) feet of frontage when a lot fronts on a cul-de-sac or loop street where there are curbs and gutters and not less than seventy-five (75) feet where there are no curbs or gutters;
- (3) The minimum width of each lot shall be seventy-five (75) feet with a single-family dwelling and one hundred (100) feet with a two family dwelling;

701.08 MINIMUM YARD REQUIREMENTS:

- (1) Front yard: There shall be a minimum front yard of not less than a depth of one-hundred (100) feet from the center line of a Federal Aid-Primary and Federal Aid-Secondary designated street or highway or thirty-five (35) feet from the property line, whichever is greater. On all other streets and highways there shall be a minimum front yard of not less than a depth of thirty (30) feet from the property line.
- (2) Rear yard: The minimum rear yard of a principal structure and its accessory structures shall be twenty-five (25) feet provided, however, that where construction involves more than one story, the rear yard shall be increased by ten (10) feet from each additional story;
- (3) Side yards: The minimum side yards of a principal structure and its accessory structures shall be seven (7) feet, provided that where construction involves more than one story, the side yards shall be increased by ten (10) feet for each additional story;
- (4) Distance between structures: The minimum distance between a single-family or a two-family dwelling and another structure shall be fourteen (14) feet, provided that where construction involves more than one story, the minimum distance shall be increased to twenty (20) feet.

701.09 MAXIMUM LOT COVERAGE: The maximum lot coverage shall not exceed forty (40) percent of the total lot area.

701.10 MAXIMUM HEIGHT: The height of all structures shall not exceed thirty-five (35) feet subject to the provisions of SECTION 505 of this Ordinance.

701.11 SIGN REGULATIONS: All signs shall be in conformance with the regulations provided herein and with the provisions of SECTION 512 of this Ordinance.

SECTION 801 R-2 RESIDENTIAL DISTRICT, MEDIUM DENSITY

The purpose and objectives of the R-2 Residential District is to preserve and protect areas in the Village which by their location, proximity to other land uses, the character of the natural environment, and accessibility to public services and facilities, exhibit a high potential as living areas for the people. The regulations are intended to preserve the quality and character of existing neighborhoods, as well as encourage continuing maintenance and rehabilitation by insuring that incompatible uses of the land will not encroach upon the residential areas.

801.01 INTENT: This district is intended primarily to provide living areas within the Village where development is limited to medium density concentrations of one or two family dwellings where regulations are designated to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment; to minimize

traffic congestion and to avoid the overloading of utilities and public facilities designed to service only one and two family residential uses in accord with standards of the comprehensive plan.

801.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right.

- (1) Horticultural uses and the raising of crops;
- (2) Single-family dwellings;
- (3) Manufactured Housing;
- (4) Two-family dwellings;
- (5) Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day nursery and group day care centers; private nonprofit schools and colleges; churches, parsonages, and other religious institutions; public parks, and public playgrounds;
- (6) Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and water tanks;
- (7) Public uses of an administrative, public service or cultural type including city, county, state, or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures, and facilities.

801.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted.

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as exceptions;
- (2) Home occupations and home offices, except barber and beauty shops.

801.04 EXCEPTIONS: After the provisions of this Ordinance relating to exceptions have been fulfilled, the Village Board may permit the following conditional uses as exceptions in the R Residential District.

- (1) Home occupation barber, beauty shops, and bed and breakfast inns;
- (2) Convalescent, nursing and rest homes;
- (3) Hospitals, medical and dental clinics and other medical and health facilities;
- (4) Funeral homes and funeral chapels;
- (5) Multiple-family dwellings;
- (6) Elevated pressure tanks;
- (7) Signs subject to SECTION 512 of this Ordinance.

801.05 CONDITIONS FOR GRANTING EXCEPTIONS: The requirements of SECTION 1204 of this Ordinance shall apply as minimum requirements for granting exceptions in R-2 Residential District.

801.06 PROHIBITED USES AND STRUCTURES: All other uses and structures, which are not specifically permitted or not permissible as exceptions shall be prohibited from the R-2 Residential District.

801.07 MINIMUM LOT REQUIREMENTS:

- (1) The minimum lot area for single-family dwellings shall be eight thousand (8,000) square feet; the minimum lot area for two-family dwellings shall be ten thousand (10,000) square feet and the minimum lot area per dwelling unit shall be five thousand (5,000) square feet;
- (2) The minimum lot area for multiple-family dwellings shall be twelve thousand (12,000) square feet and the minimum lot area per dwelling unit shall be four thousand (4,000) square feet;
- (3) Each lot shall have not less than forty (40) feet of frontage when a lot fronts on a cul-de-sac or loop street where there are curbs and gutters and not less than sixty (60) feet where there are no curbs or gutters;
- (4) The minimum width of each lot shall be sixty (60) feet;
- (5) Each lot shall have a depth of not less than eighty (80) feet.

801.08 MINIMUM YARD REQUIREMENTS:

- (1) Front yard: There shall be a minimum front yard of not less than a depth of one-hundred (100) feet from the center line of a Federal Aid-Primary and Federal Aid-Secondary designated street or highway or twenty-five (25) feet from the property line, whichever is greater. On all other streets and highways there shall be a minimum front yard of not less than a depth of twenty-five (25) feet from the property line.
- (2) Rear yard: The minimum rear yard of a principal structure and its accessory structures shall be twenty-five (25) feet provided, however, that where construction involves more than one story, the rear yard shall be increased by ten (10) feet from each additional story;
- (3) Side yards: The minimum side yards of a principal structure and its accessory structures shall be seven (7) feet, provided that where construction involves more than one story, the side yards shall be increased by ten (10) feet for each additional story;
- (4) Distance between structures: The minimum distances between a single-family dwelling and another structure shall be fourteen (14) feet.

801.09 MAXIMUM LOT COVERAGE: The maximum lot coverage shall not exceed forty (40) percent of the total lot area.

801.10 MAXIMUM HEIGHT: The height of all structures shall not exceed thirty-five (35) feet subject to the provisions of SECTION 505 of this Ordinance.

801.11 SIGN REGULATIONS: All signs shall be in conformance with the regulations provided herein and with the provisions of SECTION 512 of this Ordinance.

ARTICLE 9. BC BUSINESS AND COMMERCIAL DISTRICT

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

SECTION 801 BC BUSINESS AND COMMERCIAL DISTRICT

901.01 INTENT: The BC Business and Commercial District is intended primarily to serve as the central trading district of the Village. This community is not sufficiently large enough to permit the district application of numerous commercial districts, the BC Business and Commercial District must of necessity include uses of a neighborhood, commercial service and highway commercial nature if the community is to properly accommodate demands for commercial space convenient to the population they will serve.

901.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right.

- (1) Office.
- (2) Retail stores and service establishments, which supply commodities or provide services primarily to meet the needs of residents of the community including:

- Addressograph service
- Apparel store
- Art and antique stores
- Art and craft schools and colleges
- Art galleries
- Artists supply stores
- Auction rooms
- Automobile, farm implement, motorcycle and boat sales rooms and service
- Automobile and farm implement parts sales (new)
- Automobile supply stores
- Automobile repairing, overhauling, rebuilding and painting
- Automobile wash racks and self service automobile washing facilities
- Bakery good stores (retail and wholesale)
- Banks, including drive-in banks, and other lending agencies
- Barbershops and beauty shops
- Bars, cocktail lounges and nightclubs
- Bed and Breakfast Inn
- Bicycle shops
- Billiard and pool halls
- Blueprint and photostat shops
- Boats sales and service
- Bookstores and rental libraries
- Bottling works
- Bowling alleys
- Building material sales, excepting bulk storage of sand, gravel or cement
- Bus depots and transit stations, provided that buses or other transit vehicles shall not be stores on the site and no repair work or servicing of vehicles shall be conducted on site
- Business, professional trade schools and colleges
- Cabinet or carpenter shop
- Cafeterias
- Camera shops, photographic supplies and photography studios
- Candy, nut and confectionery stores
- Catering shops
- Christmas tree sales lots
- Cleaning and laundry agencies including the use of synthetic dry cleaning machines using nonflammable and non-explosive solvents and having a capacity of not to exceed forty (40) pounds per cycle
- Clinics

Clothing and costume rental establishments
Communications equipment buildings
Dairy products processing and stores
Dance halls
Department stores
Drug stores
Dry goods stores
Egg and poultry stores (no slaughtering, eviscerating, or plucking)
Electrical appliances and incidental repair shops
Employment agencies
Exterminators
Feed and seed stores
Fire and police stations
Florists
Food lockers (no slaughtering)
Food stores, delicatessens and super markets
Furniture stores
Furniture warehouse and van services
Garden shops
Garden supply stores and nurseries, provided that all equipment, supplies, and merchandise, other than plants, shall be kept within a completely enclosed building or under a lathed structure, and further provided that fertilizer of any type shall be stored and sold in packaged form only
Gunsmith shops
Gymnasiums
Hand laundries
Hardware stores
Health food store
Hobby and art supply stores
Home furnishings
Hotels, motels, and apartment hotels
Household appliance and repair shops
Interior decorating shops
Jewelry stores, including clock and watch repairing
Leather goods and luggage stores
Libraries
Liquor stores
Locksmiths
Medical and orthopedic appliance stores
Medical buildings
Meeting halls
Messenger offices
Millinery shops
Mobile home sales and service
Mortuaries
Music stores
Music and dance studios
Newsstands and magazine stores
Office and business machine stores
Offices and office buildings other than professional and administrative offices
Optician and optometrist offices
Paint and wallpaper stores
Parcel delivery services
Parking lots and garages
Pet and bird stores
Photographic supply stores
Photography studios

Picture framing shops
 Plumbing, heating and ventilating equipment showrooms with storage of floor samples only
 Post offices
 Pressing, altering and repairing of wearing apparel establishments
 Printing shops
 Radio and television broadcasting studios
 Radio and television stores and repair shops
 Reading rooms
 Repair garages
 Restaurants, tearooms and cafes, including drive-in restaurants, and outdoor cafes
 Scientific instrument stores
 Secondhand stores and pawn shops
 Secretarial, services and letter shops
 Self-serve laundries and cleaning establishments
 Shoe repair shops
 Shoe stores
 Sign painting shops
 Signs, and outdoor advertising structures in accordance with provisions of SECTION 512 of this Ordinance
 Skating rinks
 Soda fountains
 Sporting goods stores, including incidental boat sales
 Sports arenas within buildings
 Stamp and coin stores
 Stationary stores
 Storage garages
 Tailor and dressmaking shops
 Taxidermists
 Telephone answering services
 Telegraph offices
 Theatres and auditoriums
 Tobacco stores
 Toy stores
 Travel bureaus
 Upholstery shops
 Used car sales
 Utility pumping stations
 Variety stores
 Walk-in food dispensaries (only where outdoor benches, tables, and trash receptacles are provided)
 Wedding chapels

901.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted.

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures and to the uses and structures permitted as exceptions;
- (2) A one-family dwelling over or to the rear of a permitted use, provided that such dwelling is primarily for the use of the person owning or operating the commercial use on the site.

901.04 EXCEPTION: After the provisions of this Ordinance relating to exceptions have been fulfilled, the Village Board may permit the following conditional uses as exceptions in the C Commercial District.

- (1) Service stations (gasoline), excluding automotive repair services not included in the definition of "Service Station" as provided by this Ordinance provided that all operations, except the sale of gasoline and oil, shall be conducted in building enclosed on at least (2) sides.
- (2) Electrical distribution substations and gas regulator stations.
- (3) Churches and other religious institutions
- (4) Carnivals, circuses and other transient amusement enterprises lasting no longer than three (3) days.
- (5) Private clubs and lodges.
- (6) Public buildings and grounds.
- (7) Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of the district.

901.05 SPECIAL CONDITIONS AND CONDITIONS FOR GRANTING EXCEPTIONS: In addition to the requirements of SECTION 1304 of this Ordinance the following regulations shall apply as minimum requirements for all uses in the C Commercial District.

- (1) Where a site adjoins or is located across an alley from any R Residential District, a solid wall or fence, vine covered open fence, or compact evergreen hedge with a minimum planting height of three (3) feet shall be located on the property line common to such districts, except in a required front yard.
- (2) Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six (6) feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.
- (3) All business, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and off-street loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depot and transit stations, electric distribution substations, automobile sales and mobile home sales.
- (4) No use shall be permitted and no process, equipment or materials shall be used which are found by the Board to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibrations, illumination, glare, or unsightliness or to involve any hazard or fire or explosion.

901.06 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from the BC Business and Commercial District.

901.07 MINIMUM LOT REQUIREMENTS: No limitations.

901.08 MINIMUM YARD REQUIREMENTS:

- (1) Front yard: No limitations; provided that where a lot is abutting on property in any Residential District and fronting on the same street, there shall be a minimum front yard of ten (10) feet.
- (2) Rear yard: The minimum rear yard abutting Residential District shall be ten (10) feet.
- (3) Side yard: The minimum side yard abutting a Residential District shall be ten (10) feet.

(4) Distance between structures: The minimum distances between a residential or other principal structure and another structure shall be seventeen (17) feet.

901.09 MAXIMUM LOT COVERAGE: No limitations.

901.10 MAXIMUM HEIGHT: No structure shall exceed forty-five (45) feet.

901.11 SIGN REGULATIONS: All signs shall be in conformance with the regulations provided herein and with the provisions of SECTION 512 of this Ordinance.

ARTICLE 10 IM INDUSTRIAL AND MANUFACTURING DISTRICT

The IM Industrial and Manufacturing District is intended to achieve the following purposes: To reserve appropriately located areas for various types of industrial plants and related activities; to protect areas appropriate for industrial use from intrusion by residences and other harmonious uses; to protect residential and commercial properties and to protect nuisance-free non-hazardous industrial uses; to provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other; to provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas, and to provide industrial employment opportunities for residents of the Village.

1001.01 INTENT: The intent of this district is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby non-commercial and non-industrial uses from undesirable environmental conditions. Residential and other similar uses are prohibited from this district in order to limit environmental effects associated with certain commercial and industrial uses, irrespective of their meeting performance standards.

1001.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right.

- (1) Wholesale, storage and warehouse uses;
- (2) Signs subject to SECTION 512 of this Ordinance;
- (3) Agricultural uses except feedlots;
- (4) Automobile service stations;
- (5) Any industrial use which can meet the performance standards for this district set forth in SECTION 203 of this Ordinance, provided such is not specifically prohibited.

1001.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted.

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as exceptions;
- (2) Offices, retail stores and watchmen's living quarters incidental to and on the same site with an industrial use.
- (3) Medical facilities accessory to an industrial use.

1001.04 EXCEPTIONS: After the provisions of this Ordinance relating to exceptions have been fulfilled, the Village Board may permit as exceptions any use which is consistent with the intent of this district and which is not prohibited.

- 1001.05 SPECIAL CONDITIONS AND CONDITIONS FOR GRANTING EXCEPTIONS:
Notwithstanding the requirements of SECTION 1304 of this Ordinance, the following regulations shall apply as minimum requirements for all uses in the IM Industrial and Manufacturing District
- (1) All uses shall meet or exceed the performance standards set forth in SECTION 203 of this Ordinance;
 - (2) A use not conducted entirely within a completely enclosed structure, on a side lot, across a street or alley from an R Residential District, shall be screened by a solid wall or fence, vine-covered open fence or compact evergreen hedge, not less than six (6) feet in height, if found by the Board to be unsightly.
 - (3) Where a site adjoins an R Residential District, a solid wall or fence, vine-covered open fence or compact evergreen hedge, six (6) feet in height, shall be located on the property line except in a required front yard.
 - (4) Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of a wall, fence or hedge.
 - (5) The storage above ground or below ground of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed one hundred fifty thousand (150,000) gallons when stored on one (1) lot of less than one (1) acre in area nor shall storage exceed more than thirty thousand (30,000) gallons in one (1) tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of thirty thousand (30,000) , shall not be located closer than fifty (50) feet from any structure intended for human habitation or closer than two-hundred (200) feet from any Residential District.
 - (6) Not less than five (5) feet of a required yard adjoining a street shall be landscaped and permanently maintained.
 - (7) All open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.
- 1001.06 PROHIBITED USES AND STRUCTURES: All residential dwellings of any kind, and all other uses and structures which are not specifically permitted, or cannot meet the performance standards for industry set forth in SECTION 203 of this Ordinance or which are not permissible as exceptions, shall be prohibited.
- 1001.07 MINIMUM LOT REQUIREMENTS: The minimum lot area shall be ten-thousand (10,000) square feet. The minimum lot width shall be (80) feet.
- 1001.08 MINIMUM YARD REQUIREMENTS:
- (1) Front yard: There shall be a minimum front yard of not less than a depth of one-hundred (100) feet from the center of a Federal Aid-Primary or Federal Aid-Secondary designated street or highway or thirty-five (35) feet from the property line, whichever is greater. On all other streets or highways there shall be a minimum front yard of not less than a depth of fifteen (15) feet from the property line where there are curbs and gutters, provided that where a lot is abutting on property in any R Residential District and fronting on the same street, there shall be a minimum front yard of twenty (20) feet. These yard requirements shall apply to any yard abutting a Federal Aid-Primary or Federal Aid-Secondary designated street or highway regardless of the lot being an interior or corner lot.

(2) Rear yard: The minimum rear yard abutting a Residential District shall be twenty-five (25) feet.

(3) Side yard: The minimum side yard abutting a Residential District shall be twenty-five (25) feet.

1001.09 MAXIMUM LOT COVERAGE: No limitations.

1001.10 MAXIMUM HEIGHT: No structure shall exceed seventy-five (75) feet.

1001.11 SIGN REGULATIONS: All signs shall be in conformance with the regulations provided herein and with the provisions of SECTION 512 of this Ordinance.

ARTICLE 11. S SPECIAL, MODIFIED AND APPENDED DISTRICTS

These district regulations are intended to provide specific conditions for uses and structures which would otherwise not be included in the district regulations of ARTICLES 6 through 10 of this Ordinance

The FP flood plain district regulations are appended to the district regulations provided in ARTICLES 6 through 10 as follows:

AG: Agricultural- Flood plain district
R-1-FP: Residential, Low Density- Flood plain district
R-2-FP: Residential, Medium Density- Flood plain district
BC-SFP: Business and Commercial- Flood plain district
IM-SFP: Industrial and manufacturing- Flood plain district

SECTION 1101 FP FLOOD PLAIN DISTRICT

1101.01 INTENT: This district is intended for application in those areas which have been defined by the U.S. Geographical Survey; U.S. Department of Housing and Urban Development, Federal Insurance Administration and/or the Nebraska Natural Resources Commission as being Commission Floodways or selected floodways. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods through reasonable limits by regulating and restricting areas of development along or in natural watercourses and drainways.

This district is created to be appended to AG, R-1, R-2, BC, and IM districts.

1101.02 PERMITTED PRINCIPAL USES AND STRUCTURES: Any permitted principal use and structure in the Parent District of which this district is made a part, provided that such uses and structures meet the minimum requirements of SECTION 1001.05 of this Ordinance.

1101.03 PERMITTED ACCESSORY USES AND STRUCTURES: Any permitted accessory use and structure in the Parent District of which this district is made a part, provided that such uses and structures meet the minimum requirements of SECTION 1001.05 of this Ordinance.

1101.04 EXCEPTIONS: After the provisions of this Ordinance relating to exception have been fulfilled, the Village Board may permit all conditional uses permitted as Exceptions in the Parent District of which this district is made a part.

1101.05 SPECIAL CONDITIONS AND CONDITIONS FOR GRANTING EXCEPTIONS: Notwithstanding the requirements of Section 1304 of this Ordinance, the following regulations shall supplement the Special Conditions and/or Conditions for Granting

Exceptions which are provided in the Parent District of which this district is made a part. These regulations shall precede those of the Parent District where there is a conflict among regulations.

- (1) Where by reasons of flooding potential, the Zoning Administrator determines that there are detrimental or limiting conditions for development of where there is indicated the possibility of detrimental or limiting conditions for development, the Zoning Administrator shall require such person or persons making application for a zoning (building) permit to provide four (4) copies of the following to the Village Board:
 - A. A site plan at an appropriate scale indicating the name and address of the applicant; lot dimensions and legal description of the property; the location, elevation, size, height, and proposed use of all structures; yards and space between structures; off-street parking; location of public streets and highways and points of pedestrian and vehicular ingress and egress; signs; and areas which will require significant land forming;
 - B. Topographic information providing the elevations of the site above mean sea level, the proposed first floor elevations of all principal structures and accessory structures, and all specifications for grading and fill;
- (2) The Zoning Administrator shall transmit one (1) copy of all required documentation to the Natural Resource District for review and comment. Such review and comment, if any, shall be made part of the record of the Board of Zoning Adjustment.
- (3) As conditions for granting a zoning (building) permit, the Board may require specific measures which are intended to minimize the hazard due to flooding and which shall include the following:
 - A. The first floors of buildings or structures shall be placed two (2) feet above the elevation of the hundred year flood.
 - B. Foundations of all structures shall be designed and constructed to withstand flood conditions at the proposed construction site.
 - C. Basements, lower floors, or appurtenances located below the elevation of the 100 year flood shall be designed and constructed to prevent passage of water into the building or structure and to withstand flood conditions, including hydrostatic pressures of elevated water tables and the momentum of flood flows. Materials for construction shall be of a type not deteriorated appreciably by water. Windows, doorways, and other openings into the building or structure that are located below the elevation of the 100 year flood shall be designed and constructed incorporating adequate flood proofing.
 - D. All electrical equipment, circuits, and installed electric appliances shall be located so as to not be subject to flooding or shall be flood proofed to prevent damage resulting from inundation from the 100 year flood.
 - E. Sanitary and storm sewer drains shall be equipped with valves capable of being closed manually or automatically, to prevent backup of sewage and storm waters into the building or structure. Gravity draining of basements may be eliminated by mechanical devices.
 - F. Any chemical storage, explosive, buoyant and inflammable liquid storage shall be located above the 100 year flood level or shall be adequately flood proofed

to prevent flotation of tanks or other appreciable damage or escape into the flood waters of toxic materials.

G. Land may be filled provided such fill extends 15 feet beyond the limits of any building or structure erected thereon.

- 1101.06 PROHIBITED USES AND STRUCTURES: All uses prohibited in the Parent District of which this district is made a part shall be prohibited.
- 1101.07 MINIMUM LOT REQUIREMENTS: The lot requirements of the Parent District of which this district is made a part shall be the minimum lot requirements subject to additional requirements as prescribed by the Board of Zoning Adjustment.
- 1101.08 MINIMUM YARD REQUIREMENTS: The yard requirements of the Parent District of which this district is made a part shall be the minimum yard requirements subject to additional requirements as prescribed by the Board of Zoning Adjustment.
- 1101.09 MAXIMUM LOT COVERAGE: The lot coverage requirements of the Parent District of which this district is made a part shall be the maximum lot coverage requirements subject to additional requirements as prescribed by the Board of Zoning Adjustment.
- 1101.10 MAXIMUM HEIGHT: The height requirements of the Parent District of which this district is made a part shall be the maximum height requirements subject to additional requirements as prescribed by the Board of Zoning Adjustment.
- 1101.11 SIGN REGULATIONS: The sign regulations of the Parent District of which this district is made a part shall be the minimum requirements for sign regulations subject to additional requirements as prescribed by the Board of Zoning Adjustment.

ARTICLE 12: NONCONFORMING USES

SECTION 1201 INTENT

Within the zoning districts established by this Ordinance or amendments that may be adopted later, there exist (1) lots, (2) structures, (3) uses of land and structures, and (4) characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment; It is the intent of this Ordinance to permit those non-conformities to continue until they 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 district.

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

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory

to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently.

SECTION 1202 NON-CONFORMING LOTS OF RECORD

In any zoning district in which single-family structures are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions area requirements other than these applying to area or width, or both, of the lot, shall conform to the zoning regulations for the district in which such lot is located. Variance or yard requirements shall be obtained only through action of the Village Board.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

SECTION 1203 NON-CONFORMING USES OF LAND WITH MINOR STRUCTURES ONLY

Where, at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the zoning regulations imposed by this Ordinance, and where such use involves no individual structures with a replacement cost exceeding one thousand dollars (1,000), the use may be continued so long as it remains otherwise lawful, provided:

1. If any such non-conforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the zoning district in which such land is located.
2. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
3. No such non-conforming use shall be allowed to continue longer than for a period of five (5) years from the date of passage of this Ordinance. At the end of said five (5) year period, such non-conforming use of land or land with minor structures shall be terminated. All non-conforming signs, billboards, and junk yards shall be terminated, or otherwise made to conform to the provisions of this Ordinance within two (2) years from the date of passage of this Ordinance.
4. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
5. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

SECTION 1204 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with provisions of this Ordinance.
3. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Except for single-family and multi-family dwellings and their accessory uses, no non-conforming structure shall be allowed to continue longer than for a reasonable amortization period of the non-conforming structure. For the purposes of this section, a reasonable amortization period shall be defined as a period of thirty (30) years from the date of adoption of this Ordinance. Following the running of the amortization period, such non-conforming structure shall be removed or brought into conformance.
5. No non-conforming mobile home structure which is not placed on a permanent foundation at the effective date of adoption or amendment of this Ordinance shall be allowed to continue longer than for a reasonable amortization period of the non-conforming structure. No mobile non-conforming home structure which occupies a lot upon which there exists another principal structure shall be allowed to continue longer than for a reasonable amortization period of the non-conforming structure. For the purposes of this section, a reasonable amortization period shall be defined as a period of ten (10) years from the date of adoption of this Ordinance. Following the running of the amortization period, such non-conforming structure shall be removed or otherwise brought into conformance.

SECTION 1205 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful use involving individual structures with a replacement cost of one thousand dollars (1,000), or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the zoning districts under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
2. Any non-conforming use may be extended throughout any parts of the building or area which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building or area.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as an exception, be changed to another non-conforming use provided that the Village Board either by general rule or by making findings in the specified case, shall find that the proposed use is equally appropriate or more appropriate to the zoning district than the existing non-conforming use. In permitting such change, the Village Board may require appropriate conditions and safeguards in accord with the provisions of the Ordinance.
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 regulations for the zoning district and the non-conforming use may not thereafter be resumed.

5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months except when government action impedes access to the premises, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.
6. Where non-conforming use status applies to a structure or premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purposes of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.
7. No such non-conforming use of a structure or structure and premises in combination shall be allowed to continue longer than for a period of thirty (30) years from the date of passage of this Ordinance or at the end of said thirty (30) year period, such non-conforming use of a structure and premises in combination shall be terminated.

SECTION 1206 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty-five (25) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

SECTION 1207 USES UNDER EXCEPTIONS, PROVISIONS NOT NON-CONFORMING USES

Any use which is permitted as an exception in a zoning district under the terms of this Ordinance, other than a change through the Village Board action from a non-conforming use to another use not generally permitted in the zoning district, shall not be deemed a non-conforming use in such zoning district, but shall, without action, be considered a conforming use.

ARTICLE 13. BOARD OF ZONING ADJUSTMENT

SECTION 1301 CREATION, TERMS, MEETINGS, RULES.

The Village Board of Waterloo, Nebraska, shall constitute the Board of Zoning Adjustment (Board). The Chairman of the Village Board shall act as Chairperson of the Board of Zoning Adjustment. The Board shall appoint a secretary who may be an officer or an employee of the Village. Each shall serve until his/her successor has been selected.

The Board of Zoning 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 Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question. Records of all official actions shall be kept in the office of the City Clerk and shall be open to public inspection during reasonable business hours. All meetings of the Board shall be open to the public.

SECTION 1302 APPEALS TO BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall hear and determine appeals or other matters referred to it regarding the application of this Ordinance. The Board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official Village newspaper at least ten (10) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party in interest and to the Planning Commission.

Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved, or by any officer of the Village or any governmental agency or body affected by any decisions of the officer administering the provisions of this Ordinance. Such Appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefore. The office from whom the appeal is taken, when notified by the Board or its agent, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

SECTION 1303. POWERS AND JURISDICTION RELATING TO ADMINISTRATIVE REVIEW

The Board of Zoning Adjustment shall have the power to hear and decide appeals where it is alleged there is error in the order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map.

SECTION 1304. POWERS AND JURISDICTION RELATING TO EXCEPTIONS

The Board of Zoning Adjustment shall have the power to hear and decide, in accordance with the provisions of this Ordinance, requests for exceptions upon which the Board is authorized by this Ordinance to pass; to decide such questions as are involved in determining whether exceptions should be granted; and to grant exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny exceptions when not in harmony with the purpose and intent of this Ordinance. In no event shall exceptions to the provisions of this Ordinance be granted where the use or exception contemplated is not specifically authorized to grant such exceptions and only under the terms of this Ordinance. Further, under no conditions shall the Board of Zoning Adjustment have the power to grant an exception where conditions of such exception are not found to be present. An exception shall not be granted by the Board of Zoning Adjustment unless and until:

- 1304.01 Application. A written application for an exception is submitted indicating the section of the Ordinance under which the exception is sought and stating the grounds on which it is required;
- 1304.02 Hearings. The public hearing shall be held. Any party may appear in person, or by agent or attorney;
- 1304.03 Findings. The Board of Zoning Adjustment shall make a finding that it is empowered under the Section of this Ordinance described in the application to grant the exception, and that the granting of this exception will not adversely affect the public interest.
- 1304.04 Rules Governing Individual Exceptions. Before any exceptions shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement have been made concerning the following, where applicable:
 - (1) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

- (2) off-street parking and loading areas where required, with particular attention to the items in (1) above and the noise, glare, odor or economic affects of the exception on adjoining properties and properties generally in the district;
- (3) refuse and service areas, with particular reference to the items in (1) and (2) above;
- (4) utilities, with reference to locations, availability, and compatibility;
- (5) screening and buffering with reference to type, dimensions, and character;
- (6) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- (7) required yards and other open spaces;
- (8) general compatibility with adjacent properties and other property in the district.

SECTION 1305. POWERS AND JURISDICTION RELATING TO VARIANCES.

The Board of Zoning Adjustment shall have the power to authorize in specific cases a variance from the specific terms of the 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 will, 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 a finding by the Board that all of the following conditions have been met:

- 1305.01 **UNIQUE CIRCUMSTANCES.** That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant;
- 1305.02 **CONSIDERATION OF ADJACENT PROPERTY RIGHTS.** That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- 1305.03 **APPLICATION OF REGULATIONS CONSTITUTES UNDUE HARDSHIP.** That the strict application of the provisions of this Ordinance from which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- 1305.04 **CONSIDERATION OF GENERAL WELFARE OF PUBLIC.** That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;
- 1305.05 **ADHERENCE TO INTENT OF REGULATIONS.** That granting the variance desired will not be opposed to the general spirit and intent of this Ordinance;
- 1305.06 **REQUIREMENT FOR WRITTEN APPLICATION AND CONDITIONS.** A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Adjustment unless and until a written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; that the special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested

will not confer on the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same district;

- 1305.07 EFFECT OF NON-CONFORMANCE. No non-conforming use of the neighboring lands, structure, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance;
- 1305.08 PUBLIC HEARING AND FINDINGS OF THE BOARD. Notice of public hearing shall be given as in Section 1302 above; the public hearing shall be held. Any party may appear in person or by agent or attorney; the Board of Zoning Adjustment shall make findings that the requirements of this section have been met by the application for a variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of this variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; the Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- 1305.09 CONDITIONS IMPOSED. In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 1602 of this Ordinance.
- 1305.10 USE VARIANCES. Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

**SECTION 1306. BOARD HAS POWERS OF ADMINISTRATIVE OFFICER ON APPEALS:
REVERSING DECISION OF ADMINISTRATIVE OFFICER.**

In exercising the above mentioned powers, the Board of Zoning Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as sought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

A concurring vote of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

SECTION 1307. APPEALS TO DISTRICT COURT.

Any person, official or governmental agency aggrieved with any decision or determination of the Board of Adjustment may present a petition to the District Court, specifying the grounds of illegality and the procedure thereof as provided for in Section 19-1912, Reissue Revised Statutes of Nebraska, 1943.

ARTICLE 14. ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

**SECTION 1401. DUTIES OF ADMINISTRATIVE OFFICIAL, VILLAGE BOARD, AND
COURTS ON MATTERS OF APPEAL**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Village Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Village Board shall be to the courts as provided by law, except as provided in Article 13.

It is further the intent of this Ordinance that the duties of the Village Board in connection with this Ordinance shall not include hearing and deciding questions on interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section of the Ordinance. Under this Ordinance, the Village Board shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law and of establishing a schedule of fees and charges as stated herein.

SECTION 1402. ADMINISTRATION AND ENFORCEMENT

An administrative official who shall be known as the Zoning Administrator and who shall be designated by the Village Board shall administer and enforce this Ordinance. He/she may be provided with the assistance of such other persons as the Village Board may direct.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

SECTION 1403. BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Zoning Administrator. No building permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless he/she receives a written order from the Village Board in the form of an administrative review, special exception, or variance as provided by this Ordinance. Provided, however, that farm buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars (\$1,000) or more of farm products each year may be erected, moved, added to, structurally altered without a permit. Dwelling units or other structures intended for human occupation shall be considered non-farm buildings for the purpose of this Ordinance.

SECTION 1404. APPLICATION OF BUILDING PERMIT

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

The Zoning Administrator shall return one copy of the plans to the applicant after he/she shall have marked such copy either as approved or disapproved and attested to it by his/her signature of such copy. If a building permit is refused, the Zoning Administrator shall state the reasons for such refusal in writing. The original and one copy of the plans, similarly marked, shall be retained by the Zoning Administrator. The issuance of a building permit, shall, in no case, be construed as waiving any provisions of this Ordinance.

SECTION 1405. CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED OR NON-ALTERED OR NON-CONFORMING USE

It shall be unlawful to use or occupy or permit the use of occupancy or any (non-farm) building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Zoning Administrator. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance provided, that within six (6) months of the enactment or amendment of this Ordinance, the Zoning Administrator shall notify in writing the owners or occupants of non-conforming uses of structures that the uses or structures are in non-conformance with the provisions of this Ordinance and that a certificate of zoning compliance within six (6) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Zoning Administrator shall maintain a record of certificates of zoning compliance and a copy shall be furnished upon request to any person. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under Section 1602 of this Ordinance.

Section 1406. EXPIRATION OF BUILDING PERMIT

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Administrator; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of the issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

SECTION 1407. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 1602 hereof.

SECTION 1408. SCHEDULE OF FEES, CHARGES AND EXPENSES

There is hereby established a schedule of fees, charges and expenses for building permits and certificates of zoning compliance, as presented below.

Fees for Building Permits and Zoning Compliance

Value of Building	Fee
To and include \$1,000	\$5.00 minimum
For each additional \$1,000 or fraction thereof up to and including \$15,000	\$1.00 per \$1,000
For each additional \$1,000 or fraction thereof up to and including \$50,000	\$.50 per \$1,000
For each additional \$1000 or fraction thereof exceeding \$50,000	\$.25 per \$1,000

The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Village Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 1409. NEW BUILDINGS ON UNAPPROVED STREETS

No building permit shall be issued for, or no building shall be erected on any lot within the jurisdiction of this Ordinance unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Village Board after submission to the Planning Commission, and in case of said Planning Commission's disapproval, is later approved by a minimum of a two-thirds vote of the Village Board. Any building erected in violation of this section shall be deemed an unlawful structure and the Village may bring action to enjoin such erection or cause it to be vacated and removed.

ARTICLE 15. AMENDMENT

SECTION 1501. GENERAL

The Village Board may from time to time supplement, change or generally revise the boundaries or regulations contained in this Ordinance by amendment. A proposal of such amendment may be initiated by the Village Board, Planning Commission or upon application of the owner of the property affected. A filing fee of \$25.00 is required for each application to be considered by the Planning Commission.

Each applicant shall, in addition to the filing fee provided herein, deposit with the treasurer of the Village at the time the application for the zoning change is made, the sum of \$100.00, out of which the treasurer shall pay on behalf of the Village, charges for publication incurred by the Village in connection with the amendment and such other expenses as the Village shall incur by reason of such amendment. Legal expenses incurred by the Village by reason of the amendment shall not be chargeable to the applicant. If the deposit by the applicant required herewith is insufficient to pay the expenses incurred by the Village, then the applicant shall be obligated to pay, in addition to such deposit, such sums necessary to fully compensate the Village for expenses in connection with the amendment. If the deposit provided for in this Section exceeds the expenses incurred by the Village, the Village shall refund the overpayment to the applicant.

SECTION 1502. SUBMISSION TO PLANNING COMMISSION

All such proposed amendments shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district.

If such proposed amendment is not a general revision of an existing provision of this Ordinance and will affect specific property, it shall be designated by legal description and general street location and in addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered and an opportunity granted to interested parties to be heard.

Failure to receive such notice shall not invalidate any subsequent action taken. Such notice is insufficient to permit the Planning Commission to recommend amendments to regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification or less change than that set forth in the notice; provided, that recommending a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, remailing.

SECTION 1503. AMENDMENT CONSIDERATION AND ADOPTION

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the Ordinance except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (1/2) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend.

When the Planning Commission submits a recommendation for approval or disapproval of such amendment, the Village Board, if it approves such recommendation, may either adopt such recommendation by Ordinance or take no further action thereon as appropriate. In the event the Planning Commission submits a failure to recommend, the Village Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the Planning Commission with a statement specifying the basis for disapproval and such recommendation shall be considered in like manner as that required for the original recommendations returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the Ordinance shall define the change or the boundary as amended, shall order the Official Zoning Map to be changed to reflect such amendment and shall amend the section of the Ordinance incorporating the same and reincorporate such Map as amended.

SECTION 1504. PROTEST

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be 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 of twenty percent (20%) or more of any real property proposed to be rezoned or by the owners of twenty percent (20%) of the total area excepting public streets and ways, located within or without the corporate limits of the municipality and located within three hundred (300) feet of 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) vote of all members of the Village Board.

ARTICLE 16. COMPLAINTS, PENALTIES, REMEDIES.

SECTION 1601. COMPLAINTS REGARDING VIOLATIONS

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

SECTION 1602. PENALTIES.

The owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed one hundred dollars (\$100) for any one offense recoverable with costs. Each and every day that such violation continues after notification shall constitute a separate offense.

Any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

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

SECTION 1603 REMEDIES

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

ARTICLE 17. LEGAL STATUS PROVISIONS

SECTION 1701 SEPARABILITY

Should any article, section or provision of this Ordinance be declared by the courts 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 1702 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, including without limitation, the Original Zoning Regulations for the Village of Waterloo, Nebraska, Ordinance No. 443.

SECTION 1703 EFFECTIVE DATE

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