

CHAPTER 9 – VILLAGE ZONING REGULATIONS

ARTICLE 1 – TITLE, PURPOSE AND JURISDICTIONAL AREA

SECTION 9-101: SHORT TITLE

This chapter shall be known as the "Zoning Ordinance" of the Village of Inglewood, Nebraska. ▫

SECTION 9-102: PURPOSES

The several purposes of this ordinance are: (A) to encourage the most appropriate use of land; (B) to conserve and stabilize the value of property; (C) to aid in the rendering of fire and police protection; (D) to provide adequate open space for light and air; (E) to lessen the congestion on streets; (F) to give an orderly growth to the municipality; (G) to prevent undue concentrations of population; (H) to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; and (I) in general to promote public health, safety and general welfare. ▫

SECTION 9-103: JURISDICTIONAL AREA

This zoning ordinance shall apply to all land and buildings within the corporate limits of the Village of Inglewood, Nebraska, as presently exists or as hereafter established. No determination nor rule nor requirements of these regulations shall be extended or applied so as to prohibit, prevent, or interfere with the conduct of existing farming, livestock operations, business or industry. ▫

SECTION 9-104: COMPLIANCE WITH ORDINANCE PROVISIONS

No structure or premises shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance. ▫

SECTION 9-105: CLASSIFICATION OF DISTRICTS

For the purpose of this chapter, the Village is divided into zones designated as follows: ▫

<u>Districts</u>	<u>Designations</u>
Residential District	(R)
Commercial District	(C)
Transitional Commercial District	(TC) (Rev'd 3/7/16)
Industrial District	(I)
Historical Sites District	(H) ▫

SECTION 9-106: ZONING MAP

- (A) The location and boundaries of the districts designated in Section 9-105 are hereby established as shown on a map entitled "Zoning Map of Inglewood," dated May, 1978 and signed by the chairman of the Village Board and village clerk, hereinafter referred to as the "Zoning Map." ▫
- (B) The Zoning Map and all notations thereon are hereby made a part of this ordinance. ▫
- (C) The signed copy of the Zoning Map containing the zoning districts designated at the time of original adoption of this ordinance, Sept. 12, 1978, shall be maintained without change on file in the office of the village clerk.
- (D) Due to aging and deterioration of the 1978 Zoning Map a new zoning map reflecting all districts as existing on March 7, 2016, which districts have not changed since adoption of the original zoning in 1978 other than annexed areas that became Residential District, shall be prepared, signed by the Chairman and Clerk, and shall thereafter be maintained as the official "Zoning Map" of the Village at the office of the Village Clerk. Any subsequent changes to the Zoning Map adopted by the Village Board shall be notated on the zoning map, with the date of each such change noted on a legend on the map and duly signed by the Chairman and Clerk. (Rev'd 3/7/16). ▫

ARTICLE 2 – DISTRICT REGULATIONS

SECTION 9-201: RESIDENTIAL DISTRICT (R)

This district is composed of certain quiet, low-density residential areas of the Village and its jurisdictions, plus certain open areas where similar residential development should occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit activities of a commercial nature. ▫

(A) Permitted Uses.

- (1) Agricultural uses, limited to raising of crops. Except for domestic pets, animals may only be permitted as a Conditional Use. (Rev'd 2/1/21)
- (2) One-unit dwellings, including one-unit modular dwellings if said dwellings comply with community codes.
- (3) Multi-unit dwellings.
- (4) Public schools.
- (5) Churches, chapels, temples and synagogues.
- (6) Accessory buildings and uses.
- (7) Recreational uses.
- (8) Public utility installations, except sewer treatment facilities.
- (9) Public buildings. ▫

(B) Conditional Uses.

- (1) Private hospitals; rest homes and nursing homes; vocational, private and business schools.
- (2) Sewage disposal treatment facilities.
- (3) Extraction of natural resources.
- (4) Mobile home parks (See Article 5, Supp. Provisions, Section 9-518).
- (5) Boarding houses and dormitories.
- (6) Mortuaries.
- (7) Home occupations.
- (8) Nursery or day care schools.
- (9) Except for domestic pets, animals may be permitted only in compliance with Article 5, Supplemental Provisions, Section 9-513. (Rev'd 2/1/21) ▫

(C) Lot Size.

- (1) Minimum lot area shall be 11,250 square feet per dwelling unit. ▫
- (2) Minimum lot width shall be 75 feet for an interior lot and 100 feet for a corner lot, or a minimum of 50 feet when facing a cul-de-sac or curve. ▫

(D) Setback Requirements.

- (1) Minimum yard setbacks contiguous to all county roads and state highways: 50 feet. ▫
- (2) Minimum yard setbacks contiguous to all other roads and streets: ▫
 - (a) Minimum front yard: 35 feet. ▫
 - (b) Minimum side yard: 10 feet. ▫
 - (c) Minimum rear yard: 20 feet. ▫
 - (d) The entrance side of a garage or carport shall be set back at least 25 feet from the access street, except that in the case of an alley, the entrance shall be set back at least 10 feet from the rear lot line. ▫
- (3) New structures shall align with existing structures in any block or row and shall face the street. ▫

(E) Lot Coverage. The total coverage of all buildings shall not occupy more than 50% of the lot area. ▫

(F) Height of Buildings.

- (1) Maximum height for principal uses: 35 feet, except as a part of a Planned Unit Development, maximum height shall be 50 feet. ▫
- (2) Maximum height for accessory uses: 20 feet. ▫

(G) Location Requirements for Residential and School Areas as Pertaining to Existing Feedlots. No residential or school structure may be constructed within one quarter mile of an existing feedlot, as measured from the nearest edge of the feedlot line to the edge of the proposed structure. This excludes residential structures of feedlot owners or operators. ▫

SECTION 9-202: COMMERCIAL DISTRICT (C) AND TRANSITIONAL COMMERCIAL DISTRICT (TC)

I. COMMERCIAL DISTRICT (C)

This district is intended to provide a full range of retail sales and services, including opportunities for a complete variety of comparative shoppers' goods, plus activities not basically conducted within an enclosed structure such as used car lots, etc. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for providing service to the people of the retail trade area, and to prohibit activities of an industrial nature. The regulations are designed to permit development of commercial and business functions, plus certain public facilities which are needed to serve the occupants of the district. ▫

(A) Permitted Uses.

- (1) Establishments for the retailing of convenience and shoppers' goods and for a wide variety of commercial uses and personal services including, but not limited to, variety, supermarket, hardware, sporting goods, shoe, drug, clothing, department and major comparison stores, barber and beauty shops, dry cleaning outlets, self-service laundries, shoe repair shops and similar service activities.
- (2) Business school.
- (3) Building materials retail outlet only.
- (4) Gasoline service stations (see Article 5, Supp. Provisions, Section 9-519).
- (5) Mobile home, automobile, boat, truck or trailer storage, sales, repair and rental.
- (6) Agricultural implement sales and service.
- (7) Mortuaries and funeral chapels.
- (8) Medical and dental clinics.
- (9) Business and professional offices.
- (10) Financial institutions.
- (11) Membership clubs.
- (12) Churches, chapels, temples and synagogues.
- (13) Greenhouses.
- (14) Hotels and motels or boarding houses, including restaurants and other incidental commercial uses inside the principal building.
- (15) Automobile parking lots.
- (16) Eating and drinking establishments.
- (17) Indoor amusement and entertainment establishments.
- (18) Miniature golf courses, outdoor amusement and entertainment establishments, not including a drive-in theater.
- (19) One-unit dwelling, when incidental to the principal permitted use.
- (20) Parks, playfields and playgrounds.
- (21) Public utility uses, facilities, services and buildings.
- (22) Accessory buildings and uses.
- (23) Auditorium, exhibit or hall or other public assembly room.
- (24) Bus passenger station.
- (25) Custom dressmaking or tailor shops.
- (26) Locksmith, jewelry, or watch repair.
- (27) News or novelty stands.
- (28) Movie theaters, except outdoor type.
- (29) Bakery.
- (30) Printing shops.
- (31) Bowling center.
- (32) Vocational and private schools. (See Article 5, Supp. Provisions, Section 9-519).
- (33) Car wash facilities
- (34) Lumber and building material sales facilities
- (35) Art, music, dance, health, photography or broadcasting studios. ▫

(B) Conditional Uses.

- (1) Drive-in theater and drive-in establishments offering goods and services to customers waiting in parked motor vehicles.
- (2) Veterinary facilities and animal hospitals.
- (3) Wholesale activities.
- (4) Private campgrounds.
- (5) Second-hand store or pawn shop.
- (6) Dwellings, provided they shall be governed by the requirements of the (R) District. ▫

(C) Lot Size.

- (1) Minimum lot area: 11,250 square feet. ▫
- (2) Minimum lot width: 75 feet. (Rev'd 3/7/16). ▫

(D) Setback Requirements.

- (1) No minimum requirements, except as provided for residential structures, which shall be governed by (R) District requirements. ▫
- (2) The minimum yard dimensions of the residential districts shall apply on the side of a lot abutting a residential district. ▫
- (3) There shall be no side yard requirements for nonresidential uses except as provided herein. ▫

(E) Lot Coverage. In a (C) District, buildings may occupy 100% of the lot area, except residential buildings. ▫

(F) Height of Buildings.

- (1) Maximum height for principal uses: 60 feet, except that within 100 feet of the (R) District, no structure shall exceed 35 feet in height. ▫
- (2) Maximum height for accessory uses: 20 feet. ▫

(G) Use Limitations.

- (1) All business establishments shall be retail, service or wholesale establishments dealing directly with consumers. ▫
- (2) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district. ▫
- (3) All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height. ▫

- (4) Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties. ▫
- (5) Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape area. ▫

II. TRANSITIONAL COMMERCIAL DISTRICT (TC)

This district is intended to provide a transitional district for areas adjacent to residential district but more suited for commercial uses either due to their historic grandfathered or conditional uses or being adjacent to commercial district or due to their lot configuration being less likely to be developed for residences and more likely to be utilized for commercial activities. Recognizing their proximity to residential district, this district permits commercial uses similar to the commercial district as well as service oriented businesses, but with certain requirements designed to make the transitional commercial district compatible with the residential nature of the adjacent residential district. All such uses are required to have a low noise and limited outside lighting impact as well as appropriate screening adjacent to adjacent residential property.

(H) Permitted Uses.

- (1) All 26 of the permitted uses allowed in the Commercial District, Section 9-202(A).

(I) Conditional Uses.

- (1) All 6 of the conditional uses allowed in the Commercial District, Section 9-202(B).
- (2) Low impact service businesses such as storage business, repair shop, snow removal business, plumbing & heating business, construction business, real estate or auction business.
- (3) Conditional use shall be compliant with conditional use restrictions made as a condition of the issuance of the permit. The Conditional Use permit is subject to revocation after notice and hearing if there is a substantial and repeated issue of excessive nighttime noise or lighting disturbing adjacent residential neighbors.
- (4) Manufacturing businesses are prohibited.

(J) Use Limitations.

- (1) All 5 of the use limitations specified in the Commercial District, Section 9-202(G).
- (2) Screening or privacy fencing at least six feet in height shall be placed along the sides of the property directly facing adjacent residential property. No

storage of vehicles or equipment taller than said screening or privacy fencing shall be allowed in the areas between the buildings and the adjacent residential areas.

- (3) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in adjacent residential district.
- (4) No garage doors shall directly face an adjacent residential property.
- (5) Entrances may only be off Broad Street; or if Broad is not available or sufficient reason is presented to use another street, then such street as designated by the Village in approving a conditional use permit or re-zoning application.
- (6) Any entrance over property not owned by the owner of the property benefited thereby shall be by recorded permanent access easement legally describing the location and width of such driveway easement.

(K) Lot Size.

- (1) Minimum lot area: 11,250 square feet.
- (2) Minimum lot width 75 feet.

(L) Set Back Requirements.

- (1) Minimum rear set back 20 feet.
- (2) Minimum front set back 35 feet.
- (3) Minimum side set back 10 feet.
- (4) In addition, a further minimum requirement is that sides adjacent to residential areas shall have a minimum set back of 20 feet rather than 10 feet.

(M) Lot Coverage. The total coverage of all buildings shall not exceed 75% of the lot area.

(N) Height of Buildings.

- (1) Maximum height for the principal use building is 35 feet.
- (2) Maximum height of accessory buildings is 20 feet.

(O) Off Street Parking.

- (1) All of the parking requirements for Commercial District set forth in Section 9-401 shall apply to the Transitional Commercial District.

(Rev'd 3/7/16)

SECTION 9-203: INDUSTRIAL DISTRICT (I)

This district provides for non-offensive types of industry, warehousing, processing and manufacturing activities. The regulations of this district are intended to provide standards of external effect compatible with the surrounding or abutting districts. ▫

(A) Permitted Uses.

- (1) Facilities for the manufacturing, fabrication, processing, or assembly of products, provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line. ▫
- (2) All other facilities for the manufacturing, fabrication, processing, or assembly of products, provided that such facilities are not detrimental to the public health, safety or general welfare and provided that the following performance standards are met: ▫
 - (a) Smoke: No operation shall be conducted unless it conforms to the state standards established pertaining to smoke emission. ▫
 - (b) Particulate matter: No operation shall be conducted unless it conforms to the state standards established pertaining to emission of particulate matter. ▫
 - (c) Dust, odor, gas, fumes, glare or vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety, or general welfare or which causes injury or damage to property. ▫
 - (d) Radiation hazards and electrical disturbances: No operation shall be conducted unless it conforms to state standards established pertaining to radiation control. ▫
 - (e) Noise: no operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise radiating from property line at a distance of 25 feet or more therefrom shall not exceed 75 dB (A). ▫
 - (f) Water Pollution: No polluted water shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the State.
- (3) General research facilities. ▫
- (4) Indoor eating and drinking establishments on the same lot as, and incidental to, any use allowed by right or special review. ▫
- (5) Automobile parking lots. ▫
- (6) Sales, service and storage of mobile homes, campers, boats, motor vehicles, bicycles, motorized equipment and accessories for such vehicles. ▫
- (7) Commercial uses (excluding retailing stores) including, but not limited to the following: lumber yards, plant nurseries, stock production and sales, yard equipment and supply dealers, firewood operations, building contractors and equipment, transportation centers, service garages, wholesale operations, household equipment and appliance repair, rental establish-

ments, car washes, bulk cleaning and laundry plants, cold storage lockers and printing services, provided adequate safeguards are taken to protect adjoining properties from objectionable or harmful substances, conditions or operations. ▫

- (8) Public utility uses, facilities, services and buildings. ▫
- (9) Accessory buildings and uses. ▫
- (10) Gasoline service stations (see Article 5, Supp. Provisions, Section 9-519).

(B) Conditional Uses.

- (1) Retailing establishments.
- (2) Professional services.
- (3) Administrative and executive offices
- (4) General business and professional offices.
- (5) Vocational schools.
- (6) Animal hospitals and kennels.
- (7) Outdoor amusement and entertainment establishments.
- (8) Extraction of natural resources.
- (9) Drive-in theaters.
- (10) Junkyards. ▫

(C) Lot Size.

- (1) Minimum lot area: one acre. ▫
- (2) Minimum lot width: 150 feet. ▫

(D) Setback Requirements.

- (1) Minimum front yard: 30 feet. ▫
- (2) Minimum side yard: 10 feet. ▫
- (3) Minimum rear yard: 25 feet. ▫

(E) Lot Coverage. The total coverage of all buildings shall not occupy more than 50% of the lot area. ▫

(F) Height of Buildings.

- (1) Maximum height for principal uses: 60 feet; except that within 100 feet of the (R) District, no structure shall exceed 35 feet in height. ▫
- (2) Maximum height for accessory uses: 25 feet. ▫

(G) Use Limitations.

- (1) All operations, activities and storage shall be conducted wholly inside of a building, or buildings, unless the nearest point of such operation or activity is more than 200 feet from the boundary of any other zoning district other

than an (I) District, and except that storage may be maintained outside the building and side yards or rear yards if such storage area is separated from public streets and other property (except property located in an (I) District) by screening of not less than six feet in height. ▫

- (2) Servicing and maintenance of vehicles shall be permitted only when such is necessary to the conduct of a permitted use. ▫
- (3) If a lot in an (I) District adjoins a Residential District, screening shall be provided at the lot lines sufficient to protect, on a year-around basis, the privacy of adjoining residential uses. ▫
- (4) No building shall be used for residential purposes, except that a watchman or owner may reside on the premises. ▫

SECTION 9-204: HISTORICAL SITES DISTRICT (H)

The Historical Sites District is designated for the purpose of protecting and preserving the historical structures and sites in the Village and its jurisdiction. Such districts may be designated by the Planning Commission and uses restricted as deemed necessary and prudent by the Commission. ▫

SECTION 9-205: SIGNS

All signs adjacent to Interstate and primary highways must comply with the rules and regulations of the Department of Roads, in accordance with the provisions of Article 9, Chapter 34, Nebraska Revised Statutes. ▫

Signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device, or in such a manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic. All signs shall be maintained in a neat and presentable condition. In the event their use shall cease, they shall be removed promptly and the area restored to a condition free from refuse and rubbish. After 30 days' notice and failure to do so, the Village shall remove the sign and assess the charges to the owner. Signs shall not be unsightly in kind and character. In the event of a complaint on the character or kind of sign being maintained, the decision of the Board of Adjustment shall be final as to compliance of the sign with these provisions. Such decision shall be made after an investigation and report by the Planning Commission, if deemed desirable by the Board. ▫

(A) Free-Standing Signs in the (H) and (R) Districts.

- (1) Signs permitted in the (H) and (R) Districts shall be erected and maintained at least 15 feet from the street line or road. ▫
- (2) Each property owner may erect one sign not to exceed six square feet in total area. ▫

(B) Free-Standing Signs in the (C) District.

- (1) Signs permitted in the (H) and (R) Districts. ▫
- (2) Signs identifying a retailing and service establishment area. One sign not exceeding 50 square feet in area. Signs shall be limited to those identifying the establishment, except that no business sign shall be located within 50 feet of a lot in a residential district, a public park or a school and, if illuminated, shall cast no direct light on adjacent residential property or on streets. ▫

(C) Free-Standing Signs in the (I) District.

- (1) In an (I) District, identification and advertising signs accessory to the allowed use are permitted, except that they shall be limited to 100 square feet and none shall be located within 100 feet of a lot in a residential district, a public park, or a school unless it meets the requirements for a business sign in the (C) District. ▫
- (2) Signs affixed to and flush against or painted directly upon any permanent building need not comply with (A), (B), and (C) of this section. ▫

ARTICLE 3 – CONDITIONAL USES

SECTION 9-301: AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

Uses designated in this chapter as conditional uses shall be permitted upon approval by the Village Board, all in accordance with the standards and procedures specified in Sections 9-301 through 9-307. The Village Board will receive a recommendation by the Planning Commission prior to acting upon any application for a conditional use. In permitting a conditional use, the Village Board may specify other conditions found necessary to protect the best interest of the surrounding property or neighborhood or the Village and its jurisdiction as a whole. These conditions may include (A) increasing the required lot size or yard dimensions, (B) increasing street widths, (C) controlling the location and number of vehicular access points to the property, (D) increasing the number of off-street parking or loading spaces required, (E) limiting the number of signs, (F) limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, (G) requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and (H) requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed. Change in use, expansion or contraction of site area or alteration of structures or uses classified as conditional existing prior to the effective date of this ordinance shall conform to all regulations pertaining to conditional uses. ▫

SECTION 9-302: APPLICATION FOR A CONDITIONAL USE

A request for a conditional use or modification of any existing conditional use may be initiated by a property owner or his/her authorized agent by filing an application with the village clerk by written letter. The application shall be accompanied by a site plan, drawn to scale, showing locations of all utilities, rights of way and roadways. The Planning Commission may require other drawings or materials essential to an understanding of the proposed use and its relationship to surrounding properties. The property owner shall submit with the application a check for \$25 payable to the village clerk, who shall return the unused portion. A revised conditional use application automatically rescinds the prior conditional use application by that applicant. (Rev'd 3/7/16). ▫

SECTION 9-303: PUBLIC HEARING ON A CONDITIONAL USE

A proposed conditional use shall be considered by the Planning Commission at a public hearing held within 45 days after filing of the application. The village clerk shall give notice of the hearing in the following manner: ▫

- (A) By publication of a notice in a newspaper of general circulation in the Village not less than 10 days prior to the date of the hearing. ▫

- (B) By sending notices by mail not less than 10 days prior to the date of the hearing to all abutting property owners. Failure to receive such notice shall not invalidate any proceedings in connection with the application for a conditional use. ▫

SECTION 9-304: RECESS OF THE HEARING BY PLANNING COMMISSION

The Planning Commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners or persons whom it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the chairman shall announce the time and date when the hearing will be resumed. ▫

SECTION 9-305: ACTION ON A CONDITIONAL USE

The Planning Commission may recommend to the Village Board (A) approval, or (B) approval with specified conditions, or (C) disapproval of a request for a conditional use. The Board may act upon the request after considering the Planning Commission's recommendations. A file containing a written record of all actions taken by the Village Board with regard to conditional uses shall be maintained by the village clerk. ▫

SECTION 9-306: NOTIFICATION OF ACTION

The village clerk shall notify the applicant for a conditional use in writing of the Village Board's action within seven days after the decision has been rendered. The village clerk shall notify the applicant for a conditional use in writing of the Village Board's action within seven days after the decision has been rendered. Said notification shall set forth in writing all terms of the conditional use permit as approved by the Village Board, and providing a place for signature by the owner and the Village Clerk. The conditional use permit shall only be effective upon the owner returning the conditional use permit duly signed by the owner, and the clerk thereupon affixing his or her signature as Village Clerk. A copy of said signed conditional use permit shall be provided to the owner and the original copy kept in the records of the Village at the Village Office. (Rev'd 3/7/16). ▫

SECTION 9-307: STANDARDS GOVERNING CONDITIONAL USES

A conditional use shall ordinarily comply with the standards of the district concerned for uses permitted outright, except as specifically modified in granting the conditional permit (see Article 5, Supp. Provisions, Sections 9-518 and 9-519). ▫

SECTION 9-308: EXPIRATION AND RENEWAL OF CONDITIONAL USE PERMIT.

A conditional use permit expires upon discontinuance of or change in the current use of the property or upon change in ownership of the property. Upon either oc-

curing the owner of the property shall be required to make a new conditional use application, or if applicable an application to re-zone, or else the conditional use for such property shall expire. (Rev'd 3/7/16)

ARTICLE 4 – OFF-STREET PARKING AND LOADING

SECTION 9-401: OFF-STREET PARKING

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the Village and its jurisdiction, off-street parking spaces shall be as provided in this section unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of the property and shall exclude stairwells, elevator shafts and hallways; ornamental balconies; space occupied by heating, air conditioning or other utility equipment; and space devoted to off-street parking or loading. The number of employees of a new or expanding business shall be estimated in a manner approved by the Planning Commission, and the number of employees of an established business shall be determined from an examination of the payroll. ▫

USE

STANDARD

(A) Residential Uses.

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| (1) One-family dwellings and multi-family dwellings: | Two spaces per dwelling unit, which may include the garage and driveway leading to the garage. ▫ |
| (2) Residential hotel; rooming or boarding house: | Four spaces per five guest accommodations, plus one additional space for owner. ▫ |
| (3) Housing restricted to aged, disabled, etc.: | One-half space per unit. ▫ |
| (4) Dormitories and other lodging facilities and rooms for unmarried students: | One space per occupant for the first 20 occupants and a total number of spaces equal to 75% of the total number of occupants or 20 spaces, whichever is greater. ▫ |

(B) Commercial Residential Uses.

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|------------|--|
| (1) Hotel: | One space per two guest rooms, plus one space per two employees. ▫ |
| (2) Motel: | One space per guest room or suite, plus one additional space for owner or manager. ▫ |

USE

STANDARD

(3) Club; lodge:

Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc. ▫

(C) Institutions.

(1) Convalescent hospital; nursing home; sanitarium; rest home; home for aged:

One space per two beds for patients or residents. ▫

(2) Hospital:

Three spaces per two beds. ▫

(D) Places of Public Assembly.

(1) Church:

One space per four seats or eight feet of bench length in the main auditorium. ▫

(2) Library; reading room:

One space per 400 feet of floor area, plus one space per two employees. ▫

(3) Preschool nursery:

Two spaces per teacher. ▫

(4) College; vocational school:

One space per five seats in classrooms. ▫

(5) Other auditoriums:

One space per four seats or eight feet of bench length. ▫

(E) Commercial Amusements.

(1) Stadium; arena; theater:

One space per four seats or eight feet of bench length. ▫

(2) Bowling alley:

Five spaces per alley, plus one space per two employees. ▫

(3) Dance hall; skating rink:

One space per 100 feet of floor area, plus one space per two employees. ▫

USE

STANDARD

(F) Commercial.

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|---------------------------------------|--|
| (1) Retail store: | One space per 125 square feet of floor space. ▫ |
| (2) Service or repair shop: | One space per 400 square feet of floor space. ▫ |
| (3) Office: | One space per 300 square feet of floor area, plus one space per two employees. ▫ |
| (4) Medical or dental clinic: | One space per 200 square feet of floor area, plus one space per two employees. ▫ |
| (5) Eating or drinking establishment: | One space per 100 square feet of floor area. ▫ |

(G) Industrial.

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|------------------------------|--|
| (1) Manufacturing plant: | One space per employee. ▫ |
| (2) Wholesale establishment: | One space per employee, plus one space per 700 square feet of patron serving area. ▫ |

SECTION 9-402: OFF-STREET PARKING AND LOADING; GENERAL PROVISIONS

- (A) The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. ▫
- (B) A plan drawn to scale indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled. ▫
- (C) Design Requirements for Parking Lots.
- (1) Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and so

drained as to avoid flow of water across sidewalks. ▫

- (2) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four feet from the property line or by a bumper rail. ▫
 - (3) Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling. ▫
 - (4) Access aisles shall be of sufficient width for all vehicle turning and maneuvering. ▫
 - (5) Except for dwellings, parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley. ▫
 - (6) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and promote safety for pedestrians and vehicular traffic on the site. Service drives shall not be more than 30 feet in width and shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers. ▫
 - (7) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right of way line, and a straight line joining said lines through points 30 feet from their intersection. ▫
- (C) Completion Time for Parking Lots. Required parking spaces shall be made available for use before the final inspection is completed by the administrator of this ordinance. An extension of time may be granted by the administrator, providing that a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the administrator, provided that the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the Village Board. ▫

ARTICLE 5 – SUPPLEMENTAL PROVISIONS

SECTION 9-501: DISTRICT BOUNDARIES

Unless otherwise specified, district boundaries are lot lines or the center line of streets, alleys, railroad right of way, or such lines extended. Where a district divides a land parcel under a single ownership into two districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided that the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedures for a district change shall be followed. ▫

SECTION 9-502: GENERAL PROVISIONS REGARDING ACCESSORY USES

(A) Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this ordinance, and shall also comply with the following limitations: ▫

- (1) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales from the premises. ▫
- (2) A guest house may be maintained in a residential district accessory to a dwelling, provided there are no kitchen facilities in the guest house and provided such guest house is used for the occasional housing of guests of the occupants of the principal dwelling and not as a rental unit for permanent occupancy. ▫

(B) Temporary Uses Permitted. The following uses of land are permitted for each zoning district (unless restricted to particular zoning districts), subject to the specific regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted: ▫

- (1) Christmas tree sales in any Commercial or Industrial District for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of this ordinance, provided that no tree shall be displayed within 30 feet of the intersection of the curb line of any two streets. ▫
- (2) Contractor's office and equipment sheds or trailers (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project. ▫
- (3) Real estate offices incidental to a new housing development, to continue only until the sale or lease of all lots in the development. ▫
- (4) Seasonal sale of farm produce grown on the premises, to continue for not more than four months per year. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used. ▫

- (5) Promotional activities of retail merchants involving the display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than two consecutive weeks in any three-month period. Retail business may display only merchandise that is for sale within the building in the area immediately adjacent to the building, subject to the following conditions: ▫
- (a) No portion of the display shall be on publicly owned property. ▫
 - (b) No required off-street parking space or loading area will be utilized for such display, storage or dispensing. ▫

These provisions shall in no way be deemed to authorize the outdoor displays or the sales of used furniture, used appliances, used plumbing, used housewares, used building materials or similar display or sale in any business district. ▫

SECTION 9-503: STANDARDS GOVERNING HOME OCCUPATIONS

Home occupations shall be governed by the following regulations: ▫

- (A) A home occupation shall not occupy more than 20% of the total floor area of the main building or, if located in an accessory building, shall not occupy more than 15% of the total lot area. ▫
- (B) A home occupation shall be operated entirely from an enclosed structure with no exterior storage of materials or equipment. ▫
- (C) There shall be no visible evidence of the operation, and the home occupation shall not change the dwelling's residential character. ▫
- (D) The operation shall not substantially increase traffic in the area. ▫
- (E) The operation shall not be objectionable due to odor, dust, smoke, noise, vibration, electrical interference, or other similar causes. ▫
- (F) One sign not having a surface area greater than three square feet and mounted flush on the dwelling unit may be displayed. ▫

SECTION 9-504: PROJECTIONS FROM BUILDINGS

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than three feet into a required yard or into required open space as established by coverage standards. ▫

SECTION 9-505: MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS

No lot area, yard, or other open space or required off-street parking or loading area existing on or after the effective date of these regulations shall be reduced in area, dimension, or size below the minimum required by this ordinance, nor shall any lot area which is required by this ordinance for one use be used as the lot area, yard or other open space or off-street parking or loading area requirement for any other use. ▫

SECTION 9-506: EXCEPTIONS TO YARD REQUIREMENTS

The following exception to the front yard requirement for a dwelling is authorized for a lot in any district: If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the depth of the front yard for the lot may be the average front yard of the abutting dwellings. ▫

SECTION 9-507: GENERAL EXCEPTION TO BUILDING HEIGHT LIMITATIONS

The following type of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, masts, aerals, cooling towers, elevator shafts and other similar projections. ▫

SECTION 9-508: ACCESS

All lots shall abut a street other than an alley for a width of at least 35 feet. ▫

SECTION 9-509: VISUAL CLEARANCE

Vision clearance areas shall be provided, with the following distances establishing the size of the vision clearance area: ▫

- (A) In a Residential District, the minimum distance shall be 30 feet. At alley intersections in a Residential District, the minimum distance shall be 10 feet. ▫
- (B) In all other districts, the minimum distance shall be 15 feet, or at intersections including an alley, 10 feet, except that when the angle of the intersection between streets is less than 30 degrees, the distance shall be 25 feet. ▫

SECTION 9-510: SCREENING

- (A) Junk/salvage yards shall be screened with an eight foot high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas. ▫
- (B) All extractive industries shall be screened by means of plant materials, earth mounding or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas. ▫

SECTION 9-511: FENCES, WALLS AND HEDGES

(1) Fences, rails and hedges may be permitted in any required yard or along the edge of any yard provided that within any required front yard, no fence, wall or hedge shall be over two and a half feet in height nor closer than 25 feet to any intersection. The only exception to the foregoing shall be that fences of a woven wire type, at least 80 per cent open, may be erected to four feet in height closer than 25

feet to any property line parallel or perpendicular to an intersection. Fences, walls and hedges shall not exceed seven feet in height in Residential Districts. A building permit is required for all proposed fences. A survey is required for such building permit application to confirm the fence shall not encroach on any property line; except, a new survey is not required if boundary line is otherwise documented, or if the fence is replacing an existing fence and will be placed in the same location.

(Rev'd 8/3/15)

(2) Fences shall be constructed of wood, chain-link, PVC/resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, except where used to confine permitted livestock, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots. (Rev'd 8/3/15)

SECTION 9-512: EXTRACTIVE INDUSTRIES, SALVAGE JUNKYARDS, KENNELS AND ANIMAL HOSPITALS

Extractive industries, salvage junkyards, kennels and animal hospitals shall be located a minimum of 300 feet from any Residential District. ▫

SECTION 9-513: ANIMALS IN RESIDENTIAL DISTRICTS

(A) Cows, horses, sheep, goats, poultry or other fowl shall not be kept on lots having an area of less than one acre of open space, and under no circumstances shall they be kept for commercial use. A limit of one cow or horse per acre of open space shall apply; a limit of two swine or sheep or goats per acre of open space shall apply; a limit of 15 chickens or other fowl per acre of open space shall apply. Under no circumstances may a resident harbor a mixture of these animals unless the person has sufficient acreage to allow for these minimum limits. Open space shall mean the area of the lot not occupied by dwellings, buildings or other structures. (Rev'd 2/1/21) ▫

Notwithstanding the above paragraph of this Section 9-513(A), the requirement for an acre of open space shall not apply to a resident keeping up to eight (8) chickens on a residential lot provided, however, that the eight (8) chickens do not include roosters, that the chickens are kept and housed in a proper chicken coop or cage and not allowed to run loose, that the chicken coop or cage is located at least ten (10) feet away from the lot lines, notwithstanding paragraph (C) below of this Section 9-513 which shall not apply here, and the resident obtains approval from the owners of the adjacent lots. (Rev'd 5/3/21) ▫

(B) Domestic rabbits shall not be kept on lots having an area of less than one-half acre of open space; a limit of 15 rabbits per one-half acre of open space shall apply. Open space shall mean the area of the lot not occupied by dwellings,

buildings or other structures. (Rev'd 2/1/21) ▫

- (C) Animal runs or barns and chicken or fowl pens shall be located on the rear half of the lot, but not closer than 70 feet from the front lot line nor closer than 50 feet from any neighboring residence. ▫
- (D) Animals, chickens, and fowl shall be properly caged or housed and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof containers. ▫
- (E) If such nonconforming or conditional use referred to in Sections (A), (B), (C), and (D) above is in fact discontinued for a period of 12 months, such right to the nonconforming or conditional use shall be forfeited and any future use of the premises shall conform to the regulations and this ordinance. (Rev'd 2/1/21) ▫
- (F) Any person violating any provision of this ordinance or failing, neglecting, or refusing to comply with the provisions thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.00. Each and every day that such violation continues may constitute a separate offense. ▫

SECTION 9-514: SWIMMING POOLS

A swimming pool may be permitted in any district as an accessory use subject to the following additional requirements: ▫

- (A) No public or private swimming pool may be located in any required front yard or side yard abutting a street. ▫
- (B) Every swimming pool must be completely surrounded by a fence or wall not less than four feet in height, with no openings large enough to permit children to pass through other than gates or doors that can be fastened to protect against entry. A dwelling house or accessory building may be used as part of such required enclosure. ▫
- (C) Every gate or door opening through such enclosure must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. ▫

SECTION 9-515: RESTRICTIONS ON BUILDINGS ON RESIDENTIAL LOTS

Only one dwelling building shall be permitted on any residential lot unless approved as part of a planned unit development under Article 7, Planned Unit Developments, of this chapter. ▫

SECTION 9-516: DRIVE-IN FACILITIES

Any use permitted in a zoning district which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles or which allows prod-

ucts to be consumed on the premises outside the principal building and which is not subject to the conditional use reviewed in provisions of Article 3, Conditional Uses, or is not part of a planned unit development under Article 7, Planned Unit Developments, must submit a site plan to be reviewed and approved by the Planning Commission. In reviewing and approving the site plan for such a use, the Planning Commission must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria: ▫

- (A) Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized. ▫
- (B) Traffic circulation, ingress and egress shall be arranged so as to avoid hazardous or adverse effects on adjacent sites and streets. ▫

SECTION 9-517: STORAGE AND PARKING OF MOBILE HOMES, TRAILERS AND COMMERCIAL VEHICLES

Commercial vehicles and trailers of all types, including camping units, travel and hauling trailers and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any Residential District, except in accordance with the following provisions: ▫

- (A) Not more than one commercial vehicle, not to exceed one and one-half tons rated capacity for each family living on the premises, shall be permitted; and, in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted. ▫
- (B) Not more than one camping unit, travel or hauling trailer per family living on the premises shall be permitted. Said trailer or camping unit shall not be parked or stored for more than one week unless it is located behind the front yard building lines. ▫
- (C) A mobile home shall not be stored in any required front or side yard. ▫

SECTION 9-518: DESIGN AND REGULATORY PROCEDURE FOR MOBILE HOME PARK DEVELOPMENT

A plan of the general design of the mobile home court, drawn to scale and showing the location of all rental lots, off-street parking, utilities and accessory streets shall accompany any application for a conditional use permit. ▫

(A) Park Size.

- (1) The minimum park size shall be two acres in an undeveloped area or one acre when in an existing developed area. ▫
- (2) The maximum density shall be nine mobile homes per acre. ▫

(B) Rental Lot Size. The minimum lot size for a mobile home placed upon a rental lot within a mobile home park shall be 2,500 square feet. ▫

(C) Setback Requirements for Mobile Homes Placed in a Mobile Home Park.

- (1) The minimum distance between mobile homes placed in a mobile home park shall be 20 feet, measured by a straight line between any two adjacent mobile homes. ▫
- (2) The minimum distance of a mobile home to the nearest public street shall be 10 feet, measured from the rental lot line abutting the public right of way to the nearest wall of the mobile home. ▫
- (3) The minimum distance of a mobile home to the nearest accessory street located within the mobile home park shall be 10 feet, measured from the edge of the street to the nearest wall of the mobile home. ▫

(D) Garages, Carports, Accessory Buildings. Any additions to or accessory use buildings for the mobile home shall be constructed in conformance with setback requirements in subsection (C) above. ▫

(E) General Design Standards; Mobile Home Parks.

- (1) Accessory roads through the mobile home park shall be 20 feet wide or wider. ▫
- (2) Parking drives for mobile homes shall be 10 feet wide or wider. ▫
- (3) There shall be two off-street parking spaces provided per mobile home. ▫
- (4) Sewage treatment and water facilities shall be provided in accordance with regulations established by the Nebraska Department of Health. ▫
- (5) Electrical installations shall be provided in accordance with all codes and ordinances in effect as of the effective date of these regulations. ▫
- (6) The mobile home park shall provide two entrances. All dead-end roads within the mobile home park shall provide a minimum turnaround of 60 feet in diameter. ▫
- (7) There shall be no on-street parking within the mobile home park. A supplementary parking lot shall be provided if deemed necessary by the Planning Commission and the Village Board. ▫

SECTION 9-519: GENERAL DESIGN STANDARDS FOR SPECIAL SERVICES

- (A) Gasoline service stations shall have at least 10,000 square feet of lot area, and all surfaces associated with the sale of gasoline shall be all-weather material. ▫
- (B) Pre-school or nursery schools not associated with the public school system shall maintain a minimum of 100 square feet of play area per child. ▫

SECTION 9-520: SPECIAL PERMITS FOR CERTAIN USES

- (A) The Village Board may, after public hearing, by special permit, authorize the location of any of the following buildings or uses in any district from which they are

prohibited by this ordinance: ▫

- (1) Any public building erected or used by any department of the City, school district, county, state or federal government.
- (2) Private schools, including nursery, pre-kindergarten, play and special schools,
- (3) Hospitals, clinics and institutions including nursing homes, homes for the aged and philanthropic institutions.
- (4) Churches.
- (5) Cemeteries.
- (6) Community buildings or recreation field.
- (7) Airport or landing fields.
- (8) Greenhouses and nurseries.
- (9) Trailer courts, hotels, tourist homes and motels.
- (10) Riding stables and private stables.
- (11) Roadside stands and recreational activities for temporary or seasonal periods.
- (12) Radio towers and broadcasting stations.
- (13) Extraction of sand, gravel, or other raw materials.
- (14) Parking lots.
- (15) Clubs and semi-private buildings.
- (16) Dog kennels.
- (17) Chicken farms and mink farms.
- (18) Dairies, farms, ranches and similar such businesses owning or harboring animals of any and all kinds other than small, house-type, domestic pets. ▫

SECTION 9-521: OCCUPANCY PERMIT

- (A) Certificate of Occupancy. Subsequent to the effective date of this ordinance, no change in the character or use of land or of a building shall be made in the occupancy classification, nor shall any new building be occupied until a certificate of occupancy shall be issued by the Village Board or a building inspector appointed by it. Every certificate of occupancy shall state that the new occupancy complies with provisions of this ordinance. ▫
- (B) Certificate of Occupancy, Application for and Approval of. No permit or excavation for or the erection or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued. ▫
- (C) Certificate of Occupancy for Nonconforming Use. A certificate of occupancy may be used for all lawful nonconforming uses of land or buildings created at the original date of passage of this ordinance. Application for such certificate of occupancy for a non-conforming use shall be filed with the Village Board by the owner or lessee of the land or buildings occupied by such nonconforming use.

It shall be the duty of the Village Board to issue a certificate of occupancy for a lawful nonconforming use. Possession of such a certificate shall be considered evidence that such nonconforming use did lawfully exist at the original effective date of this ordinance. ▫

- (D) Record of Certificate of Occupancy. A record of all certificates of occupancy shall be kept on file in the office of the building inspector, and copies shall be furnished on request to any persons having a proprietary or tenancy interest in land or buildings affected by such certificate of occupancy. ▫

SECTION 9-522: STREETS, PAVING, SIDEWALKS, AND DRIVEWAYS

(A) General Requirements.

- (1) All new residential subdivisions approved on or after November 7, 2005, requiring a new road or roads to connect with existing village roads shall be required to have right of way and paving as set forth in this section. ▫
- (2) All new residential subdivisions constructed within the Village for which a building permit is issued on or after November 7, 2005, shall be required to have sidewalks and driveways as set forth in this section. ▫
- (3) These requirements do not apply to pre-existing older subdivisions within the Village. ▫

(B) Street Right of Way (ROW).

- (1) Minimum ROW for a primary street is 55 feet. ▫
- (2) Minimum ROW for a secondary street is 50 feet. ▫
- (3) Minimum ROW for a cul-de-sac turnaround is 110 feet, and must also meet the front footage requirement of Section 9-201(C)(2). ▫

(C) Paving Curb to Curb.

- (1) Minimum curb-to-curb paving for a primary street is 32 feet. ▫
- (2) Minimum curb-to-curb paving for a secondary street is 27 feet. ▫
- (3) Minimum curb-to-curb paving for a cul-de-sac turnaround is 86 feet. ▫

(D) Paving and Engineering Standards.

- (1) Streets created in new residential subdivisions after the adoption of this section, and any rebuilding of such streets hereafter, shall be of concrete and a minimum thickness of six inches and shall conform to the requirements of subsections (B) and (C) above. ▫
- (2) All street construction or street rebuilding plans and specifications shall be reviewed by and subject to approval of the village engineer, or such other engineer designated by the Board. ▫
- (3) All street construction and rebuilding shall meet current construction stand-

ards as determined by the village engineer. ▫

(E) Sidewalks. New residential subdivision construction shall be required to have concrete sidewalks four feet wide at a minimum thickness of four inches, located within the ROW adjacent to the front lot line. Said sidewalks shall extend the full length of the front lot line. ▫

(F) Driveways. New residential subdivision construction shall be required to have concrete driveways a minimum thickness of four feet and a minimum width of 12 feet running from the street curb to the front of the residence, or to the garage if a garage has been constructed. The minimum requirements of Section 9-401(A) in regard to off-street parking stalls shall also apply. ▫

SECTION 9-523: PRIVATE COVENANTS

Prior to permit approval, the owner(s) of any subdivision or other defined area within the Village intending to file protective covenants applicable to said property shall submit such covenants to the Planning Commission for review and approval before such covenants are filed of record and subdivision permits are issued. After consideration, the Planning Commission shall recommend (A) approval, (B) approval as modified, or (C) denial to the Village Board, which shall then approve, approve as modified, or deny the proposed covenants. Upon approval by the Village Board, a statement of approval of such covenants shall be duly provided to the owner, executed by the chairman and clerk of the Village Board, and may be attached or appended to said covenants at time of filing. ▫

SECTION 9-524: TEMPORARY FREE-STANDING STORAGE SHELTERS

(A) Application. This section is to define the use and limits on use of temporary free-standing storage shelters. Said buildings do not meet current building codes and are designed as a kit to be free-standing. These include all metal, vinyl and wood structures in this class. ▫

(B) Classifications. Said temporary free-standing storage shelters shall be classified as nonconforming structures and will be required to have a nonconforming use permit. ▫

(C) Permits and Approval. Issuance of a permit shall require approval by the Village Board, which shall only act after a written permit application is first submitted to the Planning Commission and the Commission has made its recommendation to the Board. ▫

(D) Requirements. The following guidelines shall be followed for installation of temporary free-standing storage shelters: ▫

(1) All nonconforming structures shall require a permit to be issued by the Vil-

- lage Board per subsection (C) above. ▫
- (2) All such structures may be no larger than 480 square feet in size and no taller than 10 feet in height. ▫
 - (3) All such shelters shall be subject to inspection by the inspector(s) designated by the Board or by prior ordinance. ▫
 - (4) If such shelter becomes damaged or destroyed, (a) it must be repaired or removed within 30 days; (b) it shall be subject to inspection per requirement no. (3) above to insure compliance. ▫
 - (5) All such shelters shall be placed a minimum of 20 feet behind the rear of any dwelling. ▫
 - (6) Such structures shall not be allowed on any vacant lot. ▫
 - (7) Such structures may not be fully enclosed unless mounted on a concrete slab. ▫
 - (8) Such structures may not be permanently fastened to the earth, but instead shall be anchored. Approved anchors are as follows: (a) with no slab, earth augers 48 inches on center; (b) on concrete slab, a minimum of 3/8 inch bolts 36 inches on center, bolted to anchors in slab. ▫
 - (9) Such structures shall meet all current setback requirements enforced in the Village. ▫
 - (10) Under no instances shall these structures be used as or attached to a dwelling or permanent structure. ▫
 - (11) These permits shall be issued for a two-year period of time and may be extended for successive two-year periods by approval of the Village Board with no additional charges. The Board may require an inspection by the inspector(s) prior to granting each extension. ▫
 - (12) Canvas structures will only be permitted for a period of six months and will require an inspection prior to the granting of any extension. ▫

(E) Requirements for portable shipping containers. The following requirements apply to portable shipping containers in addition to the requirements set forth in subsection (D) above, and in event of any inconsistency the more restrictive provision shall apply:

- (1) A permit must be taken out following the temporary free-standing shelters provisions set forth above.
- (2) Shipping containers shall be placed on a concrete slab with rebar at each 4 foot interval to help deter rodents and to create a solid foundation for the structure. The concrete slab must be approved by the building inspector before the shipping container is placed on site.
- (3) No more than two shipping containers per property or 340 square feet total.
- (4) Shipping containers must be painted to match the surrounding building on the property, with no lettering or signage showing or displayed on the container.
- (5) Shipping containers must be placed on the rear one-fourth (1/4) of the Lot or property.

- (6) Approval of such shipping container and placement thereof on the Lot or property is subject to approval at a public hearing before the Village Board of Trustees following Notice of Public Hearing posted at least 10 days prior on the property and notice of such public hearing appearing in the 'Small Talk' Village Newspaper and website at least 10 days prior to such public hearing.
- (7) Shipping containers must follow all setback requirements for lots and are not permitted on smaller lots where the setback requirements cannot be met.
- (8) Shipping containers must be at least 25 feet from any dwelling.
- (9) These shipping container requirements shall be enforced and shall apply to all new and existing portable shipping containers within the Village of Inglewood, Nebraska, other than such shipping containers as were previously lawfully placed upon a Lot or property by lawfully issued and approved building permit issued pursuant to Section 4-306 of the Inglewood Municipal Code.
- (10) Any portable shipping container placed or continued on a property in violation of the requirements of Section 9-524 shall subject the property owner to a \$50.00 per day penalty until such shipping container is brought into compliance or is removed from the property, and the placement of a shipping container in violation of this ordinance is hereby deemed a public nuisance.

(Rev'd 1/9/2017)

ARTICLE 6 – NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

SECTION 9-601: CONTINUATION OF NONCONFORMING USE OR STRUCTURE

Subject to the provisions of Section 9-601 through 9-605, a nonconforming structure or use may be continued and maintained in reasonable repair, but shall not be altered or extended. A complete record of the location, value, nature and extent of all nonconforming uses shall be made and kept by the administrator. ▫

SECTION 9-602: NONCONFORMING STRUCTURE

A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended, provided that the alteration or extension does not result in an increased violation of this ordinance. ▫

SECTION 9-603: DISCONTINUANCE OF A NONCONFORMING USE

- (A) If a nonconforming use is discontinued from use for a period of 12 months, further use of the property shall be for a conforming use. ▫
- (B) If a nonconforming use involving a mobile home is discontinued from use, further use of the property shall be for a conforming use. ▫
- (C) If a nonconforming use not involving a structure is discontinued for a period of 12 months, further use of the property shall be for a conforming use. ▫

SECTION 9-604: CHANGE OF NONCONFORMING USE

If a nonconforming use is changed, it may be changed to a use similar to the original nonconforming use, subject to the approval of the Planning Commission and the Village Board. ▫

SECTION 9-605: DESTRUCTION OF A NONCONFORMING USE

If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, explosion or other disaster to an extent exceeding 50% of the cost of replacement of the building using new materials, a future structure or use on the property shall conform to the provisions of this ordinance. ▫

SECTION 9-606: NONCONFORMING SIGNS

- (A) No such sign may be enlarged or altered in such a manner as to increase its nonconformity; however, any sign or portion thereof may be altered to decrease its nonconformity. ▫

- (B) If any such sign or nonconforming portion thereof be destroyed by any means, it shall not be reconstructed except in conformity with the applicable provisions of this ordinance. ▫
- (C) If any such sign should for any reason be moved from its location, it shall conform to the provisions of the district in which it is located after it is moved. ▫

SECTION 9-607: DISTRICT CHANGES

Whenever the boundaries of a district shall be changed, Sections 9-601 through 9-607 shall also apply to any nonconforming uses created as a result of the change. ▫

ARTICLE 7 – PLANNED UNIT DEVELOPMENTS

SECTION 9-701: VARIATIONS PERMITTED

In view of the trend toward the development of group houses, planned neighborhoods, shopping centers or other planned developments intended for greater convenience or utility which may necessitate variations from existing regulations, such variations may be permitted provided the development plan meets all the requirements specified in Sections 9-701 through 9-720. ▫

SECTION 9-702: APPLICATION

The owner or owners of any continuous tract of land, excluding land in an Agricultural District (A), of not less than three acres, may submit an application to the Planning Commission for Planned Unit Development. ▫

SECTION 9-703: TYPES OF PLANNED UNIT DEVELOPMENT

The following types of Planned Unit Development may be established by placing a PUD overlay over the applicable existing zoning district or districts. The overlays are as follows: ▫

PUD – R	Residential	Permitted in District (R)
PUD – C	Commercial	Permitted in District (C)
PUD – I	Industrial	Permitted in District (I)

SECTION 9-704: ZONING CHANGE

A zoning change is not required; however, each Planned Unit Development requires a public hearing and the development plan must be approved by the Planning Commission or Village Board. ▫

SECTION 9-705: PUD-R, RESIDENTIAL

The total number of dwelling units permitted in a Planned Unit Development shall equal the number of residences normally allowed within similar boundaries. Multiple-unit dwellings and commercial centers are allowable in the PUD-R as authorized by the Planning Commission and the Village Board. Commercial centers shall be subject to the following requirements: ▫

- (A) Such centers, including parking, shall be included as an integral part of the PUD and shall not occupy more than 1½% of the total area of the PUD. ▫
- (B) Except as stated in Section 9-702, all requirements applicable to the (C) District and to the PUD-C District are applicable to the commercial center in the PUD-R District. ▫

- (C) Such commercial centers shall be limited to categories reasonably necessary to efficiently serve residents of the Planned Unit Development in which it is located. ▫

SECTION 9-706: PUD-C, COMMERCIAL

Residential development is permitted when part of the overall development; however, it must meet the requirements of residential uses normally required in the (R) District. ▫

SECTION 9-707: PUD-I, INDUSTRIAL

- (A) Residential uses are not permitted in Planned Unit Industrial Developments. ▫
- (B) There shall be no retail uses unless they are accessory in nature and are intended and designed to serve the group development. ▫
- (C) There shall be no outside storage unless screened as required by the Planning Commission. ▫
- (D) No storage and industrial operation within 100 feet of residential development shall be permitted. ▫
- (E) Building height shall not be greater than the height limitation established for the district in which the development is located. ▫

SECTION 9-708: SUBMISSION OF THE PRELIMINARY PLAN

The developer(s) shall prepare a preliminary plan, together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit 18 copies of the preliminary plan to the village clerk's office at least 10 days prior to the Planning Commission meeting. ▫

- (A) Scale. The preliminary plan shall be drawn on a sheet 18" by 24" or a multiple thereof at a scale of one inch equals 100 feet. ▫
- (B) General Information. The following general information shall be shown on the preliminary plan: ▫
 - (1) Proposed name of the PUD.
 - (2) Date, northpoint, and scale of drawing.
 - (3) Clear statement that the map is a preliminary plan.
 - (4) Location of the PUD and the names of adjacent subdivisions or the names of the adjacent property owners.

- (5) Names and addresses of the owner, developer, and engineer or surveyor, landscape architect, or any other persons involved in the planning of the proposed development. ▫
- (C) Existing Conditions. The following existing conditions shall be shown on the preliminary plan: ▫
 - (1) The location, width and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right of way and other important features, such as section lines and corners, village boundary lines and monuments. ▫
 - (2) Location and direction of all watercourses and areas subject to flooding. ▫
 - (3) Natural features such as rock outcroppings, marshes, wooded areas, and preservable trees. ▫
 - (4) Existing uses of the property, including location of all existing structures to remain on the property after development. ▫
 - (5) The location within the development and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and the electric and gas lines proposed to service the property to be developed. ▫
 - (6) Zoning on and adjacent to the tract. ▫
- (D) Plan of Land Partitioning. The following information shall be included on the preliminary plan: ▫
 - (1) Streets, showing location, width, names and approximate grades. The relationship of all streets to any projected streets as shown on any development plan adopted by the Planning Commission or, if there is no complete development plan, as suggested by the Commission to assure adequate area traffic circulation. ▫
 - (2) Easements, showing width and purpose. ▫
 - (3) Lots, showing approximate dimensions, minimum lot sizes and proposed lot and block numbers. ▫
 - (4) Sites, if any, allocated for various uses when more than one use is involved.

SECTION 9-709: EXPLANATORY INFORMATION WITH PRELIMINARY PLAN

The following information shall be submitted in separate statements and maps accompanying the preliminary plan or, if practicable, shall be shown on the preliminary plan: ▫

- (A) Improvements to be requested of the Village and the approximate time such request will be made. ▫
- (B) Detailed improvements to be made by the developer and the approximate time such improvements are to be completed. ▫

- (C) Other information that may be pertinent to the development. ▫

SECTION 9-710: PRELIMINARY REVIEW OF PROPOSAL

Within two days after being submitted, the developer(s) shall furnish the specified number of copies of the preliminary plan and supplemental material to appropriate village departments and to each of the following: ▫

- (A) County engineer: one copy.
- (B) Fire Department: one copy to each, if necessary.
- (C) Park Department: one copy.
- (D) Utility companies serving the proposed preliminary plan (electricity, gas, telephone, water and sewer): one copy to each.
- (E) School district administrator: one copy.
- (F) Nebraska Department of Roads, if development is adjacent to a state highway: one copy. ▫

SECTION 9-711: PUBLIC HEARING

Within 60 days after receiving the preliminary plan for the proposed Planned Unit Development, the Planning Commission will review the plan and the reports of the agencies specified in Section 9-710 and will establish a public hearing date. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the Village not less than 20 days prior to the date of hearing. ▫

SECTION 9-712: PLANNING COMMISSION ACTION

Within 30 days after the public hearing, the Planning Commission shall approve, approve conditionally, or disapprove the plan. ▫

- (A) If the preliminary plan is disapproved or approved conditionally, the reason for such action shall be stated in writing and transmitted to the applicant. A second copy shall be filed in the Planning Commission files. ▫
- (B) If the plan conforms to all the standards, or after the applicant and Planning Commission agree upon any revisions which shall be filed with the Planning Commission on a revised copy, the applicant may proceed with preparation of a final plan. These parties will be given at least 10 days to review the plans, suggest revisions and return the plans to the administrator's Office. ▫

SECTION 9-713: FINAL PLAN

Within six months after tentative approval of the preliminary plan, the developer shall cause the final plan to be prepared in conformance with the preliminary plan as tentatively approved. At least five days prior to the meeting of the Planning

Commission, the developer shall submit the original drawing of the final plan and three prints of the final plan and supplementary information to the Village. On the final plan, space for the date and signatures of the following shall be included: ▫

- (A) Owners and developers of tract to be developed.
- (B) Chairman of Planning Commission.
- (C) Chairman of Village Board. ▫

SECTION 9-714: INFORMATION ON FINAL PLAN

The final plan shall include all the information required on the preliminary plan, with any changes or additions as previously required by the Planning Commission when tentatively approved. The following information shall also be included on, or accompany, the final plan: ▫

- (A) A certificate signed and acknowledged by all parties having any recorded title interest in the tract, consenting to the preparation and recording of the final plan. ▫
- (B) A certificate signed by the engineer or surveyor responsible for any surveys made during preparation of the plan. ▫

SECTION 9-715: PLANNING COMMISSION ACTION ON FINAL PLAN

The Planning Commission shall review and act upon the final plan within 60 days after it has been submitted for final approval. The Planning Commission shall review and examine the final plan to determine that, as shown, it is substantially the same as it appeared on the approved preliminary plan and that there has been compliance with any conditions that might have been attached to the preliminary plan. The Planning Commission may approve and shall send the final plan to the Village Board for approval or disapproval. ▫

SECTION 9-716: FILING AND RECORDING

After the plan is duly approved and signed, the plat shall be made part of the permanent file of the zoning administrator, and the Zoning Map shall be corrected to show the attachment of the Planned Unit Development. ▫

SECTION 9-717: PERMIT

After filing and recording the final plan, the Planning Commission shall notify the village clerk, in writing, to issue a permit for the Planned Unit Development.

SECTION 9-718: CHANGES IN PLAN

A building permit shall not be issued for any building which does not conform to the

plan, except that a reasonable adjustment to location and gross floor area of individual buildings may be granted after a review by the Planning Commission. If the Planning Commission does not approve the adjustment, then the developer shall proceed in accordance with the final plan. ▫

SECTION 9-719: TIME LIMIT

The developer shall make a reasonable effort to commence construction of the proposed Planned Unit Development within one year from the date of approval. ▫

SECTION 9-720: DEVELOPMENT STANDARDS

The following standards shall apply to all Planned Unit Developments: ▫

- (A) The tract must be a continuous parcel, three acres or more, under one owner or held jointly by two or more owners. ▫
- (B) The proposed development shall be designed to produce an environment of a stable and desirable character not out of harmony with its surrounding neighborhood and shall not conflict with the Comprehensive Plan or any parts thereof. ▫
- (C) Buildings within a PUD may be relieved of district regulations concerning yard size, setback, height, bulk, and other requirements where such requirements interfere with the overall development. ▫
- (D) Off-street parking and loading shall be provided in accordance with the district.
- (H) Signs shall be permitted in accordance with the district. ▫
- (F) The Planning Commission shall establish some method of assurance that the development will be completed within five years of the final acceptance of the plan. ▫

ARTICLE 8 – BOARD OF ADJUSTMENT

SECTION 9-801: ESTABLISHMENT; POWERS AND DUTIES

The Village Board of Trustees shall serve as the Board of Adjustment for the Village. Hereafter it shall be called the Board and shall have the powers and duties ascribed by state law. (Rev'd 3/6/17, per statute §19-911.). ▫

SECTION 9-802: VARIANCES

The Board may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause undue or unnecessary hardship. However, no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located. In granting a variance, the Board may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance. No variance shall be granted unless it can be shown that all of the following conditions are met: ▫

- (A) The strict application of this ordinance would produce undue hardship. ▫
- (B) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. ▫
- (C) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance. ▫
- (D) The granting of such variance is based upon reasons of demonstrable and exceptional hardship, as distinguished from variations for purposes of convenience, profit or caprice. ▫
- (E) The hardship does not result from the action of the owner of the property. ▫
- (F) The granting of such variance will not confer on the owner of such property any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. ▫

SECTION 9-803: ACTION ON A VARIANCE

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to the ordinance. ▫

SECTION 9-804: APPEALS FROM THE BOARD

Any person or persons, jointly or severally, aggrieved by any decision of the Board may seek review of such decision by the District Court in the manner provided by the laws of the State and particularly by Chapter 23, Nebraska Revised Statutes. ▫

ARTICLE 9– AMENDMENTS

SECTION 9-901: AUTHORIZATION AND HEARING

- (A) The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed or repealed. However, no such action may be taken until after both the Planning Commission and the Village Board hold a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least 10 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village. ▫
- (B) An amendment may be initiated by the Village Board, by a motion of the Planning Commission, or by written petition of any property owner addressed to the Village Board, which shall act on such petitions within 90 days of receipt. Having once considered a petition, the Village Board will not consider substantially the same petition for one year. ▫
- (C) All proposed amendments shall be reviewed by the Planning Commission and its recommendation shall be forwarded to the Village Board. ▫
- (D) Applications to re-zone parcels require sending notices by mail not less than 10 days prior to the date of the hearing to all abutting property owners. Failure to receive such notice shall not invalidate any proceeding in connection with the application to re-zone.
- (E) Applications to re-zone empty parcels require the applicant to provide a detailed proposal for the planned use of the property to be re-zoned. Applications to re-zone property already in use to reflect the actual historic use of the property shall include a statement of such present use.
- (F) A revised re-zone application automatically rescinds the prior re-zone application by that applicant.
- (G) On any applications to re-zone the property owner shall submit with the application a check for \$75.00, payable to the Village Clerk, to cover publication and mailing expense. The clerk shall return the unused portion. (Rev'd 3/7/16)

SECTION 9-902: MINIMUM SIZE OF PARCEL

No amendment changing the zoning classifications of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract (A) has 100 feet of frontage on a public street, or (B) has 11,250 square feet of area, or (C) abuts on a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the property which is the subject of the proposed amendment. ▫

ARTICLE 10 – ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

SECTION 9-1001: ENFORCEMENT

The administrator designated by the Village Board shall have the power and duty to enforce the provisions of this ordinance. ▫

SECTION 9-1002: FORM OF PETITIONS, APPLICATIONS AND APPEALS

All permits, petitions, applications and appeals provided for in this ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the Planning Commission or Village Board, in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. All applications for building and occupancy permits shall be accompanied by: ▫

- (A) Plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be used and/or built upon;
- (B) The exact sizes and locations on the lot of the buildings and other structures, existing and proposed;
- (C) The existing and intended use of each building, structure, or part thereof;
- (D) The number of families to be accommodated, if any; and
- (E) Such other information as is needed to determine conformance with the provisions of this ordinance and of the building code. ▫

SECTION 9-1003: TEMPORARY PERMITS

The village clerk shall issue temporary permits for (A) buildings to be constructed and used for storage incidental to construction of buildings on the property and (B) signs advertising a subdivision or tract of land of the lots thereon. ▫

SECTION 9-1004: TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE OR A VARIANCE

A building permit for a conditional use or for a use involving a variance shall be void after six months from the day of issuance if no construction has taken place. ▫

SECTION 9-1005: INTERPRETATION

Where the conditions imposed by any provision of this ordinance or of any other resolution or regulation do not agree, the provisions which are more restrictive shall govern. ▫

SECTION 9-1006: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any sec-

tion, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. ▫

SECTION 9-1007: PENALTY

- (A) The following shall, for each and every violation or noncompliance, be guilty of a misdemeanor and, upon conviction thereof, be fined an amount not exceeding \$100 for each offense for which each person stands convicted, together with costs of prosecution; and in default of payment thereof, shall be adjudged to stand committed to county jail until such fine and costs above-referenced are paid, secured, or otherwise discharged according to law: ▫
- (1) The owner or owners of any building or buildings or premises or any part thereof where anything in violation of this ordinance exists or is placed or maintained; ▫
 - (2) Any architect, builder, or contractor who assists in the commission of any such violation; and ▫
 - (3) All persons or corporations who violate or maintain any violation of any of the provisions of this ordinance; who fail to comply therewith or with any requirements thereof; or who build in violation of any statement of plan submitted and approved thereunder. ▫
- (B) Each separate day in which such violation shall exist or continue shall be deemed a separate violation. Every person violating or contributing in any way to the violation of any provision of this ordinance shall be deemed guilty of a separate offense for each day during which such violation continues and may be punished therefor as herein provided. ▫

SECTION 9-1008: COMPLAINTS REGARDING VIOLATIONS

- (A) Whenever a violation of this ordinance occurs or is allowed to occur, any person may file a written complaint. Any such complaint, stating fully the causes and basis thereof, shall be filed with the Board of Trustees, who shall record and address such complaint immediately, investigate, and take action thereon. ▫
- (B) "Written Complaint" shall mean a complaint by a neighbor or other affected person, written on a complaint form obtained from the Board of Trustees or the village clerk and filed with the Board by the person or persons signing the complaint form. ▫
- (C) The Board of Trustees shall address such filed, written complaints at a regular meeting. After a proper inspection, the findings shall be reported to the Board members at the following meeting and they shall decide upon the appropriate

action or non-action to be taken on such complaint. Any action or non-action taken by the Board of Trustees will be in accordance with the guidelines set forth in this ordinance and the zoning regulations of the Village. ▫

- (D) Any and all complaints to the Board of Trustees must be in written form in order for said complaint to be addressed by the Board of Trustees. ▫
- (E) After correcting any violation(s), the person(s) who were the subject of the complaint may notify the Board of Trustees that correction has been made. The Board of Trustees shall, upon inspection, notify in writing the person or persons who were the subject of the complaint that the violation has or has not been corrected. ▫

SECTION 9-1009: SUPPLEMENTAL ENFORCEMENT PROCEDURES

In addition to any other enforcement procedure set forth in the Village's zoning regulations or otherwise by statute, common law or court of equity, the following enforcement procedures are available and may be utilized: ▫

(A) DEFINITIONS

"Inspection" means observation available from the public street or sidewalk without physically entering upon private property, unless the owner is first contacted and gives permission for onsite inspection. However, this does not prevent any officer or authorized person from going to the front door of non-posted property to inquire if an inspection would be permitted, and it is permissible for such agents to do so. Nothing observed solely from such a walk up to the door is included as observed in an inspection if the owner does not consent to an onsite inspection. "Inspection" shall also mean observation made by an officer or authorized person after first obtaining a court order permitting such inspection. ▫

"Officer" means any certified police officer or sheriff's deputy in the State, whether on or off duty with the political subdivision for which normally employed; or any other individual approved by resolution of the Village Board of Trustees from time to time to make inspections or provide notice of violations. ▫

"Violation" means any other observable violation of the requirements of the Inglewood zoning regulations, other than a violation involving a vehicle or trailer. ▫

"Village" means the Village of Inglewood, Nebraska, a political subdivision of the State of Nebraska. ▫

"Written Notice" means any of the following, any one of which is sufficient to provide legal written notice under this ordinance: ▫

- (1) Sending notice by mail to the owner of such vehicle or trailer or premises on

which such other violation exists at his/her last known address, if the owner is reasonably ascertainable. ▫

- (2) Sending notice by mail to the person owning or controlling the property on which such vehicle or trailer is located or other violation exists or is occurring. ▫

(B) INSPECTION AND REMOVAL OR IMPOUNDMENT OR CORRECTION OF VIOLATIONS

- (1) The Board of Trustees is hereby authorized to have any other violation of the Inglewood zoning regulations corrected, abated or removed, or otherwise required to be placed in compliance with the zoning regulations. However, no such corrective action shall be undertaken by the Village until ten days after written notice to correct such other violation has been given, after which time the Board of Trustees agent(s) is authorized to correct such other violation, if same has not already been corrected by the owner or other responsible person.
- (2) Any officer or other individual authorized or directed by the Board of Trustees to inspect or to correct such other violation, may make inspections from the public street or sidewalk at any time and may enter upon private property at all reasonable hours for the purpose of requesting an on-site inspection; and it shall be unlawful for any person to prevent any such person or officer from entering on private property for purposes of carrying out his or her duties specified hereunder or to interfere with him or her in the lawful performance of his or her duties specified under the provisions of this ordinance.

ARTICLE 11 – DEFINITIONS

SECTION 9-1101: DEFINITIONS

As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean: ▫

Accessory Structure or Use. A structure or use incidental and subordinate to the main use of the property, including a home occupation, and which is located on the same lot with the main use. ▫

Administrator. The person designated by the municipality to administer the regulations within this ordinance. ▫

Alley. A tract of land dedicated for public use along the side of or in the rear of lots, intended to provide a secondary means of access to and from streets and such lots.

Apartment House. See Dwelling, Multiple-Family. ▫

Basement. That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is greater than the vertical distance from the grade to the ceiling. ▫

Billboard. See Sign. ▫

Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, excluding fences. ▫

Building Coverage. Any area or a portion of lot which is covered by all buildings on that lot. ▫

Building Height. The vertical distance measured from the lowest point of finished grade on the lot within 25 feet of the building to the uppermost point of the roof. ▫

Business or Professional Office. The office of an engineer, architect, physician, dentist, attorney, real estate broker, insurance broker, planner or other similar professional person, and any office used primarily for accounting, correspondence, research, editing, or administration. ▫

Camping Unit. Any pick-up camper, motor home, travel trailer, tent trailer or similar mobile unit not exceeding either eight feet in body width or 32 feet in body length and designed specifically for recreational and vacation purposes. ▫

Camping Unit Campground. Any plot of improved property utilized for camping and parking of camping units as herein defined; referred to as a "campground" for the

purposes of this chapter. ▫

Common Open Space. A parcel of land or an area of water or a combination of both land and water within any site designated as a planned unit development; does not include streets, alleys, parks, off-street parking and loading areas, public open space or other facilities dedicated by the developer for public use. Common open space shall be substantially free of structures, but may contain such improvements that are approved as part of the planned unit development and are appropriate for the recreation of residents of the planned unit development. ▫

Comprehensive Plan. An official map or street plan, the future land use map or plan, or any other long-range plan or map of the Village. ▫

Corner Lot. A lot abutting upon two or more streets at their intersection or upon two parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed 135 degrees. ▫

County. The County of Dodge, Nebraska. ▫

County Board. The County Board of Supervisors. ▫

Density. The number of dwelling units per acre of land devoted to housing and usable open space. ▫

District. An area or areas within the incorporated part of the Village and its jurisdictional area for which the relations and requirements governing use, lot, and bulk of building and premises are uniform. ▫

Drive-in Establishment. An establishment which is designed to provide, totally or in part, service to customers while they remain in automobiles parked upon the premises. ▫

Driveway. A vehicle accessway, having an all-weather surface, from a village street to a garage or parking area adjacent to or within close proximity (10 feet or less) of a habitable structure. ▫

Dwelling, One-Unit. A detached building containing one dwelling unit. ▫

Dwelling, Ranch and Farm. Residential dwellings appurtenant to agricultural operations, including living quarters for persons employed on the premises but not including labor camps or dwellings for transient labor, guest house not rented or otherwise conducted as a business, and private garages, stables, and barns. ▫

Dwelling, Single-unit. A detached principal building other than a mobile home designed for or used as a dwelling exclusively by one family as an independent living unit. ▫

Dwelling Unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility. ▫

Easement. The authorization by a property owner for use by the public, a corporation, or persons, of any designated part of his/her property for specific purposes. ▫

Employees. All persons, including proprietors, working on any premises during the largest shift at peak season. ▫

Essential Governmental or Public Utilities Services. The erection, construction, alteration or maintenance by public utilities or village departments of underground or overhead gas, electrical, steam or water transmission distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or village departments or commissions or for the public health or safety or general welfare. ▫

Family. An individual or two or more persons related by blood, marriage, legal adoption, or guardianship, living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship, living together in a dwelling unit. ▫

Feedlots. The confined feeding of food, fur or pleasure animals in buildings, lots, pens, pools, or ponds which normally are not used for raising crops or for grazing animals. For the purpose of this ordinance, the term "feedlot" shall include the confined feeding of: 150 or more feeder or fat cattle; 100 or more beef cows; 100 or more dairy cattle; 500 or more swine; 2,600 or more sheep; 3,000 or more turkeys; or 10,000 or more chickens, ducks or geese. ▫

Fence, Sight-Obscuring. A free-standing structure of metal, masonry, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, used for confinement, screening, or partition purposes; or a dense evergreen planting. ▫

Frontage. That portion of a lot, parcel, tract or block abutting upon a street. ▫

Garage, Private. An accessory building or portion of a main building used for the parking or temporary storage of vehicles or used by occupants of the main building.

Garage, Public. A building other than a private garage used for the maintenance and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale. ▫

Gasoline Service Station. A building or premises on or in which the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles, which may include as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but may not include liquefied petroleum gas distribution facilities or facilities for major repair of motor vehicles. ▫

Grade (Ground Level). The average of the finished ground level at the center of all walls of the building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level should be measured at the sidewalk. ▫

Home Occupation. An occupation carried on within a dwelling or accessory building by members of the family occupying the dwelling, provided that the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, nor infringe on the right of neighboring residents to enjoy the peaceful occupancy of their homes. ▫

Hospital. An establishment which provides sleeping and eating facilities for persons receiving medical, obstetrical, or surgical care and nursing services on a continuous basis. ▫

Hotel. A building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the guest rooms. ▫

Junkyard (Salvage). Any lot, parcel or tract used for storage, keeping or abandonment of junk and/or for the dismantling, demolition or abandonment of three or more unlicensed motor vehicles or parts thereof or other junk. ▫

Kennel. A lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, or sale. ▫

Lot. A parcel or tract of land occupied by a structure, together with the yards and other open spaces required by this ordinance. ▫

Lot Area. The total horizontal area within the lot lines of a lot. ▫

Lot, Double Frontage. A lot which runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets. ▫

Lot, Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. ▫

Lot, Interior. A lot other than a corner lot. ▫

Lot Line. The property line bounding a lot. ▫

Lot Line, Front. In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley. ▫

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot paralleled to and at a maximum distance from the front lot line. ▫

Lot Line, Side. Any lot line not a front or rear lot line. ▫

Lot Width. Distance on a horizontal plane between the side lot lines of the lot, measured at right angles to the line establishing the lot depth at the established building setback line. ▫

Mobile Home. A structure designed to be transported after fabrication and exceeding either eight feet in body width or 32 feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built. ▫

Mobile Home Park. Any plot of ground upon which two or more mobile homes, occupied or intended to be occupied for dwelling or sleeping purposes, are located for periods of longer than 90 days, regardless of whether or not a charge is made for such accommodation. ▫

Mobile Home Space. A plot of ground within a mobile home park designed to accommodate one mobile home. ▫

Modular Home. A structure designed to be transported after fabrication, located as a permanent addition to and becoming part of the real property. Such a structure must meet minimum construction requirements of the Uniform Building Code or similar requirements as accepted by the Federal Housing Administration or the Veterans' Administration. Such structure must be set on a permanent foundation and is subject to all local building, zoning, and housing regulations. Any such modular home meeting the requirements herein defined is not considered a mobile home. ▫

Motel. A building or group of buildings on the same lot containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters. ▫

Multiple Unit. A building containing two or more dwelling units. ▫

Municipality. The Village of Inglewood, Nebraska. ▫

Net Development Area. All land area in a Planned Unit Development, less land in slopes in excess of 15%.

Nonconforming Structure or Use. A lawful existing structure or use at the time this

ordinance or any amendments thereto become effective, which does not conform to the requirements of the zone in which it is located.

Parking, Off-street. Parking of motor vehicles off the public rights of way. ▫

Parking Space. A rectangular area containing not less than 200 square feet, with maneuvering and access space required for a standard American automobile to park within the rectangle. ▫

Person. Every natural person, firm, partnership, association or corporation. ▫

Planned Unit Development. A project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses, planned as a single entity and therefore subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located on separate lots. The Planned Unit Development includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site are preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a Planned Unit Development does not eliminate the requirements of subdividing. A preliminary plat and a final plat must be submitted and processed through the subdivision procedures as provided in the subdivision regulations of the Village or County (if applicable). ▫

Plan, Preliminary. The map or maps of a Planned Unit Development and specified supporting materials, drawn and submitted. ▫

Plan, Final. A map and supporting materials of the approved preliminary plan. ▫

Premises. A general term meaning part or all of any lot, parcel or tract or part or all of any building or structure or group of buildings or structures located thereon. ▫

Property Line. The boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the said lot, parcel or tract may abut. ▫

Public Hearing. A meeting called by a public body for which public notice has been given, held in a place in which the general public may attend to hear issues and express their opinions. ▫

Public or Central Sewerage System. A public sewerage system that is used or designed to be used for collection, treatment (primary and secondary), and discharge of domestic sewage, industrial or commercial wastes from two or more residential units; two or more mobile home spaces in mobile home subdivisions or mobile home parks; two or more lots or properties located in platted subdivisions; or two or

more industrial or commercial properties. ▫

Public or Central Water Supply System. A public water supply system which serves two or more residential units; two or more mobile home spaces in residential units; two or more mobile home spaces in mobile home subdivisions or mobile home parks; two or more lots or properties located in platted subdivisions; or two or more industrial or commercial properties. ▫

Retail. Sale to the ultimate consumer for direct consumption or use, and not for resale. ▫

Right of Way, Public. Any street, roadway, sidewalk, alley, other area reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel. ▫

Screening. Decorative fencing, evergreen vegetation or earth berms maintained for the purpose of concealing from view the area behind such screening. Fencing which is used for screening shall be not less than six nor more than eight feet in height. ▫

Service Drive. A driveway entering a street from a drive-in business establishment or an off-street parking area, excluding residential driveways, serving fewer than 10 dwelling units. ▫

Setbacks. See Yard, Yard Front, Yard Rear, and Yard Side. ▫

Sign. A presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid, or other type of advertising. This includes the board, metal, or surface upon which the sign is painted, included, or attached. Each display surface of a sign shall be considered to be a sign. ▫

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story. ▫

Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities, including the terms "road," "highway," "lane," "place," "avenue," "alley," or other similar designations.

Structure. That which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some

definite manner and which requires location on the ground or which is attached to something having a location on the ground, such as a permanent foundation. The term structure shall include a fence. The term structure includes temporary free-standing storage shelters including portable shipping containers. (Rev'd 1/9/17) ▫

Structural Alteration. Any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof. ▫

Subdivision. The division of a lot, tract, or parcel of land into two or more sites, or other divisions of land for the purpose of ownership or building development, whether immediate or future, except that the division of land shall not be considered to be a subdivision when the parcel of land created is more than 10 acres in area. ▫

Use. The purpose for which land or a structure is designed. ▫

Use, Accessory. A subordinate use which is customarily incidental to the principal building or to the principal use of the lot. ▫

Use, Conditional. A use which may be permitted in a zoning district upon favorable action by the Village Board. ▫

Use, Nonconforming. A use which lawfully occupied a building or land at the time this ordinance or an amendment hereto became effective and which does not now conform with the use regulations applicable in the zoning district in which it is located. ▫

Use, Principal. The main use of land or structures as distinguished from a subordinate or accessory use. ▫

Use Regulations. The provisions of this ordinance which identify permitted and conditional uses, impose use limitations, require adherence to performance standards and regulate accessory uses. ▫

Use, Temporary. A use which, by nature and intent, exists for a short time only. ▫

Vision Clearance Area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in this ordinance. The third side of the triangle is a line across the corner of the lot, joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet in height, measured from the top of the curb or existing grade. ▫

Yard. An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance. ▫

Yard, Front. A yard between side lot lines, measured horizontally at right angles to the front lot line, from the front lot line to the nearest point of the main building. ▫

Yard, Rear. A yard extending between side lot lines, measured horizontally at right angles to the rear lot line, from the rear lot line to the nearest point of the main building. ▫

Yard, Side. A yard between a building and the side lot line, measured horizontally at right angles to the side lot line, from the side lot line to the nearest point of the building. ▫