

VILLAGE OF BELLWOOD
BUTLER COUNTY, NEBRASKA

ZONING ORDINANCE

ORDINANCE No. 2016-01

ADOPTED BY THE VILLAGE OF BELLWOOD, NEBRASKA
FEBRUARY 1, 2016

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ARTICLE 1: TITLE AND PURPOSE

Section 1.01 Title This Ordinance may be known and may be cited and referred to as the Zoning Ordinance of the Village of Bellwood, Nebraska.

Section 1.02 Purposes The regulations for the zoning districts as set forth in this Ordinance are made in accordance with a Comprehensive Plan for the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They are designed to lessen congestion in the streets; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They are made with responsible consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Municipality. (Ref. 19-901 RS Neb.)

The zoning ordinance is adopted in order to achieve the following objectives:

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

ARTICLE 2: DEFINITIONS

Section 2.01 Rules For the purpose of this ordinance the following rules shall apply:

- 2.01.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
- 2.01.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, village board, commission, trustee, receiver, agent or other representative.
- 2.01.03 The word "shall" is mandatory.
- 2.01.04 The word "may" is permissive.
- 2.01.05 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
- 2.01.06 The word "commission" shall refer to the Planning Commission of Bellwood, Nebraska.
- 2.01.07 The phrase "Zoning Administrator" shall refer to the Zoning Administrator for Bellwood.
- 2.01.08 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
- 2.01.09 The word "Board" shall mean the Village Board of Bellwood, Nebraska.

Section 2.02 Abbreviation and Acronyms For purposes of this Ordinance the following shall be standard abbreviations and acronyms found through the regulations.

ADA =	Americans with Disabilities Act
AU =	Animal Unit
CAFO =	Confined Animal Feeding Operation
DU =	Dwelling Unit
FAA =	Federal Aviation Administration
FCC =	Federal Communication Commission
FEMA =	Federal Emergency Management Agency
FT =	Foot or Feet
GFA =	Gross Floor Area
GIS =	Geographic Information System
HUD =	US Department of Housing and Urban Development
kV =	Kilovolt
kW =	Kilowatt
LFO =	Livestock Feeding Operation
NDA =	Nebraska Department of Aeronautics or successor department
NDEQ =	Nebraska Department of Environmental Quality or successor department
NPDES =	National Pollutant Discharge Elimination System
NRD =	Lower Platte North Natural Resources District
NSFM =	Nebraska State Fire Marshall or successor department
NHHS =	Nebraska Department of Health and Human Services or successor department
NDOR =	Nebraska Department of Roads or successor department
R.O.W. =	Right-of-Way or Rights-of-Way
SF =	Square Feet
SY =	Square Yard
USACE =	United States Army Corps of Engineers
USDA =	United States Department of Agriculture
YD =	Yard

Section 2.03 Definitions.

2.03.01 A

ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABUT, ABUTTING shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley or other public right-of-way which is 20 feet or less in width.

ACCESS OR ACCESS WAY shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.

ACCESSORY BUILDING shall mean any detached subordinate (in size and uses) building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

ACCESSORY LIVING QUARTERS shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

ACCESSORY STRUCTURE shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

ACREAGE shall mean any tract or parcel of land which does not qualify as a farm or development.

ADJACENT shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

ADULT CABARET shall mean a nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.

ADULT COMPANIONSHIP ESTABLISHMENT shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT ESTABLISHMENT shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

ADULT HOTEL OR MOTEL shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT INTERNET INDUSTRIES shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet of an adult nature, including live video streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy. Said uses are intended for viewing by other parties while on-line and for a specified charge.

ADULT MASSAGE PARLOR, HEALTH CLUB shall mean a massage parlor or health club, which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT MOTION PICTURE ARCADE shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATERS shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT NOVELTY BUSINESS shall mean a business which has as a principal activity of the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

ADULT SAUNA shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADVERTISING STRUCTURE shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

AESTHETIC ZONING shall mean zoning to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.

AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

AGRICULTURAL OPERATIONS (see Farming)

AGRICULTURAL USE shall mean the use of land for the purposes of producing crops, for raising, breeding or management of livestock, fish or fowl, dairying, truck farming, orchards or forestry and other similar horticultural or apicultural use and the non-commercial storage or processing of agricultural products produced on the premises. Agricultural use shall not include confined raising, breeding, feeding or management of livestock, fish or fowl as defined in these regulations.

AGRICULTURE shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.

ALLEY shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street.

Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.

ALTERATION shall mean any change, addition or modification in construction or occupancy of an existing structure.

ALTERATION, STRUCTURAL (see Structural alteration)

AMENDMENT shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

AMUSEMENT ARCADE shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

ANIMAL HOSPITAL (see Hospital, animal)

ANIMALS, DOMESTIC (see Household pet)

ANIMAL UNIT (see Livestock Feeding Operation)

ANIMAL, VICIOUS or EXOTIC shall mean any dangerous dog, any non-farm/non-domestic animal, or wild or exotic animal, including birds and reptiles, that may be considered wild and/or dangerous.

ANIMALS, FARM shall mean livestock associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)

ANTIQUÉ SHOPS shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, belonging to the past, at least 30 years old.

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit)

APARTMENT HOUSE (see Dwelling, multiple family)

APPEARANCE shall mean the outward aspect visible to the public.

APPROPRIATE shall mean sympathetic, or fitting, to the context of the site and the whole community as recommended by the Planning Commission.

APPURTENANCES shall mean the visible, functional objects accessory to and part of buildings.

ARCHITECTURAL CANOPY SIGN (see Sign, architectural canopy)

ARCHITECTURAL CHARACTER (see Architectural Concept)

ARCHITECTURAL CONCEPT shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

ARCHITECTURAL FEATURE shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

- A. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.

- B. **MASS** shall pertain to the volume or bulk of a building or structure.
- C. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

ARCHITECTURAL STYLE shall mean the characteristic form and detail, as of buildings of a particular historic period.

ARTISAN PRODUCTION SHOP shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

ARTIST STUDIO shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

ATTACHED PERMANENTLY shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

ATTRACTIVE shall mean having qualities that arouse interest and pleasure in the observer.

AUCTION SALES shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes motor vehicle wholesale sales, including trailers, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles.

AUTOMATIC TELLER MACHINE (ATM) shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

AUTOMOBILE REPAIR SERVICES shall mean the use of a site for the repair of automobiles, buses, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, tire sales and installation, wheel and brake shops, and similar repair and service activities, but excludes permanent dismantling or salvage.

AUTOMOBILE SALES shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales include all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales)

AUTOMOBILE WRECKING YARD shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

AWNING shall mean a structural extension over the exterior of a door or window which provides protection from the sun or rain.

203.02 **B**

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub)

BASEMENT shall mean a space, wholly or partially underground, having more than one-half (1/2) its height, measured from its floor to its ceiling, below the average finished grade of the ground surrounding such space.

All sleeping rooms in said basement shall be constructed with proper egress window according to State Regulations.

BEACON shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED and BREAKFAST INN shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.

BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not interest of the immediate neighborhood.

BIG BOX RETAIL STORE shall mean a singular retail or wholesale user who occupies no less than 60,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional retail/wholesale sales market. These uses typically include: membership wholesale clubs emphasizing in large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point of sale concepts and department stores.

BILLBOARD (see Sign, Billboard)

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, Village-County boundaries, or adjoining property lines.

BLOCK FRONTAGE shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

BOARD OF ZONING ADJUSTMENT shall mean that board that has been created or designated by the village and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.

BOARDING OR ROOMING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.

BREWERY shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

BREWERY, CRAFT shall mean a brew pub or a micro-brewery.

BREWERY, MICRO shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

BROADCASTING TOWER shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.

BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening)

BUFFER ZONE shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

BUILDABLE AREA shall mean the portion of the lot remaining after required yards or setback lines have been provided.

BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, and storage containers shall not be considered as buildings.

BUILDING, AREA OF shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the roof, measured from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance at the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING, PRINCIPAL shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Principal Use)

BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.

BULK STORAGE shall mean the storage of materials for distribution to other locations and not for use or consumption on the same lot.

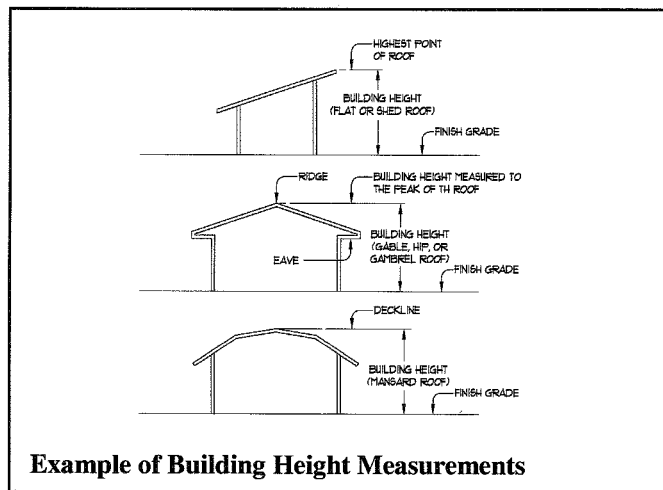
2.03.03 C

CABANA shall mean a room enclosure erected or constructed adjacent to a mobile home for residential use by the occupant of the mobile home.

CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

CAR WASH, INDUSTRIAL shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.



CARPORT shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage. A carport may be free standing or partially supported by a building.

CELLAR shall mean a building space having more than one-half of its height below the average adjoining grade lines.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

CENTRALIZED SEWER shall mean a sewer system established by an individual(s), sanitary improvement district or developer for the purpose of serving two or more buildings, structures, and/or uses. Said system shall have a central point of sanitary waste collection and processing.

CENTRALIZED WATER shall mean a water supply system established by an individual(s), sanitary improvement district or developer for the purpose of serving two or more buildings, structures and/or uses. Said system shall have a central point(s) of supply with pressurized distribution from said supply point(s).

CERTIFICATE OF ZONING COMPLIANCE or OCCUPANCY shall mean a permit stating that the premises have been inspected after the erection, construction, reconstruction, alteration or moving of a building or structure, or after the change in use of character of land, referred to herein, and that the proposed use of the building, structure, or land complies with the provisions of the Ordinance.

CHANNEL shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.

CHARITABLE shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

CHILD CARE CENTER shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for 13 or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

CHILD CARE HOME (see Family Child Care Home 1 and Family Child Care Home 2)

CHURCH, STOREFRONT shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation. Structures adapted for congregations include barns, stores, warehouses, old public buildings, and single-family dwellings.

CLEAR VIEW ZONE shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Sight Triangle)

CLINIC, MEDICAL, DENTAL OR HEALTH shall mean any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight.

CLUB shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

CLUSTER DEVELOPMENT shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

CODE shall mean the Municipal Code of the Village of Bellwood.

COFFEE KIOSK shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

COHESIVENESS shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.

COMMERCIAL FEEDING OPERATION (see Livestock Feeding Operation)

COMMISSION shall mean the Bellwood Planning Commission.

COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.

COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

COMMUNITY SANITARY SEWER SYSTEM shall mean an approved central sewer collecting system, meeting state and county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.

COMMUNITY WATER SUPPLY SYSTEM shall mean a public water supply system which serves at least fifteen service connections used by year round residents or uses, or regularly serves 25 or more year round residents or uses.

COMPATIBILITY shall mean harmony in the appearance of two or more external design features in the same vicinity.

COMPATIBLE USES shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

COMPREHENSIVE PLAN shall mean the Comprehensive Plan of Bellwood, Nebraska as recommended by the Planning Commission and adopted by the Village Board, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 19-903, R.R.S. 1943, as the same may, from time-to-time, be amended.

CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

CONDITIONAL USE PERMIT shall mean a written permit issued by the Zoning Administrator to the current property owner with the recommendation of the planning commission and written authorization of the Village Board. Such permit authorizes the recipient to make conditional use of property in accordance with the provisions of Article 9 of these regulations and any additional conditions placed upon, or required by said permit.

CONDOMINIUM shall mean an ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses. Condominiums are subject to the Nebraska State Statutes, Section 76-801 - 76-823, the Condominium Law.

CONFINED LIVESTOCK FEEDING (see Livestock Feeding Operation)

CONFINEMENT shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather.

CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

CONGREGATE HOUSING shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (Also see Housing for the elderly)

CONSERVATION shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

CONSERVATION AREA shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONVENIENCE STORE shall mean a one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. A retail store not selling both gasoline and convenience goods shall not be considered a convenience store. (Also, see self-service Station)

CONTIGUOUS shall mean the same as "Abut" or "Abutting" or "Adjacent".

COPY CENTER shall mean a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.

COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

COURT, OUTER shall mean a court enclosed on all but one side by exterior walls of a building or buildings or lot lines on which fences, hedges, or walls are permitted.

CUL-DE-SAC shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

CURVE LOT (see Lot, Curve)

2.03.04 **D**

DAIRY FARM shall mean any place or premises upon which milk is produced for sale or other distribution.

DEAD STORAGE shall mean the storage of any partially dismantled, non-operating, wrecked or junked or discarded vehicle on a lot longer than 30 days or for any length of time any vehicle that has been unlicensed for a

period in excess of four months; provided that this definition shall not apply to a vehicle in an enclosed building; to a vehicle on the premise of a business enterprise operated in a lawful place and manner when such vehicle is necessary to the lawful operation of the business; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village such as under conditional use authorization as a salvage yard or outdoor storage of the antique vehicles or farm equipment where such antique vehicles or equipment is at least 25 years old.

DENSITY shall mean the number of dwelling units per gross acre of land.

DEPARTMENT STORE shall mean a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.

DETENTION BASIN shall mean a facility for the temporary storage of storm water runoff.

DEVELOPED AREAS shall mean an improved block front, or a distance of 300 feet, whichever is less, whereon at least 50 percent of the lots are developed with buildings. If the developed front is measured, it shall be measured 150 feet in each direction from the front line center point of the subject lot.

DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

DEVELOPMENT shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

DEVELOPMENT CONCEPT PLAN (See Site Plan)

DEVELOPMENT REVIEW shall mean the review, by the village, of subdivision plats, site plans, rezoning requests, or permit review.

DISCOUNT CENTER shall mean a single or group of stores, offering merchandise for sale at less than usual retail prices. Merchandise may be discounted due to either quantity price breaks or merchandise has been discontinued and discounted to another retailer.

DISTRICT (ZONING) shall mean a section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards and the intensity of use of buildings, land and open spaces are uniform.

DOG KENNEL (See Kennel, commercial or private)

DOMESTIC ANIMALS (See Household Pet)

DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

DRAINAGEWAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided that in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse.

DRIVE-IN FACILITY shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

DRIVE-THRU SERVICE shall mean that portion of a business devoted to dispensing of goods or services from the interior of the building to the customer in his automobile.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

DRUGSTORE shall mean a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where non-medical products may be sold as well.

DUMP shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

DUPLEX shall mean the same as "Dwelling, Two Family".

DWELLING Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.

DWELLING, MANUFACTURED HOME A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.

DWELLING, MOBILE HOME Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails, and shall be identified by a model number and serial number by its manufacturer constructed in or after 1980, but which does not comply with the definition of Manufactured Home or Modular Dwelling.

DWELLING, MODULAR (Is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home.

DWELLING, MULTI-FAMILY shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

DWELLING, SINGLE FAMILY a building having accommodations for or occupied exclusively by one family which meet all the following standards:

- A. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
- B. The dwelling space/unit shall be at least 50% of overall structure;
- B. The home shall have no less than an 18-foot exterior width;
- C. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
- D. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction, and shall not include vertical metal wall panels;
- E. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, slate, or rock, or a ribbed metal material approved by the zoning administrator;
- F. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and

- G. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
- H. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

DWELLING, SINGLE-FAMILY (ATTACHED) shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.

DWELLING, TWO FAMILY shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING UNIT One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities and the following:

- A. Dwelling unit shall have proper egress windows and ventilation.
- B. All walls/roof area that share space with the overall structure shall be constructed to meet the proper fire separation dependent upon the State Fire Marshal.
- C. The dwelling unit shall have proper separation from any and all hazardous materials that may be stored in the overall structure.

2.03.05 **E**

EARTH-SHELTERED RESIDENCE shall mean a residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located, and which was not intended to serve as a substructure or foundation for a building.

EASEMENT shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.

EDUCATIONAL INSTITUTION shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

EFFECTIVE DATE shall mean the date that this Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.

ELEEMOSYNARY INSTITUTION shall mean any building or group of buildings devoted to and supported by charity.

ENCROACHMENT shall mean an advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.

ENLARGEMENT shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

ENVIRONMENTALLY CONTROLLED HOUSING shall mean any livestock operation meeting the definition of a Livestock Feeding Operation (LFO) and is contained within a building which roofed, and may or may not have open sides and contains floors which are hard surfaced, earthen, slatted or other type of floor. The facility is capable of maintaining and regulating the environment in which the livestock are kept.

ERECTED shall mean constructed upon or moved onto a site.

EVENT CENTER shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, leased out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses defined in Adult Establishment.

EXISTING AND LAWFUL shall mean the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

EXPRESSWAY shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

EXTERIOR BUILDING COMPONENT shall mean an essential and visible part of the exterior of a building.

EXTERNAL DESIGN FEATURE shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits, in which the Village has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

2.03.06 **F**

FACADE shall mean the exterior wall of a building exposed to public view from the building's exterior.

FACTORY shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

FAMILY shall mean one or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two persons who are unrelated for the purpose of these regulations. The following persons shall be considered related for the purpose of this title:

- (1) A person residing with a family for the purpose of adoption;
- (2) Not more than five (5) persons under nineteen years of age, residing in a foster home licensed or approved by the State of Nebraska;
- (3) Not more than four (4) persons nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the state or its delegate;
- (4) Any person who is living with a family at the direction of a court.

FAMILY CHILD CARE HOME 1 shall mean a child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

FAMILY CHILD CARE HOME 2 shall mean a child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

FARM an area containing at least 20 acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with

the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

FARMING shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

FARMSTEAD shall mean a tract of land of not less than 1 acre and not more than 20 acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family resident purposes.

FEEDLOT shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

FENCE shall mean a structure serving as an enclosure, barrier or boundary.

FENCE, OPEN shall mean a fence, including gates, which has, for each one-foot wide segment extending over the entire length and height of fence, 50 percent or more of the surface area in open spaces which affords direct views through the fence.

FENCE, SEASONAL shall mean a temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting.

FENCE, SOLID shall mean any fence which does not qualify as an open fence.

FERTILIZER TRANSMISSION LINES shall mean structures and appurtenant facilities used for the distribution of dry and/or liquid fertilizers.

FIRE LIMITS shall mean a designated area or zone where construction must conform to minimum fire ratings.

FIREWORKS shall mean any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, firecrackers, torpedoes, sky rockets, Roman candles, Daygo bombs, sparklers, or other fireworks containing any explosive or flammable compound, or any tablet or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to toy paper caps containing not more than 0.25 of a grain (16.20 milligrams) of explosive composition per cap.

FIREWORKS STAND shall mean any portable building and/or structure used for the retail sale of fireworks, usually on a temporary basis.

FIREWORKS STORAGE shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

FLAGPOLE shall mean a freestanding structure or a structure attached to a building or to the roof of a building on a parcel of record and used for the sole purpose of displaying flags of political entities or team sports.

FLEX SPACE shall mean an area or district established to provide space for a range of commercial, office, light industrial, and production facilities and support uses such as complimentary office and retail uses.

FLOOD shall mean the water of any watercourse or drainage way which is above the banks or outside the channel and banks of such watercourse or drainage way.

FLOOD HAZARD AREA shall mean any land which is subject to a one (1) percent or greater chance of flooding in any given year.

FLOOD PLAIN shall mean that area of land adjoining a watercourse or other body of water which has been or may be hereafter covered by floodwater and which has been designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources, or the Federal Emergency Management Agency.

FLOOD PROOFING shall mean a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, intended primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

FLOODWAY shall mean the channel of the stream or body of water and those portions of the adjoining flood plains designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources or the Federal Emergency Management Agency as necessary to carry and discharge the floodwater flow of any such river, stream, or other body of water

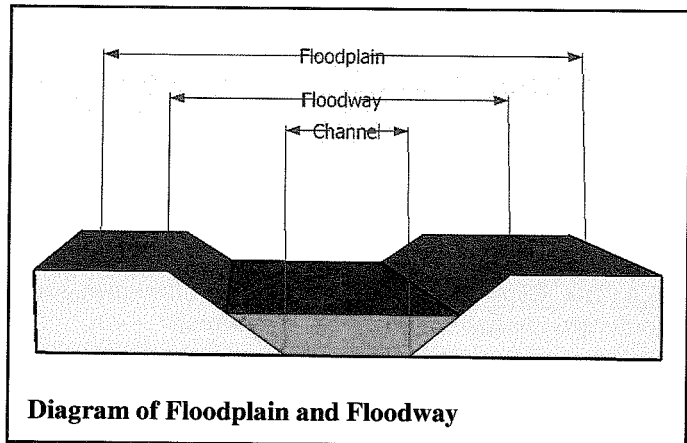


Diagram of Floodplain and Floodway

FLOOR AREA whenever the term "floor area" is used in this Regulation as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

FLOOR AREA RATIO shall mean the total floor area of all stories of all buildings within the lot or project divided by the land area.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

- A. **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.
- B. **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.

FRONTAGE shall mean that portion of a parcel of property which abuts a dedicated public street or highway.

FURNACE, OUTDOOR CORN AND WOOD PELLET shall mean an accessory structure inspected by the State Fire Marshall that burns shelled corn or wood pellets and is only attached to a building by duct work. Such furnace structures shall include fuel storage structures and areas which shall be of residential character and materials.

2.03.07 **G**

GARAGE, PRIVATE shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

GARAGE, PUBLIC shall mean any garage other than a private garage.

GARAGE, REPAIR shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station)

GARBAGE shall mean any human-made or human-used waste which, if deposited within the village other than in a garbage receptacle, does create or tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the village. Garbage includes any litter, trash, refuse, confetti, debris, rubbish,

excrement, urine, offal composed of animal matter or vegetable matter or both, or any noxious or offensive matter including but not limited to grass clippings, leaves, cut weeds, newspaper, magazine, glass, metal, plastic or paper container, or compound, hide, feathers, brick, cinderblock, concrete, sand, gravel, stone, glass or other used construction materials, motor vehicles or parts thereof, furniture, appliances such as refrigerators, freezers, ranges, stoves, washers, and dryers, carcass of a dead animal, ashes, cigarettes, cigars, and food or food products.

GATED COMMUNITIES shall mean residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.

GRADE shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

GRAPHIC ELEMENT shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GREENWAY shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridal path, or other similar access-way.

GROSS FLOOR AREA shall mean the floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include: (a) the basement floor area and (b) the area of each floor of the structure.

GROUND COVER shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. (Also, see Landscaping)

GROUND WATER shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

GROUP CARE HOME shall mean a home which is operated under the auspices of an organization and licensed by the State of Nebraska which is responsible for providing social services, administration, direction, and control for the home which is designed to provide 24-hour care for individuals in a residential setting. Such a facility is where have at least four (4) and not more than eight (8) persons not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training or counseling for purposes of adaption to living.

GROUP HOME FOR THE HANDICAPPED shall mean a dwelling with resident staff shared by at least four (4) but not more than eight (8) handicapped persons not including resident managers or house parents who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; (2) A record of having such impairment, or (3) Being regarded as having such impairment. Handicap shall not include current, illegal use of or addiction to a controlled substance as defined in Neb. Stat. §28-401. (R.R.S.Supp, 2000).

GROUP HOUSING shall mean two or more separate buildings on a lot, each containing one or more dwelling units. (Also, see Dwelling, Multiple)

GUEST ROOM shall mean a room which is designed to be occupied by one or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

2.03.08 H

HALF-STORY shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

HALFWAY HOUSE shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

HARD SURFACED shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed and surfaced with either asphalt, concrete, crushed rock, or other approved rock except gravel.

HARMONY shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

HAZARDOUS WASTE shall mean waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.

HEALTH CARE FACILITY shall mean any building, facility, or complex associated with health care, including hospitals, clinics, medical offices, nursing homes, etc.

HEALTH CLUB shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

HEALTH RECREATION FACILITY shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

HEDGE shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

HISTORIC BUILDING shall mean any building or structure that is historically or architecturally significant.

HOBBY (see Home Occupation)

HOLDING POND shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes.

HOME BUSINESS (see Home Occupation)

HOME FOR THE AGED (see Long-Term Care Facility)

HOME IMPROVEMENT CENTER shall mean a facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

HOME OCCUPATION shall mean an "in-home" or "home based" business, industry or service (not including uses defined as Adult Entertainment Establishment) operating from a residential dwelling, or within an accessory structure on the same property in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property in all residential zoning districts. Home occupations shall satisfy the standards set forth in Section 9.11 of these regulations. Home occupations shall include such uses as art/craft making, seamstress services, professional offices (real estate/insurance/ medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/tattoo), shops, renting of rooms for residential purposes, and other similar uses. Uses also include business offices for services such as construction, repair and cosmetic services/sales rendered at other locations and internet businesses. Such uses include on-site sales and services and may include an employee not residing on the premises.

HOMEOWNERS ASSOCIATION shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

HOSPITAL shall mean an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, including wellness centers.

HOSPITAL, ANIMAL shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

HOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court and motor hotel.

HOUSE, TRAILER (see Dwelling, Mobile Home)

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

HOUSING, CONVENTIONAL CONSTRUCTION shall mean a structure fabricated entirely on site from wood, brick, concrete or similar material, incorporated with a permanent foundation and intended for use as a single-family, two-family or multi-family dwelling unit.

2.03.09 **I**

IMPERVIOUS SURFACE shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as rock, gravel, or clay and conventionally surfaced streets, sidewalks, parking lots, and driveways.

INCIDENTAL USE shall mean a use, which is subordinate to the main use of a premise.

INCOMPATIBLE USE shall mean a use of land unsuitable for direct association with abutting and/or surrounding uses of land because of inconsistency with the intent of the applicable zoning district, because the use exhibits characteristics which would negatively impact abutting and/or surrounding uses with respect to the use, value and enjoyment of such abutting and/or surrounding property.

INDUSTRIAL PARK shall mean a planned industrial subdivision comprising an area of land of not less than three acres, or not less than 200 feet of continuous frontage on a public street designated as a collector or higher, serviced by public or semi-public water and sanitary sewer facilities, and developed according to a general overall platted plan to provide serviced sites for uses permitted in the applicable industrial zone district.

INDUSTRY shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INFILL DEVELOPMENT shall mean the construction of a building or structure on a vacant parcel located in a predominately built up area.

INFILL SITE shall mean any vacant lot, parcel, or tract of land within developed areas of the village, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been constructed or are provided.

INOPERABLE MOTOR VEHICLE shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

INSTITUTIONAL BUILDING shall mean a public and public/private group use of a nonprofit nature, typically engaged in public service (i.e. houses of worship, nonprofit cultural centers, charitable organizations).

INTENSITY shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

INTENT AND PURPOSE shall mean that the Commission and Village Board by the adoption of this Ordinance have made a finding that the health, safety, and welfare of the community will be served by the creation of the zoning districts and by the regulations prescribed therein.

2.03.10 **J**

JUICE BAR (See Adult Establishment)

JUNK shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

JUNK YARD shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard" or "Salvage Yard".

2.03.11 **K**

KENNEL, BOARDING AND TRAINING shall mean any lot or premises on which two (2) or more dogs or four (4) or more cats or non-farm/non-domestic animals, at least six months of age, are boarded, bred, or trained for a fee.

KENNEL, COMMERCIAL shall mean an establishment where two (2) or more dogs or four (4) or more cats or other household pets, or non-farm/non-domestic animals, at least six months of age, excluding vicious animals, are raised, groomed, bred, boarded, trained, or sold as a business.

KENNEL, PRIVATE shall mean an establishment where two (2) or more dogs or four (4) or more cats or other household pets, or non-farm/non-domestic animals at least six months of age, excluding vicious animals, are raised, bred, or boarded.

KENNEL, VICIOUS or EXOTIC ANIMAL shall mean an establishment or use where one or more vicious or dangerous or exotic animal(s) is raised, bred, boarded, trained, groomed, or sold.

2.03.12 **L**

LAGOON shall mean a wastewater treatment facility which is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.

LAND AREA shall mean the total area within the lot or project boundaries, plus the area of half of any abutting alley or street right-of-way, or any abutting open space, such as a river, lake, public park, playground or golf

course, with reasonable expectancy or perpetuity, provided, however, that no portion of such open space located more than 50 feet from the lot or project boundaries shall be included in computing such land area.

LANDFILL shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

LANDSCAPE shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

LANDSCAPE BUFFER OR LANDSCAPING shall mean a maintained area of which a minimum of 80 percent shall be covered by any combination of living landscape materials including trees, shrubs, grass or other living ground cover, provided that a minimum of 50 percent of this 80 percent area shall be covered by living trees and shrubs. The remaining 20 percent of the total area shall be covered with landscape material, living or non-living. Trees and shrubs in this 80 percent area shall cover at least one-half of the area required above at the time of issuance of a Certificate of Zoning Compliance. The depth of any buffer shall meet the minimum requirements of the applicable section of this ordinance. Installation of required landscape buffers may be delayed due to winter weather in accordance with this ordinance.

LANDSCAPE SCREEN shall mean any fence, wall, hedge, shrubs or trees and other landscape customary materials or combination thereof which effectively provide a solid, dense and opaque mass which prohibits view from abutting property, absorbs sound and provides site delineation at all times throughout the year. Use of metal sheets, vehicle bodies or vehicular trailers for screening shall not be considered customary materials.

LAUNDRY, SELF SERVICE shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

LAWN CARE shall be a business done either as a Home Occupation or stand-alone business that may provide any or all of the following: lawn mowing, snow removal, sprinkler installation, lawn maintenance, and the appurtenant secondary uses such as maintenance of machinery.

LIFE CARE FACILITY shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. (Also, see Congregate Housing and Housing for the Elderly)

LIGHT CUT-OFF ANGLE shall mean an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

LIMITS OF GRADING shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

LIQUID MANURE shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface.

LIQUID MANURE STORAGE PITS shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production.

LIVESTOCK shall mean any domestic or non-domestic animal other than dogs and cats or domestic animals maintained as pets in the interior of a residential dwelling. (see Animals, Farm)

LIVESTOCK FEEDING OPERATION (LFO) shall mean any farming operation exceeding the per acre Animal Unit (A.U.) ratio as defined under "farming" or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock wastes. Animal Units (A.U.) are defined as follows:

One A.U.= One Cow/Calf combination
One A.U.= One Slaughter, Feeder Cattle;
One A.U.= One Horse;
One A.U.= Seven Tenths Mature Dairy Cattle;
One A.U.= Two and One Half Swine (55 pounds or more);
One A.U.= Twenty-Five Weaned Pigs (less than 55 pounds);
One A.U.= Two Sows with Litters;
One A.U.= Ten Sheep;
One A.U.= One Hundred Chickens;
One A.U.= Fifty Turkeys;
One A.U.= Five Ducks.

LIVESTOCK WASTES shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

LOADING AREA OR SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress. An alley may constitute the required loading area.

LOGIC OF DESIGN shall mean accepted principles and criteria of validity in the solution of the problem of design.

LONG-TERM CARE FACILITY shall mean a facility as defined in Title 15, Chapter 3 Nebraska Department of Health and Human Services and NRS Section 71-2017.01. These facilities include:

1. Nursing facilities
2. Boarding home
3. Adult Care Home
4. Assisted Living Facility
5. Center for the Developmentally Disabled
6. Group Residence
7. Swing Bed
8. Adult Day Care

LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Register of Deeds and abutting at least one public street or right-of-way or one private road.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot, exclusive of any portion of a street or alley right-of-way.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

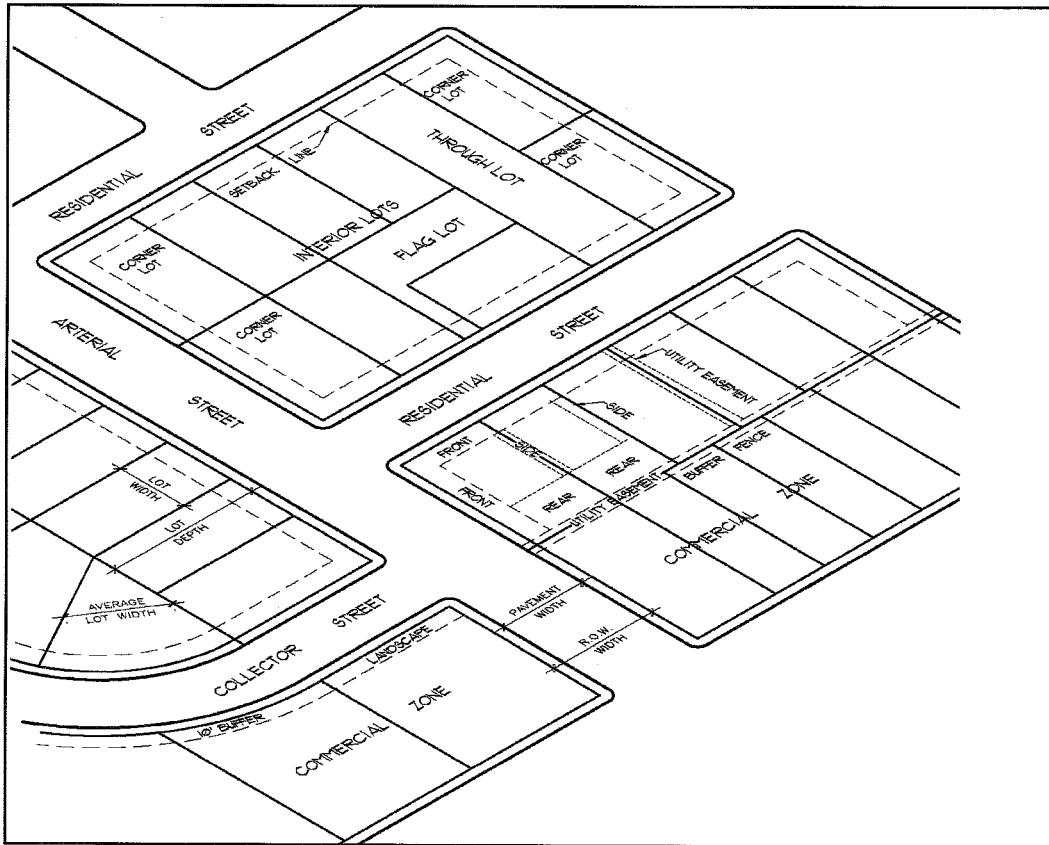
LOT COVERAGE shall mean the total area of the lot, usually expressed as a percentage of the lot area, that is covered, occupied or enclosed by principal and accessory buildings, structures, porches, patios, decks, swimming pools, parking areas, loading areas, driveways or other constructed feature.

LOT, CURVE shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT, DOUBLE FRONTAGE shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.



Lot Illustrations

LOT FRONTAGE shall mean the side of a lot abutting on a legally accessible street/road right-of-way other than an alley. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT LINE shall mean the property line bounding a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.

LOT, NON-CONFORMING shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Ordinance.

LOT OF RECORD shall mean a lot held in separate ownership as shown on the records of the Butler County Register of Deeds at the time of the passage of this ordinance or regulation establishing the zoning district in which the lot is located.

LOT, THROUGH shall mean a lot having frontage on two dedicated streets, not including a corner lot.

LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT, ZONED shall mean a piece, parcel or plot of land under single ownership or control, not divided by any public street or public alley, having frontage on a public street or officially approved private street, and is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations, which is occupied or intended to be occupied by one principal building and its accessory buildings or structures. A zoned lot may consist of a single lot of record, a portion of a lot of record, a combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record, or a parcel described by metes and bounds. The construction of a building or structure across any lot or parcel lines forming a zoned lot will tie the properties together and any division thereafter shall comply with these zoning regulations.

2.03.13 **M**

MANUFACTURED BUILDING shall mean a building that has the following features or characteristics: (a) it is mass-produced in a factory; (b) designed and constructed for transportation to a site for installation and use when connected to required facilities; and (c) it is either an independent individual building or a module for combination with other elements to form a building on the site. The term is not intended to apply to use of prefabricated panels, trusses, plumbing subsystems, or other prefabricated sub-elements incorporated in the course of construction of buildings on the site, but only to major elements requiring minor and incidental on-site combination or installation.

MANUFACTURED HOME shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axels, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development, or a modular dwelling.

MANUFACTURING shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

MAP, OFFICIAL ZONING DISTRICT shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Bellwood Village Board.

MASSAGE ESTABLISHMENT shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943

MASSAGE PARLOR (See Adult Uses)

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the Village of Bellwood and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.

MECHANICAL EQUIPMENT shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MINI-STORAGE OR MINI-WAREHOUSE (See Self-Service Storage Facility)

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.

MIXED USE shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MOBILE HOME (See Dwelling, Mobile Home)

MOBILE HOME LOT shall mean a parcel of land for placement of a mobile home and its accessory buildings or structures for the exclusive use of its occupants.

MOBILE HOME PARK shall mean any parcel or contiguous parcels of land which have been so designated and improved that it contains two or more mobile home lots available to the general public for placement thereon of mobile homes for occupancy. Such mobile homes shall be connected to utilities and used by one or more persons for living or sleeping purposes. A mobile home parked in this area can either be placed on a permanent foundation or supported only by its wheels, jacks, blocks, or skirtings or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for one or more persons for living, or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park; and shall include any buildings, structures, tents, vehicles, or enclosures used or intended for use or intended wholly or in part for the accommodation of automobile transients.

MOBILE HOME SUBDIVISION shall mean a parcel of land which has been or will be subdivided for the sale of two or more lots to each individual mobile home resident. Typically, but not necessarily, all roads, road right-of-way, water and sewer lines with easements would be dedicated to the political subdivisions which would be responsible for maintenance.

MODULAR HOME (See Manufactured Home) (See also Dwelling, Single Family)

MONOTONY shall mean repetitive sameness, lacking variety and variation, and/or reiteration.

MOTEL (See Hotel)

MOTOR VEHICLE shall mean every self-propelled vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

MOTOR VEHICLE BODY SHOP shall mean any building or portion thereof, used for the repair or straightening of a motor vehicle body or frame or painting of motor vehicles. Maintenance, service, and engine repair may be performed as an ancillary function of the body work.

NEBRASKA REVISED REISSUED STATUTES, 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.

2.03.14 **N**

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar)

NON-COMMUNITY WATER SUPPLY SYSTEM shall mean any public water supply system that is not a community water supply system.

NON-CONFORMING BUILDING/STRUCTURE shall mean a building or other structure or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

NON-CONFORMING USE shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

NON-FARM BUILDINGS are all buildings except those buildings utilized for agricultural purposes on a farmstead of 20 acres or more which produces \$1,000 or more of farm products each year.

NUISANCE shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

NURSERY shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

NURSING HOMES OR CONVALESCENT HOMES shall mean an institution or agency licensed by the State for the reception, board, care or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

NURSERY SCHOOL (see Preschool)

2.03.15 **O**

OFFICE shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

OFFICIAL MAP (See Map, Official Zoning District)

OFF-STREET PARKING AREA or VEHICULAR USE shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN LOTS shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OUTLOT shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued on any private structures.

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

OUTDOOR STORAGE CONTAINERS shall mean a standardized, reusable, fully enclosed, detached and self-supporting structure, which by itself is incapable of motion or movement and is or appears to be originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight,

articles, goods or commodities. The container must be manufactured or assembled off-site and transportable, by means other than its own power not having a foundation or wheels for movement. Examples include piggyback containers that can be transported by mounting on a chassis, and "POD"-type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business. Recycling containers approved by the village are not considered outdoor storage containers.

OVERLAY DISTRICT shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.

OWNER shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

2.03.16 **P**

PAINTBALL shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.

PAINTBALL COURSE, COMMERCIAL shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.

PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING AREA, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

PARKING AREA, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

PARKWAY shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.

PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

PERMANENT FOUNDATION shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

PERMANENT TREE PROTECTION DEVICES shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.

PERMANENTLY ATTACHED shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, Village, County, special district or any other group or combination acting as an entity, except that it shall not include Bellwood, Nebraska.

PET HEALTH SERVICE (see Animal Hospital)

PET SHOP shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.

PHARMACY shall mean a place where drugs and medicines are prepared and dispensed. (See Drugstore)

PLANNED UNIT DEVELOPMENT shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

PLANNING COMMISSION shall mean the Planning Commission of Bellwood, Nebraska.

PLANT MATERIALS shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

POLICY shall mean a statement or document of the Village, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

POULTRY, COMMERCIAL FEEDING shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

PRESCHOOL shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

PRIVATE WELL shall mean a well that provides water supply to less than 15 service connections and regularly serves less than 25 individuals.

PRINCIPAL BUILDING shall mean a building in which the principal use of the lot, tract or parcel of land is situated.

PRIVATE STREET shall mean an approved, privately owned, open, unoccupied space other than a street or alley reserved as the principal means of vehicular access to abutting property developed in accordance with the standards set forth by the village.

PROHIBITED USE shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

PROMOTIONAL DEVICE shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

PROPORTION shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

PROTECTED ZONE shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

PUBLIC USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

PUBLIC UTILITY shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

PUBLIC WATER SUPPLY shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

2.03.17 **Q**

2.03.18 **R**

RAILROAD shall mean the land use including the right-of-way (R. O. W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RECREATIONAL ESTABLISHMENT (see Recreational Facility)

RECREATIONAL FACILITY shall mean public or private facilities for the use of passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit less than 40 feet in overall length, eight feet in width, or 12 feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

RECREATIONAL VEHICLE (RV) PARK shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

RE-INSPECTION FEE shall mean any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the Village.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

RESTAURANT shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.

RESTAURANT, DRIVE-IN shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

RESTAURANT, ENTERTAINMENT shall mean an establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

RESTAURANT, FAST FOOD shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.

RETAIL TRADE shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

RETAINING WALL shall mean a fence, wall or terraced combination of walls used to retain more than 18 inches of material on the up-hillside from slumping, sliding, or falling, and not used for support, provide a foundation for, or provide a wall for a building or structure.

RETENTION BASIN shall mean a pond, pool, or basin used for the permanent storage of storm water runoff.

REVERSE SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

REZONING shall mean an amendment to or change in the zoning regulations either to the text or map or both.

REZONING, PIECEMEAL shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

RIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both, and in which all pavement and most utilities are located. The R.O.W. is comprised of the street, parking, and sidewalk.

ROAD shall mean the same as "Street".

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. (Also, see right-of-way and Street)

ROAD, PUBLIC shall mean all public right-of-way reserved or dedicated for street or road traffic. (Also, see right-of-way and Street)

ROOM shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

2.03.19 **S**

SALVAGE YARD (see Wrecking Yard and Junk Yard)

SATELLITE DISH ANTENNA shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

SCALE shall mean a proportional relationship of the size of parts to one another and to the human figure.

SCHOOL, DAY shall mean a preschool or nursery school for children.

SCHOOL, DAY, PRE-, OR NURSERY shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

SCREENING shall mean a structure of planting that conceals from view from public ways the area behind such structure or planting.

SELECTIVE CLEARING shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

SELF-SERVICE STATION shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SERVICE STATIONS shall mean buildings or structures and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

SETBACK LINE, FRONT YARD shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.

SETBACK LINE, REAR YARD OR SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.

SHOPPING CENTER shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one village block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

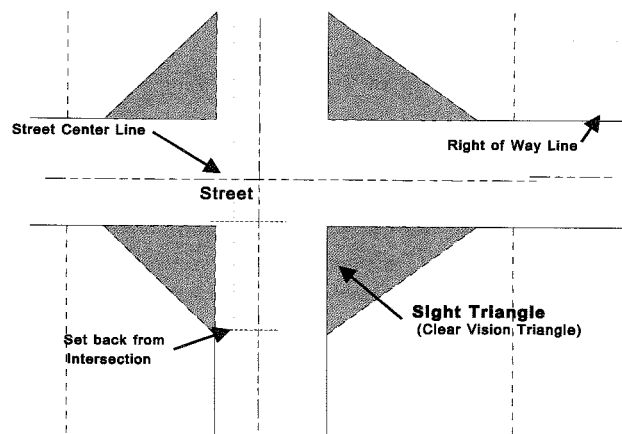
SHOPPING CENTER, OUTLET shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.

SHRUB shall mean a multi-stemmed woody plant other than a tree.

SIDEWALK CAFE shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

SIDEWALK SPACE shall mean the area adjacent to a street between the curb or street paving and the adjacent property line. Such space is also known as the street right-of-way and typically includes the sidewalk.

SIGHT TRIANGLE shall mean an area at a street intersection in which nothing between the height of 3 ½ feet and 8 feet shall be located, erected, maintained or allowed to grow above grade level within the triangular area formed by the intersection



of the nearest edges of the street paving or surface as extended and a line connecting points along such street paving or surface which is Seventy-five (75) feet from the intersection of said streets in all districts except the C-2 Zoning District where uses have a zero front yard setback.

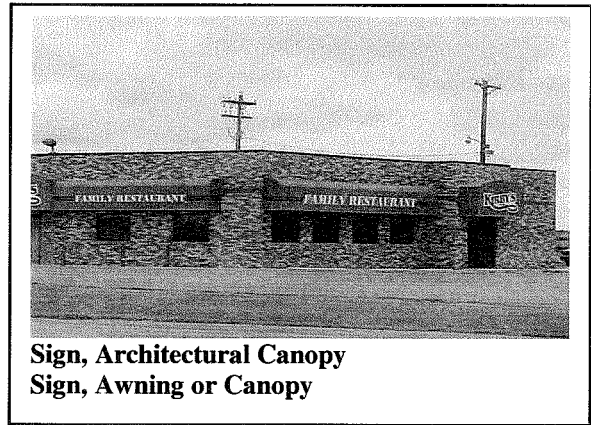
SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.

SIGN, ADVERTISING shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

SIGN, ANIMATED shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, ANNOUNCEMENT shall mean a small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

SIGN, ARCHITECTURAL CANOPY shall mean an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

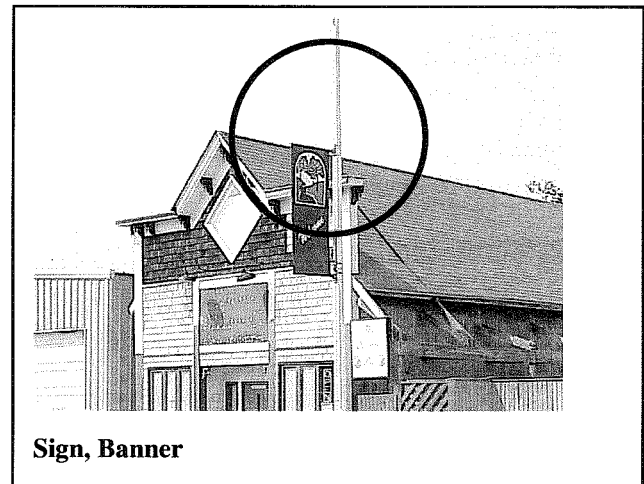


**Sign, Architectural Canopy
Sign, Awning or Canopy**

SIGN AREA of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

SIGN, AUDIBLE shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to attract attention.

SIGN, AWNING OR CANOPY shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.



Sign, Banner

SIGN, BANNER shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.

SIGN, BILLBOARD shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

SIGN, BUILDING shall mean any sign supported by, painted on or otherwise attached to any building or structure.

SIGN, BUILDING MARKER shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

SIGN, CENTER IDENTIFICATION shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include, when permitted, the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs.

SIGN, CHANGEABLE COPY shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this ordinance.

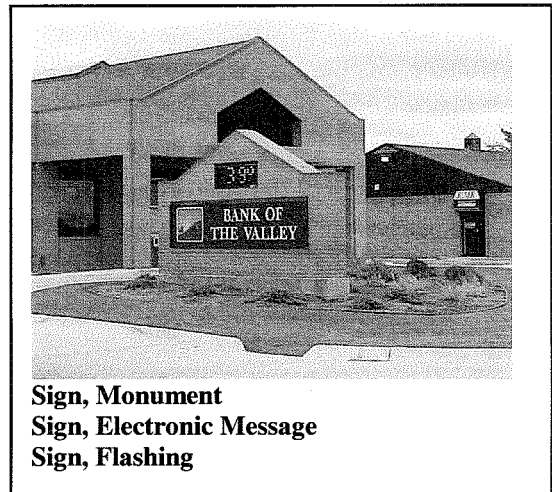
SIGN, CLOSED shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

SIGN, COMMERCIAL MESSAGE shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

SIGN, CONSTRUCTION shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or material supplier who participates in construction on the property on which the sign is located.

SIGN, DESTINATION shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

SIGN, ELECTRONIC MESSAGE BOARD shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

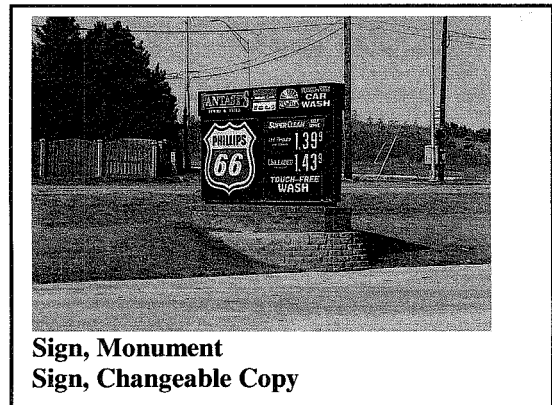


SIGN, FLASHING shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

SIGN, FREESTANDING shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

SIGN, ILLUMINATED shall mean a sign illuminated in any manner by an artificial light source.

SIGN, INCIDENTAL shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be either attached or painted on the wall.



SIGN, MARQUEE shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MONUMENT shall mean a sign mounted directly to the ground with a maximum height not to exceed ten feet.

SIGN, NAMEPLATE shall mean a sign not exceeding two square feet for each dwelling.

SIGN, NON-CONFORMING shall mean any sign that does not conform to the requirements of this ordinance

SIGN, OBSOLETE shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

SIGN, OFF-PREMISES shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

SIGN, ON-PREMISE shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

SIGN, OPEN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

SIGN, PENNANT shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, POLE shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

SIGN, PORTABLE shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

SIGN, PROJECTING shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.

SIGN, REAL ESTATE shall mean a temporary sign that identifies property or properties that are for sale or lease.

SIGN, ROOF shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.



**Sign, Billboard
Sign, Off-Premises**



Sign, Projecting

SIGN, ROOF (INTEGRAL) shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN, SUBDIVISION shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

SIGN, SURFACE shall mean the entire area of a sign.

SIGN, SUSPENDED shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

SIGN, VIDEO shall mean any on-premises or off-premises sign that convey either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

SIGN, WALL shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN BASE shall mean any decorative, functional element extending upward from grade to the start of the sign.

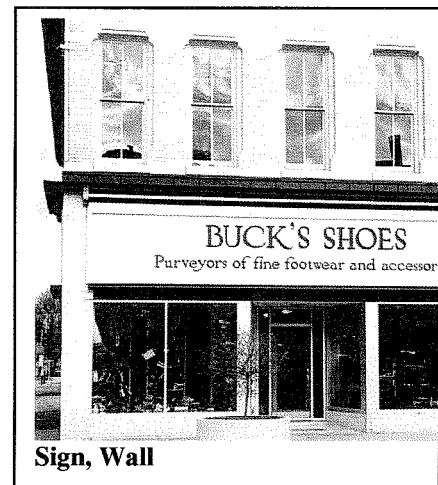
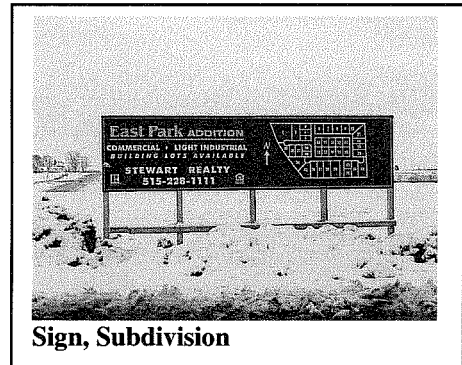
SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

SITE BREAK shall mean a structural or landscape device to interrupt long vistas and create visual interest in a site development.

SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

SITE, SEPTIC shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

SKATE, IN-LINE shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.



SKATE PARK shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for use with skateboards and in-line skates.

SKATEBOARD shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

SKATEBOARD PIPE shall mean an outdoor structure which is shaped into a half circle or oval, which are designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

SKATEBOARD RAMP shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

SOLAR PANELS AND EQUIPMENT shall mean any solar collector, skylight, or other energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SPECIAL EXCEPTION (see conditional use permit)

SPECIFIED ANATOMICAL AREAS shall mean anatomical areas consisting of less than completely and opaquely covered human genitals, buttock, or female breast(s) below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES shall mean sexual activities prohibited by the Revised Nebraska State Statutes.

SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

STATE shall mean the State of Nebraska.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days. Mobile homes, as defined in this ordinance, shall not be considered an enclosed building and shall not be used as a building for such storage on any premises.

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORM WATER DETENTION shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the Village.

STORM WATER MANAGEMENT shall mean the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

STORM WATER RETENTION AREA shall mean an area designed by a licensed professional engineer and approved by the Village to retain water to control the flow of storm water.

STORM WATER RUNOFF shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above. For purposes of this ordinance, a basement shall be counted as a story if more than four feet of said basement is above the average grade of adjoining ground.

STORY, ONE-HALF shall mean the same as "Half-Story".

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this ordinance.

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a Village or county with controlled access to abutting property.

STREET CENTERLINE shall mean the centerline of a street right-of-way as established by official surveys.

STREET, COLLECTOR shall mean a street or high way, which is intended to carry traffic from a minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

STREET FRONTAGE shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET, FRONTAGE ACCESS shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

STREET HARDWARE shall mean man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

STREET LINE shall mean the right-of-way line of a street or a dividing line between a lot, tract, or parcel of land and the contiguous street, public or private.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

STREETS, MAJOR shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place."

STREET, SIDE shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, ADVERTISING shall mean the same as "advertising structure".

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components. For the purpose of this ordinance, the following shall not be considered as structural alterations: (a) Attachment of a new front where structural supports are not changed, (b) Addition of fire escapes where structural supports are not changed, and (c) New windows where lintels and support walls are not materially changed.

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

SUPERMARKET (see Food Sales)

SURFACE WATERS shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

2.03.20 **T**

TANNING STUDIO shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

TATTOO PARLOR / BODY PIERCING STUDIO shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

TAVERN (See Bar)

TEMPORARY STRUCTURE shall mean a non-permanent structure designed for, or used for, a specified and limited period of time.

TEMPORARY USE shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

THEATER shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)

TOWNHOUSE shall mean a one-family dwelling unit, with a private entrance, which part of a structure whose two or more dwelling units are attached horizontally in a linear arrangement having a common wall, and having a totally exposed front and rear wall to be used for access, light, and ventilation, and not located above nor below any other dwelling unit. A townhouse may be owner-occupied.

TOWNHOUSE OWNERSHIP shall mean the title of each unit of occupancy, and the real estate on which the unit resides, is held in separate ownership. The minimal ownership shall be the unit and footprint of property on which the unit occupies. The maximum ownership shall be the unit and an area of land which shall reflect the property if the common wall was extended to serve as a property line.

TOWNHOUSE STRUCTURE shall mean a building formed by at least two townhouses and not more than twelve contiguous townhouses with common or abutting walls. For the purpose of the side yard regulations, the structure containing a group of townhouses shall be considered as one building occupying a single lot.

TRAILER, AUTOMOBILE shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

TRUCK REPAIR shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

TRUCK STOP shall mean a facility intended to provide services to the motoring public including the following activities: dispensing of fuel and other fuel delivery services, repair shops, automated washes, restaurants, motels, and overnight parking; all as part of the facility.

2.03.21 U

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

USE shall mean the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of standards of this ordinance.

USE, BEST shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

USE, HIGHEST shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

USE, PERMITTED shall mean any land use allowed without condition within a zoning district.

USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal)

USE, PROHIBITED shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

USED MATERIALS YARD shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

UTILITARIAN STRUCTURE shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

UTILITY EASEMENT shall mean the same as "Easement".

UTILITY HARDWARE shall mean devices such as poles, cross arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main

feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE", or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

UTILITY SERVICE shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

2.03.22 **V**

VARIANCE shall mean a relaxation of the requirements of this ordinance where such relaxation of the requirements of this ordinance will not be contrary to the public interest and where, owing to conditions peculiar to the real property and not the result of the actions or desires of the owner of such real property, a literal enforcement of the requirements of the ordinance would result in unnecessary and undue hardship. Relaxation of the requirements of the ordinance shall apply only to height, area and size of a building or struvite or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited by this ordinance shall not be allowed by relaxation of the requirements of the ordinance, nor shall any relaxation of the requirements of this ordinance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district or because of conditions created by the owner of said real property.

VEGETATION shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.

VEHICLE shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

VEHICLE, MOTOR (See Motor Vehicle)

VETERINARY CLINIC shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, including farm animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals.

VILLAGE shall mean the Village of Bellwood.

2.03.23 **W**

WALL shall mean a vertical structure which encloses, divides, supports or protects.

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WASTE DISPOSAL shall mean the disposal of livestock or human waste by aerial spray, surface broadcast, injection, etc.

WASTE HANDLING SYSTEM shall mean any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems:

- A. **Holding pond** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.
- B. **Lagoon** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of liquid livestock waste by anaerobic, aerobic or facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.
- C. **Liquid manure storage pits** shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.
- D. **Sediment** shall mean a pond constructed for the sole purpose of collecting and containing sediment.

WASTEWATER LAGOON (See Lagoon)

WATERS OF THE STATE shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

WETLAND shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

WIND TURBINE shall mean an alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

2.03.24 **X**

2.03.25 **Y**

YARD shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

YARD, SIDE shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

YARD, STREET SIDE shall mean a front yard on a corner lot that is not determined to be the front yard by the orientation of the house or street designation. For purposes of this ordinance the yards on the north and south sides of an east/west street shall be considered a street side yard.

YARD, SPECIAL shall mean a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" or the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

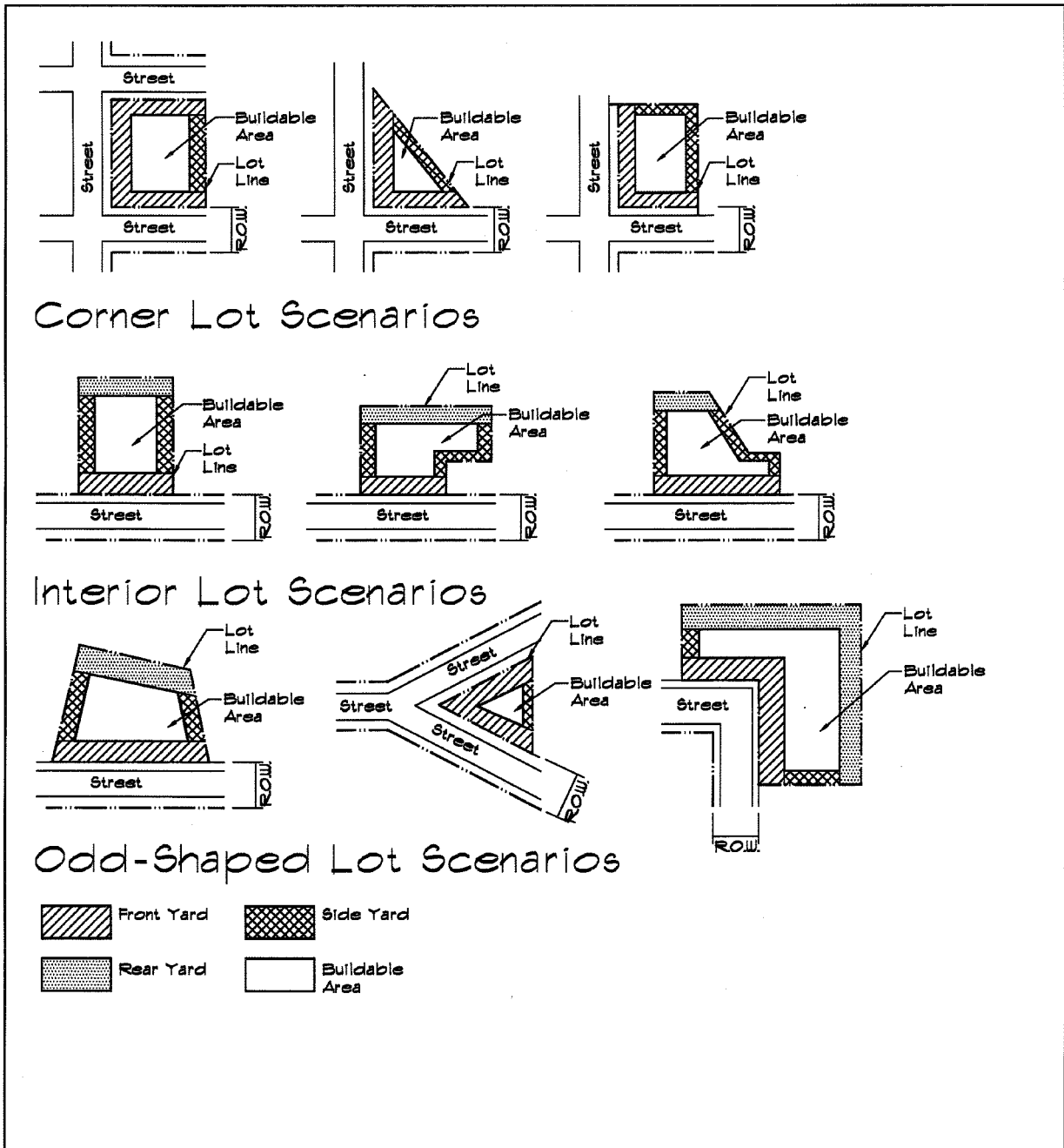
YARD, TRANSITIONAL shall mean a yard in effect when a non-residential zone district abuts or is adjacent across a street to a residential zone district.

2.03.26 **Z**

ZONING ADMINISTRATOR shall mean the person or persons authorized and empowered by the village to administer and enforce the requirements of this Ordinance.

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the Village.

ZONING REGULATIONS shall mean the requirements stipulated in the regulations herewith attached. Shall also mean zoning ordinance.



Example of possible Lot Configurations and Yard Requirements

ARTICLE 3: DISTRICTS AND OFFICIAL MAP

Section 3.01 Districts. In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the village and the area within one mile of the corporate boundaries, the village is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map.

3.02.01 The village is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the village under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. _____ of the Village of Bellwood, Nebraska", together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Village Board.

3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Village Board may by ordinance adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Village Board Chair and attested by the Village Clerk and bearing the seal of the Village under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____, 20__ in Ordinance No. _____ of the Village of Bellwood, Nebraska."

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

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations. Pursuant to Neb. Rev. Stat. §19-901 (R.R.S.1996), it shall be the purpose of the Planning Commission to hold public hearings upon, and make recommendation to the legislative body, regarding proposed amendments to the comprehensive plan and zoning regulations within the jurisdiction of the village.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the Village Board shall not hold its public hearings or take action until it has received the final report of the Commission.

Section 4.02 District Regulations, Restrictions, Boundary Creation. No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the village at least one time ten days prior to such hearing.

Section 4.03 Jurisdiction. The provisions of this ordinance shall apply within the corporate limits of the Village of Bellwood, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one mile, as established on the map entitled "The Official Zoning Map of the Village of Bellwood, Nebraska", and as may be amended by subsequent annexation.

Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this ordinance are in conflict with the provisions of any other ordinance or municipal law, the ordinance or municipal law with the most restrictive provisions shall govern.

Section 4.05 Zoning Affects Every Building and Use. No building or land shall hereafter be reused and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

Section 4.06 Lot.

4.06.01 Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.

4.06.02 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if approved by the zoning administrator. The minimum setback for such buildings shall be ten feet measured from the nearest point of said buildings.

1. Institutional buildings
2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings
5. Home for the aged
6. Agricultural buildings
7. A second (new construction) single family residential dwelling on a property, provided the first (existing) dwelling is removed from the property within six (6) months of the obtaining occupancy of the new dwelling.

Section 4.07 Reductions in Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 4.08 Obstructions to Vision at Street Intersections Prohibited. On any corner lot in any zoning district, except the central business district, no building, fence, wall, structure or other obstruction shall be placed or maintained between a height of three and one-half (3 ½) feet and eight (8) feet above grade level within the triangular area formed by the intersection of the nearest edges of the street or road paving or surface and a line connecting points along such street paving or surface with is seventy five (75) feet from the intersection of said

streets or roads. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. The Village Board has right to increase this distance based upon subdivision design and speed limits along major or other arterials. See "Sight Triangle" as defined in Article 2 of this ordinance.

Section 4.09 Yard Requirements.

- 4.09.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 4.09.02 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.09.03 The zoning administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback established by principal structures provided that 1) at least 50 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this ordinance, and 2) a minority of such structures have observed or conformed to an average setback line.
- 4.09.04 Any side or rear yard for a new principal use in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 15 feet and shall contain landscaping and planting suitable to provide effective screening.
- 4.09.05 Any yard for a new commercial or industrial use located within any Commercial or Industrial Zoning District, which is adjacent to any residential use, or district shall be increased to 25 feet and shall contain landscaping and planting suitable to provide effective screening; except in the Downtown Commercial District. Included in the increased yard, a solid or semi-solid fence or wall at least six feet, but not more than eight feet high shall be provided adjacent to an adjoining residential district unless the adjacent residential district and industrial district are separated by a street or alley right-of-way. The owner or owners of the property in the Commercial and/or Industrial District shall maintain said fence or wall in good condition. Said fencing shall be constructed of commercially available fencing.

Section 4.10 Through Lots.

- 4.10.01 Through Lots shall follow the following criteria:
1. Where a Through Lot abuts a major thoroughfare, such as Highway 64, etc., and access is made from the other frontage street and access along said thoroughfare is restricted, fences and screening devices shall meet all fence and screening requirements and shall be treated as if they were in a rear yard. The Rear Yard setback for primary and accessory buildings shall follow the prescribed setback within the zoning district.
 2. Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of number 1 above, while the other two frontages shall be treated as a Corner Lot with a Front Yard setback and a Street Side Yard setback.
 3. Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:
 - a. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.
 - b. Where principal structures face different directions along both frontages, the setback for fences and screening to the rear of said structures shall be the same as any prescribed Front Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Front Yard setbacks rather than the reduced setback allowed for accessory buildings.

Section 4.11 Drainage. No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the Village or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

Section 4.12 Permitted Obstructions in Required Yards. The following shall not be considered to be obstructions when located in the required yards:

- 4.12.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act are necessary for access to a permitted building or for access to a lot from a street or alley and the following:
- An open, uncovered porch or paved terrace, not over six inches in height, projecting up to 10 feet, provided such projection does not extend to any lot line;
 - chimneys projecting 24 inches or less into the yard;
 - Awnings;
 - Free standing belfries, steeples, and similar objects;
 - Yard art provided it is not creating a nuisance;
 - Bay windows projecting three feet or less into the yard are permitted;
 - Recreational equipment (swing sets, slides, sand volleyball courts and nets, etc.);
 - Clothes lines;
 - Approved freestanding signs;
 - Arbors and trellises;
 - Flag poles;
 - Window unit air conditioners projecting not more than 18 inches into the required yard; and
 - Fences or walls subject to applicable height restrictions are permitted in all yards.
- 4.12.02 *Rear Yards:* Decks, balconies, terraces, or similar above grade structure.
- 4.12.03 *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems.
- 4.12.04 *Double Frontage Lots:* The required front yard shall be provided on each street, unless otherwise provided.
- 4.12.05 *Building Groupings:* For the purpose of the side yard regulation, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.13 Projections from Buildings

- 4.13.01 Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features shall not extend into any required yard or into any required open space.
- 4.13.02 No enclosed steps, porch, entrance platform or ramp (unless provided for in Section 4.12.01), terrace, landing, deck or similar above grade structure shall project into a required front, side or rear yard.
- 4.13.03 All exceptions shall not be allowed to encroach into the required Street Intersection Visibility Triangle.

Section 4.14 Accessory Buildings and Uses.

- 4.14.01 Accessory uses shall be incidental to, subordinate to (size and use), and commonly associated with the principal use of the premises and be operated and maintained under the same ownership and on the same lot as the principal use. Accessory buildings in the TA District may be larger than the principal use.
- 4.14.02 Accessory uses shall be permitted only after erection and operation of the principal structure and shall not be used unless the principal structure is being used, except in a TA District. No accessory building in the TA District shall be constructed upon a lot for more than six months prior to beginning construction of the principal building. No accessory building in the TA District shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless such building meets the definition of a single family dwelling and dwelling unit, a certificate of occupancy shall have been issued for such use, and on a separate lot meeting the requirements of the district.
- 4.14.03 No detached accessory building or structure shall exceed the maximum permitted height of accessory structures in the proper zoning district.
- 4.14.04 No accessory building shall be erected within ten (10) feet of any other building, five (5) feet from any property line, and shall not occupy more than 25% of the required rear or side yard. All garage vehicular entrances must have a minimum of ten (10) feet from the access street or alley. Attached garages or other buildings are considered part of principal building, however open breezeways do not constitute a structural connection.
- 4.14.05 The maximum height of an accessory structure in the agriculture, commercial and industrial districts shall be designated maximum height of the primary structure. The maximum height of any use shall be decreased to 35 feet when located within 100 feet of any residential district.
- 4.14.06 Public/Private Swimming Pools
1. Any swimming pool 36 inches deep or more and eight (8) feet or more in diameter in all districts, except TA located outside of corporate limits, the pool area shall be enclosed by a substantial fence

or other protective barrier which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching lock gate. Such protective barrier may be chain link or ornamental fence, solid fence or wall, or other solid structure including buildings and shall be not less than five feet in height, where the property on which the pool is located abuts a residential district except for the TA District.

2. No pool shall be erected or constructed until adequate drainage measures are evident, adequate distance from overhead electric wires is allowed for, and a zoning permit is obtained therefore.
3. Shall not be located in a front yard.
4. Shall not be located no less than eight (8) feet from the side and rear property lines.
5. Shall conform to the National Electric Safety Code and all applicable Village Codes.

4.14.07 Carports

1. Roof shall not be constructed of canvas material.
2. Two sides of structure shall have enclosed walls at least half the height of opening.
3. Structures shall be permanently attached to concrete foundations, pilings, and or slabs.

4.14.08 Detached garages and outbuildings in R-1 and R-2 Districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed and finished of materials customarily used in residential construction, similar color as the principal structure, and the following:

1. Be constructed of materials that are in good repair,
2. The sidewalls of said building shall not exceed 15 feet in height and the overall height must conform to the requirement of the respective Residential District,
3. Garages shall have an overhang of at least six inches,
4. The roof of the accessory structure shall be pitched at a minimum of one and one-half to twelve (1-1/2:12).
5. Shall be subordinate in size to the measured foot print of the principal structure, including any attached porch, breezeway, garage or deck.
6. The use of any portion of the accessory structure for a dwelling shall be prohibited unless such structure meets the definition of a single family dwelling and dwelling unit and is located on an individual lot meeting the requirement of the district.

4.14.08 Regulation of accessory uses shall be as follows:

1. Except as provided in these regulations, no accessory building or structure shall project beyond a required yard line along any street, nor be located between the principle structure and the street in an R-1 and R-2 District.
2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
3. Storage of any boat, boat trailer, camp trailer, or other vehicle shall not be permitted in any required yard unless placed on a rock, concrete or other acceptable hard surfacing.

4.14.09 Outdoor Storage Containers will be a permitted accessory use in the designated districts, provided the following conditions are met and a zoning permit issued:

1. Number: No outdoor storage containers are permitted in the R-1, R-2, C-1 or C-2 Districts. Storage containers in the I-1 District are limited to one per lot and are subject to the Conditional Use Permit Process prior to locating containers on site. There is no permit required for outdoor storage containers in the TA District provided they are used for agriculture purposes, otherwise such containers shall be limited to two (2) containers per property and require a permit.
2. Location: Containers shall be located to the rear 50 percent of the site. Containers shall not be located in any required landscape area, required drive aisle, driveway, or parking area. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, circulation, and fire lanes. Containers shall be located an appropriate distance from all structures, in accordance with the Fire Code. Containers shall be located so as to minimize visibility from both public streets and residential land uses, and shall not be located in any required setback or yard area. Containers shall be located totally on the owner's lot, and no part shall be located on any public property. Containers shall not be stacked vertically.
3. Condition and Materials: The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and otherwise maintained such that they are consistent with the character of adjacent buildings, and secured in location at all times. It shall be placed on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be

- made of metal or other stable, durable and acceptable material and shall not include a foundation, electricity, plumbing or other mechanical systems as part of its assembly or use.
4. Use: At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the conditional use permit.
 5. Exemptions: Temporary use of construction trailers or outdoor storage containers at a building site is exempt from these restrictions; provided that no temporary use shall exceed six (6) month's duration.
 6. No container shall be more than eight (8) feet in height, nor more than 40 feet in length.
 7. Permitted conditional use permits for storage containers shall be allowed for five (5) years. Renewals are subject to Planning Commission and Village board approval. Storage containers must be removed no later than five (5) working days after the expiration of the permit.

Section 4.15 Permitted Modifications of Height Regulations.

4.15.01 The height limitations of this ordinance shall not apply to the following, provided that the appropriate yard setbacks are increased by one foot for every two feet in excess of the maximum height requirement for the given zoning district:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio/Television Towers less than 125 feet tall
Conveyors	Commercial Elevator Penthouses
Cooling Towers	Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Flag Poles	Air-Pollution Prevention Devices

4.15.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 4.16 Occupancy of Basements and Cellars. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, and any required emergency egress provisions as required per State and life-safety codes.

Section 4.17 Non-Conforming, General Intent. It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in these regulations.

Section 4.18 Nonconforming Lots of Record. In any district, notwithstanding limitations imposed by other provision of this ordinance, a primary structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Zoning Adjustment.

Section 4.19 Nonconforming Structures.

4.19.01 ***Authority to Continue:*** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size

requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

- 4.19.02 **Enlargement, Repair, Alterations:** Any such structure described in Section 4.19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. All enlargements shall meet all existing required setbacks unless provided elsewhere in this ordinance. Alterations shall also include replacement of existing mobile homes as provided for in these regulations.
- 4.19.03 **Damage or Destruction:** In the event that any structure described in Section 4.19.01 is damaged or destroyed, by any means, to the extent of more than 75 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located, except when destroyed by a natural disaster (such as a tornado) then such structure may be reconstructed to its original footprint and location provided the nonconformity is not increased; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.18, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 75 percent of its structural value, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
- 4.19.04 **Moving:** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless a zoning permit is granted and the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved, unless otherwise provided for herein.

Section 4.20 Nonconforming Uses.

- 4.20.01 **Nonconforming Uses of Land:** Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
 3. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 4.20.02 **Nonconforming Uses of Structures:** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
 3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission and Village Board, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission and/or Village Board may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
 4. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;

5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 4.21 Repairs and Maintenance.

- 4.21.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
- 4.21.02 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 4.22 Uses under Conditional Use Permit to be Nonconforming Uses Upon Transfer. Any use for which a conditional use permit is issued as provided in this ordinance shall be deemed a nonconforming use upon transfer of property unless current owner has applied and is granted such conditional use permit.

Section 4.23 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 products to be consumed on the premises outside the principal building, and which is not subject to the conditional use reviewed in the provisions in Article 6, must submit a site plan to be reviewed and approved by the Village. In reviewing and approving the site plan for such a use, the Village must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

- 4.23.01 Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimal.
- 4.23.02 Traffic circulation, ingress and egress shall be arranged so as to avoid hazardous or adverse effects on adjacent sites and streets.

Section 4.24 Recreational Vehicles, Trailers, or Equipment. All vehicles, trailers, or equipment expressly designated or used for recreational or seasonal use shall not be used for dwelling purposes on any lot except as may be authorized elsewhere within this Ordinance. Such vehicles, trailers, or equipment shall not be parked or maintained in the required front yard.

Section 4.25 Prohibited Uses. All uses not specifically listed within a particular zoning district are deemed to be prohibited until some point where this ordinance is amended to include a given use.

Section 4.26 Easements. No building or structure shall be placed or erected on or over any utility easements, except for fences (removed at expense of owner if needed) and structures associated with such utility easements.

Section 4.27 Fees. The payment of any and all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be part of the Master Fee Schedule adopted and published by the Village Board by separate ordinance.

ARTICLE 5: ZONING DISTRICTS

5.01	Districts; Uses	
5.02	Districts; Boundaries	
5.03	District Boundaries; Interpretation	
5.04	Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan	
5.05	District (TA);	Transitional Agriculture
5.06	District (R-1);	Suburban Residential
5.07	District (R-2);	Urban Residential
5.08	(Reserved)	
5.09	District (C-1);	Highway Commercial
5.10	District (C-2);	General Commercial
5.11	District (I-1);	Industrial
5.12	District (AH);	Airport Hazard (overlay)
5.13	District (FF/FW);	Flood Plain (overlay)

Section 5.01 Districts; Use. For the purpose of this ordinance, the municipality is hereby divided into 12 districts, designated as follows:

(TA)	Transitional Agriculture
(R-1)	Suburban Residential
(R-2)	Urban Residential
(C-1)	Highway Commercial
(C-2)	General Commercial
(I-1)	Industrial
(AH)	Airport Hazard (overlay)
(FF/FW)	Flood Plain (overlay)

Section 5.02 Districts; Boundaries. The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the Village of Bellwood, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the Village Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this ordinance. Such changes shall be promptly indicated on the Zoning District Map with the ordinance number, nature of change, and date of change noted on the map.

Section 5.03 Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 5.03.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 5.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 5.03.03 Boundaries indicated as approximately following village limits shall be construed as following such village limits;
- 5.03.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5.03.05 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line;
- 5.03.06 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 5.03.07 Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01-5.03.06 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 5.03.08 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 5.03.01-5.03.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 5.03.09 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

- 5.03.10 When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district that controls the majority of the property may be extended over the entire property without amending the zoning map through the public hearing process.
- 5.03.11 When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

Section 5.04 Classification of Districts upon Annexation and Conformance with the Land Use Plan. Areas annexed into the corporate limits of Bellwood shall be zoned to conform to the adopted Future Land Use Plan.

Section 5.05 TA Transitional Agriculture District

5.05.01 Intent: The Transitional Agriculture District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry.

5.05.02 Permitted Uses.

The following principal uses are permitted in the TA District:

1. Agricultural uses such as farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises.
2. Keeping of livestock, provided that no more than 10 animal units as a livestock feeding operation shall be established and provided the producer can meet a density of one acre for the first A.U. and one-half acre for each additional A.U. The seasonal confinement of animals for birthing, weaning of young animals or background feeding of cattle shall not be considered a livestock feeding operation.
3. Irrigation wells, pivot and other irrigation systems and erosion, runoff control and flood control structures, provided wells and towers are not located within the right-of-way and do not impede the sight triangle of the road/street intersection.
4. Single-family residential dwellings (detached).
5. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities and natural wildlife habitats and preserves.
6. Railroads, not including switching, terminal facilities or freight yards.
7. Public overhead and underground local distribution utilities, excluding commercial wind energy systems and structures.
8. Churches, temples, seminaries, and convents including residences for teachers and pastors.
9. Cemeteries.
10. Public services such as police, fire, and emergency facilities.
11. Publicly owned and operated buildings and facilities.
12. Roadside stands offering the sale of agriculture products produced on the premises.
13. Waste disposal, including livestock manure application, provided:
 - a. Application of waste is in dry form and applied at recommended agronomical rate according to the Nebraska Department of Environmental Quality.
 - b. Waste is incorporated into the soil within 30 days.
 - c. Application shall not be done when wind is blowing in direction of the village of Bellwood or to a resident, public use or quasi-public use adjacent to the land being applied.
 - d. Shall not include any stockpiling of waste or the application of paunch manure.

5.05.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA District as recommended by the Planning Commission and approved by the Village Board:

1. Commercial auction yards and barns.
2. Feed mills.
3. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), fishing lakes, gun clubs and swimming pools.
4. Commercial greenhouses.
5. Airports.
6. Public and private stables and riding clubs, provided:
 - a. No structure or building used to house horses or other animals is located closer than 300 feet to any R-1 and R-2 District.
 - b. Minimum lot area of five acres.
7. Private or commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, provided:
 - a. No structure or building is located closer than 300 feet to any residential district or use not on the owner's property.
 - b. Minimum lot area of three acres.
8. Commercial and industrial agricultural storage facilities for equipment and grain.
9. Educational institutions, including public and private primary schools, secondary schools including universities, colleges, vocational schools, and business schools.
10. Development of natural resources and the extraction of raw materials, such as rock, gravel, sand, and soil, subject to the following minimum conditions:

- a. The application shall include a grading map showing contours, proposed excavation contours, and proposed final grade contours, if applicable;
 - b. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
 - c. The application shall identify proposed vehicle and equipment storage areas;
 - d. The applicant shall identify transportation routes and present operational and maintenance plan such as controls for dust.
 - e. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
 - f. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility;
 - g. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;
 - h. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible. Safety screening shall be required at the outer boundary of the site and visual screening will also be required where said boundary is adjacent to residential or recreational land;
 - i. Within one year after completion of the excavation of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public. Alternately, the site may be used as a lake or body of water, subject to approval by the Village Board with the recommendation of the Planning Commission and the Lower Platte North Natural Resources District.
11. Hospitals, clinics, institutions, including educational, religious and philanthropic institutions, and convalescent homes, provide the following and/or other conditions and standards are met:
 - a. Building shall not occupy more than 40% of the total lot area,
 - b. Building setbacks from all yards shall not be less than one foot per foot of building height.
 12. Radio, television and wireless communication towers and transmitters, pursuant to Section 8.02.
 13. Water supply and storage facilities, wastewater treatment, sewage disposal, solid waste disposal facilities, and commercial recycling or waste composting centers.
 14. Veterinarians' offices and hospitals, provided
 - a. No structure or building used to house horses or other animals is located closer than 300 feet to any residential use or district.
 15. Commercial Wind energy systems on tracts of more than 10 acres, pursuant to Section 8.06.
 16. Public campgrounds.
 17. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
 18. Bed and Breakfast establishments.
 19. Seasonal dwelling units.
 20. Temporary placement of one (1) mobile home on the same lot with an existing dwelling unit for the purpose of providing care for a member or members of the father, mother, or immediate family member of the owner-occupant of the existing dwelling unit when such family members are disabled, elderly and in need of care or otherwise in demonstrable need of care by said owner-occupant or during construction of a new or remodeled single family dwelling, subject to the following conditions and restrictions:
 - a. Placement of the mobile home shall be temporary and shall be limited to the time that the mobile home is needed or said mobile home is no longer occupied by such family member or members, said mobile home shall be removed from the premises with ninety (90) days of the date of non-occupancy.
 - b. Such mobile home shall be separated from the existing dwelling unit or any existing buildings on the premises by a distance of not less than twenty (20) feet and such mobile home shall be provided with adequate water supply and sewage disposal systems.
 - c. Such mobile home shall not be leased, rented or occupied by any person or persons who is/are not the father, mother or member of the immediate family of the owner-occupant of the existing dwelling unit.

5.05.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to and located on the same lot with the permitted and conditional uses.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Article 7.
4. Parking as provided for in Article 6.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Fences pursuant to Section 8.03.
7. Decks, gazebos, elevated patios either attached or detached.
8. Small wind energy systems pursuant to Section 8.05.
9. Home Occupations and home based businesses, pursuant to Section 8.01.
10. Radio antennae and television satellite receiving antennae (satellite dishes), provided that such antennae larger than twenty-four (24) inches in diameter shall be located in the side or rear yard.
11. Composting of yard and garden waste or other compostable waste material produced on the premises.
12. Outdoor storage containers subject to Section 4.14.09.

5.05.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width	Front Yard ¹	Side Yard ¹	Rear Yard ¹	Max. Height	Max. Lot Coverage
Residential Dwelling	3	150'	50'	5'	30'	35'	50% ⁶
Other Permitted/Conditional Uses	3 ³	150'	50'	5'	30'	⁵	50% ⁶
Accessory Buildings ²	-	-	20'	25'	30'	⁵	50% ⁶
Accessory Buildings (residential)	-	-	75'	5'	5'	17'	⁴

- ¹ All setbacks shall be a minimum of 50 feet from property line along a state highway or village street classified as an arterial, 25 feet from the property line along a village street classified as collector or local, and at least 50 feet from the road right-of-way along a county road. In no event shall the front yard setback be less than 20 feet. Where a lot occupied by any use permitted in this district other than a single family dwelling abuts a residentially zoned lot on the rear or side, the minimum rear yard shall be 30 feet and minimum side yard shall be 25 feet.
- ² Accessory Buildings may be larger than primary structure.
- ³ The minimum lot size may be reduced through a conditional use permit, provided that a well and sewage system are not required, but in no event shall the minimum lot area be less than one (1) acre.
- ⁴ The total accessory building or buildings shall not cover more than 30% of the rear lot area and 30% of the side lot area.
- ⁵ No height limitation.
- ⁶ Maximum lot coverage includes all buildings, structures, decks, patios, accessory buildings, driveways and parking areas.

Section 5.06 R-1 Suburban Residential District

5.06.01 Intent: The Suburban Residential District is established for the development of new residential areas on the periphery of the existing built-up areas of the village and for the protection of such new residential areas from encroachment by incompatible uses. This district is intended to permit low to medium-density developments to accommodate residential and compatible uses.

5.06.02 Permitted Uses.

The following principal uses are permitted in the R-1 District:

1. Single family dwellings (detached)
2. Churches, temples, seminaries, convents, including residences for teachers and pastors.
3. Municipal owned and operated facilities and parks.
4. Family Child Care Home.
5. Horticultural uses and raising of crops.

5.06.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended by the Planning Commission and approved by the Village Board:

1. Public and private recreation areas as, country clubs, golf courses, lakes, and common areas, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than ten acres.
2. Public or private schools, colleges, and similar educational facilities.
3. Public uses of administrative, service or cultural nature including libraries, museums, fire stations, administrative offices and similar uses.
4. Other public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
5. Child Care Center.
6. Hospital, convalescent, nursing and rest homes and hospice centers.
7. Bed and Breakfasts.
 - A. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - B. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.

5.06.04 Permitted Accessory Uses:

The following accessory uses are permitted in the R-1 Single-Family Residential District:

1. Buildings and uses customarily incidental to the permitted uses.
2. Home Occupations and home based businesses, pursuant to Section 8.01.
3. Decks, elevated patios either attached or detached.
4. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
5. Fences, pursuant to Section 8.03.
6. Parking for permitted uses as per Article 6.
7. Signs allowed in Article 7.
8. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
9. Landscaping as required by Section 8.09.
10. Composting of yard and garden waste or other compostable waste material produced on the premises.
11. Radio antennae and television satellite receiving antennae (satellite dishes), provided that such antennae are twenty-four (24) inches in diameter or less.

5.06.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard ²	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling	7,200	60'	(2)	6' ³	30'	35'	60% ⁴
Other Permitted/ Conditional Uses	7,200	60'	(2)	6' ³	30'	45'	60% ⁴
Accessory Buildings	-	-	(2)	5'	5'	17'	¹

- ¹ The total accessory building or buildings shall not cover more than 30% of the rear lot area and not more than 30% of the side lot area.
- ² There shall be a minimum front yard of not less than a depth of 50 feet from a county road right-of-way or property line on a street line classified on the Village's Major Street Plan as an arterial, 15 feet from a street classified as a collector, local street or private street. If use is for a public utility then front yard is 15 feet. In no event shall such front yards be less than 15 feet for any use.
- ³ Where uses abut a commercial or industrial zoning district the side yard abutting such commercial or industrial zoning district shall be a minimum of 10 feet. Where any use permitted in this district other than a single-family detached dwelling unit abuts a residentially zoned lot on the side, the minimum side yard on the side adjoining such lot shall be ten feet.
- ⁴ Maximum lot coverage includes all buildings, structures, decks, patios, accessory buildings, driveways and parking areas.

Section 5.07 R-2 Urban Residential District

5.07.01 Intent: The district is established for the purposes of protecting the existing residential areas within and around the village from encroachment by incompatible land uses and encouraging the development of non-agricultural housing of varying types and densities and related uses in areas of land near the village of Bellwood. The district provides for single-family density residential dwellings with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.07.02 Permitted Uses.

The following principal uses are permitted in the R-2 District:

1. Single family detached dwellings.
2. Single family attached / Townhomes.
3. Two-family, duplex, dwellings.
4. Municipal owned and operated facilities and parks.
6. Public Services.
7. Family Child Care Home.
8. Horticultural uses customary to urban residential uses and raising of crops.

5.07.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and approved by the Village Board:

1. Public and private recreation areas as, country clubs, golf courses, lakes, and common areas, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than ten acres.
2. Public or private schools, colleges, and similar educational facilities.
3. Public uses of administrative, service or cultural nature including libraries, museums, fire stations, administrative offices and similar uses.
4. Mobile home replacement, subject to Section 5.07.06.
5. Mobile homes and mobile home parks, subject to Section 5.07.07.
6. Other public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
7. Child Care Center.
8. Hospital, convalescent, nursing and rest homes and hospice centers.
9. Bed and Breakfasts.
 - A. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - B. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.

5.07.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Home Occupations and home based businesses, pursuant to Section 8.01.
3. Decks, elevated patios either attached or detached.
4. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
5. Fences, pursuant to Section 8.03.
6. Parking for permitted uses as per Article 6.
7. Signs allowed in Article 7.
8. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
9. Landscaping as required by Section 8.09.
10. Composting of yard and garden waste or other compostable waste material produced on the premises.
11. Radio antennae and television satellite receiving antennae (satellite dishes), provided that such antennae are twenty-four (24) inches in diameter or less.

5.07.05 Height and Lot Requirements:

The height and minimum lot requirements shall be follows:

	Lot Area (SF)	Lot Width	Front Yard	Side Yard ³	Rear Yard ²	Max. Height	Max. Lot Coverage
Single-family Dwelling (detached)	6,000	50'	(2)	6'	30'	35'	70% ⁴
Single-family attached	4,500	40' per unit	(2)	6' ⁽⁵⁾	30'	35'	70% ⁴
Two-family Dwelling	4,000 per unit	60'	(2)	6' ⁽⁵⁾	30'	35'	70% ⁴
Townhouses/Condominiums	3,000 per unit	25' per unit	(2)	6' ⁽⁵⁾	30'	35'	70% ⁴
Multi-family Dwelling	1,500 per unit	100'	(2)	10' ⁽⁶⁾	30'	55' ¹	70% ⁴
Other Permitted/Conditional Uses	6,000	50'	(2)	6'	30'	35'	70% ⁴
Accessory Buildings	-	-	(2)	5'	5'	17'	(1)

- ¹ The total accessory building or buildings shall not cover more than 30% of the rear lot area and not more than 30% of the side lot area.
- ² There shall be a minimum front yard of not less than a depth of 50 feet from a county road right-of-way or property line on a street line classified on the Village's Major Street Plan as an arterial, 15 feet from a street classified as a collector, local street or private street. If use is for a public utility then front yard is 15 feet. In no event shall such front yards be less than five (5) feet for any use.
- ³ Where uses abut a commercial or industrial zoning district the side yard abutting such commercial or industrial zoning district shall be a minimum of 10 feet.
- ⁴ Maximum lot coverage includes all buildings, structures, decks, patios, accessory buildings, driveways and parking areas.
- ⁵ Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.
- ⁶ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

5.07.06 Mobile Home Requirements

This conditional use permit is intended to aid in upgrading and replacement of deteriorating mobile homes, subject to the following limitations:

1. Mobile Home existing in residential district prior to the adoption of the current zoning regulations.
2. Replacement mobile homes shall meet all current HUD standards for mobile homes and shall have said sticker stating such is true. Mobile homes shall meet all other applicable standards specified by Federal and State Regulations, be constructed in or after 1990, and be maintained as to not be a health or safety issue to the neighborhood.
3. Replacement shall occur within one (1) year of existing structure being removed.
4. Each mobile home may locate with same setbacks as existing trailer but shall not increase the non-conformity or shall otherwise meet the setbacks of the respective district in which it is to be located.
5. Each mobile home shall connect with a public sewer and water.
6. The conditional use permit is granted to the property owner and is subject to review every two (2) years.
7. All appropriate State and County sanitation regulations shall be strictly observed.

5.07.07 Mobile Home Park Requirements

Mobile Home Parks are permitted by conditional use in the R-2 zoning district. Any authorized mobile home park may contain mobile homes as defined in this Ordinance, manufactured homes or site built dwelling units. All mobile home parks authorized under this Ordinance and expansions of any mobile home parks and the mobile homes, manufactured homes and site built homes placed in such mobile home park after the effective date of this Ordinance shall comply with the following minimum requirements:

1. A mobile home park shall have an area of not less than three (3) acres measured to the centerline of any streets or alleys abutting such park.
2. Each lot provided for placement of a dwelling unit shall have a minimum area of four thousand (4,000) square feet, provided that any home placed on any lot shall comply with the minimum yard requirements specified herein. The minimum lot width for any lot shall be thirty-six (36) feet.
3. The minimum front yard shall be fifty (50) feet from any street classified on the Village's Street Plan as a major or minor arterial, or twenty (20) feet from any street classified as a collector or local street. The front yard shall be measured from the right-of-way line of any public street or from a point that is twelve (12) feet from the centerline of any private street providing access to

- individual lots in the mobile home park. The front yard may contain vehicle parking spaces required for each mobile home lot.
4. The minimum side yard for each dwelling unit, including any additions including, but not limited to porches, decks, and room additions, shall be six (6) feet.
 5. The minimum rear yard for each dwelling unit shall be fifteen (15) feet.
 6. Height of Buildings.
 - A. Maximum height for principal uses: 35 feet.
 - B. Maximum height for accessory uses: 17 feet.
 7. Open areas along entrances and contiguous to streets, county road, federal highways, or state highways shall be landscaped.
 8. There shall be a minimum livable floor area of 500 square feet in each mobile home.
 9. All mobile homes shall meet all current HUD standards for mobile homes and shall have said sticker stating such is true. All mobile homes shall meet all other applicable standards specified by Federal and State Regulations, be in constructed in or after 1990, and be maintained as to not be a health or safety issue to the neighborhood.
 10. The entire mobile home park shall be considered as one (1) zoned lot.
 11. An office shall be provided for conducting business pertaining to the mobile home park. Said office may be located in a mobile home residence.
 12. Each lot in the mobile home park shall be served by a hard surfaced street at least twenty-four (24) feet in width. Any dead-end street shall be provided with a hard surfaced turn-around at least sixty (60) feet in diameter.
 13. Municipal water and sewer utilities shall be provided to each lot. The water supply shall be sufficient to provide water for domestic consumption and adequate flow for fire protection. Fire hydrants shall be installed so that no lot within the mobile home park is more than three hundred (300) feet from any lot within the mobile home park, measured along the streets on the perimeter or within the park.
 14. Each lot shall be provided with a minimum of two (2) off-street parking spaces. Each parking space shall be surfaced with gravel, rock or may be hard surfaced, provided that if gravel or rock is used, such parking spaces shall be equipped with permanent edging in the form of sidewalks, treated wood or other durable material not subject to breakage from movement of vehicles, people or lawn maintenance equipment. The parking spaces shall be connected by hard surfaced walkways connecting the parking spaces to the entrance to the dwelling unit.
 15. Street lighting within and on the perimeter of a mobile home park shall be installed so that the spacing and type of street lighting is equivalent to the street lighting for other residential areas of the community.
 16. Not less than ten (10) percent of the total land area in the mobile home park, measured exclusive of any perimeter streets, shall be designated for use as common open space for recreation purposes. Any such area shall be designed so that its length is not more than twice its width and so that it is not traversed by any street or motor vehicle traffic. This open space requirement may be eliminated if a public park is located immediately across any street which is on the perimeter of the mobile home park.
 17. Limitations on lot coverage shall be no more than 45 percent.
 18. If common refuse storage areas are to be provided, such areas shall not be located more than one hundred fifty (150) feet from any lot and all such areas shall be screened from view by a solid fence at least six (6) feet in height and shall be equipped with a hinge gate(s) to permit dumping of waste into the waste containers and emptying of the containers.
 19. The owner/management of a mobile home park shall prohibit storage of any materials equipment, refuse containers, except outdoor charcoal or gas grills and outdoor seating and licensed, operable vehicles, outside or underneath any dwelling unit unless such materials are stored in an enclosed building or inside a solid fence with a minimum height of six (6) feet which will screen such materials from the front, side and rear.
 20. All manufactured, mobile or other dwelling units not placed on a permanent foundation shall be completely skirted, provided that recreational vehicles which are temporarily parked in a mobile home park shall not be required to be skirted. Skirting shall be in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer. Temporary parking of recreational vehicles shall be construed to mean a period not exceeding four (4) consecutive months.
 21. Each lot within the mobile home park shall be provided with a roofed building containing at least eighty (80) square feet for storage of refuse containers, lawn maintenance equipment, bicycles and

other items. Such storage space may be provided in the form of individual buildings on each lot, in the form of a centralized storage building(s) sufficient in size and divided to provide eighty (80) square feet of lockable storage space for each lot in the park, or in the form of oversized garages sufficient in size to provide the required eighty (80) square feet of storage space.

22. All manufactured homes and mobile homes placed in a mobile home park lots shall be provided with pads and anchors for the support of and windstorm protection and such pads and anchors shall be constructed and installed in accordance with the dwelling unit's manufacturer specifications or in the event of non-availability of such specifications, such pads and anchors shall be constructed to meet the requirements of 24 CFR 3280.
23. Not less than one (1) reinforced storm shelter shall be provided for use by occupants of the mobile home park. Such shelter shall be of adequate size and capacity to safely house all occupants of the park and shall provide at least ten (10) square feet of floor area for each occupant utilizing an average of two and one-half (2 ½) persons per lot provided in the mobile home park. Such storm shelter shall be designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
24. As part of any application, the developer of any new or expanded mobile home park shall submit a complete, accurately scaled plan of the proposed park. Said plan shall include at least the following items:
 - A. The legal description and area of land to be included in the park.
 - B. The number, size and location of each lot to be provided, including the location of required vehicle parking spaces.
 - C. The location and width of all streets and walkways.
 - D. A grading and drainage plan for the park.
 - E. The size and location of all water and sewer lines to be installed, including all fire hydrants, valves and other infrastructure improvements together with easement locations and widths.
 - F. The location of all proposed street lights and utility easements to provide power to such lights.
 - G. The location and dimensions of the required common open space recreation area.
 - H. The location(s), size and capacity of the required storm shelter(s).
 - I. The location of all common refuse storage areas, other buildings and structures and other improvements to be provided within the park.
 - J. Plans and specifications for all buildings to be provided, including the plans and specifications for any individual storage buildings to be used in the park.

Section 5.08 (RESERVED)

Section 5.09 C-1 Highway Commercial District

5.09.01 Intent: This district is established to provide areas for development of commercial uses oriented to major traffic corridors serving the village of Bellwood and to provide areas for development on non-highway oriented uses which are inappropriate or too land extensive for location in the C-2 General Commercial District. The district adds certain design standards in comparison to zoning districts located along Highway 64. They are designed to promote:

1. Safe traffic circulation on and off and across the highway.
2. A high quality of design and site planning.
3. Flexibility in development in order to provide an attractive, viable employment corridor.

5.09.02 Permitted uses.

The following principal uses are permitted in the C-1 District:

1. Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
2. Child care center.
3. Dance studio, not including uses defined in Adult Establishment.
4. Meeting hall, not including uses defined in Adult Establishment.
5. Museum, art gallery.
6. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - a. Animal feed and crop and garden seed sales uses.
 - b. Apparel shop.
 - c. Appliance store.
 - d. Antique store.
 - e. Automobile parts and supply store.
 - f. Bakery shop (retail).
 - g. Barber and Beauty shop.
 - h. Bicycle shop.
 - i. Book store, not including uses defined in Adult Establishment.
 - j. Brew-on premises store.
 - k. Camera store.
 - l. Communication services.
 - m. Computer store.
 - n. Confectionery.
 - o. Dairy products sales.
 - p. Drug store.
 - q. Dry cleaning and laundry pickup.
 - r. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - s. Food Sales (Limited).
 - t. Food Sales (General).
 - u. Floral shop.
 - v. Mortuary.
 - w. Furniture store or showroom.
 - x. Gift and curio shop.
 - y. Gunsmith.
 - z. Hardware store.
 - aa. Hobby, craft, toy store.
 - bb. Jewelry store.
 - cc. Liquor store.
 - dd. Locksmith.
 - ee. Meat market, retail.
 - ff. Music retail store.
 - gg. Newsstands, not including uses defined in Adult Establishment.
 - hh. Paint store.
 - ii. Pet shop.
 - jj. Photographer.
 - kk. Picture framing shop.
 - ll. Reservation center.

- mm. Restaurants, cafes and fast food establishments.
- nn. Second hand stores.
- oo. Service station with minor automobile repair services.
- pp. Shoe store.
- qq. Sporting goods.
- rr. Stamp and coin stores.
- ss. Tailors and dressmakers.
- tt. Tanning salon.
- uu. Tire store and minor automobile repair service.
- vv. Travel agencies.
- ww. Video store, not including uses defined in Adult Establishment.
- 2. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- 3. Telephone exchange.
- 4. Telephone answering service.
- 5. Public overhead and underground local distribution utilities.
- 6. Publicly owned and operated facilities.
- 7. Automobile service stations, but not including major body repair, the dismantling or wrecking of vehicles or the storage of damaged or inoperable vehicles.
- 8. Sales, rental, and display of automobiles, trucks, campers, recreational vehicles, mobile homes, boats and farm implements, provided that all servicing and maintenance shall be conducted within an enclosed building.
- 9. Mortuaries.
- 10. Sound recording studios.
- 11. Car washes.
- 12. Garden supply and retail garden center.
- 13. Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 14. Equipment and supply rental establishments and outdoor storage in conjunction with primary use.
- 15. Health Clubs and tanning salon, not including uses defined in Adult Establishment.
- 16. Health Recreation Facilities, not including uses defined in Adult Establishment.

5.09.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as recommended by the Planning Commission and approved by the Village Board:

- 1. Recreational establishments.
- 2. Department Store.
- 3. Variety store, not including uses defined in Adult Establishment.
- 4. Amusement arcades.
- 5. Brew Pubs.
- 6. Churches and temples.
- 7. Coffee Kiosks.
- 8. Micro-breweries when in conjunction with a restaurant.
- 9. Automated Teller Machines when not within the interior of a primary use.
- 10. Theater, indoor, not including uses defined in Adult Establishment.
- 11. Bowling center.
- 12. Business or trade school.
- 13. Mail order services.
- 14. Animal hospital.
- 16. Event center.
- 18. Convenience store with limited fuel sales.
- 19. Hotels and motels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
- 20. Shopping centers and retail trade centers.
- 21. Commercial Strip Shopping Center.
- 22. Outlet Shopping Center.
- 23. Commercial recreational activities such as golf putting courses and driving ranges, drive-in movie theaters, and other similar outdoor recreational uses.
- 24. Recreational vehicle parks and campgrounds.
- 25. Truck stops with complete truck services.

26. Truck wash.
27. Retail sales of agriculture supplies requiring outdoor storage of such agricultural supplies.
28. Trucking terminals.
29. Motor vehicle body shops.
30. Retail building material sales; provided that the following minimum standards are present:
 - a. All lumber shall be enclosed with the primary structure.
 - b. All year round landscaping materials shall be enclosed within the primary structure.
31. Lawn Care.

5.09.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as allowed in Article 6
3. Signs allowed in Article 7.
4. Landscaping as required by Section 8.09.
5. Fireworks stands provided the criteria are met as established by the village through separate ordinances.
6. Fences subject to Section 8.03.
7. Radio antennae and television satellite receiving antennae (satellite dishes), provided that such antennae larger than twenty-four (24) inches in diameter shall be located in the side or rear yard.

5.09.05 Permitted Temporary Uses

Temporary Uses require a permit from the Village of Bellwood and shall be valid only for a specific amount of time as indicated on said permit. All platted lots or tracts of land may have a maximum number of four temporary uses per calendar year. Such uses shall not last more than two weeks per use, except as provided for hereafter.

1. Temporary greenhouses.
2. Temporary structures as needed for sidewalk and other outdoor sales events.
3. Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.
4. Temporary structure for festivals or commercial events.

5.09.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100'	1	2	2	35'	90% ⁴
Permitted Conditional Uses	10,000	100'	1	2	2	35'	90% ⁴
Accessory Uses	-	-	1	5'	5'	17'	(3)

1. There shall be a minimum front yard of not less than 50 feet from property line along a state highway or village street classified as an arterial, 25 feet from the property line along a village street classified as a collector or a local street or private road, and at least 50 feet from the road right-of-way along a county road. A landscape buffer at least ten feet in depth shall be provided along and adjacent to the front property line.
2. The side and rear yard shall be five (5) feet where the lot line abuts other commercial or industrial district lot lines. In any instance where a side or rear lot line abuts a residential district, the minimum side yard shall be 20 feet and the minimum rear yard shall be 30 feet. In addition, a landscape screen as defined in this ordinance, shall be provided. In determining the side and rear yard requirements such yard may be measured to the centerline of any abutting alley which is dedicated for public use.
3. The total accessory building or buildings shall not cover more than 30% of the rear lot area and not more than 30% of the side lot area.
4. Maximum lot coverage includes all buildings, structures, decks, patios, accessory buildings, driveways and parking areas.

Section 5.10 C-2 General Commercial District

5.10.01 Intent: The General Commercial District is established to provide for the protection of existing commercial uses in the central business district of the village and to provide for areas within and around the central business district for commercial uses which provide a wide range of customer goods and services and which are oriented more to local customer trade and pedestrian oriented shopping than to the highway traveler. This district intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the Village.

5.10.02 Permitted Uses.

The following principal uses are permitted in the C-2 District:

1. Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
2. Child care center.
3. Dance studio, not including uses defined in Adult Establishment.
4. Meeting hall, not including uses defined in Adult Establishment.
5. Museum, art gallery.
6. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - a. Animal feed and crop and garden seed sales uses.
 - b. Apparel shop.
 - c. Appliance store.
 - d. Antique store.
 - e. Automobile parts and supply store.
 - f. Bakery shop (retail).
 - g. Barber and Beauty shop.
 - h. Bicycle shop.
 - i. Book store, not including uses defined in Adult Establishment.
 - j. Brew-on premises store.
 - k. Camera store.
 - l. Clothing services, including dry cleaning, Laundromats, etc.
 - m. Communication services, including newspaper, radio, television, and photocopying.
 - n. Computer store.
 - o. Confectionery.
 - p. Dairy products sales.
 - q. Drug store.
 - r. Dry cleaning and laundry pickup.
 - s. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - t. Floral shop.
 - u. Mortuary.
 - v. Food Sales (Limited).
 - w. Food Sales (General).
 - x. Furniture store or showroom.
 - y. Gift and curio shop.
 - z. Gunsmith, excluding gun sales.
 - aa. Hardware store.
 - bb. Hobby, craft, toy store.
 - cc. Jewelry store.
 - dd. Liquor store.
 - ee. Locksmith.
 - ff. Meat market, retail.
 - gg. Music retail store.
 - hh. Music studio.
 - ii. Newsstands, not including uses defined in Adult Establishment.
 - jj. Paint store.
 - kk. Pet shop.

- ll. Photographer.
- mm. Picture framing shop.
- nn. Reservation center.
- oo. Restaurants, cafes and fast food establishment.
- pp. Second hand stores.
- qq. Shoe store.
- rr. Sporting goods.
- ss. Stamp and coin stores.
- tt. Tailors and dressmakers.
- uu. Tanning salon.
- vv. Travel agencies.
- ww. Video store, not including uses defined in Adult Establishment.
- 7. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- 8. Telephone exchange.
- 9. Telephone answering service.
- 10. Theater, indoor, not including uses defined in Adult Establishment.
- 11. Public overhead and underground local distribution utilities.
- 12. Publicly owned and operated facilities.
- 13. Human health care services, but excluding hospitals.
- 14. Indoor commercial recreational facilities.
- 15. Tavern and cocktail lounge, not including uses defined in Adult Establishment.

5.10.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-2 District as recommended by the Planning Commission and approved by the Village Board:

- 1. Variety store, not including uses defined in Adult Establishment
- 2. Amusement arcades.
- 3. Bowling center.
- 4. Brew Pubs.
- 5. Micro-breweries when in conjunction with a restaurant.
- 6. Tattoo and body piercing parlor, provided they are not adjacent to a residential zoning district and are located separated from another similar parlor by 500 feet.
- 7. Coffee Kiosks.
- 8. Automated Teller Machines when not within the interior of a primary use.
- 9. Business or trade school.
- 10. Garden supply and retail garden center.
- 11. Commercial greenhouse.
- 12. Mail order services.
- 13. Pinball or video games business.
- 14. Convenience store with limited fuel sales.
- 15. Residences in conjunction with the principal use when located above the ground floor.
- 16. Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 17. Retail building material sales; provided that the following minimum standards are present:
 - a. All lumber shall be enclosed with the primary structure.
 - b. All year round landscaping materials shall be enclosed within the primary structure.
- 18. Hotels and motels.
- 19. Sales, rental, and display of automobiles, trucks, campers, recreational vehicles, mobile homes, boats and farm implements, provided that all servicing and maintenance shall be conducted within an enclosed building.
- 20. Car wash.
- 21. Tire store and minor automobile repair service.
- 22. Service station with minor automobile repair services.

5.10.04 Permitted Temporary Uses

Temporary Uses require a permit from the Village of Bellwood and shall be valid only for a specific amount of time as indicated on said permit. All platted lots or tracts of land may have a maximum number of four temporary uses per calendar year. Such uses shall not last more than two weeks per use, except as provided for hereafter.

1. Temporary greenhouses.
2. Temporary structures as needed for sidewalk and other outdoor sales events.
3. Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.
4. Temporary structure for festivals or commercial events.

5.10.05 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Article 6.
3. Signs allowed in Article 7.
4. Landscaping as required by Section 8.09.
5. Fireworks stands, provided the criteria are met as may be established by the village through separate ordinances.
6. Radio and television satellite signal receiving antennas, provided such receiving units are situated in the rear yard or on the roof.

5.10.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	-	-	-	1	2	35'	100% ³
Permitted Conditional Uses	-	-	-	1	2	35'	100% ³

1. No limitations, except where the lot line abuts a residential zoning district the minimum side yard shall be 15 feet and a landscape screen shall be installed on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.
2. No limitations, except where the lot line abuts a residential zoning district the minimum rear yard shall be 15 feet and a landscape screen shall be installed on the property line or within the side yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.
3. No limitation, except for side and rear yard limitations when abutting a residential zoning district.

Section 5.11 I-1 Industrial District

5.11.01 Intent: This district is established to provide areas for a wide range of industrial and certain commercial uses which are able to meet certain performance standards and provisions designed to protect nearby non-commercial and non-industrial uses from land use conflicts or undesirable primary and/or secondary impacts and to protect such industrial and commercial uses from negative impacts from other uses which would conflict with each industrial and commercial uses. The intent of the Industrial District is to provide standards for area suitable for industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, and to free these areas from intrusion by incompatible land uses. These areas should be served with adequate transportation facilities and the user of such land shall conduct activities that create low to moderate hazards to adjacent properties.

Adult Entertainment Facilities are included in this Zoning District. The intent of the Bellwood Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.11.02 Permitted Uses.

The following principal uses are permitted in the I-1 District:

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Laboratories.
3. Manufacture and assembly of electrical and electronic appliances.
4. Manufacture of light sheet metal products including heating and ventilation equipment.
5. Printing and publishing business.
6. Stone and monument works.
7. Public local distribution and main transmission utilities.
8. Warehouses and wholesale businesses.
9. Building materials yards with enclosed and screened storage areas.
10. Highway maintenance yards or buildings.
11. Self-storage units.
12. Veterinary clinic and animal hospitals.
13. Outdoor storage facilities.
14. Publicly owned and operated facilities and public service uses, including police and fire stations and similar public uses.
15. Special and vocational educational and training facilities.
16. Construction and heavy equipment sales and service.
17. Farm implement sales and service.
18. Truck terminal and dock facilities to include truck washing.
19. Auto body repair.
20. Car wash.
21. Service station with minor automobile repair services.
22. Tire store and minor automobile repair service.
23. Food locker plants.
24. Utility substations, terminal facilities, and reservoirs.
25. Auction Sales.
26. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary as an accessory to permitted use.
27. Cabinetry millwork.
28. Local, county, state and regional correctional facilities.
29. Contractors and construction yards.
30. Dairy products processing.
31. Agricultural uses excluding feedlots, but including grain elevators, feed mills, and fertilizer plants and storage.
32. Manufacturing, compounding, processing, packaging or treatment of articles or merchandising from previously prepared materials such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber, and paint.
33. Millwork, woodwork.
34. Commercial and industrial storage of farm and agricultural products.
35. Tire retreading and recapping.
36. Processing of food products.

37. Special and vocational educational and training facilities.
38. Auction Sales.
39. Research facilities.
40. Storage or processing of non-hazardous and non-explosive material.
41. Sand, gravel, or aggregate washing, screening or processing.

5.11.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 District as recommended by the Planning Commission and approved by the Village Board:

1. Radio, television and communication towers and transmitters, as per Section 8.02.
2. Outdoor Storage Containers subject to Section 4.14.09
3. Fertilizer transmission lines.
4. Utility substations, terminal facilities, and reservoirs.
5. Auto Salvage and storage, processing or salvaging of automobiles, trucks, agricultural or other equipment, scrap and junk.
6. Airport or Heliports.
7. Central mixing plant for concrete, asphalt, or paving material.
8. Storage of bulk petroleum and flammable products.
9. Storage or processing of explosive or hazardous material.
10. The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities.
11. Manufacture of chemicals, gases, poisons, insecticides and herbicides.
12. Commercial wind energy systems subject to Section 8.06
13. Adult Entertainment establishments, subject to the following.
 - a. No Adult business shall be closer than 500 feet to any similar use and no closer than 1,000 feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use.
 - b. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
 - c. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 - d. No adult business shall be open for business between the hours of one am and six a.m.
 - e. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
 - f. Such use shall not impair an adequate supply of light and air to surrounding property.
 - g. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
 - h. Any explicit signs shall not be seen from any point off-premises.
 - i. Such use shall not diminish or impair established property values in adjoining or surrounding property.
 - j. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Bellwood, Nebraska.
 - k. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
 - l. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of 18 years of age is

allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.

- m. Prohibited Activities of Adult Businesses shall include:
 - i. No adult business shall employ any person less than 18 years of age.
 - ii. No adult business shall furnish any merchandise or services to any person who is under 18 years of age.
 - iii. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
 - iv. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.11.04 Permitted Accessory Uses

- 1. Buildings and uses customarily incidental to the permitted uses, including general offices, sales rooms, medical and recreational facilities associated with industrial use.
- 2. Parking as permitted in Article 6.
- 3. Signs allowed in Article 7.
- 4. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.
- 5. Landscaping as required by Section 8.09.
- 6. Small wind energy systems pursuant to Section 8.05.
- 7. Radio antennae and television satellite receiving antennae (satellite dishes), provided that such antennae larger than twenty-four (24) inches in diameter shall be located in the side or rear yard.

5.11.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100'	1	2	3	100' ⁵	70% ⁴
Permitted Conditional Uses	10,000	100'	1	2	3	100' ⁵	70% ⁴

- 1. There shall be a minimum front yard of not less than 50 feet from property line along a state highway or village street classified as an arterial, 25 feet from the property line along a village street classified as a collector or a local street or private road, and at least 50 feet from the road right-of-way along a county road. A landscape buffer at least ten feet in depth shall be provided along and adjacent to the front property line.
- 2. The minimum side yard shall be 10 feet where the lot line abuts a transitional agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district, the minimum rear yard shall be 50 feet and a landscape screen shall be installed on the property line or within the rear yard. In determining the rear yard requirements, such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.
- 3. The minimum rear yard shall be 20 feet where the lot line abuts a transitional agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district, the minimum rear yard shall be 50 feet and a landscape screen shall be installed on the property line or within the rear yard. In determining the rear yard requirements, such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.
- 4. Maximum lot coverage includes all buildings, structures, decks, patios, accessory buildings, driveways and parking areas.
- 5. Except for uses located within 150 feet of any residential zoning district where such maximum height shall be 50 feet.

5.11.06 Performance Standards:

See Section 8.04 of the Supplemental Regulations.

Section 5.12 AH AIRPORT HAZARD (Overlay District)

5.12.01 INTENT

These regulations are established and implemented as an overlay district for application over any primary zoning district in order to protect the safe use, public investment, and utility of public airports and their Airport Hazard Area, within the Village of Bellwood, NE and its extraterritorial zoning jurisdiction, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are licensed by the Nebraska Department of Aeronautics, as designated on the Airport Zoning Maps prepared by the Nebraska Department of Aeronautics for the David City Municipal Airport (Dwg. No. ZN-93Y-14 dated March 5, 2014) and the Columbus Municipal Airport (Dwg. No. ZN-OLU-09 updated March 5, 2014).

5.12.02 DESIGNATED PUBLIC AIRPORT

The designated public airports for which these regulations have been prepared are the David City Municipal Airport located in Butler County and the Columbus Municipal Airport located in Platte County of which the designated 10-mile approach zones are within the planning and zoning jurisdictional area of Bellwood, Nebraska. Additional information on the David City Municipal Airport and the Columbus Municipal Airport can be obtained from the Nebraska Department of Aeronautics at www.aero.nebraska.gov or at www.airnav.com/airports/.

5.12.03 DEFINITIONS

For purposes of the Airport Hazard Overlay, the following terms are defined:

Airport means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.

Airport Hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; or penetrates any approach, operation, transition, or turning zone.

Airport Hazard Area means any area of land or water upon which an airport hazard might be established if not prevented as provided in the Nebraska Airport Zoning Act, but such area shall not extend in any direction a distance in excess of the limits provided for approach, operation, transition, and turning zones.

Airport Layout Plan means a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

Approach Zone means a zone that extends from the end of each operation zone and is centered along the extended runway centerlines.

Electric Facility means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in Section 70-1001.01, R.R.S. 1943, for the transmission or distribution of electrical power to the electric supplier's customers.

Existing Runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

Height of Structure means the height of any building, structure or object measured from its highest point to the nearest existing or proposed runway end elevation.

Instrument Runway means an existing runway with precision or nonprecision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After the effective date of this zoning regulation, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

Operation Zone means a zone that is longitudinally centered on each existing or proposed runway.

Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

Political Subdivision means any city, village, or county.

Proposed Runway means an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

Runway means a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

Transition Zone means a zone that extends outward at a right angle to the runway centerline and upward at a rate of one (1) foot vertically for every seven feet horizontally (7:1). The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of 150 feet above the highest elevation on the existing or proposed runway.

Tree means any object of natural growth.

Turning Zone shall comprise all portions of the hazard area not contained in the Operation Zones, Approach Zones and in the Transitional Zones.

Turning Zone's Outer Limit means the area located at a distance of three (3) miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is 150 feet above the highest elevation on the existing or proposed runway.

Visual Runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

5.12.04 HAZARD AREA DESCRIPTION

In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce the regulations in this section for such airport hazard area.

The airport hazard area consists of Operation Zones, Approach Zones, Turning Zones and Transitional Zones. The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones. The inner boundary of the hazard area is a boundary line consisting of a series of intersecting tangents five hundred (500) feet from and parallel to the centerline of the instrument runway or landing strip and two hundred fifty (250) feet from and parallel to the respective centerlines of all other runways or landing strips and connecting the inner boundaries of adjacent Approach Zones at the ends of the runways, landing strips or proposed runways or landing strips.

5.12.05 ZONE DESCRIPTIONS AND REGULATIONS

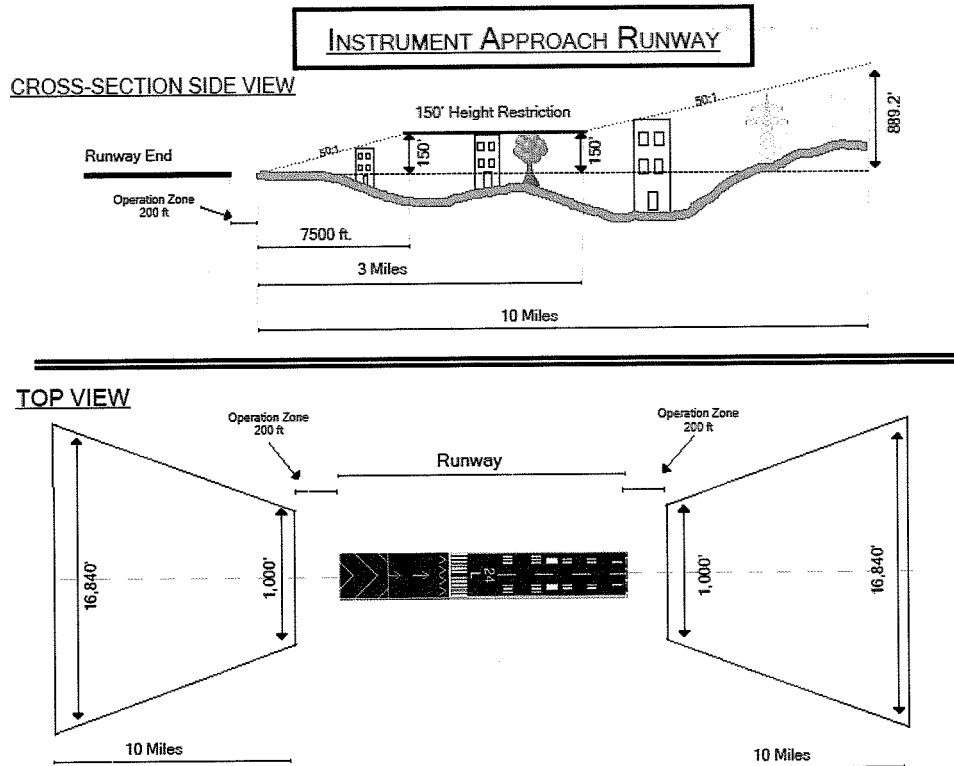
The following are intended for use with this overlay district.

1. **Operation Zones** are longitudinally centered on each existing or proposed runway:
 - a. Length. For existing and proposed paved runways, the operation zone extends two hundred (200) feet beyond the ends of each runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends;
 - b. Width. For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline; and

- c. Height. The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.
2. **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. The dimensions of the zones are as follows:
 - a. For an existing or proposed instrument runway:
 - i. Length and Width. An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is 1,000 feet wide at the end of the zone nearest the runway and expands uniformly to 16,840 feet wide at the farthest end of the zone; and
 - ii. Height Limit. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 50 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the ten-mile limit.
 - b. For an existing or proposed visual runway:
 - i. Length and Width. An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is 500 feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide; and
 - ii. Height. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 40 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end.
 3. **Transition Zones** extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.
 4. **Turning Zones** extend three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

5.12.06 HEIGHT RESTRICTIONS

No building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in Section 5.12.05 above:



5.12.07 LOCATION SKETCH AND ZONING MAP

The boundaries, Operation Zones, Approach Zones, Transition Zones and Turning Zones of the David City Municipal Airport and the Columbus Municipal Airport are as indicated on the maps identified in Section 5.12.01, which accompany and are hereby made a part of these regulations, copies of which shall at all times be on file in the office of the Village Clerk of Bellwood, Nebraska.

5.12.08 PERMIT REQUIRED, EXCEPTIONS, APPLICATION FORMS AND PERMIT FEES

1. Permit Required:

It shall hereafter be unlawful to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth within the boundary of the zoned airport hazard area of the David City Municipal Airport and the Columbus Municipal Airport within Bellwood's located within the zoning jurisdiction without first obtaining a zoning permit from the Village Zoning Administrator.

2. Exceptions:

In the outer area of Approach Zones and within Turning Zones, no such permit shall be required for construction of planting which is no higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip, except for any permits required by other sections of these Regulations.

3. Application Forms:

Application for a zoning permit as required under these regulations shall be made upon a form or forms to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting (Mean Sea Level Elevation).

4. Permit Fees:

The fee for each zoning permit shall be the normal fee charged by the Village plus any other additional fees determined by the Village.

5.12.09 NON-CONFORMING USES AND STRUCTURES

1. Within the zoned airport hazard area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of eighty (80) percent or more of their original condition, or abandoned for a period of twelve (12) consecutive months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the airport hazard zone.
2. Except as provided in subsection (3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. A permit shall be granted under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use would not result in an increase in height or a greater hazard to air navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.
3. An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

5.12.10 MARKING OF NON-CONFORMING STRUCTURES

Whenever the Zoning Administrator shall determine, or shall be notified by the Nebraska Department of Aeronautics, that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the airport hazard zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the Zoning Administrator and shall, within a reasonable time, permit the marking thereof by suitable lights or other signals designated by the Zoning Administrator as is based on recommendations of the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lesser of said premise.

5.12.11 ADMINISTRATIVE AGENCY

The Zoning Administrator of Bellwood, Nebraska shall administer and enforce these regulations, and shall be the administrative agency provided for in Neb. Rev. Stat. Section 3-319 (Reissued 2007), and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act within the zoning jurisdictional area of the Village.

5.12.12 VARIANCE FROM REGULATIONS

1. Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in a manner inconsistent with the airport zoning regulations adopted under this regulation may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed only if the board of adjustment makes the same findings for the granting of variances generally as set forth in subsection section 19-907 through 19-912.01, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or

written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this regulation.

2. In granting any permit under or variance from any airport zoning regulation adopted under this regulation, the administrative agency or board of adjustment may, if it deems such action is advisable to effectuate the purposes of the regulation and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

5.12.13 BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment of Bellwood, Nebraska shall be the Board of Zoning Adjustment with respect to these regulations, to have and to exercise the powers conferred by Neb. Rev. Stat. Section 3-320, et. Seq. (Reissued 2007), and duties as are conferred and imposed by law.

5.12.14 CONFLICTS

In the event of any conflict between these airport hazard regulations and any other regulations established by these or other regulations, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent or restrictive limitation shall govern and prevail.

Section 5.13 FF/FW FLOOD PLAIN (Overlay District) – 2011 Floodplain Ordinance No. 2011-15, as Amended

5.13.01 The 2011 Floodplain Ordinance No. 2011-15, shall continue in affect and enforced, until such time as is amended.

5.13.02 DISCLAIMER OF LIABILITY

The degree of flood protection required by Ordinance No. 2011-15 is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Said Ordinances do not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. Said Ordinances shall not create liability on the part of the Village or any officer or employee thereof for any flood damages that may result from reliance on said Ordinances or any administrative decision lawfully made thereunder.

ARTICLE 6: PARKING

Section 6.01 Off-Street Automobile Storage

- 6.01.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
- 6.01.02 In all districts except R-1 and R-2, if vehicle storage space or standing space required in section 6.02 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Village Board, the Village Board may permit such space to be provided on other off-street property, provided such property lies within the same zoning district and lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. In Districts R-1 and R-2, required off-street parking for residential use shall be provided on the lot on which is located the use to which the parking pertains.
- 6.01.03 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 6.01.04 No parking space is permitted in the required front yard in any district except as follows:
1. Except for single-family residences located in the TA district, the drive and parking in the front yard of a single-family residence is permitted for passenger vehicles and other licensed vehicles outside of an enclosed structure on a hard-surfaced or rocked driveway or its equivalent under the following conditions:
 - a. The width of such parking areas shall not exceed 35 percent of the width of the front yard.
 - b. The parking area shall not be less than two feet from and parallel to the side lot line and not less than two feet from the front property line.
- 6.01.05 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 6.01.06 Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require tabulation for classrooms and assembly areas).
- 6.01.07 The off-street parking requirements shall not apply to uses within the C-2 General Commercial District, however all uses considered places of assembly, such as churches and halls, should provide for off-street parking.
- 6.01.08 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

TYPES OF OPERATION	MINIMUM STACKING SPACE
Financial Institution – Electronic Teller	Two vehicles per lane*
Financial Institution – Personal Teller	Three vehicles per window or kiosk*
Car Wash – Self Service	Two vehicles per bay at entrance*
	One vehicle per bay at exit
Car Wash – Automatic / Conveyor	200 feet per bay at entrance*
	One vehicle per bay at exit
Drive-through Restaurant	Four vehicles per window*
Coffee Kiosk	
- Drive side service	Four vehicles per lane*
- Passenger side service	Two vehicles per lane*
Drive-through Pharmacy	Two vehicles per lane*
Service Stations	
- Service Islands	Two vehicles per pump lane*
- Service bay	One vehicle per bay*
- Quick lube / Oil change “starting gate design”	Two vehicles per bay*
- (4 or more pump islands side by side, 18 feet apart	One vehicle per lane*
Gated parking lot entrance	One vehicle per gate
Garage Unit or Overhead door (Major streets only)	One vehicle per door
Other uses	Two vehicles per lane being serviced

* Stacking requirements are in addition to vehicle being served.

Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by approval of the Village Board following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

6.01.09 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Village Board, after receiving a report and recommendation from the Planning Commission, based upon comparable uses listed.

6.01.10 Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side yard or rear yard.

Section 6.02 Schedule of Minimum Off-Street Parking and Loading Requirements

Use	Parking Requirements (spaces)	Loading Requirements
Adult entertainment establishments	1 per two persons of licensed capacity	None required
Agricultural Sales / Service	1 per 500 s.f. of gross floor area	1 per establishment
Assisted-living facilities	1 per dwelling unit plus 1 per employee on the largest shift	1 space per rental unit
Automotive Rental / Sales	1 per 500 s.f. of gross area including any and all display area	1 per establishment
Automotive Servicing	3 per repair stall	None required
Bars, Taverns, Nightclubs	Parking equal to 30 percent of licensed capacity	2 spaces per establishment
Boarding Houses / Bed and Breakfasts	1 per rental units	None required
Bowling Alleys	4 per alley	1 space per establishment
Campground	1 per camping unit	None required
Churches, Synagogues, and Temples	1 per four seats in main worship area	None required
Clubs, fraternal organizations	1 per 500 s.f. of gross floor area	None required
College/University	8 per classroom plus one per employee	2 spaces per structure
Commercial Recreation	1 per four persons of licensed capacity	1 per establishment
Communication Services	1 per 500 s.f. of gross floor area	1 per establishment
Construction Sales / Service	1 per 500 s.f. of gross floor area	1 per establishment
Convalescent, Nursing Home Services	1 per three beds plus one per employee on the largest shift	2 space per structure
Day Care	1 per employee plus 2 space or loading stall per each ten persons of licensed capacity	None required
Duplex	2 per dwelling unit	1 per structure
Educational Uses, Primary facilities	2 per classroom	2 spaces per structure
Educational Uses, Secondary facilities	10 per classroom plus one per employee on largest shift	2 spaces per structure
Equipment Rental / Sales	1 per 500 s.f. of gross floor area	1 Space
Food Sales (general)	1 per 200 s.f. of gross floor area	2 per establishment
Food Sales (limited)	1 per 300 s.f. of gross floor area	1 per establishment
Funeral Homes and Chapels	8 per reposing room	2 spaces per establishment
General Retail Sales establishments	1 per 200 s.f. of gross floor area	1 per establishment
Group Care Facility	1 per four persons of licensed capacity	2 space per structure
Group Home	1 per four persons of licensed capacity	2 space per structure
Guidance Services	1 per 300 s.f. of gross floor area	None required
Hospitals	1 per two licensed beds	3 spaces per structure
Hotels and Motels	1 per rental unit, plus 1 per employee on largest shift.	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	2 spaces per establishment
Laundry Services	1 per 200 s.f. of gross floor area	None required
Libraries	1 per 500 s.f. of gross floor area	1 per structure
Medical Clinics	5 per staff doctor, dentist, chiropractor	None required
Mobile Home Park	2 per dwelling unit	None required
Multi-family / Apartments	1 per sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Offices and Office Buildings	1 per 200 s.f. of gross floor area	None required
Residential (Single-family, attached and detached)	3 per dwelling unit with 1 required to be enclosed	None required
Restaurants (General)	Parking equal to 30 percent of licensed capacity	2 spaces per establishment
Restaurants w/ drive-thru	Greater of: 1 per 40 s.f. of dining area, or 1 per 150 s.f. of gross floor area	1 per establishment
Roadside stands	4 per establishment	None required
Service Oriented Establishments	1 per 200 s.f. of gross floor area	1 per establishment
Theaters, Auditoriums, Assembly Halls	1 per four persons of licensed capacity	1 space per establishment
Veterinary Establishments	3 per staff doctor	None required
Wholesaling / Distribution Operations	1 per two employees on the largest shift	2 spaces per establishment

6.02.01 Bicycle Parking Requirements:

Each parking facility proving 50 spaces or more shall provide accommodations for bicycles as follows:

50-100 parking stalls	Five bicycle spaces
100 -150 parking stalls	Eight bicycle spaces
150 – 200 parking stalls	10 bicycle spaces
Over 200 parking stalls	Two additional for each 50 parking stalls

Section 6.03 Off-Street Parking: Shared Parking Requirements

6.03.01 Notwithstanding the provisions of Section 6.02, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center of the development pattern is likely to occur, compliance with the standard parking ratios may be decreased by the Planning Commission and Village Board.

Section 6.04 Off-Street Parking: Parking for Individuals with Disabilities

6.04.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then handicapped accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different lot, if accessibility is at least equivalent, in terms of distance from an accessible entrance.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

- 6.04.02 Access aisles adjacent to accessible spaces shall be 60 inches wide minimum. However, one in every eight accessible spaces (1:8), but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated “van accessible” as required by Section 6.04.09 of this Ordinance. The vertical clearance at such spaces shall comply with 6.04.10 of this Ordinance. All such spaces may be grouped on one level of a parking structure.
- 6.04.03 Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
- 6.04.04 Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2 percent) in all directions.
- 6.04.05 If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 6.04.11 of this Ordinance.
- 6.04.06 At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 6.04 of this Ordinance shall be provided in accordance with 6.04.01 of this Ordinance; except as follows:
1. Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;
 2. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
- 6.04.07 Valet parking facilities shall provide a passenger loading zone complying with 6.04.11 of this Ordinance located on an accessible route to the entrance of the facility. Sections 6.04.01 and 6.04.03, of this Ordinance do not apply to valet parking.

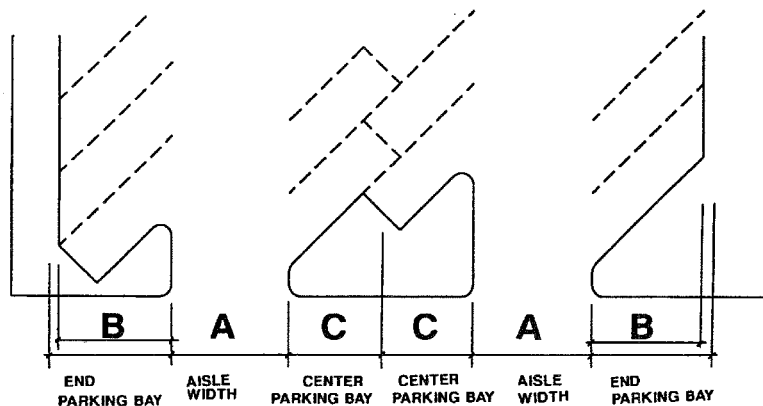
- 6.04.08 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
1. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- 6.04.09 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 6.04.02 shall have an additional sign with the words "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 6.04.10 Minimum vertical clearance of 114 inches shall be provided at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 6.04.02, minimum vertical clearance of 98 inches shall be provided at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 6.04.11 Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Passenger loading zones and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions.

Section 6.05 Off-Street Parking Design Criteria

6.05.01 Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration

	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



- 6.05.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.
- 6.05.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and Village Board upon recommendation of the Village Engineer.

- 6.05.04 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, including the following:
1. Delineation of individual parking and loading spaces.
 2. Circulation area necessary to serve spaces.
 3. Access to streets and property to be served.
 4. Curb cuts.
 5. Dimensions, continuity, and substance screening.
 6. Grading, drainage, surfacing and subgrade details.
 7. Delineation of obstacles to parking and circulation in finished parking area.
 8. Specifications as to signs and bumper guards.
 9. Other pertinent details.

6.05.05 Design Requirements for parking Lots

1. Areas used for standing and maneuvering of vehicles shall be composed of a suitable surface material, to be reviewed and approved by the Planning Commission and Village Board.
2. Said surfacing shall be maintained adequately for all weather use and drained in a manner to avoid the flow of water across sidewalks.
3. The structural load capacity of the surfacing should be analyzed and designed accordingly. In some instances, thicker or reinforced sections may be desirable.
4. Artificial lighting, when provided, shall be deflected so the light does not create a shine or glare in any residential district or adjacent residential use.
5. Access aisles shall be a sufficient width for all vehicles to turn and maneuver.
6. Except for dwelling units, parking spaces shall be located and serves by a driveway that will not require any backing movements or other maneuvering within a street right-of-way other than an alley.
7. Drainage of all parking lots shall be designed to develop proper site drainage. Proper site drainage is required to dispose of all storm water that is accumulated on the site.
8. The completion schedule for constructing the parking lot shall be provided to the Village as part of the application. The schedule must be reviewed and agreed to by the Village prior to construction. Said schedule shall be reasonable for all parties and the completion time shall be followed by the applicant. Variations to the schedule may be granted only in the case of inclement weather delays.

ARTICLE 7: SIGNS

Section 7.01 General Conditions

7.01.01 Purpose

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the village; to maintain and enhance the aesthetic environment and the village's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the village in furtherance of the more general purposes set forth in the zoning ordinance.

7.01.02 Applicability

A sign may be erected, placed, established, painted, created, or maintained within the village and the village's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations. All signs constructed, erected, modified or moved after the effective date of this ordinance shall comply with the regulations herein, unless expressly exempted.

7.01.03 Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth in Article 2. Principles for computing sign area and sign height are contained in the following section.

7.01.04 Computations

1. **Computation of Area of Individual Signs**

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.

2. **Computation of Area of Multi-faced Signs**

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

3. **Computation of Height**

The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

Section 7.02 Regulations and Requirements

7.02.01 Sign Schedules

Signs shall be permitted in the various districts according to the following schedule:

<u>Zoning District</u>	<u>TA</u>	<u>R-1</u>	<u>R-2</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>
Advertising	+	-	-	+	+	+
Animated	-	-	-	C	-	C
Announcement	+	+	+	+	+	+
Architectural Canopy	+	-	-	+	+	+
Banner	+	-	-	+	+	+
Changeable Copy	+	-	-	+	+	+
Destination	+	+	+	+	+	+
Electronic Message Board	+	-	-	+	+	+
Flashing	-	-	-	-	-	-
Ground	C	C	C	+	+	+
Illuminated	C	-	-	+	+	+
Incidental	+	+	+	+	+	+
Marquee	-	-	-	+	+	+
Nameplate	C	+	+	+	+	+
Off-Premises	C	-	-	C	-	C
On-Premises	+	-	-	+	+	+
Pennant	+	-	-	+	+	+
Pole	-	-	-	C	C	C
Projecting	+	-	-	+	+	+
Portable	T	T	T	T	T	T
Real Estate	+	+	+	+	+	+
Roof	+	-	-	+	+	+
Roof-Integrated	+	-	-	+	+	+
Subdivision	C	C	C	C	C	C
Suspended	+	-	-	+	+	+
Temporary	T	T	T	T	T	T
Wall	+	-	-	+	+	+
Window	+	-	-	+	+	+

+: permitted -: not permitted C: Conditional Use T: Temporary

7.02.02 Height, Size, Number and Setback Requirements.

- Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule. Setbacks for any permanent freestanding sign shall be ten feet from the property line and/or street/road right-of-way, whichever is greater. No signs shall extend into the street/road right-of-way unless provided for herein. All signs shall have a vertical clearance of nine feet above any sidewalk, private drive, or parking. All signs shall have a vertical clearance of 12 feet above any public street.

<u>Zoning District</u>	<u>TA</u>	<u>R-1</u>	<u>R-2</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>
Sign Type						
Animated						
Max. Square Ft.	-	-	-	200	-	200
Max. Height Ft.	-	-	-	45	-	45
Max. Number	-	-	-	1	-	1
Announcement						
Max. Square Ft.	32	6	6	32	32	32
Max. Height Ft.	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1
Architectural Canopy						
Max. Square Ft.	250	-	-	250	250	250
Max. Height Ft.	45	-	-	45	45	45
Max. Number	1 ⁶	-	-	1 ⁶	1 ⁶	1 ⁶
Banner						
Max. Square Ft.	32	-	-	32	32	32
Max. Height Ft.	NA	-	-	NA	NA	NA
Max. Number	NA	-	-	NA	NA	NA
Changeable Copy						
Max. Square Ft.	32	-	-	32	32	32
Max. Height Ft.	NA	-	-	NA	NA	NA
Max. Number	NA	-	-	NA	NA	NA
Destination						
Max. Square Ft.	16	16	16	16	16	16
Max. Height Ft.	8	8	8	8	8	8
Max. Number	1	1	1	1	1	1
Electronic Message Board						
Max. Square Ft.	100	-	-	100	100	100
Max. Height Ft.	20	-	-	20	20	20
Max. Number	1	-	-	1	1	1
Flashing						
Max. Square Ft.	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-
Ground						
Max. Square Ft.	50	-	-	32 ²	32 ²	50 ³
Max. Height Ft.	10	-	-	10	10	10
Max. Number	1	-	-	1	1	1
Marquee						
Max. Square Ft.	-	-	-	250	250	250
Max. Height Ft.	-	-	-	45	45	45
Max. Number	-	-	-	1	1	1
Nameplate						
Max. Square Ft.	2	2	2	2	2	2
Max. Height Ft.	-	-	-	-	-	-
Max. Number	1	1	1	1	1	1
Off-Premises						
Max. Square Ft.	640	-	-	640	-	640
Max. Height Ft.	30	-	-	30	-	30
Max. Number	1	-	-	1	-	1
On-Premises						
Max. Square Ft.	320	-	-	320	320	320
Max. Height Ft.	30	-	-	30	30	30
Max. Number	1	-	-	1	1	1
Pennant						
Max. Square Ft.	32	-	-	32	32	32
Max. Height Ft.	NA	-	-	NA	NA	NA
Max. Number	NA	-	-	NA	NA	NA
Pole						
Max. Square Ft.	-	-	-	100 ⁴	100 ⁴	200 ⁴
Max. Height Ft.	-	-	-	40	40	40
Max. Number	-	-	-	1	1	1
Projecting						
Max. Square Ft.	16	-	-	16	16	16
Max. Height Ft.	45	-	-	45	45	45
Max. Number	1	-	-	1	1	1
Portable						
Max. Square Ft.	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1
Real Estate						
Max. Square Ft.	32	6	6	32	32	32
Max. Height Ft.	4	-	-	4	4	4
Max. Number	2	1	1	1	1	1
Roof						
Max. Square Ft.	250	-	-	250	250	250
Max. Height Ft.	45	-	-	45	45	45
Max. Number	1	-	-	1	1	1
Roof-Integrated						
Max. Square Ft.	250	-	-	250	250	250
Max. Height Ft.	45	-	-	45	45	45
Max. Number	1	-	-	1	1	1

<u>Zoning District</u>	<u>TA</u>	<u>R-1</u>	<u>R-2</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>
Subdivision						
Max. Square Ft.	500	500	500	500	500	500
Max. Height Ft.	35	35	35	35	35	35
Max. Number	1	1	1	1	1	1
Max. Lot area s.f.	5,000	5,000	5,000	5,000	5,000	5,000
Suspended						
Max. Square Ft.	20	-	-	20	20	20
Max. Height Ft.	10	-	-	10	10	10
Max. Number	1	-	-	1	1	1
Temporary						
Max. Square Ft.	50	32	32	50	50	50
Max. Height Ft.	NA	NA	NA	NA	NA	NA
Max. Number	3	1	1	3	3	3
Wall						
Max. Square Ft.	200 ¹	-	-	200 ¹	200 ¹	200 ¹
Max. Height Ft.	15	-	-	45	45	45
Max. Number	1	-	-	1	1	1
Window						
Max. Square Ft.	200 ¹	-	-	200 ¹	200 ¹	200 ¹
Max. Height Ft.	15	-	-	15	15	15
Max. Number	1	-	-	1	1	1

- ¹ Wall/Window signs shall not exceed 10 percent of the total wall area or the number indicated whichever is greater.
- ² Ground signs may be increased from 32 square feet in area to 50 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
- ³ Ground signs may be increased from 50 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
- ⁴ Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
- ⁵ Pole signs may be increased from 200 square feet in area to 300 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
- ⁶ One Canopy per window – canopy shall meet all minimum height requirements for accessibility.
- NA = Not Applicable – Refer to specific structural sign types

2. A building or use having frontage on a second street may install a sign on the second street side no greater in size than 20 percent of the total allowed on one facade.

7.02.03 Signs, Special Conditions

1. *Real Estate Signs.* Not more than two signs per lot may be used as a temporary sign. Signs in the TA District shall be set back 20 feet from the road right-of-way or road easement.
2. *Billboard Signs.* Billboards, signboards, and other similar advertising signs shall be subject to the same height and location requirements as other structures in the district and shall also be subject to the following conditions and restrictions.
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
 - c. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
3. Signs hung from canopies and awnings shall maintain 80 inches of clear space, as measured from the bottom edge of the sign to the grade below.
4. *Temporary Signs*
Temporary signs for which a permit has been issued shall be issued only for signs meeting the following criteria:
 - a. No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare.
 - b. Temporary signs may be for a continual period that has a limited amount of time not to exceed 30 days except that Real Estate signs may be in place until the property sale is finalized.
 - c. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off-premises business and / or organization.

- d. Real Estate signs shall be on the property being advertised unless there is an “Open House” Real Estate sign located elsewhere for not more than two days.

5. *Signs in the Public Right-of-Way*

No signs shall be allowed in the public right-of-way, except for the following:

- a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, advertise community events, and direct or regulate pedestrian or vehicular traffic.
- b. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
- c. Awning, projecting, and suspended signs projecting over a public right-of-way approved by the village.
- d. Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

6. *Signs Forfeited*

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the village shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

7. *Signs Exempt from Regulation Under this Ordinance*

The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall be located in the public right-of-way without village approval or create an obstruction to vision, as defined in this ordinance and / or a collision hazard to the public:

- a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- b. Any religious symbol;
- c. Construction signs when equal to six square feet or less;
- d. Any sign identifying a public facility or public / civic event;
- e. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
- f. Holiday lights and decorations with no commercial message;
- g. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
- h. A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

8. *Signs Prohibited Under These Regulations*

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the village. Such signs include, but are not limited to:

- a. Beacons;
- b. Marquee signs;
- c. Roof signs;
- d. Suspended signs;
- e. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
- f. Permanent off-premises signs;
- g. Animated signs; and
- h. Audible Signs

7.02.04 Permits

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign.
3. No signs shall be erected or placed in the public right-of-way except in accordance, except as provided for or exempted herein.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Common Signage Plan in effect for the property.

7.02.05 Sign Permit Procedures

The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance.

1. All applications for sign permits of any kind shall be submitted to the Zoning Administrator on an application form or in accordance with application specifications published by the Village.
2. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established in the Master Fee Schedule.
3. Upon receiving an application for a sign permit, the Zoning Administrator shall review it for completeness. If the Zoning Administrator finds that it is complete, the application shall then be processed. If the Zoning Administrator finds that it is incomplete, the Zoning Administrator shall, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.
4. All signs shall be erected, installed, or created only in accordance with a duly issued and valid sign permit from the Zoning Administrator. Such permits shall be issued only in accordance with the requirements and procedures herein.
5. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. If more than one sign is being proposed on the same lot at the same time, such signs may be applied for on one application.
6. A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of six consecutive months or more and is not renewed within 30 days of a notice from the village to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed. A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed without notice or action from the village.
7. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Zoning Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

7.02.06 Design, Construction, Maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the appropriate State and Federal Regulations.
2. Except for flags, temporary signs, real estate signs, political signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this ordinance, at all times.
4. Upon the closing of a business or use, all related advertising messages and non-conforming signs shall be removed by property owner within six months of such closing.

7.02.07 Violations

1. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties provided by the Bellwood Zoning Ordinance, and by state law:
 - a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
 - b. To install, create, erect, or maintain any sign requiring a permit without such permit;
 - c. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed.
 - d. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.
 - e. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

ARTICLE 8: SUPPLEMENTAL REGULATIONS

Section 8.01 Home Occupations

The following are the minimum standards required for a Home Occupation or home based business:

- 8.01.01 No external evidence of the home occupation with the exception of one unlighted nameplate of not more than four square foot in area attached flat against the building located on local or collector streets. However, ten square feet in area attached flat against the building located on arterial streets.
- 8.01.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 8.01.03 No more than 25% of the home not to exceed 400 square feet, or 100% of an accessory building not to exceed 900 square feet, can be used for the home occupation, except for Child Care Home.
- 8.01.04 No exterior alteration which would change the residential appearance of the residential dwelling structure or any accessory building, including the use of lighted canopies, shall be permitted.
- 8.01.05 No additional or separate entrance which is inconsistent with the use of the residential dwelling structure shall be constructed solely for the purpose of conducting such home occupation or home based business.
- 8.01.04 Such home occupation shall provide proper plumbing, fire escapes, and other requirements according to law.
- 8.01.05 The principal use of the premises shall be for residential purposes and the owner and operator of the home occupation or home based business shall be the occupant of the residential dwelling on the premises.
- 8.01.06 No more than one employee or co-worker other than the resident(s) can work from that site.
- 8.01.06 No retail sales are permitted from the site other than incidental sales related to services provided.
- 8.01.07 No exterior storage (excluding storage within accessory buildings or structures, pursuant to Section 8.01.03 above) shall be permitted.
- 8.01.08 There shall not be a stock of goods or material on the premises in excess of 120 square feet of the area of the home occupation, none of which shall be of a flammable or hazardous nature.
- 8.01.09 Additional off-street parking may be required for the business.
- 8.01.10 If home occupation is for a business office for services rendered at another location then not more than two business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one piece of equipment shall be counted as one of the two business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.
- 8.01.11 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 8.01.12 There shall not be any mechanical equipment used except of a type that is similar in character to that customarily found in a home.
- 8.01.13 Child Care Homes and Child Care Centers shall require a certificate (CRED 9911) signed by the State of Nebraska Fire Marshall.
- 8.01.17 All businesses related to Family Child Care Home I and Family Child Care Home II shall be licensed in accordance with Neb. Rev. Stat. §71-1902 (R.R.S. 1997).

Section 8.02 Wireless Communication Towers

8.02.01 Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate broadcast towers, telecommunications facilities and antennas in the Village in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. It is the intent of the Village Board to regulate telecommunication facilities, towers and antennas in the Village to protect residential areas and land uses from the potential adverse impacts caused by the of installation of towers and antennas through careful design, siting, and camouflaging; to promote and encourage shared use/collocation of towers and other antenna support structures rather than allow the construction of additional single use towers; to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound; and to ensure that towers and antennas are compatible with surrounding land uses.

8.02.02 **Definitions:**

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.
4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the Village submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the Village concerning such request.
5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.
6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the Village who desires to develop, construct, modify, or operate a tower upon such tract of land.
8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 - a). Any Conforming Commercial Earth Station antenna six feet or less in diameter.
 - b). Any earth station antenna or satellite dish antenna three feet or less in diameter.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure, which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the Village upon approval by the Village Board of an application to develop a tower within the zoning jurisdiction of the Village; which

permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.

14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

8.02.03 Location of Towers and Construction Standards

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the Village prior to approval of its application for a Tower Development Permit by the Village Board and issuance of the permit by the Village. Applicants shall submit their application for a Tower Development Permit to the Zoning Office and shall pay a filing fee.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the Village after the effective date of this Ordinance shall conform to the Building Codes and all other construction standards set forth by Village, County, federal, and state laws and applicable American National Standards Institute (ANSI) standards. Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed in the Zoning Office.

8.02.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Office for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the Village Board and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and/or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
8. A performance bond in the amount of \$50,000 dollars for the expenses of removal and disposal of the tower.

8.02.05 Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the Zoning Administrator shall schedule a public hearing before the Planning Commission, following all Statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit. Notice, for each Public Hearing, shall be made at least one time and at least 10 days prior to such hearing. In addition, the Zoning Administrator shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall also conform to Section 9.03 of this Ordinance. The Planning Commission may approve the Tower Development Permit as requested

in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and/or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

8.02.06 Setbacks and Separation or Buffer Requirements

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100% of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100% of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
 - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

8.02.07 Structural Standards for Towers Adopted

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

8.02.08 Illumination and Security Fences

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses/zoned properties within a distance of 300% of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will prevent, to the extent practical, unauthorized climbing of said structure.

8.02.09 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

8.02.10 Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the Village.

8.02.11 Maintenance, Repair or Modification of Existing Towers

All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and

specify all items which do not comply with this Section and may request, subject to final review and approval of the Planning Commission, an exemption from compliance as a condition of the Tower Development Permit.

8.02.12 Inspections

The Village of Bellwood reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with any construction standards set forth by the village, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of the Village's Zoning Office, Zoning Administrator, or a duly appointed independent representative of the Village.

8.02.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public. Facility grounds shall be mowed and kept free of weeds.

8.02.14 Abandonment

If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee and a written request shall be directed to the Village Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and Village of Bellwood codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

8.02.15 Satellite Dish Antennas, Regulation

Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Bellwood only upon compliance with the following criteria:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of two feet, unless part of a station, public use, or other permitted or conditional use requiring such antenna.
2. Single family residences may not have more than two satellite dish antennas.
3. Multiple family residences with ten or less dwelling units may have no more than two satellite dish antennas over three feet in diameter. Multiple family residences with more than ten dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Bellwood, upon adoption of this regulation, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

Section 8.03 Fences

No fence shall be constructed within the zoning jurisdiction of the Village of Bellwood unless it is constructed in conformance with the following requirements:

8.03.01 Height Limitations

The height limitation for fences shall be 72 inches above ground level provided said fence is built along the required setback lines of a lot; except as provided herein.

1. No fence shall be constructed within a required front yard of any lot, except as may be otherwise provided herein.
2. Fences constructed along a property line and at the rear property line may be 72 inches in height; except as provided herein.
3. Fences within the front yard of a lot shall not exceed 48 inches in height, except where it is demonstrated that for security or safety purposes, fencing in the designated front yard of a public use may extend up to 72 inches in height and fencing for public utilities may extend up to 96 inches in height.
4. No fence shall be constructed within any required sight triangle unless under 3 ½ feet.
5. The height of a fence shall be determined by the vertical distance measured from the established grade level at the nearest sidewalk, top of curb, or other public right-of-way to the top of the highest part of the fence, except that a decorative post cap of an additional four to six inches may be installed. Earth berms, whether manmade or not, terraces, and retaining walls that elevate the fence shall be considered a part of the fence, and shall be included in the height of the fence. It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures shall comply with the provisions of this Ordinance.
6. Where it is demonstrated that for security purposes the perimeter fencing around a factory or building located in an area zoned as an Industrial District must be higher than six feet in height may be approved by through a Conditional Use Permit
7. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
8. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet in height.

8.03.02 Design Criteria/Location

1. Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District.
2. No fence or vegetation shall be situated or constructed in such a way as to obstruct vehicular traffic or otherwise create a traffic safety hazard. No fence or vegetation shall be situated or constructed within the required sight triangle.
3. The use of barbed wire in the construction of any fence is prohibited except:
 - a. Perimeter security fencing of buildings constructed in a Highway Commercial or Industrial District. The plans and specifications for any such fencing must be approved by the Zoning Administrator before commencement of construction.
 - b. Farm fencing constructed for agricultural purposes on parcels in the Transitional Agriculture District.
4. All supporting posts for fence construction shall be set in concrete except for agricultural fencing in the Transitional Agriculture District.
5. All fences shall be maintained in good repair.
6. All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners, pursuant to written agreement filed with the village, agree to build one fence on the common lot line of adjacent side yards or back yards.

8.03.03 Electric Fences.

No electric fence shall be constructed or maintained within the Village of Bellwood or within its extraterritorial zoning jurisdiction except in the Transitional Agriculture District. This provision does not apply to invisible fence systems.

8.03.04 Facing.

The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said

property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

8.03.05 Perimeter Fencing.

All fencing along an arterial or other perimeter road or street in a subdivision shall be consistent in style, type, material, height and color. Such fence shall be approved by the Zoning Administrator based upon existing subdivision and adjacent subdivisions. If not prescribed within the subdivision agreement to be installed all at once, each fence shall require a fence permit and be consistent with the first fence on the perimeter, or in the case of an established subdivision, replacement fences shall be consistent with the dominant fence style, type, material, height, and color. Such requirements shall also pertain to street side yard fencing of lots on the corner of the subdivision entrance(s).

8.03.06 Retaining Walls.

No retaining walls four (4) feet or more in height shall be constructed without first obtaining a zoning permit. No retaining wall shall be constructed within the street right-of-way unless authorized by the village or state.

8.03.07 Swimming Pools.

All above- or in-ground swimming pools of a permanent nature constructed within the zoning jurisdiction of the Village of Bellwood shall comply with any and all village, county, state or federal regulations.

8.03.08 Fences in existence as of the date of adoption of this Ordinance.

Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of this Ordinance may remain without change, notwithstanding same may be in conflict with one or more provisions of this Ordinance. However, any replacement or change of said existing fence or addition of a new fence shall meet the requirements of this Ordinance.

Section 8.04 Performance Standards for Industrial Uses

8.04.01 Physical Appearance

All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

8.04.02 Fire hazard

No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the Village of Bellwood.

8.04.03 Noise

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

8.04.04 Sewage and Liquid Wastes

No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

8.04.05 Air Contaminants

1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted

2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

8.04.06 Odor

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

8.04.07 Gasses

The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.

8.04.08 Vibration

All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three-thousands (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.

8.04.09 Glare and heat

All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 8.05 Small Wind Energy Systems

8.05.01 *Purpose:* It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

8.05.02 *Definitions:* The following are defined for the specific use of this section.

1. **Small Wind Energy System** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
2. **Tower** shall mean the vertical structures that support the electrical equipment or rotor blades.
3. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.
4. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
5. **Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.
6. **Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.
7. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
8. **Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
9. **Wind Energy Conservation Systems** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy of blowing wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
10. **Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture wind.

8.05.03 *Requirements:* Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower
 - a. The tower and foundation must be approved by a certified Engineer competent in disciplines of Wind Energy Conversion Systems.
2. Tower Height
 - a. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
 - b. For property sizes of one acre or more the tower height shall be limited to 100 feet.
 - c. The height shall be determined by the fall zone requirement and shall not exceed one hundred (100) feet. FAA approval is required.
3. Noise/Sound
 - a. Small wind energy systems shall not exceed 50 dBA, as measured at the closest neighboring inhabited dwelling unit. An Acoustical Analysis that certifies that the noise requirements within the regulation can be met.
 - b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
4. Approved Wind Turbines
 - a. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
5. Compliance with Building and Zoning Codes
 - a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
 - c. Wet stamps shall not be required.
6. Compliance with FAA Regulations

- a. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- 7. Compliance with National Electrical Code
 - a. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 - b. The manufacturer frequently supplies this analysis.
- 8. Utility Notification
 - a. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - b. Off-grid systems shall be exempt from this requirement.
- 9. All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non Commercial WECS	Meteorological Towers
Property Lines	1.5 times the total height	1.5 times the tower height.
Dwelling Units*	1.5 times the tower height.	1.5 times the tower height.
Road Rights-of-Way**	1.5 times the tower height.	1.5 times the tower height.
Other Rights-of- Way	1.5 times the tower height.	1.5 times the tower height.
Wildlife Management Areas and State or NRD Recreational Areas	1.5 times the tower height.	600 feet
Wetlands, USFW Types III, IV, and V	1.5 times the tower height.	600 feet
Other structures adjacent to the applicant's sites	1.5 times the tower height.	1.5 times the tower height.
Other existing WECS not owned by the applicant.	600 feet	600 feet
River Bluffs	NA	NA

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a small wind energy system in the village jurisdiction.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

- 10. Tower Setbacks:
 - a. All parts of the wind system structure shall meet the setbacks prescribed in Section 8.05.03 (9) above, except that guy-wire anchors may extend ten (10) feet from the property line of the installation site.
- 11. Aesthetics:
 - a. Free Standing Towers (No towers with guyed wires)
- 12. Multiple Towers:
 - a. Multiple towers will be considered based on these same regulations.
- 13. Abandonment:

The owner of an inoperable turbine for a period of twelve (12) months will be notified by the zoning administration that they have six (6) months from the notice date to restore their small wind energy system to operating condition. If the tower is not in operating condition after that time, the owner of the tower will then have ninety (90) days to have it removed. If the owner fails to remove the wind tower within the allowable time, the Village will have it removed at the owner's expense and a lien will be filed against the property on which the small wind energy systems is located.
- 14. Application minimum requirements
 - a. Legal Description and address of project site.

- b. Tower Type, height, rotor diameter, and total height of wind turbine and means of interconnecting with the feeder lines.
- c. Site layout, including the location of property lines, wind turbine, electrical grid, and all related accessory structures. This site layout shall include distance and be drawn to scale.
- d. Certification from Engineer.
- e. Documentation of land ownership or legal control of property.
- f. The latitude and longitude of wind turbine.
- g. Location of any wetland, scenic, and natural acres within 1000 feet.
- h. An Acoustical Analysis certifying that the noise requirements within the regulations can be met.
- i. Evidence that there will be no interference with any commercial or public safety communication towers.
- j. All approved wind turbines are to be completed within two (2) years of the date of approval.

Section 8.06 Commercial/Utility Grade Wind Energy Systems

8.06.01 **PURPOSE:** It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within Bellwood and its jurisdiction.

8.06.02 **DEFINITIONS:** The following are defined for the specific use of this section.

1. Aggregate Project shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

2. Commercial WECS shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

3. Hub Height shall mean the distance from ground level as measured to the centerline of the rotor.

4. Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.

5. Feeder Line shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

6. Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

7. Participating Dwelling Unit shall mean homes that are on the property in which the turbine or tower is located.

8. Property Line shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

9. Public Conservation Lands shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

10. Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

11. Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

12. Substations shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

13. Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

14. Tower shall mean the vertical structures, including the foundation that support the electrical generator, rotor blades, or meteorological equipment.

15. Tower Height shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

16. Transmission Line shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

17. Wind Energy Conversion System (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

18. Wind Turbines shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

8.06.03 **REQUIREMENTS:** Commercial/Utility Grade Wind Energy Systems may be permitted as a Conditional Use within any district where the use is listed and allowed. The following minimum requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Certification by an Engineer competent in disciplines of WEC's.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks; where actual WEC will be considered.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met
12. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan.
13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.

8.06.04 **AGGREGATED PROJECTS:**

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

8.06.05 SETBACKS:

All towers shall adhere to the setbacks (measured from the edge of the tower) established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1,640 feet; however, the setback may be less when two adjoining property owners are within the aggregate project.	1.5 times the total height.
Dwelling Units*	1,640 feet	1.5 times the total height.
Road Rights-of-Way**	1,640 feet	1.5 times the total height.
Other Rights-of-Way	1,640 feet	1.5 times the total height.
Wildlife Management Areas and State or NRD Recreational Areas	600 feet***	600 feet***
Wetlands, USFW Types III, IV, and V	600 feet***	600 feet***
Other structures and cemeteries adjacent to the applicant's sites	1.5 times the total height.	1.5 times the total height.
Other existing WECS not owned by the applicant.	At least five (5) diameters distance figured by the size of the largest rotor.	600 feet
River Bluffs	1,320 feet	NA

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System in the village jurisdiction. For participating dwelling units, the setback shall be 1,400 feet to the closest exterior wall of the dwelling.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known. Such right-of-ways shall be verified with the Nebraska Department of Roads and County Roads Department.

*** Or 1.5 times the total height, whichever is greater. Setback may be reduced to a distance of no less than 100 feet based on review of proposed distance and approval by Nebraska Game & Parks Commission, U.S. Fish and Wildlife, NRD and Army Corps of Engineers. Such reduction shall not be less than 100 feet and be based on certified engineer reports showing no effects on the identified areas. Applicant shall submit report and approval or evidence that the study has been performed and the request for approval has been submitted to the appropriate agency prior to the issuance of a zoning permit. Such permit would be conditional and contingent upon such approval.

8.06.06 SPECIAL SAFETY AND DESIGN STANDARDS: All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 20 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Height: The total height shall be determined by the fall zone requirement and shall not exceed four hundred (400) feet. Tower height shall not exceed 300 feet. FAA approval is required.
5. Consideration shall be given to painted aviation warnings on all towers more than 200 feet.
6. Color and finish: All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
7. Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided. Strobe lighting shall be avoided if alternative lighting is permitted by the FAA.
8. Shadow Flicker: Any proposed turbine which is within one half mile of any non-participating dwelling shall provide shadow flicker modeling data showing the expected effect of shadow flicker on non-participating properties. Shadow flicker shall not fall upon any non-participating dwelling, or other

- building which is occupied by humans, for more than 30 minutes in any one day, nor a total of 30 hours per any calendar year. If shadow flicker exceeds these limits, measures shall be taken to reduce the effects of shadow flicker on buildings, which may include shutting the turbine down during periods of shadow flicker.
9. Other signage: All other signage shall comply with the sign regulations found in these regulations. There shall be no advertising, logo, or other symbols painted on the wind turbines and towers other than those required by the FAA or other governing body. Each turbine shall have onsite a name plate which is clearly legible from the public right-of-way and contains contact information of the operator of the wind facility.
 10. Feeder Lines: All communications and feeder lines associated with the project distribution system installed as part of a WECS shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
 11. Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
 12. Discontinuation and Decommissioning:
 - a. A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level and soil replaced to average grade within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.
 - b. Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.
 13. Noise: No Commercial/Utility WECS shall exceed 40 dBA at the nearest structure or use occupied by humans. Such structures or uses include dwelling units, churches, daycares, and the like, but do not include barns, sheds, or agricultural, commercial or industrial uses.
 14. Interference: The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the Village for permits.
 15. Roads: Applicants shall:
 - a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
 - b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.
 - c. Prior to the commencement of construction of any turbine, the applicant shall enter into an agreement with the appropriate jurisdiction regarding the use of county, municipal or township roads during construction.
 - d. Be responsible for restoring the road(s) and bridges to preconstruction conditions.
 16. Drainage System: The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.
 17. Protected Resources: Construction and operation shall not adversely impact identified State or Federal threatened or endangered species, or rare natural resources such as native prairies and grasslands.

Section 8.07 Self Storage Units / Convenience Storage Units

- 8.07.01 Minimum lot size of the Self-Storage facility shall be 10,000 square feet.
- 8.07.02 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- 8.07.03 All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock or other approved rock other than gravel. All driveways within the facility shall provide a hard surface with a minimum width of 25 feet.
- 8.07.04 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- 8.07.05 No storage may open into the front yards.
- 8.07.06 Facilities must maintain landscape buffer yards of 10 feet adjacent to any public Right-of-Way and adjacent to other property lines, unless greater setbacks are required, a total of 35% of all buffers shall be landscaped.
- 8.07.07 Height limitations shall require a maximum height of 20 feet for any structure in the facility.

Section 8.08 Auto Wrecking Yards, Junk Yards, Salvage Yards, and Scrap Processing Yards

- 8.08.01 The use shall be located on a tract of land at least 300 feet from a residential district.
- 8.08.02 The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded by a solid fence or wall at least eight feet high.
- 8.08.03 The fence or wall shall be uniform in height, texture, and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the neighborhood.
- 8.08.04 The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No scrap, junk or other salvaged materials may be piled or stacked so to exceed the height of the enclosing fence or wall.
- 8.08.05 No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, or within the public Right-of-Way.
- 8.08.06 Burning of trash, junk or other scrap materials shall be prohibited.

Section 8.09 Landscaping Regulations

8.09.01 Intent

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the Village of Bellwood by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with then provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

8.09.02 Application and Scope

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

1. Agricultural buildings, structures and uses.
2. Replacement of lawfully existing structures or uses.
3. Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking of less than 4,000 square feet shall not be excepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
4. Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
5. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the Village Board with the recommendation of the Village Planning Commission.

8.09.03 Landscaping Requirements

Landscaping shall be required and provided as follows:

1. Single-family and two-family dwellings shall provide and maintain a minimum of 30 percent of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section except for plant material and maintenance.
2. Street Frontage:
A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.
3. Side Yard:
A landscaped area having a minimum depth of ten feet from the property line shall be provided along the side yard abutting any Residential District.
 - a. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet within four years. A landscaped earth berm not exceeding six feet in height may be used in combination with the plant materials.
 - b. A solid wood and/or masonry fence or wall six feet in height may be used in lieu of or in combination with the plant materials required, provided that such fence is at least five feet from the property line.
4. Rear Yard:
A landscaped area having a minimum depth of ten feet from the property line shall be provided along the rear yard abutting any Residential District.
 - a. The landscape requirements for the rear yard shall be the same as for the side yard described in Section 8.09.03 (3)

Section 8.10 Amateur Radio Antenna

- 8.10.01 Amateur radio antenna installations exceeding 65 feet in height may be allowed by conditional use permit in the TA, R-1, and R-2 zoning districts in conformance with the following conditions:
1. The amateur radio antenna installation shall comply with all applicable governmental regulations and standards;
 2. The site for the amateur radio antenna installation shall be on the same premises as the main residence of the amateur radio operator;
 3. The site for the amateur radio antenna installation shall be licensed by the Federal Communications Commission as an amateur radio station for amateur radio communications;
 4. The amateur radio antenna installation may exceed the maximum height for the district in which they are located.
 5. Only equipment and facilities necessary to the operation of the amateur radio antenna installation shall be permitted and only if such facilities are expressly permitted by the terms of the special permit.
 6. The application shall be accompanied by a site plan showing site boundary, locations of the proposed antenna installation, guy wire anchors, and nearby structures, tower design and building materials, equipment to be attached to the tower (e.g., antennas, mast, and rotor, etc.), and setbacks from the site boundary. It shall also be accompanied by the following:
 - a. A landscape plan in accordance with the village's design standards for broadcast towers;
 - b. A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to its design, unobtrusiveness, minimum height necessary to accommodate the radio service communications, avoidance of artificial light and coloring provisions;
 7. With the exception of those antenna installations to be mounted on existing structures, the following requirements shall be met:
 - a. In the TA district, the antenna installation shall be set back from public streets abutting the antenna installation site by a distance equal to or greater than the antenna installation height. The distance between the antenna installation and site boundary shall be equal to or greater than 50% of the antenna installation height. The distance between the anchors of the antenna installation and site boundaries shall be equal to or greater than the setback requirements established in the underlying zoning district.

- b. The tower shall have a galvanized finish or other rust inhibiting finish but can be painted green below treetop level. It shall not be painted in alternate bands of distinctive orange and white colors or equipped with lights unless specifically required for safety reasons by a governmental agency having jurisdiction thereof. If so required, such lights shall not exceed the minimum standards therefore.
- c. To prevent vandalism or injuries, adequate security measures shall be provided around the antenna installation base (such as security fence with a locking portal) or other device designed to prevent unauthorized access to the antenna.

8.10.02 In consideration of applications for such conditional use permits, the following criteria shall be given specific consideration:

- 1. Adverse effects on adjacent property including, but not limited to:
 - a. Whether the proposed antenna installation will visually and aesthetically degrade the neighborhood.
 - b. Whether the proposed antenna installation has the potential to reduce property values.
- 2. The Federal Communications Commission declaratory ruling entitled PRB-1 recognizing the federal objectives in amateur radio operations and requiring that any zoning regulations which involve placement, screening, or height of antennas based upon legitimate health, safety or aesthetic considerations must be crafted to reasonably accommodate amateur communications and to represent the minimum practical regulation necessary to accomplish those purposes.
- 3. Potential alternatives to a blanket denial of the proposed antenna installation which could be approved

Section 8.11 Storage or parking of vehicles, boats, campers and trailers

No lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the Village of Bellwood shall be used for any of the following:

- 8.11.01 The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed; except for the following:
 - 1. The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.
 - 2. The storage or keeping of operable off-highway farm or industrial vehicles and related parts and machinery thereof on tracts zoned Transitional Agricultural (TA) or (I-1) Industrial District and used in agricultural or industrial activity conducted on said premises.
 - 3. The storage of not more than one passenger type motor vehicle in good operable condition and shielded from view of the general public by a manufactured and fitted vehicle cover and located on a hard surfaced or rocked driveway.
 - 4. The storage or keeping of a tractor used for lawn and garden and/or snow removal on the property which it is stored.
- 8.11.02 The storage, keeping or abandonment of parts, including scrap metals and tires, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the Bellwood zoning regulations.
- 8.11.03 Parking, storage, or keeping, other than in a fully enclosed garage, of any non-operable motor vehicle on any lot zoned residential, provided, however, that automobiles that are non-operable solely by reasons of repair work being done thereon may be parked on residential lots within the Bellwood zoning jurisdiction occupied by the owner of said automobile, under the following conditions:
 - 1. The automobile is owned by the occupier of the premises and registered to him/her at that address.
 - 2. The period of said repair work does not exceed 30 days in duration; and
 - 3. No more than one automobile in need of repair is situated on the premises at the same time.

Before the Village removes a vehicle suspected of violation hereof by reason of it being inoperable the Village shall give the owner of the premises upon which the offending vehicle is situated a 72-hour warning notice which may be given by either tagging the motor vehicle or by sending notice by regular mail, postage prepaid, to the occupier of the premises upon which the motor vehicle is situated. Any motor vehicle not removed from the premises within such 72-hour period shall be presumed to be inoperable and may thereafter be removed by the Village. If he chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the Butler County Sheriff's Office to demonstrate within said 72-hour

period. The operability of the vehicle and, if such operability is satisfactorily demonstrated, the automobile need not be removed.

- 8.11.04 No motor vehicle as defined by section 60-301 of Nebraska State Statutes (or boat, camper or trailer in excess of 15 feet in length or ten feet in height) shall not be parked in the front, side or rear yard of any lot zoned residential except on paved driveways or other hard surfaced or rocked areas as designed and provided for in these regulations; provided that:

Boats, campers, trailers or any combination thereof not exceeding two may be parked in the side or rear yard of lots zoned residential from October through April of each year without being parked on a hard surface or rocked area. A camper or boat situated on a trailer shall be considered as one vehicle.

Said boats, campers and trailers together with accessory structures shall not occupy more than 35% of the required rear yard.

Notwithstanding the foregoing, it shall be permissible to park motor vehicles in the yards of residential lots on areas which are not paved as driveways or otherwise hard surfaced for a period not to exceed 72 hours, when on-street parking is illegal by reason of Section 5-708 of this code and as allowed by special permit to accommodate temporary guests or visitors for no more than 14 days. Any motor vehicle, boat, camper or trailer parked, stored or kept in violation of the provisions hereof may be removed by the Village. All towing, storage and other costs of removal pursuant to this section shall be solely at the expense of the owner of the premises from which the vehicle, boat, camper or trailer is situated, and if the owner is different than the occupier of the premises, then both owner and occupier shall be jointly and severally liable. In addition, the Village, upon certifying the same to the county treasurer, shall have a lien against the premises in the full amount of such removal costs, together with interest at the highest legal rate that the Village is authorized by law to collect on special assessments.

Section 8.12 Keeping of Animals

Animals may be kept within the zoning jurisdiction of the Village of Bellwood subject to the following restrictions:

- 8.12.01 No bees or livestock including but not limited to sheep, goats, cattle or swine shall be allowed within residential or commercial zoning districts.
- 8.12.02 No bird or fowl shall be allowed within residential or commercial zoning districts.
- 8.12.03 The keeping of dogs, cats, rabbits, and household pets shall be permitted accessory use in residential and commercial districts subject to the regulations for kennels as defined in Article 2 of this Ordinance and the provision found in the Bellwood Municipal Code. For the purposes of this section, a "household pet" is any animal or creature kept inside a residential dwelling not outside, and in no event shall include any of the following: any live monkey (non-human primate), raccoon, skunk, fox, poisonous or dangerous insect or reptile, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state.
- 8.12.04 The restrictions contained in this Section 8.12 shall not apply to any pet store or veterinary services.

Section 8.13 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the Village of Bellwood unless a zoning permit therefore is approved and issued by the zoning administrator and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable State permits shall also be obtained. Solar panels shall meet the following requirements.

- 8.13.01 Lot and Height Requirements: Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:
1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
 2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including

its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

- 8.13.02 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable building codes and regulations.
- 8.13.03 Plot Plan: The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 8.13.04 Pre-existing Solar Panels: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to January 1, 2016, may continue to be utilized so long as it is maintained in operational condition.

ARTICLE 9: CONDITIONAL USE PERMITS

Section 9.01 General Provisions

The Village Board may, by conditional use permit after a Public Hearing and referral and recommendation from the Planning Commission after the commission's Public Hearing, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The Village Board may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the Village Board will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 9.02 Application for Conditional Use Permit

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the Village. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted.

Section 9.03 Public Hearing

Before issuance of any conditional use permit, the Village Board will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the Village of Bellwood, one time at least 10 days prior to such hearing.

Section 9.04 Decisions

A majority vote of the Village Board shall be necessary to grant a conditional use permit. No order of the Village Board granting a conditional use permit shall be valid for a period of longer than 12 months from the date of such order, unless the Village Board specifically grants a longer period of time upon the recommendation of the Planning Commission.

Section 9.05 Standards

No conditional use permit shall be granted unless the Planning Commission and Village Board have found:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, and drainage facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
7. The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
8. The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
9. The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway.
10. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
11. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Section 9.06 Conditions

In addition to the Standards listed herein, the Planning Commission may recommend, and the Village Board may adopt such other conditions as may be necessary or desirable to address such concerns as the most appropriate use of the land, the conservation and stabilization of the value of property, the provision of adequate open space for light and air, concentration of populations, congestion of public streets, and the promotion of the general health, safety, welfare, convenience, and comfort of the public. The Village Board may require such conditions and restrictions upon the Conditional Use Permit as may be deemed necessary for the protection of the public interest and to secure compliance with this Ordinance.

ARTICLE 10: BOARD OF ZONING ADJUSTMENT

Section 10.01 Members, Terms and Meetings

Pursuant to Neb. Rev. Stat. §19-908 (R.R.S. 1997): The Board of Adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. The first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the Village at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the Village but within its extraterritorial zoning jurisdiction. According to Statute, the Village Board may also act as the Board of Adjustment if so approved through ordinance. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record.

Section 10.02 Appeals to Board of Adjustment, Record of Appeal, Hearings and Stays

As provided in Neb. Rev. Stat. §19-909 (R.R.S. 1997): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 10.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; and
2. To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board of Adjustment is authorized by this Ordinance to pass; and
3. To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

No such variance shall be authorized by the Board of Adjustment unless it finds that:

1. The strict application of the Ordinance would produce undue hardship; and
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
and
3. 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; and
4. 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. No variance shall be authorized unless the Board of Adjustment 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 practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

In exercising the above mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

Section 10.04 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Neb. Rev. Stat. §19-912, (R.R.S.1997).

ARTICLE 11: AMENDMENT, ADMINISTRATIVE PROCEDURE, AND ENFORCEMENT OF THIS ORDINANCE

Section 11.01 Amendments

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of $\frac{3}{4}$ of all members of the Village Board. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be published in a legal paper of general circulation in the village at least ten days prior to the hearing and a notice shall also be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than 1 $\frac{1}{2}$ inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 or more than \$100. The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the Village.

Section 11.02 Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the Village Board without first the consideration by the Village Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the Village Board within 45 days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

- 11.02.01 At the time that application for a change of zoning district or amendment to the zoning text is filed with the Planning Commission, there shall be deposited the sum set in Master Fee Schedule as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.
- 11.02.02 An application for a change of district to a Light Industrial District shall contain a minimum area of five acres. The area, if more than one parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
- 11.02.03 The foregoing requirements in Subsection b shall not apply in the case of an extension of a Light Industrial District.

Section 11.03 Zoning Permits

The following shall apply to all new construction and all applicable renovations and remodels within Bellwood's Zoning Jurisdiction:

- 11.03.01 It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the zoning administrator has issued a zoning permit for such work.
- 11.03.02 Issuance of a zoning permit. In applying to the zoning administrator for a zoning permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. The applicant shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the zoning administrator for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other ordinances of the Village then in force, the zoning administrator shall issue a zoning permit for such excavation or construction. If a zoning permit is refused, the zoning administrator shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The zoning administrator shall grant or deny

the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this ordinance. A building or zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 11.04 Certificate of Zoning Compliance

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the zoning administrator shall have issued a certificate of zoning compliance stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this ordinance. Within three days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning administrator to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 11.05 Penalties

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$100 for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

Section 11.06 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the Village may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 11.07 Authority

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

11.07.01 Planning Commission

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

11.07.02 Board of Adjustment

1. Hear and decide appeals from and review and order, requirement, decision, or determination made by the zoning administrator.

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

11.07.03 Village Board of Trustees

1. Hear petitions and authorize conditional uses in accordance with the requirements and limitations of this ordinance.
2. Hear and decide on any issue relating to the amendment or repeal of this ordinance, including any amendment of the official zoning map.
3. Appoint a Zoning Administrator and provide said administrator with appropriate village funds to enable the proper administration and enforcement of this ordinance.
4. Establish fees for applications, permits, and inspections required under this ordinance.

11.07.04 Zoning Administrator

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

ARTICLE 12: COMPREHENSIVE PLAN RELATIONSHIP

These zoning regulations are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the Village Board.

ARTICLE 13: LEGAL STATUS PROVISIONS

Section 13.01 Separability

Should any article, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 13.02 Purpose of Catch Heads

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

Section 13.03 Repeal of Conflicting Ordinances

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

Section 13.04 Effective Date

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

ADOPTED AND APPROVED by the Village Board of Bellwood, Nebraska,

This 1st day of February, 2016.

(Seal)

ATTEST: _____
(VILLAGE CLERK)

(VILLAGE BOARD CHAIR)

