

KENNARD

Nebraska

Zoning Ordinance

ORDINANCE NUMBER 2015-4

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SECTION 1

GENERAL

- 1.1 SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the Kennard Nebraska, Zoning Regulation.
- 1.2 CONFLICTS REPEALED. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- 1.3 PUBLICATION. This Ordinance shall be published in book or pamphlet form and in a legal newspaper published and in general circulation in Kennard, Nebraska and shall, in addition, be spread in the minutes of the proceedings of the Village Board of Trustees and, with the map or maps being a part hereof, shall be filed with the Village Clerk of Kennard, Nebraska.
- 1.4 WHEN EFFECTIVE. This Ordinance shall be in full force and effect from and after its adoption, publication, and filing as provided by law.
- 1.5 PURPOSE. This Zoning Ordinance is consistent with a Comprehensive Plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Kennard, including, among others, such purposes as developing both urban and nonurban areas; lessening congestion in streets, roads, and highways; reducing the waste of excessive amounts of roads; securing safety from fire and other dangers; lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters; providing adequate light and air; preventing excessive concentration of population and excessive and wasteful scattering of population or settlement; promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other industries, encouraging the most appropriate use of land in the county, preserving, protecting, and enhancing historic buildings, places, and districts.
- 1.6 SCOPE OF REGULATIONS. Except as provided by this regulation, and except after obtaining a permit from the Village Clerk of Kennard, Nebraska, it shall be unlawful in that portion of Kennard which is within the corporate limits and within an area one mile outside the corporate limits which is the zoning jurisdictional limits granted to Kennard and over which Kennard is exercising such zoning jurisdiction:
 - 1.6.1 To erect or place any building or structure or part thereof upon any real estate within said Zoning District.
 - 1.6.2 To rebuild, structurally alter, add to, or relocate any existing building or structure or part thereof.
 - 1.6.3 To change the type of use of any land, building, or other structure to a use not permitted in the Zoning District of which it is a part.
 - 1.6.4 To establish, re-establish, or expand any non-conforming or unlawful use.

- 1.6.5 To reduce any yard dimension or plot area, in conjunction with any building or structure, to have a dimension or area less than required by this regulation.
- 1.6.6 To provide or make connection with water supply or sewage disposal facilities or electrical facilities.
- 1.6.7 To erect or alter any building or other structure:
 - 1.6.7.1 To exceed the height;
 - 1.6.7.2 To accommodate or house a greater number of families;
 - 1.6.7.3 To occupy a greater percentage of lot area;
 - 1.6.7.4 To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than as herein required, or in any other manner contrary to the provisions of this regulation.
- 1.6.8 To relocate any building or structure or part thereof, from another City, or County in Nebraska, from another State or County into Kennard and upon any real estate within said Zoning District.
- 1.6.9 To erect or place any building or structure as an obstruction in any public street, easement, alley, or thoroughfare.

1.7 JURISDICTION AND APPLICATION OF DISTRICT REGULATIONS

- 1.7.1 The requirements set by these regulations shall be applicable to all areas within the corporate limits and any area within the zoning jurisdiction of the Village.
- 1.7.2 Every building hereafter erected or structurally altered shall be located on a lot as defined in this Regulation.
- 1.7.3 Farm buildings, except farm dwellings, shall be exempt from the requirements of applying for and receiving a building permit.
- 1.7.4 No part of a yard or other open space or off-street parking or loading space required in connection with any building or use for the purpose of complying with these regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

SECTION 2

ADMINISTRATION AND ENFORCEMENT

- 2.1 VILLAGE ZONING OFFICER. The Village Zoning Officer designated by the Village Board of Trustees shall administer and enforce this regulation. He may be provided with the assistance of such other persons as the Village Board of Trustees may direct.
- 2.2 PLANNING COMMISSION RECOMMENDATIONS. The Planning Commission shall hold public hearings upon, and make recommendation to the legislative body regarding proposed amendments to the Comprehensive Plan and this Ordinance, rezoning, and review of plats, etc. The Commission shall make a preliminary report and hold public hearings thereon before submitting its recommendation to the Village Board, which shall not hold its public hearings or take action until it has received the recommendation of the Commission.
- 2.3 BUILDING PERMIT REQUIRED. It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure or to use or occupy or permit the use or occupancy of any building, land or premises, or construction or connection to water or sewer facilities or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a building permit shall have been issued therefor by the Village Clerk after a Zoning Compliance Certificate has been issued stating that that proposed use of the building or land conforms to this regulation.
- 2.3.1 Farm buildings are exempt from Building Permit Requirements. However, farm buildings and structures must conform to all applicable provisions of this regulation. Farm dwellings shall require a building permit.
- 2.3.2 The Village Clerk may issue a temporary building permit for uses in any district for the purpose of uses and buildings incidental and required in the construction of a principal permitted use in the district in which it is located, and for highway construction, and in the event of an emergency as determined by the Board, provided that such use be of a temporary nature, involves the use of a house trailer or similar transportable structure, and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than 12 months subject to such conditions as will safe- guard the public health, safety, and general welfare.
- 2.4 ZONING COMPLIANCE CERTIFICATE. Prior to the application for a building permit or permits on a tract of land, lot or other parcel of land, not including farm buildings, the Owner shall submit to the Village Clerk the following to show that his plans conform to the requirements to these regulations set forth herein:
- 2.4.1 A site development plan and other drawings at a scale of not less than 1 inch equals 100 feet and calculations necessary to determine that the proposed development meets the requirements of the district in which the proposed development is located.
- 2.4.1.1 The plans shall show the number and arrangement of buildings on the land, the building bulk and height, access drives, walks, parking areas, drainage, grading

plan, utility distribution, recreation areas, open spaces, landscape development and, in general, the specific land use of the site.

2.4.1.2 The building and/or buildings site plan or plot plan shall show the setback dimensions from all property lines and the zoning district designation.

2.4.2 The Village Clerk shall review the plans for compliance to these regulations and, if necessary, may require additional information such as typical building floor plans, building elevations, size and type of plant materials, pavement surfacing and other major site improvements.

2.4.3 After a review of the plans and necessary information, the Village Clerk shall issue a Zoning Compliance Certificate if the Clerk finds the proposal in conformity with these regulations, and informs the owner that he may make application for a building permit.

2.4.4 Should the Village Clerk find the plans not conforming to these regulations, the Clerk shall so inform the owner, along with reasons for the decision.

2.4.5 No building permits or other permits shall be issued without a Zoning Compliance Certificate.

SECTION 3

GENERAL REQUIREMENTS

3.1 PRINCIPAL PERMITTED USES

3.1.1 The principal permitted uses of lands, buildings, or structures as hereinafter listed in each zoning district, shall be permitted in the districts indicated under the provisions of this Regulation. No lands, buildings, or structures shall be located with the following exceptions:

3.1.2 Uses lawfully established on the effective date of this Regulation and rendered non-conforming by the provisions thereof shall be subject to the provisions hereinafter set forth.

3.1.3 Special and conditional uses allowed in accordance with procedures or provisions set forth hereinafter, and

3.1.4 Accessory uses incidental to the principal use and located on the same lot.

3.2 PERMITTED SPECIAL USES

3.2.1 It is recognized, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district, without consideration, in each case, of the impact or influence of those uses upon neighboring land. Such permitted Special Uses fall into two categories:

3.2.1.1 Uses publicly operated or traditionally affected with a public interest.

3.2.1.2 Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their influence or impact on neighboring property.

3.2.2 Permitted Special Uses of lands, buildings, or structures, as hereinafter listed in each zoning district, may be allowed only in the zoning district designated, subject to the issuance of a special Use Permit in accordance with the procedures and provisions set forth herein.

3.3 CONDITIONAL USES

3.3.1 The intent of this provision is to cope with an unusual and interim use that may be necessary to be located within a zoning district for a limited time. The conditional use may be permitted with specific written conditions by the Board subject to the issuance of a Conditional Use Permit. The Board will establish a specified time period for a Conditional Use Permit may be applicable provided the Final Approval for a rezoning case is conditionally granted by the Board for a specified time period to provide for the satisfactory disposition, satisfactory performance, or satisfactory completion of the conditions imposed or stipulated by the Board.

3.3.2 Where a building or structure and the use thereof, or use of land lawfully exists as a conditional use on the effective date of this Regulation, then such use is classified by this Regulation as an allowable conditional use in the zoning district where it is located subject to renewal of the permit as provided for in this Regulation.

3.4 ACCESSORY USES

Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings, and structures incidental thereto if located on the same site or building lot. However, such accessory uses, buildings, and structures shall not be established or erected prior to the establishment or construction of the principal permitted use of the building, structure or land and shall be compatible with the character of the principal permitted use.

3.5 TEMPORARY USES

Subject to the approval of the Board, a temporary use, such as a contractors plant required for a construction project; is permitted in any district. The Temporary Use Permit shall be issued for a time period not to exceed 12 months or one year, at the end of which, the permit shall expire and shall be required to be reissued upon the approval of the Board.

3.6 PERMITTED MODIFICATIONS OF HEIGHT REGULATIONS

The height limitations of this Ordinance shall not apply to the following structures, provided yard setbacks are increased by one foot for every two feet in elevation such structure exceeds the maximum height requirement for the underlying zoning district:

3.6.1. Church and ornamental towers, steeples and spires

3.6.2. Public monuments and flag poles

- 3.6.3. Chimneys, smoke stacks, fire towers, cooling towers, water towers, and standpipes
- 3.6.4. Silos
- 3.6.5. Grain storage
- 3.6.6. Elevator bulkheads and necessary mechanical devices
- 3.6.7. Air-pollution prevention devices
- 3.6.8. Recreational equipment
- 3.6.9. Private radio, television or other electronic services antennae under 75 feet
- 3.7 When permitted in a district, public or semi-public service buildings, hospitals, institutions, churches, or schools may be erected to a height not exceeding 75 feet, provided, each required yard line shall be 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.
- 3.8 OCCUPANCY OF BASEMENTS AND CELLARS

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been completed.

SECTION 4

NON-CONFORMING USES

- 4.1 Nonconforming Uses of Land: A nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - 4.1.1 No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land.
 - 4.1.2 No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel.
 - 4.1.3 If any such nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this Ordinance.
- 4.2 Nonconforming Uses of Structures: A nonconforming use of a building or structure may be continued so long as it remains otherwise lawful subject to the following provisions:
 - 4.2.1 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.

- 4.2.2 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.
- 4.2.3 If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use, provided such new nonconforming use is of a more restrictive or less intense nature.
- 4.3 Any structure and/or land in or on which a nonconforming use is superseded by a permitted use shall not thereafter be used for a nonconforming use, and shall conform to the regulations of the underlying zoning district.
- 4.4 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;
- 4.5 Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming statutes of the land.

SECTION 5

UN-LAWFUL USES

- 5.1 This requirement is to provide for the regulations of unapproved or unauthorized non-conforming uses of buildings, structures, or lands created, developed, or built after the final passage date of this Zoning Ordinance on June 29, 1977 and before the adoption of this Ordinance; and to specify those circumstances and conditions under which these non-conforming uses of buildings, structures, or lands, shall be allowed to remain as legal non-conforming uses or terminated as a non-conforming use.
- 5.2 Any such un-lawfully existing building, structure, or lands all of which is designed or intended for a use that was not permitted in the existing zoning district in which it is located shall be subject to the following provisions:
 - 5.2.1 The Owner of the unlawfully existing non-conforming use may request to have it remain in the district under a special use permit. The Board after a public hearing and upon recommendation from the Planning Commission may grant the permit.
 - 5.2.2 The Owner of the un-lawfully existing non-conforming use may request to have it remain in the district under a Conditional Use Permit. The Board after a public hearing and upon recommendations from the Planning Commission may grant the permit with specific written conditions and for a specific time period to provide for the satisfactory disposition.
 - 5.2.3 The Owner of the un-lawful non-conforming use built or established after the final passage date of this Zoning Ordinance shall be ordered to remove or otherwise

terminate the nonconforming use or the Board after public hearing and upon the recommendation of the Planning Commission may permit the non-conforming use to remain as a special use or as a conditioned use.

- 5.2.4 The Village Board upon investigation or otherwise discovering the existence of any unlawful non-conforming use may invoke the penalties prescribed in these Regulations or may pursue one of the above described provisions.

SECTION 6

INTERPRETATION

- 6.1. This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, resolutions, other regulations, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

SECTION 7

ZONING MAP

- 7.1 The boundaries of zoning districts are hereby established as shown on the Official Zoning Map which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Regulation.
- 7.2 The Official Zoning Map shall be identified by the signature of the Chairman attested to 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 the Kennard. Nebraska, Zoning Ordinance", together with the date of the adoption of this Ordinance.
- 7.3 If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved and adopted by the Village Board of Trustees.
- 7.4 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be filed in the office of the Village Clerk shall be the final authority as the current zoning status of land, water areas, buildings, and other structures.

SECTION 8

BOUNDARIES OF ZONING DISTRICTS

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

- 8.1 The boundary lines indicated as approximately following the center lines or right-of-way lines of streets, roads, highways, or alleys, platted lot lines, railroad lines, lines defining natural features, or corporate limits of Kennard shall be construed to follow such lines unless otherwise noted.

- 8.2 Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.
- 8.3 Boundaries indicated as approximately following platted lot lines, property lines, quarter section lines, half section lines, or section lines shall be construed as following such lot lines.
- 8.4 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shorelines shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- 8.5 Where physical or cultural features existing on the ground are at variance with those indicated on the Official Zoning Map, and the County Surveyor cannot reasonably clarify the boundary lines, and in the cases of disagreement, the Village Board shall decide the location of the boundary lines.
- 8.6 Whenever a street, alley, road, highway, or other public thoroughfare between two zoning districts is officially vacated, the abutting zoning district boundaries shall be extended to the center line of such vacated public thoroughfare.
- 8.7 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of 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.
- 8.8 Areas annexed into the corporate limits of Kennard, as well as any new area brought into the one mile extraterritorial jurisdiction, shall be zoned to conform to the Kennard Future Land Use Plan. Such rezoning, when necessary, shall be required to follow proper procedures.

SECTION 9

ESTABLISHMENT OF DISTRICTS

- 9.1 DISTRICTS, CREATION AND REGULATION. 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 the following districts and regulations. No such district 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 10 days prior to such hearing. For the purpose of this Chapter, the Village is hereby divided into six districts, designated as follows:

9.1.1 A AGRICULTURAL FARMING DISTRICT

Provides for use of land for general agricultural purposes as farming and the usual agricultural farm buildings and structures; minimum residential lot area of 10 acres; and interim uses under special or conditional permits.

- 9.1.2 R RESIDENTIAL DISTRICT
- Provides for residential uses; minimum lot area of 8,400 square feet
- 9.1.3 RC RESIDENTIAL/COMMERCIAL DISTRICT
- Provides for a wide range of related business activities as construction, repair, garages, building materials and similar establishments.
- 9.1.4 I INDUSTRIAL DISTRICT
- Provides for commercial and light industrial uses meeting comparatively rigid environmental specifications as to nuisance free performance.
- 9.1.5 LB LANDSCAPED BUFFER DISTRICT (Overlay)
- An appending or combining district designated to provide for space or land for landscape plantings; which prohibits any structures or buildings within the zoning district.
- 9.1.6 PUD PLANNED UNIT DEVELOPMENT DISTRICT (Overlay)
- The intent of the PUD District is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.
- The PUD District is an overlay zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.
- 9.1.7 FP FLOOD PLAIN DISTRICT (Overlay District)
- This zoning district is created to be appended to another primary zoning district for the purpose of meeting the needs of the watercourses and drain ways and the conveyance of flood waters in Kennard and to minimize the extent of floods and reduce the height and violence thereof; to promote health, safety, and the general welfare of the Village; and to secure safety from floods, a Flood Plain District is hereby established along certain watercourses and drain ways with regulations of the use of land, obstructions and construction in the flood plain.

SECTION 10

AGRICULTURAL FARMING DISTRICT (10 acres)

The intent and purpose of this district is for the conservation and preservation of the agricultural areas and to retain its economic asset to the community.

10.1 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the A Agriculture Farming District:

- 10.1.1 Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
- 10.1.2. Farm dwellings for the owners and their families, tenants, and employees.
- 10.1.3 Roadside stands offering for sale agricultural products produced on the premises.
- 10.1.4 Fire stations.
- 10.1.5 Public parks and recreation areas, playgrounds, forest and conservation areas.
- 10.1.6 Private recreation areas and facilities, including country clubs, golf courses, and swimming pools.
- 10.1.7 Public overhead and underground local distribution utilities.
- 10.1.8 Railroads, not including switching, terminal facilities or freight yards.
- 10.1.9 Irrigation facilities.
- 10.1.10 Private and commercial kennels and facilities for raising, breeding, and boarding of dogs and other small animals, provided all buildings and facilities are at least 100 feet from any property line and 2,600 feet from any Residential Districts.
- 10.1.11 Confined feeding of livestock where the major portion of the feed is raised on the farm, including stables.

10.2 PERMITTED SPECIAL USES.

The following special uses are permitted in the A Agriculture Farming District with the issuance of a Special Use Permit.

- 10.2.1. Overhead and underground utilities main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
- 10.2.2 Cemeteries, provide mausoleums, crypts, columbariums, cinenariums, crematories, and other similar facilities or structures shall be located at least 500 feet from all property lines.
- 10.2.3 Commercial Airports.
- 10.2.4 Radio and television towers and transmitters.
- 10.2.5 Non-commercial aircraft landing fields and strips.
- 10.2.6 Non-farm single family dwellings.
- 10.2.7 Extraction and processing of rock, gravel, or sand, clay, and dirt.

10.2.8 Churches, seminaries, and convents, including residences for pastors and teachers, temples.

10.2.9 Public and parochial schools, colleges, universities.

10.2.10 Publicly owned and operated buildings and facilities, including but not limited to community centers, auditoriums, libraries, museums, and privately owned noncommercial museums and historic areas.

10.2.11 Hospitals, nursing homes, cemeteries, and eleemosynary institutions.

10.2.12 Sanitary sewage treatment facilities.

10.2.13 Sanitary land fill.

10.3 PERMITTED CONDITIONAL USES.

10.3.1 Automobile wrecking and junk yards provided the yards are at least 500 feet from a State or U.S. designated highway.

10.3.2 Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots, and similar uses.

10.3.3 Alfalfa dehydrating plants.

10.3.4 Outdoor signs or devices for advertising, display, announcements, notices, or property identifications.

10.4 ACCESSORY USES.

The following accessory buildings and uses are permitted in the A Agriculture Farming District:

10.4.1 Buildings and uses customarily incidental to the permitted uses.

10.4.2 Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the Board which shall be removed upon the completion or abandonment of the construction work.

10.4.3 General home occupations.

10.4.4 Private recreational facilities in conjunction with the permitted use.

10.5 HEIGHT AND LOT REQUIREMENTS.

10.5.1 The height and minimum lot requirements shall be as follows, except as provided in Section 18:

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	20 Acres	660 ‘	75 ‘	25 ‘	25 ‘	45 ‘
Residential Dwellings	20 Acres	660 ‘	75 ‘	25 ‘	25 ‘	35 ‘
Accessory Buildings	-----	-----	100 ‘	25 ‘	10 ‘	17 ‘

10.6 OTHER APPLICABLE PROVISIONS.

10.6.1 No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the R.O.W. line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of a minor County collector road.

10.6.2 A single family house shall contain at least 900 square feet of floor area on one level and shall contain a total of at least 1,200 square feet of floor area finished and used for living purposes all exclusive of garages and other accessory floor areas.

SECTION 11

RESIDENTIAL DISTRICT

The intent of this district is to provide for medium density residential uses in areas with adequate public facilities with an environment to insure a desirable economic growth pattern within the community.

11.1 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the R Residential District:

11.1.1 Single family dwellings.

11.1.2 Two family (Duplex) dwellings.

11.1.3 Public and parochial schools, colleges, universities.

11.1.4 Churches, temples, seminaries, convents, including residences for teachers and pastors.

11.1.5 Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums, golf courses, tennis clubs, swimming clubs.

11.1.6 Public overhead and underground local distribution utilities.

11.1.7 Hospitals, nursing homes, convalescent homes, and eleemosynary institutions.

11.1.8 Colleges, universities, eleemosynary institutions

11.1.9 Family Child Care Home 1 as defined 20.50.1 (Ord. 2023-1)

11.2 PERMITTED SPECIAL USES.

The following special uses are permitted in the R Resident District with the issuance of a special use permit.

11.2.1 Multiple family dwellings.

11.2.2 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations treatment facilities, storage, equipment buildings, garages, towers, and similar public service uses.

11.2.3 Agricultural and horticultural uses such as crop farming, nurseries, greenhouses, and the usual agricultural buildings, except that those activities or operations involving a concentration of areas and buildings for livestock or other intensive animal production or poultry production shall be excluded, unless poultry production does not exceed four (4) chickens or (4) ducks or any combination of chickens and ducks that exceeds four (4).

11.2.3.1 Roosters are prohibited.

11.2.3.2 Chickens and/or ducks shall be confined to the back yard of the property and shall not be allowed to roam off the owner's property. Should a property owner keep chickens without a pen/coop/enclosure, the area where the chickens and/or ducks are kept must be fenced.

11.2.3.3 Chickens and/or ducks shall be maintained in a healthy and sanitary manner to avoid potential health hazards or offensive odors.

11.2.3.4 Pens/coops/enclosures shall be considered accessory structures and shall meet all applicable provisions of the Zoning Ordinance relating to accessory structures and shall require a permit.

11.2.4 General home occupations.

11.2.5 Family Child Care Home 2 as defined 24.50.2 (Ord. 2023-1)

11.3 PERMITTED CONDITIONAL USES

11.3.1 Outdoor signs or devices for advertising, display, announcements, notices, or property identifications.

11.4 ACCESSORY USES.

The following accessory uses are permitted in the Residence District:

11.4.1 Buildings and uses customarily incidental to the permitted uses.

11.4.2 Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

11.4.3 Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.

11.5 HEIGHT AND LOT REQUIREMENTS.

The height and minimum lot requirements shall be as follows except as provided in Section 18:

	Sq. Ft. Area	Lot Width	Front Yard	Side Yard	Side Street Yard	Rear Yard	Maximum Height
Dwelling, Single Family	8,500	70 '	25 '	7 '	25 '	25 '	35 '
Two Family Dwelling	12,000	80 '	25 '	7 '	25 '	25 '	35 '
**Multi-Family Dwelling	2,500 sq. ft. per family dwelling unit	100 '	25 '	(*)	25 '	25 '	45 '
Other Permitted Uses	-----	70 '	25 '	7 '	25 '	25 '	45 '
Accessory Buildings	-----	-----	50 '	5 '	25 '	5 '	25 '

(*) For Multi-Family units the side yard shall be 10 feet if it is a 2-story structure, plus 2 additional feet on each side shall be provided for each story in excess of 2 stories.

** By special use permit.

11.6 OTHER APPLICABLE PROVISIONS.

11.6.1 A single family house shall contain at least 900 square feet of floor area on one level; and shall contain a total of at least 1,200 square feet of floor area finished and used for living purposes, all exclusive of garages and other accessory floor areas.

11.6.2 A two family (Duplex) house shall contain at least 600 square feet of floor area on one level per dwelling unit and shall contain a total of at least 900 square feet of floor area finished and used for living floor areas.

11.6.3 Each multi-family dwelling unit in a multi-family dwelling building shall contain a total of at least 600 square feet of floor area finished and used for living purposes, exclusive of garages and other accessory floor areas.

SECTION 12

RC RESIDENTIAL/COMMERCIAL DISTRICT

This zoning district was developed to include business and commercial service establishments as well as residential. This zoning create a flexible use district that addresses the current trends and unique concerns. The RC District allows residential single family housing alongside commercial businesses but only with approved special use by the planning commission.

12.1 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the RC Residential/Commercial District:

- 12.1.1 Automotive Sales, rental, and service except body and fender, and painting within an enclosed building.
- 12.1.2 Motorcycle and boat sales and service except body and fender, and painting within an enclosed building.
- 12.1.3 Business services such as Banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services, and investment services.
- 12.1.4 Clothing services, such as dressmaking, millinery, shoe repair, furrier, and tailors.
- 12.1.5 Equipment sales and service such as radio or television shops, business machines, musical instrument shops, sewing machines, plumbing and heating, and electrical fixtures.
- 12.1.6 Personal services such as barber shops, beauty salons, reducing salons, photographic studios, theater, and mortuary.
- 12.1.7 Retail stores such as food markets, delicatessen, bakery, candy store, fruit and vegetable store, department store, drug stores, haberdasheries, books and stationery, newspaper distribution, shoe and apparel shops, hobby, camera and sporting goods, flower shops, dry goods, furniture, household appliances, home furnishings, hardwares, gift, jewelry, variety stores, retail mail order stores, confectionery, retail dairy stores, men's and boy's clothing and furnishings store, radio, electronics, and music stores, retail liquor stores, antiques, cigar and tobacco, and retail paint stores.
- 12.1.8 Garden and lawn center.
- 12.1.9 Food service, such as eating and drinking establishments.
- 12.1.10 Recreational establishments such as bowling alleys, billiard halls.
- 12.1.11 Theaters.
- 12.1.12 Motels, Hotels.
- 12.1.13 Commercial Parking structures or lots.
- 12.1.14 Transportation depots such as railroad passenger stations, bus station.
- 12.1.15 Medical and dental clinics.

12.1.16 Mortuaries, funeral homes, and funeral chapels.

12.1.17 Public buildings, assembly halls, auditoriums, civic centers.

12.1.18 Other retail businesses such as equipment rental and leasing, photo finishing, trade stamp service, radio, television and electrical repair services, pawn shop, used furniture, and pet shops.

12.1.19 Newspaper sales and printing.

12.1.20 Public overhead and underground local distribution utilities.

12.1.21 Family Childcare Home 1 as defined 24.50.1 (Ord. 2023-1)

12.2 PERMITTED SPECIAL USES.

The following special uses are permitted in the RC Residential/Commercial District with the issuance of a Special Use Permit.

12.2.1 Cocktail lounges, bars, or taverns or other establishments dispensing alcoholic beverages.

12.2.2 Farm equipment, implements, supplies, and services.

12.2.3 Boat and marine sales.

12.2.4 Vacation trailers, campers, and cabin trailer sales and services.

12.2.5 Feed, seed, and fertilizer stores.

12.2.6 Frozen food lockers, but no abattoir.

12.2.7 Gasoline service stations.

12.2.8 Residences in conjunction with the principle use.

12.2.9 Single family residential

12.2.10 Family Child Care Home 2 as defined 24.50.2 (Ord. 2023-1)

12.2.11 Childcare Center as defined 24.51 (Ord. 2023-1)

12.3 PERMITTED CONDITIONAL USES

12.3.1 Outdoor signs or devices for advertising, display, announcements, notices, or property identifications.

12.4 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the RC Residential/Commercial District.

12.4.1 Accessory uses customarily incidental to the permitted uses.

12.4.2 Temporary uses incidental to construction which shall be removed upon completion or abandonment of the construction work.

12.4.3 Off-street parking lots, service areas, and drives.

12.5 HEIGHT AND LOT REQUIREMENTS.

The height and minimum lot requirements shall be as follows except as provided in Section 18:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Front Yard Setbacks (feet)	Rear Yard Setbacks (feet)	Side Yard Setbacks (feet)	Max. Lot Coverage	Max. Building Height (feet)
Permitted Uses	None	None	None	None	**	***	45'
Special Uses	5,000	50'	30	20	10	75%	****

** No side yard shall be required except on the side of the lot adjoining a residential district in which case a side yard not less than ten (10) feet shall be provided.

*** No rear yard shall be required except on a rear yard adjoining a residential district in which case a rear yard not less than twenty-five (25) feet shall be provided.

**** Max Building height shall be 45' for commercial units and 35' for single family residential.

12.6 OTHER APPLICABLE PROVISIONS.

12.6.1 Off-street parking and service areas shall be provided for all uses in this zoning district as provided in Section 18:

12.6.2 No business structure shall be constructed on a zoned lot occupied by a residential dwelling unit.

SECTION 13

┆ INDUSTRIAL DISTRICT

This zoning district provides for commercial and industrial uses which shall meet and conform with comparatively rigid environmental specifications as to pollution and nuisance free performance.

13.1 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the “I” Industrial District, except those which by reason of the emission of odor, dust, fumes, smoke, noise, and other obnoxious characteristics would be injurious to the public health, safety, and general welfare. These permitted uses shall include such as:

- 13.1.1 Assembly of metal products.
 - 13.1.2 Farm and industrial equipment sales establishments.
 - 13.1.3 Manufacture and assembly of electrical and electronic appliances.
 - 13.1.4 Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
 - 13.1.5 Manufacture of light sheet metal products, including heating and ventilation equipment.
 - 13.1.6 Machine shops or other metal working.
 - 13.1.7 Printing and publishing businesses.
 - 13.1.8 Stone and monument works.
 - 13.1.9 Storage of farm and agricultural products.
 - 13.1.10 Truck and freight terminals.
 - 13.1.11 Public local distribution and main transmission utilities.
 - 13.1.12 Warehouses and wholesale businesses.
 - 13.1.13 Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
 - 13.1.14 Contractors yards.
 - 13.1.15 Highway maintenance yards or buildings.
 - 13.1.16 Second-hand farm machinery yards.
 - 13.1.17 Railroad yards.
 - 13.1.18 Distribution yards for gasoline and fuel oil by tank trucks.
 - 13.1.19 Fixed plants for processing stone, gravel, or clay.
 - 13.1.20 Any other industrial, manufacturing, or commercial agricultural use.
- 13.2 PERMITTED SPECIAL USES.

The following special uses are permitted in the “I” Industrial District:

- 13.2.1 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.
- 13.2.2 Concrete products manufacturing

- 13.2.3 Farm and industrial equipment manufacture.
- 13.2.4 Fuel storage.
- 13.2.5 Acetylene gas manufacturing or storage.
- 13.2.6 Ammonia, bleaching powder or chlorine manufacture.
- 13.2.7 Asphalt manufacture or refining.
- 13.2.8 Cement, lime, gypsum, or plaster-of-paris manufacture.
- 13.2.9 Coke ovens.
- 13.2.10 Fat rendering.
- 13.2.11 Fireworks or explosives manufacture.
- 13.2.12 Glue, size, or gelatin manufacture.
- 13.2.13 Gunpowder manufacture or storage.
- 13.2.14 Incinerator or reduction of garbage, dead animals, offal, or refuse.
- 13.2.15 Iron, steel brass, or copper foundries.
- 13.2.16 Smelter.
- 13.2.17 Sulphuric, nitric, or hydrochloric acid manufacture.
- 13.2.18 Tanning, curing, or storage of rawhides or skins.
- 13.2.19 Boiler works.
- 13.2.20 Burlap manufacture.
- 13.2.21 Coal and coke yards.
- 13.2.22 Coal tar products manufacture.
- 13.2.23 Creosote treatment or manufacture.
- 13.2.24 Bakery products manufacturing.
- 13.2.25 Dairy products manufacture.
- 13.2.26 Feed and forage plants.
- 13.2.27 Grain mill products manufacture.
- 13.2.28 Meat products manufacture.
- 13.2.29 Manufacture, fabrication, or treatment of sheet or shaped metal products including such industries as farm machinery, farm equipment, construction materials and machinery, heating, ventilating, and plumbing equipment, and household appliances.

13.2.30 Fabrication, manufacture and treatment of lumber or wood products.

13.2.31 Abattoirs.

13.2.32 Alfalfa dehydrating plants.

13.2.33 Oiled, rubber, or leather goods manufacture.

13.2.34 Packing houses.

13.2.35 Vinegar manufacture.

13.2.36 Yeast plants.

13.3 PERMITTED CONDITIONAL USES

13.3.1 Outdoor signs or devices for advertising, display, announcements, notices, or property identifications.

13.4 PERFORMANCE STANDARDS.

13.4.1 Physical Appearance: All operation 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.

13.4.2 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 Washington County.

13.4.3 Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include break-downs into a reasonable number of frequency ranges. All intermittence, beat frequency, or shrillness.

13.4.4 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.

13.4.5 Air Contaminants:

13.4.5.1. 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 4 minute period in each one-half hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

13.4.5.2 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 grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of 4 minutes in any one-half hour, at which time it may equal but not exceed six tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

13.4.5.3 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.

13.4.5.4 Odor: The emissions 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 Regulation.

13.4.5.5 Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed 5 parts per million, carbon monoxide shall not exceed 5 parts per million. All measurements shall be taken at the zoning lot line.

13.4.5.6 Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.

13.4.5.7 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 5 degrees Fahrenheit.

13.5 PERMITTED ACCESSORY USES.

The following accessory uses are permitted in the "I" Industrial District:

13.5.1 Any accessory uses customarily incidental to the permitted uses.

13.5.2 Off-street parking, service area, storage areas, and access roads.

13.6 HEIGHT AND LOT REQUIREMENTS.

13.6.1 The height and minimum lot requirements shall be as follows except as provided in Section 17:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Front Yard Setbacks (feet)	Rear Yard Setbacks (feet)	Side Yard Setbacks (feet)	Max. Lot Coverage	Max. Building Height (feet)
Permitted Uses	20,000	80	50	20	10	75%	50

13.7 OTHER APPLICABLE PROVISIONS.

13.7.1 Off-street parking, loading and service area as provided in Section 18.

13.7.2 No industrial structure shall be erected on a zoned lot occupied by a residential dwelling unit.

SECTION 14

B Buffer District

This zoning district is created to be appended to another primary zoning district to provide a minimum width of 50 feet or more land as determined by the Kennard Board for a landscape buffer planting as an additional use at locations which are deemed necessary or desirable as a buffer land use between two less compatible zoning districts. The District rezoning shall be initiated by the Planning Commission or the Village Board.

14.1 PERMITTED PRINCIPAL USES.

The following principal uses are permitted in the “B” Buffer District;

14.1.1 Plantings consisting of evergreen trees and shrubs, deciduous trees and shrubs, ground covers, and lawns. The buffer screen may include decorative screens, walls, or fences, which may be constructed along abutting properties or between abutting zoning districts.

14.1.2 Any pedestrian or landscape lighting shall be so placed and oriented that it will not be directed on adjacent residential properties.

- 14.1.3 Access roads, drives, streets, walks, and public overhead and underground local distribution.

14.2 PROCEDURE.

- 14.2.1 A Buffer development plan including plans and specifications covering the landscape plantings and other site improvements including the recommendations of the Kennard Planning Commission and the Board shall be filed with the Zoning Officer before final action is taken by the Board for rezoning, subdivision, or building permit approval. The plans shall indicate the dimensions as required by Kennard.
- 14.2.2 A final inspection will be made of the installation of plant materials, walls, fences, or decorative screens for compliance with the plans and specifications that were filed with the Village and if the installation or construction are not completed in accordance with the documents filed by the Owner or does not meet the approval of the Planning Commission. A Certificate of Occupancy will not be issued. The Owner may upon written request seek an extension of a reasonable length of time not exceeding 18 months and upon posting a Performance Bond in the amount equal to the cost of the improvements, obtain a conditional Certificate of Occupancy to use or occupy the building, structure or premise. If the work is not completed or approved, the Board shall take the necessary action to complete the work with the funds from the forfeiture of the Bond.

SECTION 15

PUD PLANNED UNIT DEVELOPMENT DISTRICT (Overlay District)

The intent of the PUD District is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

The PUD District is an overlay zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.

15.1 RECOMMENDATION, FINDINGS OF FACT AND DEVELOPMENT SIZES

The planning commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

- 15.1.1 Said planned unit development shall be in general conformity with the provisions of the Kennard Comprehensive Plan.
- 15.1.2 Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.
- 15.1.3 The minimum size allowed for a PUD District shall be 3 acres.

- 15.1.4 Height, bulk, density, parking, and setback requirements may be varied so as to promote an efficient and creative PUD District.

15.2 USE REGULATIONS

In the PUD District no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except any use permitted in R Districts inclusive and C, and I Districts. All uses in the underlying zoning district may be permitted or conditionally permitted, unless certain uses are limited by Village Board.

15.3 STANDARDS AND CONDITIONS FOR DEVELOPMENT

A planned unit development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the development by geographic division of the state:

- 15.3.1 The applicant shall submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the final application by the Village Board. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the Final PUD plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Village Board upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.
- 15.3.2 The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the Village Board to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
- 15.3.3 The site shall be accessible from public roads and/or private roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
- 15.3.4 The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- 15.3.5 The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such planned unit development shall be filed jointly by all owners.
- 15.3.6 The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and

- any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or left as common open space.
- 15.3.7 Adequate parking shall be provided for each building and use. Planned Unit Development (PUD) plans may reduce the minimum parking requirements, in Section 18, if parking is shared by more than one land use or business.
- 15.3.8 When a commercial or industrial use within a PUD District abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial developer are separated by a street right-of-way. If a fence or wall is constructed, then pedestrian connections shall be installed where appropriate to allow pedestrian movements from the residential district to the commercial uses.
- 15.3.9 All residential, commercial, and industrial buildings shall set back not less than twenty-five (25) feet from the right-of-way of any street and ten (10) feet from any district boundary lines that do not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and Village Board for the protection of health, safety, and general welfare.
- 15.3.10 Building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:
- Residential, forty (40) percent maximum.
- Commercial, sixty (60) percent maximum.
- Industrial, sixty-five (65) percent maximum.
- 15.3.11 A minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Section 15.3.16 below. Common open space for the leisure and recreation shall be maintained, through a homeowner's association or other approved entity. Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants or their guests.
- 15.3.12 The PUD District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the Village Board if the common open space is

permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.

15.3.13 No single family residential lot shall have direct access onto an arterial street.

15.3.14 All commercial areas must have access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets, unless the access is shared among more than one lot or building.

15.3.15 Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be required which provides pedestrian access between each building or use in the planned unit development.

15.3.16 When a developer intends to design a new concept development, the Planning Commission and Village Board may grant lesser front, side, and rear yard setbacks, including zero (0) lot line setbacks.

15.3.17 Architectural design and style are not restricted; however architectural style should be consistent throughout the PUD District. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

15.3.18 Building materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

15.3.19 All building within the PUD District shall use harmonious colors and shall use only compatible accents.

15.3.20 Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

15.3.21 Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be directed downward and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas (i.e. Dark Sky compliant.)

15.4 APPLICATION FOR APPROVAL OF PRELIMINARY PUD

15.4.1 An application for a PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.

15.4.2 The applicant shall prepare the preliminary PUD plan for review and approval by the planning commission. Said preliminary PUD plan shall include a site plan showing:

- 15.4.2.1 Contours at intervals of two (2) feet or spot elevations on a one hundred (100) foot grid shall be required on flat land;
- 15.4.2.2 Location, size, height, and use of all proposed structures in conformance with the yard requirements;
- 15.4.2.3 All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
- 15.4.2.4 All pedestrian sidewalks and walkways for internal circulation among buildings within the PUD as well as existing and proposed perimeter sidewalks.
- 15.4.2.5 All streets adjoining subject property and the width of the existing right-of-way;
- 15.4.2.6 Areas set aside for public and private open space with the type of recreational facilities planned for each;
- 15.4.2.7 Designation of individual parcels if the proposed development is to be set up in separate construction phases;
- 15.4.2.8 Designation of individual lots if such lots are proposed to be sold to individual owners;
- 15.4.2.9 Location of required screening;
- 15.4.2.10 Location of natural features such as ponds, tree clusters, drainageways, and rock outcroppings;
- 15.4.2.11 Existing development on adjacent properties within two hundred (200) feet.

15.4.3 The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:

- 15.4.3.1 Net area in square feet or acres. (Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.)
- 15.4.3.2 Density of dwelling units per acre of the total dwelling units for the entire plan.
- 15.4.3.3 Building coverage of the net area of the planned unit development by individual parcel or total development.

- 15.4.3.4 The percentage of the development plan provided for common open space as defined by this regulation.
- 15.4.3.5 If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
- 15.4.3.6 Required number of off-street parking spaces.
- 15.4.3.7 Gross floor area proposed for commercial buildings.
- 15.4.3.8 All proposed land uses shall be listed by parcel.
- 15.4.4 A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
- 15.4.5 The full legal description of the boundaries of the property or properties shall be included in the planned unit development.
- 15.4.6 A vicinity map, shall be included, showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed planned unit development.
- 15.4.7 A rendering or drawing of the general characteristics of the proposed buildings shall be submitted.
- 15.4.8 When a planned unit development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
- 15.4.9 Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.
- 15.4.10 The Planning Commission shall hold a Public Hearing on the preliminary PUD after the PUD has been reviewed by Village of Kennard staff after giving notice as required by Statute for hearings.
- 15.4.11 Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the Village Board and the applicant specific findings of fact with respect to the extent which the preliminary PUD plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD.
- 15.4.12 The Village Board may or may not approve the preliminary PUD plan and authorize the submitting of the final PUD plan.
- 15.4.13 Substantial or significant changes in the preliminary PUD shall only be made after rehearing and re-approval.

15.5 FINAL APPROVAL

15.5.1 After approval of a preliminary plan and prior to the issuance of any building permit, the applicant shall submit an application for final approval. Said final application may include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary PUD plan. The application shall include drawings, specifications, covenants, easements, conditions, and a form of performance guarantee as set forth in the approval of the preliminary PUD plan and in accordance with the conditions established in this Ordinance for a PUD District. The final PUD plan shall include the same information as the preliminary PUD plan except the following shall also be provided:

- 15.5.1.1 Provide a Final Plat consistent with the Village of Kennard's Subdivision Regulations, if applicable, otherwise provide a site development plan for use as the PUD plan.
- 15.5.1.2 A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
- 15.5.1.3 A PUD plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the plan by the landowner is tentatively approved does not:
 - 15.5.1.3.1 Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - 15.5.1.3.2 Increase by more than five (5) percent the floor area proposed for nonresidential use; nor
 - 15.5.1.3.3 Increase by more than five (5) percent the total ground area neither covered by buildings nor involve a substantial change in the height of buildings.
 - 15.5.1.3.4 Substantially change the design of the plan so as to significantly alter:
 - (1) Pedestrian or vehicular traffic flow.
 - (2) The juxtaposition of different land uses.

- (3) The relation of open space to residential development.
- (4) The proposed phasing of construction.
- (5) Proposed use of one or more buildings to a more intensive use category as delineated in this Ordinance.

15.5.2 A public hearing with the Planning Commission need not be held for the approval of a final PUD plan if it is in substantial compliance with the approved preliminary PUD plan. After the City Planner has reviewed the final PUD plan, said final PUD plan shall be filed with the Village Board for final approval and acceptance.

15.5.3 In the event that the final PUD plan submitted contains substantial changes from the approved preliminary PUD plan, the applicant shall resubmit the preliminary PUD plan for a public hearing with Planning Commission. This preliminary PUD plan shall be modified in the same manner prescribed in this division as for original approval.

15.6 ENFORCEMENT AND MODIFICATION OF PLAN

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the PUD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

15.6.1 The provisions of the plan relating to:

15.6.1.1 The use of land and the use, bulk, and location of buildings and structures; and

15.6.1.2 The quality and location of common space; and

15.6.1.3 The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law.

15.6.2 All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided,

however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved by Village Board.

15.7 Amendments.

The PUD District ordinance or an approved preliminary or final PUD plan may be amended in the same manner prescribed in this section for approval of a final PUD plan. Application for amendment may be made by the homeowner's association or fifty-one (51) percent of the owners of the property within the PUD District.

15.8 Platting.

For unplatted tracts or tracts being re-platted, the approval of the preliminary PUD shall be considered as the approval of a preliminary PUD plan. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be either one hundred (100) feet, fifty (50) feet, or twenty (20) feet to the inch.

15.9 Fees.

For the following applications, the indicated fees shall be paid to the City:

1. Preliminary PUD; as set in the Master Fee Schedule.
2. Final PUD; as set in the Master Fee Schedule.

These fees are separate and do not include any Preliminary and Final Plat Fees required by the Village of Kennard.

SECTION 16

FP FLOOD PLAIN DISTRICT (Overlay District)

This zoning district is created to be appended to another primary zoning district for the purpose of meeting the needs of the watercourses and drain ways and the conveyance of flood waters in Kennard and to minimize the extent of floods and reduce the height and violence thereof; to promote health, safety, and the general welfare of the Village; and to secure safety from floods, a Flood Plain District is hereby established along certain watercourses and drain ways with regulations of the use of land, obstructions and construction in the flood plain.

16.1 STATUTORY AUTHORIZATION

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood-prone area. Therefore, the Village Board of the Village of Kennard, Nebraska, ordains as follows:

16.2 FINDINGS OF FACT

16.2.1 Flood Losses Resulting From Periodic Inundation

The flood hazard areas of the Village of Kennard, Nebraska, are subject to inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditure for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare.

16.2.2 General Causes of Flood Losses

Flood Losses are caused by: (1) The cumulative effect of obstruction in floodplains causing increases in flood heights and velocities, and (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise protected from flood damages.

16.2.3 Methods Used to Analyze Flood Hazards

These regulations use a reasonable method of analyzing flood hazards which consist of:

- 16.2.3.1 Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for these regulations is representative of large floods which are reasonable characteristic of what can be expected to occur on the particular streams subject to these regulations. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year, as delineated in the official Flood Insurance Study and illustrative materials dated January 6, 2012, and as may be amended.

16.3 STATEMENT OF PURPOSE

It is the purpose of these regulations to promote the public health, safety, and general welfare and to minimize those losses described in Section 16.2.1 by applying the provisions of these regulations for the following purposes.

- 16.3.1 Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 16.3.2 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 16.3.3 Protect individuals from buying lands which are not suitable for intended purposes because of flood hazards.
- 16.3.4 Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance.

16.4 LANDS TO WHICH THESE REGULATIONS APPLY

This ordinance shall apply to all lands within the jurisdiction of the Village of Kennard, Nebraska that are subject to a 1% or greater chance of flooding in any given year, now or in the future, as identified as numbered and unnumbered A Zones (including AE, AO and AH Zones) on the effective Flood Insurance Rate Map (effective FIRM) dated January 6, 2012 , or best available data as determined by more recent hydrologic and hydraulic studies completed or approved by the City or other government agency. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the Village Board or its duly designated representative under such safeguards and restrictions as the Village Board or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community.

16.5 ENFORCEMENT OFFICER

The Zoning Administrator is hereby designated as the Enforcement Officer for the Village of Kennard, Nebraska, under these regulations.

16.6 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundary of the flood plain overlay district shall be determined by scaling distances on the official zoning map, the Flood Insurance Rate Map or Floodway Map, or on the Digital Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the flood plain overlay district boundary on the land. The location of the flood plain overlay district boundary may be based on a map completed or approved by the Village or other government agency, provided the boundary is not less restrictive than that shown on the effective FIRM. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence, if he or she so desires.

16.7 COMPLIANCE

No development located within identified special flood hazard areas of the community shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations.

16.8 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these regulations impose greater restrictions,

the provisions of these regulations shall prevail. All other ordinances inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.

16.9 INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statute.

16.10 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations 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. These regulations do not imply that areas outside the boundaries of the Flood Plain District or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Village of Kennard, Nebraska, of any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.

16.11 SEVERABILITY

If any section, clause, provision or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

16.12 APPLICATION FOR APPEAL

Where a request for a permit to develop is denied by the Zoning Administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment. The Board of Adjustment may grant or deny such request in accordance with the provisions of the Zoning Ordinance governing the Board of Adjustment.

16.13 PERMITS REQUIRED

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined by these regulations.

16.14 ADMINISTRATION

The Zoning Administrator is hereby appointed to administer and implement the provisions of these regulations. The duties of the Zoning Administrator shall include, but not be limited to the following:

- 16.14.1 Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
 - 16.14.2 Review applications for proposed development to assure that all necessary floodplain permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - 16.14.3 Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
 - 16.14.4 Notify adjacent communities, the Papio-Missouri River NRD, the U.S. Army Corps of Engineers, Washington County, and the Nebraska Department of Natural Resources, Flood Plain Management Section, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - 16.14.5 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - 16.14.6 Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
 - 16.14.7 Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
 - 16.14.8 When flood-proofing is utilized for a particular structure, the Zoning Administrator shall be presented certification from a registered professional engineer or architect.
 - 16.14.9 Facilitate the approval of new Flood Insurance Rate Maps or best available data as necessary.
 - 16.14.10 Maintain records of all floodplain development permits and or building permits within the floodplain overlay district to ensure that structures are not substantial improvements.
- 16.15 APPLICATION FOR A PERMIT
- To obtain a permit for principal and/or special uses, the applicant shall first file an application, in writing, on a form furnished for that purpose. Every such application shall:
- 16.15.1 Identify and describe the development to be covered by the principal and/or special use permit in the flood plain.

16.15.2 Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

16.15.3 Indicate the use or occupancy for which the proposed development is intended.

16.15.4 Be accompanied by plans and specifications for proposed construction, including but not limited to the following information: 1) existing (natural) grades, 2) proposed grades as a result of proposed development, 3) the proposed lowest floor elevation and any higher floor elevations, including attached garage, of any proposed structures, 4) the lowest and highest adjacent grades next to any proposed structures, 5) the most restrictive base flood elevation nearest the proposed development.

16.15.5 Be signed by the permittee or his authorized agent who may be required to submit documentation to indicate such authority.

16.15.6 Comments from the Papio-Missouri River Natural Resources District shall accompany each application for a principal and/or special uses permit in the flood plain district.

16.15.7 Give such other information as may be reasonably required by the Zoning Administrator.

16.16 ESTABLISHMENT OF ZONING DISTRICTS

The zoning districts created by this resolution overlie other zoning districts and place additional restrictions upon the manner in which lands in such underlying district may be used. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

16.17 STANDARDS FOR FLOODPLAIN DEVELOPMENT

16.17.1 No permit for development shall be granted for new construction, substantial improvements and other development, including the placement of manufactured homes within all numbered and unnumbered A Zones unless the conditions of this section are satisfied.

16.17.2 All areas identified as unnumbered A Zones on the effective FIRM or best available data are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of these regulations. If Flood Insurance Study data is not available, the Village of Kennard shall utilize any base flood elevation or floodway data currently available from Federal, state or other sources.

16.17.3 Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.

16.17.4 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

- 16.17.4.1 Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamics and hydrostatic loads, including the effects of buoyancy.
- 16.17.4.2 New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
- 16.17.4.3 Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 16.17.4.4 All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be floodproofed to prevent damage resulting from flood levels exceeding the base flood elevation by one foot. Backflow valves should be installed on all septic lines leading from the structure.
- 16.17.4.5 The storage of material and equipment shall be regulated as follows:
 - 16.17.4.5.1 The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - 16.17.4.5.2 Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- 16.17.4.6 Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that:
 - 16.17.4.6.1 All such proposals are consistent with the need to minimize flood damage;
 - 16.17.4.6.2 All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located, elevated and constructed to minimize or eliminate flood damage;

- 16.17.4.6.3 Adequate drainage is provided so as to reduce exposure to flood hazards; and
- 16.17.4.6.4 Proposals for development of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposal the base flood elevation.

16.18 PERMITTED PRINCIPAL USES.

- 16.18.1 Open space uses not requiring a closed building, such as agricultural cropland, livestock feeding and grazing, (in compliance with public health standards) or open type public and private recreation areas.
- 16.18.2 Fences (especially wire fences for agricultural purposes).
- 16.18.3 Railroads, streets, bridges and public utility wire, and pipelines for transmission and local distribution.
- 16.18.4 Commercial excavation of materials from pits, strips, or pools providing that no stockpiling of materials, products, or overburden shall create a restriction to the passage of flood flows.
- 16.18.5 Nonrestrictive or obstructive improvements to the discharge capacity of the stream, in stream channel alignment, cross section, and capacity in the normal maintenance thereof.

16.19 PERMITTED SPECIAL USES.

- 16.19.1 Authorized use of lands within the Flood Plain District shall be subject to the following regulations.
 - 16.19.1.1 Buildings or structures may be located and existing buildings or structures may be altered provided the first floors of said buildings or structures are placed three (3) feet above the elevation of the established 100 year flood.
 - 16.19.1.2 Foundations of all structures shall be designed and constructed to withstand flood conditions at the proposed construction site.
 - 16.19.1.3 Basements, lower floors, or appurtenances located below the elevation of the 100 year flood shall be designed and constructed to prevent passage of water into the building or structure and withstand flood conditions, including hydrostatic pressures of elevated water tables and the momentum of flood flows. Materials for construction shall be of the type not deteriorated appreciably by water. Windows, doorways, and other openings into the building or structure that are located below the elevation of the 100 year flood shall be designed and constructed incorporating adequate flood proofing.

- 16.19.1.4 All electrical equipment, circuit, and installed electric appliances shall be located as to not be subject to flooding or shall be flood proofed to prevent damage resulting from inundation by the 100 year flood.
- 16.19.1.5 Sanitary and storm sewer drains shall be equipped with valves capable of being closed, manually or automatically, to prevent backup of sewage and storm waters into the building or structure. Gravity draining of basements may be eliminated by mechanical devices.
- 16.19.1.6 Chemical storage, explosive, buoyant and flammable liquid storage shall be located six (6) feet above the established 100 year flood level or shall be adequately flood proofed to prevent floatation of tanks or other appreciable damage or escape into the floodwaters of toxic materials.
- 16.19.1.7 Land may be filled provided such fill does not extend 15 feet beyond the limits of any building or structure erected thereon.
- 16.19.1.8 Structures located wholly or partially within the Flood Plain District which have been destroyed or damaged by flooding to the extent of fifty percent or more of the fair market value shall not be re- paired, altered, or occupied without a new special permit.

16.19.2 No building, structure, or obstruction shall be hereafter erected or established in any area designated a Flood Plain District unless the same shall have been approved by the Village Board. Applications for permission to erect buildings, structures, obstructions, and regulate land use shall be made in the same manner as applications for Special Permits in these regulations. No permit shall be issued until after a public hearing finds and determines that such building, structure, obstruction, or land use in the place specified will not be injurious to the public health, safety, convenience and general welfare, and not in conflict with the intent and purpose of this regulation.

16.19.3 Parking lots and storage yards for equipment and material properly anchored to prevent moving into bridges or other debris-catching areas or removable within limited time available after flood warning or not subject to major damage by floods. The storage of explosive, buoyant, or flammable-liquid materials in large quantities shall not be permitted.

16.20 MINIMUM STANDARDS.

16.20.1 Floodway: Within the limits of the Flood Plain District, the Village Board of Trustees shall recognize the degree of hazard from flooding by delineating a "Floodway", the purpose of which is to permit the greatest, reasonable and wise use of the flood plains and to prevent encroachment which would unduly increase flood heights and endanger life and property. Generally, the limits of the Floodway shall be those limits where the extent of permitted encroachment would not raise the estimated level of the flood of 100 year frequency in excess of one foot as computed in the water surface profiles.

16.20.2 No permanent residential dwelling shall be erected hereafter within the limits of the Flood Plain District.

16.20.3 No building permit shall be issued within the limits of the Flood Plain District without the recommendation of the Planning Commission and the approval of the Village Board of Trustees.

16.20.4 The applicant for a Special Permit or a Building Permit will be required to present documentations, engineering reports, and factual data to indicate the elevation of the 100 year flood level; the elevation and location of the top of the creek or waterway bank or dike; the distance from the centerline of the creek or waterway to the propped structure; the floor elevation of the proposed structure; the location and size of the structure; the extent of the proposed fill to be placed on the site; the extent, description, and location of all utilities; and any other information that may be helpful to show that the proposed structure or use will not raise the 100 year flood level in excess of one foot or will not constrict flow of flood waters or divert the flow of flood waters onto the adjacent properties.

16.21 Definitions:

For the purpose of this section, certain terms and words are herewith defined unless the context otherwise requires.

16.21.1 A flood of one hundred year frequency shall mean a flood magnitude expected to recur on the average of one every one hundred years, or a flood magnitude which has a one percent chance of occurring in any given year.

16.21.2 Artificial Obstruction shall mean any obstruction which is not a natural obstruction.

16.21.3 Appeal shall mean a request for a review of the Zoning Administrators interpretation of any provision of this ordinance or a request for a variance

16.21.4 Channel shall mean the geographical area within wither the natural or artificial banks of a water course of drainway.

16.21.5 Drainway 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.

16.21.6 Flood shall mean the water of any watercourse or drainway which is above the bank or outside the channel and banks of such watercourse or drainway.

16.21.7 Floodway shall mean the channel of a watercourse or drainway and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse or drainway.

- 16.21.8 Floodplain shall mean the area adjoining the watercourse or drainway which has been or may hereafter be covered by flood water.
- 16.21.9 Locate shall mean construct, place, insert, or excavate.
- 16.21.10 Natural Obstruction shall mean any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a non-human cause.
- 16.21.11 Obstruction shall mean any dam, wall wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
- 16.21.12 Overlay District shall mean a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
- 16.21.13 Start of Construction shall mean (for other than new construction or substantial improvements under the coastal Barrier Resources Act, Pub. L. 97-348) – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one-hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building
- 16.21.14 Structure shall mean a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

- 16.21.15 Substantial Damage shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- 16.21.16 Substantial Improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- 16.21.17 Variances shall mean a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
- 16.21.18 Violation shall mean a failure of a structure or other development to be fully compliant with the community's floodplain management regulations.
- 16.21.19 Watercourse shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well-defined banks; provided, that it shall, upon order of the Sarpy County Commissioners, also include any particular depression which would not otherwise be within the definition of watercourse.
- 16.22 Any application for the aforementioned permit shall include an existing and proposed grade plan and hydrologic study based on the method now called the Log-Pearson Type III distribution (with the log-normal as special case) or by alternate studies as outlined in the United States Water Resources Council Bulletin No. 15, "A Uniform Technique for Determining Flood Flow Frequencies" This study shall be done by a Registered Professional Engineer and shall include but not be limited to the following:
- 16.22.1 Area and volume of obstruction.
- 16.22.2 Elevation of top of obstruction, in relation to the U.S.G.S. mean sea level datum.
- 16.22.3 Evidence that the proposed obstruction will not adversely affect any officially approved channel widening project, will not retard the flow of water in the event of overbank flooding, and will not reduce the net volume of overbank water storage.
- 16.23 If approved by the Village Board, the proposed development shall be located, constructed, and maintained in accordance with the plans approved by the Village Board and all other applicable Zoning and Building Regulations.

16.24 The granting of approval of any structure or use shall not constitute a representation, guaranty, or warranty of any kind or nature by the Kennard Village Board of Trustees or the Kennard Planning Commission, or by any officer or employee of either thereof, of the practicability or safety of any structure or use proposed, and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto.

16.25 VARIANCE PROCEDURES

16.25.1 The Board of Adjustment as established by Washington County, Nebraska, shall hear and decide appeals and requests for variances from the requirements of these regulations.

16.25.2 The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of these regulations.

16.25.3 Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court of Washington County as provided in Section 19-912, R.R.S. Nebraska 1943.

16.25.4 In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and:

- 16.25.4.1 The danger that materials may be swept onto other lands to the injury of others;
- 16.25.4.2 The danger to life and property due to flooding or erosion damage;
- 16.25.4.3 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 16.25.4.4 The importance of the services provided by the proposed facility to the community;
- 16.25.4.5 The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 16.25.4.6 The compatibility of the proposed use with existing and anticipated development;
- 16.25.4.7 The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
- 16.25.4.8 The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 16.25.4.9 The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and

- 16.25.4.10 The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water systems, and streets and bridges.

16.26 CONDITIONS FOR VARIANCES

16.26.1 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (16.26.2-16.26.6 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

16.26.2 Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

16.26.3 Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.

16.26.4 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

16.26.5 Variances shall only be issued upon:

- 16.26.5.1 a showing of good and sufficient cause,
- 16.26.5.2 a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- 16.26.5.3 a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.

16.26.6 The applicant shall be given a written notice over the signature of a community official that:

16.26.1 the issuance of a variance to construct a structure below the base flood level will result in increased premiums rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and

16.26.2 Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Resolution.

16.28 NONCONFORMING USE

16.28.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of flood plain regulations, but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:

16.28.1.1 No such structure of use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.

16.28.1.2 If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance.

16.28.1.3 Uses or adjuncts thereof, which are or become nuisances, shall not be entitled to continue as nonconforming uses.

16.28.2 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of these regulations. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

16.29 PENALTIES FOR VIOLATION

Violation of the provisions of these regulations or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than five hundred dollars (\$500), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the Village of Kennard, Nebraska, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

16.30 AMENDMENTS

The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action shall be taken until after a public hearing in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village of Kennard, Nebraska. At least ten (10) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

SECTION 17

SUPPLEMENTARY REGULATIONS

17.1 WIRELESS COMMUNICATION TOWERS

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.

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:

- 17.1.1 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. PERSON shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
- 17.1.2 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. 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.
- 17.1.3 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:

- 17.1.3.1 Any Conforming Commercial Earth Station antenna six feet or less in diameter.
- 17.1.3.2 Any earth station antenna or satellite dish antenna three feet or less in diameter.
- 17.1.4 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.
- 17.1.5 TOWER DEVELOPMENT PERMIT shall mean a conditional use 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.
- 17.1.6 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.
- 17.1.7 Location of Towers and Construction Standards
 - 17.1.7.1 Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
 - 17.1.7.2 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 Village Clerk's Office and shall pay a filing fee.
 - 17.1.7.3 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 office of the Village Clerk.

- 17.1.8 Application to Develop a Tower: Prior to commencement of development or construction of a tower, an application shall be submitted to the Village Clerk for a Tower Development Permit and shall include the following:
- 17.1.8.1 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.
 - 17.1.8.2 The legal description and address of the tract of land on which the tower is to be located.
 - 17.1.8.3 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.
 - 17.1.8.4 An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
 - 17.1.8.5 Written technical evidence from an engineer that the proposed tower will meet applicable Building Codes, and all other applicable construction standards set forth by the Village Board and federal and state and ANSI standards.
 - 17.1.8.6 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.
 - 17.1.8.7 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.
 - 17.1.8.8 A performance bond in the amount of \$50,000 dollars for the expenses of removal and disposal of the tower.
- 17.1.9 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 and shall make a recommendation to the Village Board. Upon the completion of the Planning Commission Public Hearing the Zoning Administrator shall schedule a public hearing before the Village Board, following all Statutory requirements for publication and notice, to consider such application and the recommendation of the Village Planning Commission. 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 conform to this Ordinance. The Planning Commission and Village Board 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.

17.1.10 Setbacks and Separation or Buffer Requirements

- 17.1.10.1 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.
- 17.1.10.2 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 percent of the height of the proposed tower, whichever is greater.
- 17.1.10.3 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 percent of the height of the tower and provided such districts provide for such use.
- 17.1.10.4 Towers must meet the following minimum separation requirements from other towers:

17.1.10.4.1 Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.

17.1.10.4.2 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.

17.1.11 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.

17.1.12 Illumination and Security Fences

17.1.12.1 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 percent of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.

17.1.12.2 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.

17.1.13 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 and Village Board 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.

17.1.14 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.

17.1.15 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 Village Board, an exemption from compliance as a condition of the Tower Development Permit.

17.1.16 Inspections: The Village 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 the Village's Building Codes and any other 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 Clerk's Office, Zoning Administrator, or a duly appointed independent representative of the Village.

17.1.17 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.

17.1.18 Abandonment: If any tower shall cease to be used for a period of one year, the Clerk's 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 Kennard 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.

17.1.19 Satellite Dish Antennas, Regulation: Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Kennard only upon compliance with the following criteria:

17.1.19.1 In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.

- 17.1.19.2 Single family residences may not have more than one satellite dish antenna over three feet in diameter.
- 17.1.19.3 Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
- 17.1.19.4 In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
- 17.1.19.5 All satellite dish antennas installed within the zoning jurisdiction of Kennard, 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.

17.2 AREA AND HEIGHT EXCEPTIONS.

- 17.2.1 The area and height regulations may be modified under certain special conditions or with respect to certain types of buildings or structures as specified herein.

17.3 LOT AREA AND WIDTH.

- 17.3.1 Any developed or occupied Lot of Record at the time of passage of this regulation having less area or width than herein required may be continued to be used, but any new use, building, or structure on an undeveloped or unoccupied lot at the time of passage of this regulation will be required to conform to this regulation.

17.4 FRONT YARD.

- 17.4.1 Where 30 percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the existing buildings on either side thereof, except that no building shall be required to provide a front yard greater than 40 feet, in any event. Where an official line has been established for future widening or opening of a street, then the depth of a front or side yard shall be measured from such official line.
- 17.4.2 In any case where the block front improved with buildings amounts to less than 30 percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum front yard of the district shall be observed. On through lots, running from street to street, both streets shall be considered front streets.

17.5 SIDE YARD.

- 17.5.1 An undeveloped lot or unoccupied Lot of Record at the time of passage of this regulation having a lot width of less than 60 feet shall maintain the required side yard on each side of the building, but such yard may be reduced to 10 percent of the lot width, provided however, that no side yard shall be less than 5 feet.

17.6 REAR YARD.

17.6.1 An undeveloped, or unoccupied, Lot of Record at the time of passage of this regulation, having a lot depth of less than 110 feet may have the required rear yard reduced by 20 percent of the depth of the lot, provided, however, that no rear yard shall be less than 15 feet.

17.6.2 In computing the depth of a rear yard for any building where such rear yard opens into an alley one-half of such alley may be assumed to be a portion of the yard.

17.7 ALL YARDS.

17.7.1 The ordinary projections from buildings, including eaves, sills, cornices, or other similar architectural features may project or extend not more than 2 feet into a required yard.

17.7.2 Every part of a required yard or court shall be opened from its lowest point to the sky, unobstructed, except for ordinary projection of sills, belt courses, cornices, ornamental features, and eaves; provided, that none of the above projections shall project into a court more than six inches nor into aside yard more than twenty-four inches.

17.7.3 No cornice shall project over the street line more than five percent (5%) of the width of such street and shall in no case project more than 4 feet in districts requiring no front yard and shall have a clear height under the projections of at least 10 feet.

17.7.4 Open or enclosed fire escapes, fireproof outside stairways or balconies shall not project into a yard more than five feet or into a court more than three and one-half feet, and the ordinary projection of chimneys and flues may be permitted by the building inspector where the same are so placed as not to obstruct the light and ventilation.

17.8 BUILDING HEIGHT.

17.8.1 The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, grain elevators, silos, water and fire towers, stage towers, or scenery lofts.

17.9 BUILDING AREA; LOT COVERAGE.

17.9.1 All buildings, including accessory buildings on any lot, shall not cover more than twenty-five percent of the area of such lot if in a Residence District, nor more than 35 percent if in any other.

17.10 ACCESSORY BUILDINGS.

17.10.1 Detached accessory buildings shall conform to all yard setbacks.

17.10.2 Detached accessory buildings shall not occupy more than 30 percent of the required rear yard.

17.10.3 No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced.

17.11 GENERAL PROVISIONS.

17.11.1 Every building hereafter erected or structurally altered for commercial or industrial purposes in the Commercial District or in the Industrial District shall provide adequate facilities for the loading and unloading of merchandise and goods in compliance with all of the district regulations established by this Regulation for the district in which the building or land is located.

17.11.2 No building or premises in any part of the Village zoning jurisdiction shall be used for any trade, industry, or purpose that is noxious or offensive by reasons of the emission of odor, dust, smoke, gas, fumes, or noise that is detrimental to the public health, safety, and welfare.

17.11.3 No unsightly buildings shall be erected of old materials nor shall buildings or houses be allowed to remain in an unfinished condition in any District, except in the Agricultural District for a period of over six months. It shall be unlawful to allow building materials or brick to be stored on any lot or lots in said residential districts except for building on said lot or to permit or allow any debris to be stored upon any lot in said districts.

17.11.4 For the purpose of insuring reasonable visibility and safety in the residential district, the triangle of land fanned on any corner lot by measuring a distance of 20 feet along each lot line from their intersection on the street side shall be free from structures. Trees in this area shall be trimmed up eight feet above the curb and no shrubs shall exceed 18 inches in height.

17.12 FENCES.

17.12.1 In the Residential District, no solid fence shall be erected to a greater height than three and one-half (3 1/2) feet above the ground and no fences shall be erected within the front yard.

17.12.1.1 Exceptions:

Partition fences on the rear or side lot line between two lots may be erected to a height of not more than six feet above the ground, provided that the structure over three and one-half feet in height shall not be of solid construction.

17.12.1.2 In the use of any lot line of the street side on any corner lot in any District, no fence or other structure shall be erected above the established curb grade at such corner on that part of the lot which is bounded by the street lines of the streets which intersect and a line connecting the points on each of such lines 20 feet from their point of intersection and such line shall also be extended to include the parking area between the lot line and the street; and no foliage or shrubbery shall be planted or maintained in such area which will obstruct the view of drivers of vehicles approaching the street intersection.

17.12.2 All fences around Junk Yards, Salvage Yards shall be solid and a minimum of eight feet in height.

17.12.3 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. Earthen 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.

17.12.4 All fences shall be maintained in good repair

17.12.5 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.

17.12.6 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.

17.12.7 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.

17.13 SELF STORAGE UNITS / CONVENIENCE STORAGE UNITS

17.13.1 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

17.13.2 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt, rock, or asphaltic concrete. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.

17.13.3 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

17.13.4 No storage may open into the front yards.

17.13.5 Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all buffers shall be landscaped.

17.14 - SWIMMING POOL REGULATIONS.

17.14.1 SWIMMING POOL DEFINITIONS: see 24-299 and 24-299.1

17.14.2: SWIMMING POOLS; ENCLOSURE OF PRIVATE POOLS:

17.14.2.1 Walls of the pool shall be located at least four (4') feet from any lot line.

17.14.2.2 Every outdoor private, residential, or family pool shall have a barrier at least 48" above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on the top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier.

17.14.2.3 Openings in the barrier shall not allow passage of a 4-inch diameter sphere.

17.14.2.4 Solid barriers which do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

17.14.2.5 Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches in width.

17.14.2.6 Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, the horizontal members shall be located on the swimming pool side of the fence. Space between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches in width.

17.14.2.7 Maximum mesh size for chain link fences shall be 2 ¼ inch square unless the fence has slats fastened at the top or bottom which reduces the openings to not more than 1 ¾ inches.

17.14.2.8 Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more

than 1 ¾ inches.

17.14.2.9 All gates, doors or openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely always closed. This requirement shall be applicable to all new family pools, hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of two (2') feet of water. No person in possession of land within the Village or its jurisdictional limits, either as owner, purchaser, lessee, tenant or licensee, on which is situated a family pool having a minimum depth of two (2') feet, shall fail to provide and maintain such a barrier, fence, or wall provided in this section.

17.14.2.10 Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

17.14.2.11 The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or

17.14.2.12 Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switches shall be located at least 54 inches above the threshold of the door; or

17.14.2.13 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable if the degree of protection afforded is not less than the protection afforded by Item 10.1 or 10.2 described above

17.14.2.14 Where a wall of a dwelling does not serve as part of the barrier, the primary pedestrian access gate shall also be equipped with an alarm which produces an audible warning when the gate is opened. A remote receiver, activated by the gate alarm, shall also be installed inside the dwelling. The alarm shall be listed and labeled in accordance with UL 2017. Where the deactivation switch is located less than 54 inches from the bottom of the gate, the deactivation switch and openings shall comply with the following:

17.14.2.15 The deactivation switch shall be located on the pool side of the gate at least 3 inches below the top and of the gate; and

17.14.2.16 The gate and barrier shall have no opening larger than ½ inch within 18 inches of the deactivation switch.

17.14.3 CLOSING OF PRIVATE SWIMMING POOLS:

The Village Building Inspector is authorized to close any private swimming pool which is in violation of the provisions of this ordinance. No person shall use a pool during the time it is closed. The owner of any private pool which has been closed may appeal to the Board of Adjustment and have the Board determine the legality of such closing.

SECTION 18

OFF-STREET PARKING AND LOADING REQUIREMENTS

18.1 GENERAL PROVISIONS

- 18.1.1 All buildings and structures erected and all uses of land in all districts established after the effective date of this Regulation shall provide accessory parking and loading facilities as required under this section.
- 18.1.2 All off-street parking spaces required by this Regulation shall be located on the same zone lot of the use it serves.
- 18.1.3 Owners of two or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish joint area of use.
- 18.1.4 All yard area including driveways, except the required front yard for residential uses may be used for off-street parking. Garages and driveways may be considered as off-street parking spaces.
- 18.1.5 A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building certificate. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

18.2 OFF-STREET PARKING REQUIREMENTS.

- 18.2.1 At the time of construction, alteration or enlargement of a structure or building, or change in the use of land, off- street parking spaces and loading areas shall be provided constructed, and maintained for all uses as follows:

	<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
18.2.1.1	Residential, Single Family Dwelling	Two car garage and double width driveway
18.2.1.2	Residential, Others	Two spaces per dwelling unit
18.2.1.3	Mobile Trailer Park	Two spaces per trailer unit
18.2.1.4	Hotel and Motel	One space per rental unit
18.2.1.5	Hospitals, nursing homes, rest homes, or similar uses	One space for every two patient beds

	<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
18.2.1.6	Places of public assembly such as auditoriums, theaters, stadiums, community hall, etc.	One space for every six seats
18.2.1.7	Bowling Alley	Seven spaces for each alley
18.2.1.8	Farms selling home grown products	Six spaces for each stand
18.2.1.9	Retail sales department stores, restaurants, taverns, grocery stores, etc.	One space per 300 square feet of gross floor area
18.2.1.10	Schools-elementary and junior high	Two spaces per classroom or one space for every six seats in the auditorium, whichever

		is greater.
18.2.1.11	High school and College	One space per five students or one space for every six seats in the largest place of assembly, whichever is greater.
18.2.1.12	Professional office establishments	One space per 300 square feet of gross floor area.
18.2.1.13	Manufacturing, wholesale warehouse, and similar uses	One space for every two employees on the largest working shift.

18.3 PARKING AREA REQUIREMENTS.

18.3.1 Parking areas shall be designed with parking stalls meeting the following standards:

18.3.1.1 Width of individual parking stall..... 9'

18.3.1.2 Length of individual parking stall 20'

18.3.1.3 Additional minimum space per stall for backing, turning.....180 sq. ft.

18.3.2 Parking areas shall meet the following construction and operation standards:

18.3.2.1 Parking lot shall be surfaced with a dust-free material such as concrete or asphalt.

18.3.2.2 Any lighting shall be so placed and oriented that it will not be directed on adjacent residential properties.

18.3.2.3 Plantings or decorative screens, walls, or fences shall be constructed or planted along abutting properties used for residential purpose's.

18.3.2.4. Parking lots shall be set back from property lines as specified in the lot area requirements of the primary zoning district; however, in all cases the minimum dimension between parking and adjoining property shall not be less than 10 feet.

18.4 OFF-STREET LOADING REQUIREMENTS.

18.4.1 At the time of construction, alteration, or enlargement of a structure or building having a gross floor area of 5,000 square feet or more, off-street loading areas shall be provided and maintained for all uses as follows:

<u>Loading Area</u>	<u>Gross Floor Area</u>
(one) 500 square feet	For every 5,000 to 20,000 square feet.
(one)500 square feet	For every 20,000 square feet or fraction thereof.

18.5 OFF-STREET PARKING FOR INDIVIDUAS WITH DISABILITES

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 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 equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured from that lot.

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

18.5.1. Access aisles adjacent to accessible spaces shall be five feet wide minimum.

- 18.5.1.1 One in every eight accessible spaces, but not less than one, shall be served by an access aisle eight feet wide minimum and shall be designated “van accessible.” The vertical clearance at such spaces shall comply with this section. All such spaces may be grouped on one level of a parking structure.
- 18.5.1.2 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.
- 18.5.1.3 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 two percent in all directions.
- 18.5.1.4 If passenger-loading zones are provided, then at least one passenger loading zone shall comply with this section.
- 18.5.1.5 At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with this Ordinance shall be provided in accordance with this section; except as follows:
 - 18.5.1.5.1 Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;
 - 18.5.1.5.2 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.

- 18.5.2 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.
 - 18.5.2.1 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.
 - 18.5.2.2 In buildings with multiple accessible entrances and adjacent parking, the accessible parking spaces shall be dispersed and located closest to each accessible entrance.
- 18.5.3 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces for vans shall have an additional sign stating "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so a vehicle parked in the space cannot obscure them.
- 18.5.4 The minimum vertical clearance shall be nine and one-half feet at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s).
- 18.5.5 Passenger Loading Zones shall provide an access aisle at least five feet 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. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

SECTION 19

SIGNS

19.1 INTENT.

19.1.1 The intent of this section is to regulate signs as defined hereinafter, to protect the safety of users of the streets and highways, to assure compatibility with uses associated with signs, and to avoid adverse effects on adjacent property values and living conditions. This section shall include, as part of its provisions, those portions of existing codes and laws relating to the erection and maintenance of signs and outdoor advertising structures which are not in conflict with this Regulation.

19.2 GENERAL REGULATIONS.

19.2.1 All signs and sign structures shall be kept in good repair and in a proper state of presentation. Signs which are abandoned or in a state of disrepair for a continuous period of six (6) months shall be removed within thirty (30) days.

19.2.2 If any non-conforming sign is damaged exceeding two-thirds (2/3rds) of its replacement value, it shall not be rebuilt; provided, however, that nothing herein contained shall prevent maintenance, repainting, or posting non-conforming signs.

19.2.3 Any sign shall be classified as a conditional use and a conditional use permit shall be required before sign may be erected.

19.3 SIGNS IN THE RESIDENTIAL ZONING DISTRICT

19.3.1 No advertising signs shall be erected in the Residential Districts except the following:

19.3.1.1 Temporary signs announcing sale of property by the owner or a new subdivision or development. Each such subdivision or development shall be permitted four (4) sign structures, with sign surfaces not exceeding 10 feet in vertical dimension, not greater than 20 feet in height above the grade and erected not closer than 200 feet of each other. Conditional permits for such signs shall be renewed annually, except that the same shall not be renewed more than once without the approval of the Board and on good cause shown.

19.3.1.2 Replacement of any signs on the premises of a non-conforming building or use shall not increase the aggregate area of sign surfaces on all signs in use and existing as of the date of the passage of this Ordinance.

19.4 SIGNS IN AGRICULTURAL ZONING DISTRICTS.

19.4.1 Advertising Sign Structures, subject to the following provisions:

19.4.1.1 No sign structure shall be located within a radius of 1,000 feet of any other lawfully permitted Advertising Sign Structure.

19.4.1.2 No sign structure shall bear sign surface greater than 12 feet in vertical dimension or exceeding 50 feet in horizontal dimension, and exceed 35 feet in height above grade.

19.4.1.3 No sign shall be located within 500 feet of an adjoining Residential District or within 500 feet of an existing residence.

19.5 SIGNS IN THE RESIDENTIAL/COMMERCIAL DISTRICT.

19.5.1 Advertising sign structures, subject to the following provisions:

19.5.1.1 Sign structures shall be limited to not more than one advertising sign structure for a lot of 100-foot frontage or less, and not more than one such sign structure for each 100 feet of lineal frontage under common ownership.

19.5.1.2 No sign structure shall bear sign surfaces greater than 12 feet in vertical dimension, nor greater than 50 feet in horizontal dimension, and exceed 35 feet in height above grade.

19.5.1.3 No sign structure shall be located within 500 feet of an existing residence.

19.6 SIGNS IN THE INDUSTRIAL ZONING DISTRICTS.

- 19.6.1 Signs as permitted and regulated in all other Zoning Districts; provided that advertising signs shall be restricted by a minimum distance of 500 feet from an adjoining Residential District or existing residence.
- 19.6.2 The aggregate surface area of all signs on a lot shall not exceed the following:
 - 19.6.2.1 An amount equal to one square foot for each lineal foot of street frontage, provided, in the case of a corner lot, 20 percent of the allowable sign surface area for one street frontage may be deducted. There from and added to the other street frontage, or,
 - 19.6.2.2 Forty (40) percent of the area of the building facade of the principal building situated upon the premises, or other elevation to which the sign is oriented, measured from grade level to 35 feet or the actual height of the building, whichever is lower, or,
 - 19.6.2.3 500 square feet in area, whichever is greater,
 - 19.6.2.4 Forty (40) feet in height above natural grade, including foundation base and support.
- 19.7 STRUCTURAL REQUIREMENTS.
 - 19.7.1 All signs shall be erected in conformity with:
 - 19.7.1.1 The National Building Code.
 - 19.7.1.2 The National Electric Code.
- 19.8 REQUIREMENTS FOR A PERMIT.
 - 19.8.1 A Conditional Use Permit shall be required in addition to any building permit which may be required hereunder.
 - 19.8.2 Application for a Conditional .Use Permit shall be on a form prescribed by the Village of Kennard and show the following:
 - 19.8.2.1 The proposed location.
 - 19.8.2.2 Sign size and structure.
 - 19.8.2.3 Nature of thing proposed to be advertised.
 - 19.8.2.4 A plat of the area drawn to scale, showing the location of all roads and highways embraced in Federal aid systems, in a radius of 1,500 feet, and any existing roadside sign within 1,500 feet of the proposed sign.
 - 19.8.2.5 The name and address of sign owner, the sign erector, and the owner of the premises on which the proposed sign would be erected.
 - 19.8.2.6 Other pertinent information required.

19.8.3 Conditional Use permits shall be issued for a maximum period of five (5) years. An application for renewal of a Conditional Use Permit must be filed sixty (60) days prior to expiration of a current permit.

19.8.4 A surety bond, not to exceed \$2,000.00 may be required as one of the conditions of the issuance of a Conditional Use Permit, or a renewal thereof. The Board shall fix the conditions-of the required bond.

19.9 PENALTIES.

19.9.1 If a sign regulated by this section is not erected and maintained in compliance with law, and in compliance with this section, or if there is an existing sign which once advertised an activity, business, product or service no longer carried on, sold, or furnished, the Village Board may order such sign to be removed, within fifteen (15) days after notice to the licensee, and the owner of the property.

19.9.2 If the sign is not removed as directed, the Village Board may remove such sign and be reimbursed therefor, from the proceeds other license bond.

19.10 NON-CONFORMING USE.

19.10.1 Signs previously erected in areas covered by this section which are not in conformity with regulations herein, shall be brought into conformity within five (5) years of the enactment of this section.

19.11 TRANSFERABILITY.

19.11.1 No permits issued in accordance with this section shall be transferred without the approval of the Village Board.

SECTION 20

SPECIAL USE PERMITS

20.1 GENERAL PROVISIONS.

20.1.1 The Village Board may by special permit after referral to and recommendation from the Planning Commission authorize and permit "special uses" that are designated in the district use regulations if it is found that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area and is in accordance with the intent and purpose of the district in which it is permitted, including, among other things, such specific purposes as:

20.1.1.1 Developing both urban and non-urban areas;

20.1.1.2 Lessening congestion in the streets or roads;

20.1.1.3 Reducing the waste of excessive amounts of road;

20.1.1.4 Securing safety from fire and other dangers;

20.1.1.5 Lessening or avoiding the accumulation or runoff of storm or flood waters;

- 20.1.1.6 Providing adequate light and air;
 - 20.1.1.8 Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
 - 20.1.1.9 Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provision for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility food supply, and other public requirements;
 - 20.1.1.10 Protecting the tax base;
 - 20.1.1.11 Protecting property against blight and depreciation;
 - 20.1.1.12 Securing economy in governmental expenditures;
 - 20.1.1.13 Fostering the state's agriculture, recreation, and other industries;
 - 20.1.1.14 Encouraging the most appropriate use of land in the Village, and
 - 20.1.1.15 Preserving, protecting, and enhancing historic buildings, places, and districts.
- 20.1.2 Allowable special uses may be permitted, enlarged, or altered upon application for a special use permit in accordance with the rules and procedures of the Village Board. The Village Board will grant or deny a Special Use Permit in accordance with the standards set forth herein and the intent and purpose of this Ordinance. In granting a Special Use Permit, the Village Board will authorize the issuance of a Special Use Permit and may prescribe and impose appropriate conditions, safeguards, or a specified time limit for the performance of the Special Use Permit.
- 20.2 APPLICATION FOR SPECIAL USE PERMITS.
- 20.2.1 A request for a Special Use permit for a special use or modification of a special use may be initiated by a property owner or by his authorized agent by filing an application with the Village Zoning Officer upon forms prescribed for the purpose. The application shall be accompanied by a site plan and such other plans and data showing the dimensions, arrangements, description data, and other materials constituting a record essential to the understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall be accompanied with a fee as noted in the master fee schedule which is non-refundable.
- 20.3 PUBLIC HEARING.
- 20.3.1 Before issuance of any Special Use Permit, the Village Board will consider the application for the Special Use Permit together with the recommendations of the Planning Commission at a public hearing held at the call of the Board within 60 days after the filing of the application and 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 Kennard, one time at least 10 days prior to such hearing.

20.4 DECISIONS.

20.4.1 The concurring vote of two-thirds of the members of the Village Board shall be necessary to grant a Special Use Permit.

20.5 STANDARDS.

20.5.1 No Special Use Permit shall be granted by the Village Board unless the Board shall find:

20.5.1.1 That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.

20.5.1.2 That the special 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.

20.5.1.3 That the establishment of the special use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.

20.5.1.4 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

20.5.1.5 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.

20.5.1.6 The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire-fighting suppression equipment and by such safety devices as are normally used in the handling of any such material.

20.5.1.7 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

20.5.1.8 The use shall not include vibration which is discernible without instruments on any adjoining lot or property.

20.5.1.9 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substances which are harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

20.5.1.10 The use shall not involve any malodorous gas or matter which is discernible on any adjoining property or from any public street, road, or highway.

20.5.1.11 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.

20.5.1.12 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.

20.5.2 The Village Board may revoke a Special Use Permit if the use has been abandoned for a period of at least one (1) year, or is found to have substantially varied the use or structure from the original permitted intent and thus found in non-conformance with the Special Use Permit issued.

20.5.3 Standards for Salvage Yards Special Use Permit

20.5.3.1 The application for a Special Use Permit shall be accompanied with a proposed development plan together with other documents prescribing the general intent or covenant to meet the minimum requirements described herein:

20.5.3.1.1 The salvage yards shall be at least 500 feet distant in all directions from any residential dwelling.

20.5.3.1.2 The out-of-doors salvage yards shall be screened by a wall at least 50 percent solid or uniformly painted solid fence not less than 6 feet in height, or in lieu thereof, a landscape buffer strip 50 feet in width with deciduous evergreen trees and large shrubs to provide a landscape screen at least 10 feet high.

20.5.3.1.3 Off street parking or service area in connection with the salvage yards may be located outside of the screened-in area.

SECTION 21

CONDITIONAL USE PERMITS

21.1 GENERAL PROVISIONS.

21.1.1 The Board may issue a Conditional Use Permit after referral to and recommendation from the Planning Commission authorize and permit for a period of up to one year “conditional uses” that are designated in the district use regulations if it is found that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area. The Board may at any time for good or reasonable cause revoke a Conditional Use Permit.

21.2 APPLICATION FOR CONDITIONAL USE PERMITS.

21.2.1 A request for a Conditional Use Permit for a conditional or modification or a conditional use may be initiated by a property owner or his authorized agent by filing an application with the Village Zoning Officer upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such plans and data showing the dimensions, arrangements, description data, and other materials constituting a record essential to the understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall be accompanied with a fee in accordance with the master fee schedule which is non-refundable.

21.3 PUBLIC HEARING.

21.3.1 Before issuance of any Conditional Use Permit; the Board will consider the application for the Conditional Use Permit together with the recommendations of the Planning Commission at a public hearing held at the call of the Board within 30 days after the filing of the application and 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 Kennard, one time at least 10 days prior to such hearing.

21.4. DECISIONS.

21.4.1 The concurring vote of two-thirds of the members of the Board shall be necessary to grant a Conditional Use Permit

21.5 STANDARDS.

21.5.1 A Conditional Use Permit shall meet all the standards prescribed for a Special Use Permit.

21.5.2 No structural alterations, repairs, additions or enlargements shall be made in or to such building or structure existing under a conditional use permit unless a new Conditional Use Permit is granted for such alterations, repairs, additions, or engagements. Routine or ordinary maintenance,

21.5.3 All structures shall comply with the Village Building, Electrical, Plumbing, Heating codes, and shall comply with applicable sections of the other Village Utilities Regulations relative to water and sewer.

21.6 STANDARDS FOR OUTDOOR SIGNS

21.6.1 No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or is a hazard to traffic.

21.6.2 Except as otherwise provided herein, any sign structure shall be set back from the property line of the premises upon which such sign is situated a distance equal to one-half of the height of such sign structure, but in no event shall such sign structure setback be less than ten (10) feet from such property line.

21.6.3 Only one side of a sign structure shall be considered in computing the total allowable sign surface area except in the case of "V" type signs where the interior angle is more than 45 degrees, both sides shall be considered in computing the total allowable sign surface area. Advertising signs shall comply with building setback requirements in their Zoning District.

21.6.4 Sign structures shall not project beyond the height requirements of the subject Districts except where the grade of the premises upon which such sign structure is erected is below the average grade level of the street or road to which such sign may be oriented, the height shall be measured from such average grade of such street or highway to the highest point of the sign structure.

21.6.5 Prohibited Signs

- 21.6.5.1 A sign which in any manner obscures, or otherwise physically interferes with the effectiveness of an official traffic sign, signal, or device, obstructs or physically interferes with the driver's view of approaching, merging, or intersecting traffic.
- 21.6.5.2 A sign which contains or is an imitation of an official traffic sign or signal, or contains the words: "stop", "go slow", "caution", "danger", "warning", or similar words.
- 21.6.5.3 A sign which is of a size, location, movement, content, coloring, or manner of illustration which may be confused with or construed as a traffic control device or which hides from view any traffic or street sign or signal.
- 21.6.5.4 A sign which contains or consists of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices.
- 21.6.5.5 A sign which contains, includes, or is illuminated by any intermittent, revolving, rotating, or moving light or lights or moves or has any animated or moving parts, with the exception of lighted, animated, or moving parts providing public service information such as time, date, temperature, weather, or similar information.
- 21.6.5.6 A sign which is not maintained in a neat, clean, and attractive condition and in good repair.
- 21.6.5.7 Any sign having a beacon light, or blinking, flashing, or fluttering lights, or other illuminating device which has a changing light intensity, brightness or color.
- 21.6.5.8 Any lighted sign which is not so erected or maintained to effectively shield and prevent beams or rays of light from being directed at any portion of the traveled way or primary highway.
- 21.6.5.9 A sign which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle.
- 21.6.5.10 Any sign less than 660 feet from the nearest edge of the right-of-way of any road or highway which is a part of Federal-aid systems, as defined by Section 103 of Title 23 of the U.S. Code.

21.7 RENEWAL

- 21.7.1 Conditional Use Permits may be removed after a public notice for renewal of the Conditional Use Permit which shall be published in a legal paper of general circulation in Kennard, one time at least 30 days prior to renewal. If no written objections to the renewal are received within 10 days of public notice, the application will be heard by the Village Board. If written objections are received, the renewal will follow the same procedure as an application for Conditional Use Permits.

SECTION 22

BOARD OF ADJUSTMENT

22.1 GENERAL PROVISIONS.

- 22.1.1 A County Board of Adjustment has been established. Meetings of the Washington County Board of Adjustment is held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment are open to the public. The Board of Adjustment keeps minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and keeps records of its examinations and other official actions, all of which are filed in the office of the Board of Adjustment and shall be a public record.
- 22.1.2 The Board of Adjustment may, in appropriate cases and conditions, make special exceptions to the terms of this Ordinance in harmony with its general purpose and intent.
- 22.1.3 Appeals to the Board of Adjustment may be petitioned by any persons aggrieved, or by any officer, department, board or Commission of Kennard affected any decision of the Zoning Officer within 30 days of such decision. The appeal shall be filed with the Village Clerk accompanied by a filing fee reflected in the master fee schedule made payable to the Village Treasurer.

22.2 AUTHORITY.

The Board of Adjustment is granted the following authority:

- 22.2.1 To hear and decide appeals where any property owner is aggrieved by the action of any officer, department, board or Commission of the Village in the adoption and provisions of this Ordinance.
- 22.2.2 To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement of this Ordinance.
- 22.2.3 To authorize upon appeal in specific cases such variances or exceptions from the terms of the Ordinance as will not be contrary or substantially detrimental to the public interest, general purpose, or intent of this Ordinance.
- 22.2.4 No variance shall allow the use of property for purposes not authorized within the district.
- 22.2.5 To hear, grant or deny, appeals in accordance with the standards set forth herein and with the intent and purpose of this Ordinance.
- 22.2.6 Where by reason of exceptional narrowness, shallowness, or shape of specific piece of property at the time of the enactment of the Regulation, or by reason or exceptional

topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property; there may be authorized 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:

22.2.6.1 The strict application of the Ordinance would produce undue hardship;

22.2.6.2 Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

22.2.6.3 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

22.2.6.4 The granting of such variance is based upon reasons of demonstrable-and exceptional hardship as distinguished from variations for the purpose of convenience, profit, or caprice.

22.2.7 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 the Ordinance. In exercising the above mentioned powers such Board of Adjustment may, in conformity with the provisions of said sections, reverse or affirm, wholly or partly, or may modify the 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 two thirds vote of the 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.

22.3 APPEAL.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, board, or Commission of the Village, may present to the District Court for the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the Court within fifteen days after the filing of the decision in the office of the Board of Adjustment.

SECTION 23

AMENDMENTS (REZONING)

23.1 GENERAL.

23.1.1 The Zoning and the Zoning Map may be amended, supplemented, changed, modified, or repealed from time to time by the Kennard Village Board after a public hearing and after having been submitted to the Planning Commission for a public hearing and a recommendation. Any proposed amendment, modifications, changes or repeals may be initiated by the Planning Commission, the Village Board of Kennard, or by an interested party.

23.1.2 Amendments to the Zoning Regulations and maps will be made after the Planning Commission and the Board amend the Comprehensive Plan, when the rezoning is contrary to or different than the guidelines adopted in the Comprehensive Plan. Amendments will also be reviewed to determine whether it complies with the Community Development Design Plan and the Interim Planned Residential Development System.

23.1.2.1 Intent and Purposes for Rezoning:

Before rezoning changes are adopted, the Planning Commission and the Board shall consider the reasonable application of the purpose and intent of the Comprehensive Plan, including, among other things, such specific purposes as the following:

23.1.2.1.1 Developing both urban and non-urban areas;

23.1.2.1.2 Lessening congestion in the streets or roads;

23.1.2.1.3 Reducing the waste of excessive amounts of streets;

23.1.2.1.4 Securing safety from fire and other dangers;

23.1.2.1.5 Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;

23.1.2.1.6 Providing adequate light and air;

23.1.2.1.7 Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;

23.1.2.1.8 Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;

23.1.2.1.9 Protecting the tax-base;

23.1.2.1.10 Protecting property against slum and blight;

23.1.2.1.11 Securing economy in governmental expenditures;

23.1.2.1.12 Fostering the state's agriculture, recreation, and other industries;

23.1.2.1.13 Encouraging the most appropriate use of land in the county; and,

23.1.2.1.14 Preserving, protecting, and enhancing historic buildings, places and districts.

23.2 APPLICATION AND FEE.

23.2.1 An application for an amendment or change by the owner or by the duly authorized agent of the owner shall be submitted to the Planning Commission on forms obtained from the offices of the Zoning Officer accompanied by a non-refundable filing fee outlined in the master fee schedule payable to the Village of Kennard. The application must be submitted to the Village Zoning Officer at least twenty (20) days prior to their regular meeting. The applicant shall transmit copies of the proposed amendment together with plans or documents necessary to clearly describe the proposed amendment to public agencies to whom the applicant is required to submit the same by any law or regulation.

23.2.2 With each application the applicant shall submit a letter from the Washington County Register of Deeds indicating that the applicant is the owner of the property for which the amendment or change is being requested.

23.3 PUBLIC HEARING.

23.3.1 Upon receipt of a completed application, the Planning Commission will hold a public hearing and, within thirty (30) days of the public hearing, prepare a report recommending their approval, disapproval, or changes to the proposed amendments. After receiving the Planning Commission's report, or in the absence of a report within sixty (60) days of the date of the Planning Commission hearing, the Board shall hold a public hearing on the proposed amendment,

23.4 NOTICE OF PUBLIC HEARING.

23.4.1 Notice of the time and place of the public hearings before the Planning Commission and the Board shall be given by the publication thereof in a legal newspaper of general circulation in Kennard one time at least ten (10) days prior to such hearing.

23.5 In case, however, of a protest against such change signed by the owners of twenty percent or more either of the area or the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such change or amendments shall not become effective except by the favorable vote of a two-thirds majority of the Village Board.

23.6 Should any successful applicant for a rezoning fail to undertake substantial construction within two (2) years after the Village Board shall have approved such rezoning, the entire area shall revert to its former zoning classification by appropriate action of the Village Board provided, that the Village Board shall have the power to extend said period by twelve (12) months in the event of special and unique hardship and circumstances and after written request for an extension has been filed together with a fee equal to the original rezoning fee.

- 23.7 The Ordinance adopting such proposed changes or amendments shall be spread at large in the minutes of the proceedings of the Village Board and shall be published in book or pamphlet form and filed with the Village Clerk within fifteen days after its passage and approval. The proof of publication of such Ordinance shall be filed for record in the Office of the Village Clerk of Kennard.

SECTION 24

DEFINITIONS

For the purpose of this regulation, certain terms and words are hereby defined. Words used in the present tense will include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the work "structure"; the word "lot" includes the words "plot" or "tract"; and the word "shall" is mandatory and not directory.

- 24.1 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
- 24.2 ABATTOIR shall mean a place where cattle, sheep, hogs, or other animals are killed or butchered for market or for sale, provided, however, that this shall not be taken to mean nor to include poultry.
- 24.3 ABUT, ABUTTING shall mean as follows: two adjoining parcels of property, with a common property line, are herein considered as one parcel abutting the other. Except where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than ten (10) feet in a single direction.
- 24.4 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 Ordinance.
- 24.5 ACCESSORY BUILDING or STRUCTURE shall mean a building, part of a building, or structure which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot.
- 24.6 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. See "Accessory Building" above.
- 24.7 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.
- 24.8 ACRE shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
- 24.9 ACREAGE shall mean any tract or parcel of land which has not been subdivided or platted.

- 24.10 ADJACENT shall mean near, close, or abutting including property separated by a street of highway.
- 24.11 ADJOIN shall mean the same as "Abut".
- 24.12 ADULT ENTERTAINMENT ESTABLISHMENT shall mean any business which offers its patrons services, products, or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas."
- 24.13 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
- 24.14 AGRICULTURE shall mean the use of land for agricultural purposes, including, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- 24.15 AIRCRAFT shall mean any contrivance, now known or hereafter invented, for use or designed for navigation of or flight.in the air or outer space, including missiles.
- 24.16 AIRPORT shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
- 24.17 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.
- 24.18 AMENDMENT shall mean a change in the wording, context, or substance of this Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 24.19 ANIMAL HOSPITAL 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.
- 24.20 ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of telecommunication signals.
- 24.21 APARTMENT HOUSE shall have the same meaning as "Dwelling, Multiple".
- 24.22 ASSESSOR shall mean the County Assessor of Washington County, Nebraska.
- 24.23 AUTOMOBILE AND TRAILER SALES LOT shall mean an open area used for the display, sales or rental of new or used automobiles, and trailer coaches, but where no repair, repainting or remodeling is done.
- 24.24 AUTOMOBILE TRAILER OR MOBILE HOME shall mean the same as "Trailer, Automobile".

- 24.25 AUTOMOBILE WRECKING YARD shall mean any lot, or the use of any portion of a lot, for the dismantling 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.
- 24.26 BAR or TAVERN shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises, which may also provide entertainment or dancing.
- 24.27 BASEMENT shall mean a building space partly underground, and having at least one-half (1/2) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.
- 24.28 BILLBOARD shall mean the same as "Advertising Structure".
- 24.29 BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City- County boundaries, or adjoining property lines.
- 24.30 BLOCK FRONTAGE shall mean all property fronting on one (1) side of a street between a street and right of-way, waterway, or between intersecting or intercepting streets, the end of a dead-end street, or city or county boundary measured along a street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.
- 24.31 BOARD shall mean the Village Board of Trustees or the Village Board of Kennard, Nebraska.
- 24.32 BOARDING OR ROOMING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation.
- 24.33 BORROW PIT shall mean any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.
- 24.34 BUFFER shall mean an area of land established to separate or protect two incompatible zoning districts or land uses from one another that acts to soften or mitigate the effects of one on the other.
- 24.35 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, shall not be considered as buildings.
- 24.36 BUILDING, AREA OF shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- 24.37 BUILDING, HEIGHT OF shall mean the vertical distance measured from the of the finished grade (or average grade) at the front of the building to the highest point of the structure, exclusive of chimneys and ventilators.

- 24.38 BUILDING INSPECTOR shall mean the Building Inspector of Kennard, Nebraska.
- 24.39 BUILDING, MAIN mean a building within which is conducted the principal use permitted on the lot, as provided by this regulation.
- 24.40 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.
- 24.41 BUILDING SITE shall mean the ground area of a building together with all the open space required by this regulation.
- 24.42 BUILDING, TEMPORARY shall mean the same as "Structure, Temporary".
- 24.43 BUSINESS shall mean the same as "Commerce"
- 24.44 CAMP, PUBLIC shall mean any area or tract of land used or designed to accommodate two (2) or more camping parties including tents or other camping outfits but not including trailer parks. Such camp may be publicly or privately owned and operated.
- 24.45 CARPORT shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.
- 24.46 CELLAR shall mean a building space having more than one-half (1/2) of its height below the average adjoining ground grade lines.
- 24.47 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.
- 24.48 CENTER LINE shall have the same meaning as "Street Center Line".
- 24.49 CHANNEL shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.
- 24.50 CHILD CARE shall mean the provision of care to between four and twelve children under age 13, for on the average of less than 12 hours per day, for compensation, either indirect or direct, on a regular basis, and by a person other than their parents/guardians.
- 24.50.1 FAMILY CHILD CARE HOME 1: This type of program is in the home of the provider. The maximum capacity is 8 children of mixed ages and 2 additional school-age children during non-school hours. (Ord. 2023-1)
- 24.50.2 FAMILY CHILD CARE HOME 2: This type of program is in the home of the provider or at another site. The maximum capacity is 12 children with two providers. (Ord. 2023-1)
- 24.51 CHILD CARE CENTER shall mean a facility licensed to provide childcare for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

- 24.52 CHURCH shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements.
- 24.53 CITY shall mean the City or Village of Kennard.
- 24.54 CITY CLERK shall mean the City Clerk or Village Clerk of Kennard.
- 24.55 CLINIC shall mean a place for group medical services not involving overnight housing of patients.
- 24.56 CLINIC, MEDICAL OR DENTAL is an organization of specializing physicians and/or dentists who have their offices in a common building, but not including the provision of inpatient care.
- 24.57 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.
- 24.58 COLLEGE shall mean an educational institution offering advanced instruction in any academic field, beyond the secondary level, not including trade schools or business colleges.
- 24.59 COLLEGE, TRADE shall mean the same as "School, Trade".
- 24.60 COMMERCE shall mean the purchase, sale, or other transaction involving the handling or disposition (other than that included in the term "industry" as defined herein) of any article, substance or commodity for profit or a livelihood, including in addition, operation of automobile or trailer courts, tourist courts and motels, public garages, office buildings, offices of tourist courts and motels, public garages, office buildings, offices of doctors and other professionals, outdoor advertising signs and structures, public stables, recreational and amusement enterprises conducted for a profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them, but not including dumps and junk yards.
- 24.61 COMMERCIAL OFFICE shall mean any administrative or clerical office maintained as a business and any office established by a public service over which this regulation has jurisdiction.
- 24.62 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.
- 24.63 COMMUNICATION EQUIPMENT BUILDINGS shall mean buildings housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel.
- 24.64 COMPREHENSIVE PLAN shall mean the adopted Comprehensive Development Plan of Kennard, Nebraska.
- 24.65 CONDITIONAL USE shall mean a use that would not be appropriate generally throughout the zoning district without restrictions, but which would not be detrimental to the public health, safety, and general welfare if allowed upon compliance with specific conditions.

- 24.66 CONDITIONAL USE PERMIT shall mean a permit recommended by the Planning Commission and issued by the Village Board that authorizes the permitted to use property for an identified use of which such use shall run with the property in accordance with the provisions of this Ordinance and any additional conditions required by the permit.
- 24.67 CONDOMINIUM shall be as defined in the Nebraska State Statutes Section 76-801-76-823, the Condominium Law, whereby four or more apartments are separately offered for sale.
- 24.68 CONSERVATION AREA shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, including but not limited to wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
- 24.69 CONTIGUOUS shall mean the same as "Abut".
- 24.70 CONVALESCENT HOME shall mean the same as "Rest Home".
- 24.71 CORNER CUT- OFF shall mean the provisions for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways.
- 24.72 COUNTY shall mean Washington County, Nebraska.
- 24.73 COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two (2) or more sides by such buildings.
- 24.74 COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.
- 24.75 COURT, OUTER shall mean a court enclosed on all but one (1) side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.
- 24.76 COVERAGE shall mean the same as "Lot Coverage".
- 24.77 CUL-DE-SAC shall mean a short public way which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.
- 24.78 DAIRY FARM shall mean any place or premises upon which milk is produced for sale or other distribution and where more than two (2) cows or six (6) goats are in lactation.
- 24.79 DAY shall mean calendar day.
- 24.80 DAY NURSERY OR CHILD CARE NURSERY shall mean any group of buildings, building, or portion thereof used primarily for the daytime care of children with or without compensation.
- 24.81 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.
- 24.82 DETENTION BASIN shall mean a facility for the temporary storage of stormwater runoff.
- 24.83 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.

- 24.84 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.
- 24.85 DISABILITY or HANDICAP shall mean:
- 24.85.1 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;
- 24.85.2 A record of having such an impairment; or
- 24.85.3 Being regarded as having such impairment. Handicap shall not include current, illegal use of or addiction to a controlled substance.
- 24.86 DISTRICT shall mean a zoning district established by this regulation.
- 24.87 DORMITORY shall mean a building intended or used principally for sleeping accommodations, where such building is related to an education or public institution, including religious institutions and fraternities and sororities.
- 24.88 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.
- 24.89 DRIVE-IN MOVIE shall mean any lot or portion of a lot used for the parking of automobiles for the purpose of the occupants viewing a motion picture or other entertainments.
- 24.90 DRIVE-IN RESTAURANT shall mean any building or structure in which food and drink are prepared for service to customers within such structure or occupying vehicles outside of such structures and including self-service restaurants for takeout food.
- 24.91 DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.
- 24.92 DRUG STORE shall mean a retail store engaged in the sale of prescription drugs and patent medicines, carrying related items such as cosmetics and toiletries and such unrelated items as tobacco and novelty merchandise. Such use may also include a soda fountain or lunch counter.
- 24.93 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.
- 24.94 DUPLEX shall mean the same as "Dwelling, Two (2) Family"
- 24.95 DWELLING shall mean a building or portion thereof designed and used exclusively for residential occupancy and permitted home occupations, including one (1) family, two (2) family and multiple dwellings, but not including hotels, motels, boarding or lodging houses, or trailers (with or without wheels).

- 24.96 DWELLING, MULTIPLE shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
- 24.97 DWELLING, ONE (1) FAMILY shall mean a detached building designed or used exclusively for the occupancy of one (1) family, and having kitchen and toilet facilities for only one (1) family.
- 24.98 DWELLING, TWO (2) FAMILY shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.
- 24.99 DWELLING GROUP shall mean two (2) or more dwellings located on a single lot and each having separate kitchen and toilet facilities.
- 24.100 DWELLING UNIT shall mean two (2) or more rooms in a dwelling or apartment house designed for or occupied by one (1) family for living or sleeping purposes and having only one (1) kitchen and separate toilet facilities.
- 24.101 EASEMENT shall mean a space on a lot or parcel of land reserved for or used for public utilities or public or private uses.
- 24.102 EDUCATIONAL INSTITUTIONS shall mean public and other non-profit institutions conducting regular academic instruction at pre-school, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, non-profit research institutions and religious institutions. Such institutions must either (1) offer general academic instructions equivalent to the standards prescribed by the State Board of Education, or (2) confer degrees as a college or university of undergraduate or graduate standing or (3) conduct research, or (4) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial, or private trade schools.
- 24.103 ELECTRIC DISTRIBUTION SUBSTATION shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.
- 24.104 ELECTRIC TRANSMISSION SUBSTATION shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.
- 24.105 ENCROACHMENT shall mean an advancement or intrusion beyond the lines or limits as designated and established by this Regulation, and to infringe or trespass into or upon the possession or rights of others without permission.
- 24.106 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.
- 24.107 FACTORY BUILT HOUSE shall mean a housing unit wholly or partially fabricated off-site and to be assembled on-site but not to include mobile homes or cabin trailers.
- 24.108 FAMILY-shall mean the head of the family and one or more persons related to the head by blood, marriage or adoption living together in a single dwelling unit.

- 24.109 FARM shall mean any parcel of land utilized for agricultural purposes and containing at least twenty (20) acres or more which produces 1,000 dollars or more of farm products each year.
- 24.110 FARMER'S MARKET shall mean the offering for sale of fresh agricultural products directly to the consumer at an open air market designated by the village board as a community activity.
- 24.111 FEEDLOT OR FEED YARD, COMMERCIAL shall mean a place where the principal business is the feeding of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feed lot is a part.
- 24.112 FENCE shall mean any structural device forming a physical barrier which is so constructed that not less than fifty (50) percent of the vertical surface is open to permit the transmission of light, air, and vision through said surface in a horizontal place. (For board or other solid barriers, see "Wall".)
- 24.113 FILLING STATION shall mean the same as "Service Station".
- 24.114 FIREWORKS STAND shall mean any portable building and/or structure used for the retail sale of fireworks, usually on a temporary basis.
- 24.115 FLOOD shall mean the water of any watercourse or drainway which is above the bank or outside the channel and banks of such watercourse or drainway.
- 24.116 FLOODPLAIN shall mean the area adjoining the watercourse or drainway which has been or may hereafter be covered by flood water.
- 24.117 FLOODWAY shall mean the channel of a watercourse or drainway and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse or drainway.
- 24.118 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.
- 24.119 FRATERNITY shall mean a building or structure housing a group of men associated for their common interest. Such group may eat, sleep, and otherwise use such facilities as are provided on the premises.
- 24.120 FRONTAGE shall mean that portion of a parcel of property which abuts a dedicated public street or highway.
- 24.121 FRONT WALL shall mean the wall of a building or structure nearest the street which the building fronts, but excluding certain architectural features as cornices, canopies, eaves or embellishments.
- 24.122 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.

- 24.123 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.
- 24.124 GARAGE, PUBLIC shall mean any garage other than a private garage.
- 24.125 GARAGE, REPAIR shall mean a building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.
- 24.126 GARAGE, STORAGE shall mean any premises, used exclusively for the storage of vehicles.
- 24.127 GARBAGE shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
- 24.128 GOLF COURSE shall mean a lot or portion of a lot used for the playing of golf, including pitch and putt courses, but shall not include driving ranges, miniature golf courses or other similar commercial enterprises.
- 24.129 GREENHOUSE shall mean a building or structure constructed chiefly of glass, glass-like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.
- 24.130 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, bridle path, or other similar access-way.
- 24.131 GROUP HOUSES shall mean two (2) or more separate buildings, each containing one (1) or more dwelling units.
- 24.132 GROUP CARE HOME shall mean a dwelling for four or more disabled persons 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.
- 24.133 GUEST shall mean any transient person who occupies a room for sleeping purposes.
- 24.134 GUEST HOME shall mean the same as "Rest Home".
- 24.135 GUEST HOUSE shall mean the same as "Accessory Living Quarters".
- 24.136 GUEST ROOM shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.
- 24.137 HALF-STORY shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three (3) feet above the floor of such story.
- 24.138 HARD SURFACE shall mean paved with either asphalt or concrete.

- 24.139 HEDGE shall mean a plant or series of plants, shrubs or other land- scape material, so arranged as to form a physical barrier or enclosure.
- 24.140 HEIGHT OF BUILDING shall mean the same as "Building, Height of".
- 24.141 HIGHWAY, MAJOR INTER-REGIONAL shall mean a "U.S" or "State" designated highway with 100 feet right-of-way or more on which partial central of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.
- 24.142 HIGHWAY SETBACK LINE shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from the centerline of this future right-of-way line.
- 24.143 HOG RANCH shall mean any premises where five (5) or more weaned hogs are maintained.
- 24.144 HOME FOR THE AGED shall mean the same as "Rest Home".
- 24.145 HOME OCCUPATION, GENERAL shall mean a business, occupation, or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:
- 24.145.1 There shall be no external evidence of the occupation with the exception of one unlighted name plate of not more than one square foot in area attached flat against the building. Advert sing displays and advertising devices displayed through a window of the building shall not be permitted.
 - 24.145.2 There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line.
 - 24.145.3 The activity shall employ only members of the immediate family of the resident of the dwelling.
 - 24.145.4 There shall not be a stock of goods on the premises in excess of 30 cubic feet in volume, none of which shall be of a flammable nature.
 - 24.145.5 There shall be no signs, radio, television, newspaper, hand- bill, or similar types of advertising linking the address of the premises with the home occupation.
 - 24.145.6 Said home occupation shall not involve continual visits by the general public except that music lessons may be given to one pupil at a time; dance and art lessons may be given to four (4) pupils at a time; a dressmaker may have two (2) customers at a time; and a professional person may have one client or patient at a time. A barber shop shall not be considered a home occupation.
 - 24.145.7 The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for the display of produce grown on the premises.

- 24.145.8 Said occupation may include the caring for not more than two (2) unrelated children at one time for hire.
- 24.145.9 Room or board for hire, but not for more than two (2) persons.
- 24.146 Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics, shall not be interpreted to be a home operation despite the fact that it may attempt to operate in a residential building.
- 24.147 HOSPITAL shall mean any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including sanitariums, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients.
- 24.148 HOSPITAL, ANIMAL shall mean the same as "Animal Hospital" or "Animal Clinic".
- 24.149 HOTEL shall mean any building or portion thereof signed or used, or containing six (6) or more guest rooms or suites of rooms, but not including any institutions in which human beings are housed or detained under legal restraint.
- 24.150 HOTEL, MOTOR shall mean the same as "Motel".
- 24.151 HOUSE TRAILER shall mean the same as "Mobile Home".
- 24.152 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, roads, sidewalks, parking lots, and driveways.
- 24.153 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.
- 24.154 INFILL DEVELOPMENT shall mean the construction of a building or structure on a vacant parcel located in a predominately built up area.
- 24.155 INOPERABLE MOTOR VEHICLE shall mean any motor vehicle which does not have a current state license plate, is disassembled or wrecked in part or in whole, is unable to move under its own power, or is not equipped as required by law for operation upon public streets.
- 24.156 INTENT AND PURPOSE shall mean that the Planning Commission and 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 District and by the regulations prescribe therein.
- 24.157 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.
- 24.158 JUNK YARD shall mean any lot, or the use of any portion of a lot, for the dismantling of machinery, farm machinery, and including motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking, or for the storage or

keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard"

24.159 KENNEL, BOARDING AND TRAINING shall mean any lot or premises on which four (4) or more dogs or cats or any combination thereof, at least four (4) months of age, are boarded or trained for a fee.

24.160 KENNEL, BREEDING shall mean any lot or premises on which four (4) or more dogs or cats or any combination thereof, owned by the occupant of the premises, are kept for the purpose of raising and training for show or sale.

24.161 KITCHEN shall mean any room or area intended or designed to be used or maintained for the cooking, storing and preparation of food.

24.162 LANDSCAPING shall include the original planting of suitable vegetation in conformity with the requirements of this Ordinance and the continued maintenance thereof.

24.163 LOADING shall mean the removal or placement of any commodity in, on or from a vehicle of any type.

24.164 LOADING 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.

24.165 LOCAL STREET OR LOCAL HIGHWAY shall mean a street or road primarily for service to abutting property.

24.166 LODGING HOUSE shall mean the same as "Boarding House".

24.167 LOT shall mean:

24.167.1 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 re-recorded prior to the adoption of this Ordinance, or

24.167.2 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 Recorder and abutting at least one (1) public street or right-of-way, two (2) thoroughfare easement, or one (1) private road,

24.168 LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

24.169 LOT, CORNER shall mean a lot located at the intersection or inter-section of two (2) or more streets at an angle or not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot".

24.170 LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

- 24.171 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 three hundred (300) feet or less.
- 24.172 LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured at the lot centerline in the mean direction of the side lot lines.
- 24.173 LOT, INTERIOR shall mean a lot other than a corner lot.
- 24.174 LOT LINE shall mean the property line bounding a lot.
- 24.175 LOT LINE, FRONT shall mean the property line abutting a street.
- 24.176 LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.
- 24.177 LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.
- 24.178 LOT, NONCONFORMING 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 Registrar 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.
- 24.179 LOT, THROUGH shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.
- 24.180 LOT OF RECORD shall mean a lot held in separate ownership as shown on the records of the County Clerk at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located.
- 24.181 LOT WIDTH shall mean the average horizontal distance between the side lot lines measured at right angles to the lot depth at a point along the front or rear building lines, whichever is greater.
- 24.182 MARQUEE shall mean a permanent roofed structure attached to and supported by the building and projecting over public property.
- 24.183 MEDICAL OFFICE shall mean any building or portion of a building used or intended to be used as an office for the practice of any type of medicine, including chiropractic, dentistry or optometry. It shall also include Clinics of a medical or dental nature.
- 24.184 MEDICAL OR DENTAL CLINIC shall mean the same as "Medical Office".
- 24.185 MINI-STORAGE OR MINI-WAREHOUSE shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
- 24.186 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.

- 24.187 MOBILE HOME shall mean a transportable structure usually treated as a chattel, of one or more sections designed to be towed as a trans- portable unit on an undercarriage or chassis which is a permanent or an integral structural part of the floor or body of the unit, to permit year round occupancy and containing similar water supply, waste disposal, and electrical conveniences as permanent residential units.
- 24.188 MODULAR HOME, see "Mobile Home".
- 24.189 MOTEL shall mean a building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels and similar designation.
- 24.190 NON-CONFORMING Shall mean a building or use, or portion thereof, which was lawful when established but which does not conform to subsequently established zoning regulations.
- 24.191 NON-CONFORMING USE shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- 24.192 NON-FARM BUILDINGS are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.
- 24.193 NURSERY SCHOOL shall mean the same as "Day Nursery".
- 24.194 NURSING HOME shall mean the same as "Hospital"
- 24.195 OFFICE shall mean a building or a portion of a building wherein services are performed, including administrative, professional, or clerical operations.
- 24.196 OFFICIAL ZONING MAP shall mean the map delineating the boundaries of zoning districts, officially adopted by the Village Board.
- 24.197 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.
- 24.198 OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign"
- 24.199 OUTLOT shall mean an unbuildable lot remnant or parcel of land reserved for open space or future development.
- 24.200 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.
- 24.201 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.

- 24.202 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.
- 24.203 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.
- 24.204 PARKING AREA, RESIDENTIAL shall mean an area, other than a street, located on the subject lot for the parking of vehicles owned by the residents of such lot.
- 24.205 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 eight and one-half (8 1/2) feet by twenty (20) feet, plus such additional area as is necessary to afford adequate ingress and egress.
- 24.206 PARKWAY shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.
- 24.207 PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district, or any other group or combination acting as an entity, except that it shall not include Washington County, Nebraska.
- 24.208 PETROLEUM BULK PLANT shall mean a local wholesale distribution facility designed to serve the needs of the immediate surrounding area.
- 24.209 PHARMACY OR PRESCRIPTION PHARMACY shall mean a retail store engaged in, and limited to, the sale of prescription drugs, patent medicines, and surgical supplies. The sale of magazines, newspapers, books and tobacco products, household appliances, hardware, other sundry goods or other general merchandise, food or drinks shall not be permitted. Liquor and cosmetics shall not be sold except by prescription.
- 24.210 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.
- 24.211 PLANNING COMMISSION shall mean the planning commission of Kennard, Nebraska.
- 24.212 PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.
- 24.213 PROFESSIONAL OFFICE shall mean any building or portion of a building used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, optometrist, accountant, and other similar professions, but shall not include, for the purposes of this Regulation, the practice of any type of medicine or dentistry.
- 24.214 PROPERTY LINE shall mean the same as "Lot Line".
- 24.215 PROVISIONS shall mean all regulations and requirements referred to in the text.

- 24.216 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.
- 24.217 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.
- 24.218 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.
- 24.219 QUARRY shall mean any premises from which rock, sand, gravel and similar resources are being removed or are intended to be removed.
- 24.220 QUASI-PUBLIC ORGANIZATIONS shall mean any non-government organization that is devoted to public service and welfare.
- 24.221 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.
- 24.222 RECREATION FACILITY shall mean a facility including uses such as game courts and fields, exercise equipment, locker rooms, and other similar facilities.
- 24.223 RECREATIONAL FACILITY shall mean a facility used for passive and active recreation, 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, and shall include museums, amphitheaters, race tracks (including all motor powered vehicles), wildlife conservation areas (used for public viewing), and theme parks.
- 24.224 RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place, for one (1) or more families.
- 24.225 RESTAURANT shall mean any building or structure in which food and drinks are prepared for service to customers within such structure.
- 24.226 REST HOME OR HOME FOR THE AGED shall mean premises used for the housing of and caring for the ambulatory, aged or infirm, which premises require a license from the State or Village.
- 24.227 RETAIL STORE shall mean a business selling goods, wares or merchandise directly to the ultimate consumer.
- 24.228 RETENTION BASIN shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.
- 24.229 REZONING shall mean the same as "Zoning District, Change of".
- 24.230 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.

- 24.231 ROAD shall mean the same as "Street".
- 24.232 ROOM shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.
- 24.233 ROOMING HOUSE shall mean the same as "Boarding House".
- 24.234 SALVAGE YARD shall mean businesses engaged in the storage, collection, purchase, sale, salvage, or disposal of machinery, parts and equipment that are a result of dismantling or wrecking, including scrap metals or other scrap materials, with no burning permitted.
- 24.235 SANITARIUM shall mean a health station or retreat or other place where patients are housed and where medical or surgical treatment is given. This does not include mental institutions or places for the treatment of narcotic addicts.
- 24.236 SCHOOL, ELEMENETARY, JUNIOR HIGH OR HIGH shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.
- 24.237 SCHOOL, PRIVATE shall mean an institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.
- 24.238 SCREENING shall mean a structure or planting that conceals from view from public ways the area behind such structure or planting.
- 24.239 SEASONAL USE shall mean those land uses and structures that are operated during specific seasons of the year, ie. Christmas tree sales and haunted house.
- 24.240 SELECTIVE CLEARING shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
- 24.241 SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
- 24.242 SERVANTS QUARTERS (SEPARATE) shall mean complete living quarters either attached or detached from that of the main- dwelling including kitchen facilities but not rented or used for permanent or temporary living quarters by members of the family. (See "Family".)
- 24.243 SERVICE STATION shall mean an occupancy which provides for the servicing of motor vehicles in retail sale of gasoline, oil, tires, batteries, and new accessories; and operations including washing, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting automotive parts.
- 24.244 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.
- 24.245 SETBACK LINE, HIGHWAY shall mean the same as "Highway Setback Line".

- 24.246 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.
- 24.247 SIGHT TRIANGLE shall mean an area at a street intersection, in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and 10 feet above the grades of the bottom of the curb of the intersecting streets. The sight triangle shall be measured 25 feet from the point of intersection of the front property lines
- 24.248 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, except the following:
- 24.249 SIGN, ANIMATED shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- 24.250 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-illuminate.
- 24.251 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.
- 24.252 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. Banner signs shall not represent a commercial message.
- 24.253 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.
- 24.254 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.
- 24.255 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.
- 24.256 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.

- 24.257 SIGN, ILLUMINATED shall mean a sign illuminated in any manner by an artificial light source.
- 24.258 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.
- 24.259 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.
- 24.260 SIGN, MONUMENT shall mean a sign mounted directly to the ground with a maximum height not to exceed 10 feet.
- 24.261 SIGN, NAMEPLATE shall mean a sign not exceeding 2 square feet for each dwelling.
- 24.262 SIGN, NON-CONFORMING shall mean any sign that does not conform to the requirements of this ordinance.
- 24.263 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.
- 24.264 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.
- 24.265 SIGN, ON-PREMISE shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.
- 24.266 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.
- 24.267 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.
- 24.268 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.
- 24.269 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.

- 24.270 SIGN, SUBDIVISION shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.
- 24.271 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.
- 24.272 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.
- 24.273 SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for specific parcel of land.
- 24.274 SORORITY shall mean a building or structure housing a group of women associated for their common interest. Such group may eat, sleep and otherwise use such facilities as are provided on the premises.
- 24.275 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.
- 24.276 STABLE, PRIVATE shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire, or sale.
- 24.277 STAND, TEMPORARY shall mean the same as "Structure, Temporary".
- 24.278 STORMWATER DETENTION shall mean any storm drainage technique that retards or detains runoff for a brief period and controls runoff flows through slowly releasing runoff over time.
- 24.279 STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there be not floor above, then the space between such floor and the ceiling or roof above.
- 24.280 STORY, ONE-HALF shall mean the same as "Half-Story".
- 24.281 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.
- 24.282 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.

- 24.283 STREET, COLLECTOR shall mean a street or highway which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
- 24.284 STREET, 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.
- 24.285 STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.
- 24.286 STREETS, MAJOR shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.
- 24.287 STREET, MINOR shall mean a street intended primarily to provide pedestrian and vehicular access to the abutting properties.
- 24.288 STREET, PRIVATE shall mean a street or alley owned and maintained by a private party, with an access easement dedicated to the public.
- 24.289 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.
- 24.290 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.
- 24.291 STREET CENTERLINE shall mean the center line of a street right-of-way as established by official surveys.
- 24.292 STREET LINE shall mean the boundary line between street right-of-way and abutting property.
- 24.293 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.
- 24.294 STRUCTURE, ADVERTISING shall mean the same as "Advertising Structure".
- 24.295 STRUCTURE, TEMPORARY shall mean a structure which is readily movable and used or intended to be used for a period not to exceed six (6) consecutive months.
- 24.296 STRUCTURAL ALTERATION shall mean any change in the supporting members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joints, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
- 24.297 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.

- 24.298 SUPERMARKET shall mean any establishment, including groceries and grocery stores having 10,000 or more square feet of floor area devoted principally to the sale of food.
- 24.299 SWIMMING POOL shall mean Any above ground or below ground body of water in an artificial or semi-artificial receptacle or other container, over two feet (2) in depth at any point and having a surface area exceeding one hundred (100) square feet, used, or intended to be used for swimming or bathing. The term includes all structures, equipment, and fixtures such as filters and pumps, which are appurtenant to and intended for the operation and maintenance of a swimming pool.
- 24.299.1 PRIVATE SWIMMING POOL: A swimming pool maintained for use solely by the owner or lessee and his family, licensees, guests, permittees, and invitees without payment of any fee, which is located as an accessory structure on the same lot as his residence.
- 24.300 TEMPORARY USE shall mean a use intended for limited duration to be located in a zoning district not permitting such use.
- 24.301 TOURIST COURT shall mean the same as "Motel".
- 24.302 TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also see "Antenna".
- 24.303 TRADING AREA shall mean the area served by an existing commercial development or to be served by the proposed commercial development arid from which said development draws its support.
- 24.304 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.
- 24.305 TRAILER, CABIN shall mean any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares and designed or used for human habitation.
- 24.305.1 A dependent cabin trailer is one not equipped with a toilet for sewage disposal.
- 24.305.2 An independent cabin trailer is one equipped with a toilet for sewage disposal.
- 24.306 TRAILER COURT, OR MOBILE HOME PARK, OR TRAILER PARK shall mean a space or area containing at least two (2) acres designed, equipped, or maintained for the harboring, parking, or storing of cabin trailers, mobile homes, house trailers, or house cars which haul such trailers or house cars being used as living or sleeping quarters for humans.
- 24.307 TRAILER, RESIDENTIAL shall mean the same as "Mobile Home" and be used for human habitation only.
- 24.308 TRANSIENT shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than one hundred eighty (180) continuous days in any one (1) year.

- 24.309 TRANSPORTABLE HOUSE shall mean a trailer house, mobile home, double wide trailer house, transportable factory built house constructed to travel on wheels and to be used for human habitation.
- 24.310 TRUCK SERVICE STATION shall mean an occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted for "Service Station".
- 24.311 TRUCK AND TRAILER SALES LOT shall mean an open area where trucks or trailers are sold, leased or rented and where no repairs, repainting or remodeling are done.
- 24.312 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.
- 24.313 URBAN LOT shall mean any lot which lies, in whole or in part, within the boundaries of an urban area, as defined above.
- 24.314 USE shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.
- 24.315 USE, PERMITTED shall mean any land use allowed without condition within a zoning district.
- 24.316 USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use.
- 24.317 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.
- 24.318 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".
- 24.319 UTILITY EASEMENT shall mean the same as "Easement".
- 24.320 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.
- 24.321 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.

- 24.322 VARIANCE shall mean a relief from or variation of the provisions of this Ordinance by the Board of Adjustment, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.
- 24.323 VILLAGE shall mean the Village of Kennard.
- 24.324 VILLAGE CLERK shall mean the Village Clerk of Kennard, Nebraska.
- 24.325 VISUAL OBSTRUCTION shall mean any fence, hedge, tree, shrub, wall or structure exceeding two (2) feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight (8) feet.
- 24.326 WADING POOLS shall mean the same as "Swimming Pools".
- 24.327 WALL shall mean any structure or device forming a physical barrier, which is so constructed that fifty (50) percent or more of the vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane.
- 24.328 WAREHOUSING shall mean a building or buildings used for the storage of goods, of any type, when such building or buildings contain more than two hundred (200) square feet of storage space, and where no retail operation is conducted. Also see "Wholesaling".
- 24.329 WATER SUPPLY, COMMUNITY shall mean a water supply provided by a publicly owned corporation or a private organization which has a permit to serve two (2) or more dwelling units on abutting properties.
- 24.330 WATER SUPPLY, PRIVATE shall mean a water supply provided by a source other than a Community Water Supply.
- 24.331 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 soils conditions.
- 24.332 WHOLESALING shall mean the selling of any type of goods for the purpose of resale.
- 24.333 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 the projections or accessory buildings or structures permitted by this Regulation.
- 24.334 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.
- 24.335 YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
- 24.336 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 Ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

24.337 ZONE shall mean the same as "District".

24.338 ZONING DISTRICT shall mean the same as "District".

24.339 ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one (1} or more parcels of land from one (1) zoning district and placing them in another zoning district on the zone map of the Village.

24.340 ZONING OFFICER shall mean the zoning administrator for the Village Clerk of Kennard.

24.341 ZONING PERMIT is a written statement issued by the zoning administrator authorizing buildings, structures, or uses in accordance with the provisions of this Ordinance.

SECTION 25

VALIDITY

If any article, section, sub-section, sentence, clause, or phrase of these Regulations be declared unconstitutional or void, such decision shall not affect the validity of these Regulations as a whole or any part thereof, other than the part so declared invalid.

SECTION 26

PENALTY

Any person, firm, co-partnership, association, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not to exceed one hundred dollars (\$100) or by imprisonment not to exceed six months, or both, at the discretion of the court. The sale of each and every lot sold in violation of this chapter shall be considered a separate violation.

SECTION 27

CONFLICTING ORDINANCES REPEALED

All regulations or parts of regulations in conflict herewith are hereby repealed, except any regulations that impose more restrictive regulations than are imposed herein.