

Table of Contents

SECTION 1. TITLE 4

 1.01 TITLE 4

SECTION 2. PURPOSE AND INTENT 4

 2.01 PURPOSE AND INTENT 4

SECTION 3. GENERAL PROVISIONS 5

 3.01. JURISDICTION 5

 3.02. DISTRICTS 5

 3.03. RULES WHERE UNCERTAINTY MAY ARISE 5

 3.04. EXEMPTIONS 5

 3.05. APPLICATION OF REGULATIONS 5

 3.06. INTERPRETATION 6

 3.07. SEPARABILITY 6

SECTION 4. RULES AND DEFINITIONS 7

 4.01. RULES 7

 4.02. DEFINITIONS 8

SECTION 5. "R-1" RESIDENTIAL DISTRICT 16

 5.01. INTENT 16

 5.02. PERMITTED USES 16

 5.03. CONDITIONAL USES 16

 5.04. INTENSITY OF USE REGULATIONS 16

 5.05. HEIGHT REGULATIONS 16

 5.07. DEVELOPMENT STANDARDS: 17

SECTION 6. "R-2" RESIDENTIAL DISTRICT 18

 6.01. INTENT 18

 6.02. PERMITTED USES 18

 6.03. CONDITIONAL USES 18

 6.04. INTENSITY OF USE REGULATIONS 18

 6.05. HEIGHT REGULATIONS 18

 6.06. YARD REGULATIONS 18

 6.07 DEVELOPMENT STANDARDS 19

SECTION 7. "R-3" RESIDENTIAL DISTRICT 20

 7.01. INTENT 20

 7.02. PERMITTED USES 20

 7.03. CONDITIONAL USES 20

 7.04. INTENSITY OF USE REGULATIONS (MOBILE HOME PARK) 20

 7.05. HEIGHT REGULATIONS 20

 7.06. YARD REGULATIONS 21

SECTION 8. "C-1" COMMERCIAL DISTRICT 22

 8.01. INTENT 22

 8.02. PERMITTED USES 22

 8.04. INTENSITY OF USE REGULATIONS 24

 8.05. HEIGHT REGULATIONS 25

 8.06. YARD REGULATIONS 25

 8.07. USE LIMITATIONS: 25

SECTION 9. "C-2" COMMERCIAL DISTRICT 26

 9.01. INTENT 26

 9.02. PERMITTED USES 26

 9.03. CONDITIONAL USES 26

9.04. HEIGHT REGULATIONS	27
9.05. YARD REGULATIONS.....	27
9.06. USE LIMITATIONS	27
SECTION 10. PLANNED UNIT DEVELOPMENT “PUD” DISTRICT	28
10.01. INTENT.....	28
10.02. PERMITTED USES	28
10.03. PROCEDURE	28
10.04. GENERAL GUIDELINES	31
10.05. DESIGN GUIDELINES	31
10.06. LOT REGULATIONS	31
10.07. PERFORMANCE STANDARDS.....	31
10.08. TIME LIMITATIONS.....	32
SECTION 11. "A" AGRICULTURAL DISTRICT	33
11.01. INTENT.....	33
11.02. PERMITTED USES	33
11.03. CONDITIONAL USES	33
11.04. HEIGHT REGULATIONS:.....	34
SECTION 12. SUPPLEMENTARY DISTRICT REGULATIONS	35
12.01. HEIGHT REGULATIONS	35
12.02. YARD REGULATIONS.....	35
12.03. NUMBER OF STRUCTURES AND USES ON A ZONED LOT:	37
12.04. SIGHT TRIANGLE.....	37
12.05. ACCESS TO COMMERCIAL DISTRICT	37
12.06. HOME OCCUPATIONS	37
12.07. TEMPORARY USES PERMITTED.....	38
12.08. DETERMINATION OF BUILDING SETBACK LINE.....	39
12.09. FENCES	39
12.10. RECREATIONAL VEHICLES	39
12.11. RADIO AND TELEVISION TOWERS.....	39
12.12. LIVESTOCK	39
12.13 LIVESTOCK SHELTERING.....	39
SECTION 13. SIGN REGULATIONS	40
13.01. APPLICABILITY	40
13.02. CLASSIFICATION OF SIGNS	40
13.03. STRUCTURAL TYPES	40
13.04. GENERAL STANDARDS	41
13.05. EXEMPTIONS	42
SECTION 14. OFF-STREET PARKING REGULATIONS	43
14.01. GENERAL PROVISIONS	43
14.02. REQUIRED SPACES (OFF PUBLIC RIGHT-OF-WAY).....	43
14.03. REQUIRED SPACES (OFF-STREET)	43
SECTION 15. NON-CONFORMING USES.....	44
15.02. NONCONFORMING LOTS OF RECORD	44
15.03. NONCONFORMING STRUCTURES.....	44
15.04. NONCONFORMING USES:.....	45
SECTION 16. ADMINISTRATION	47
16.01. ADMINISTRATIVE PROCEDURE.....	47
16.02. PERMITS REQUIRED	47
SECTION 17. BOARD OF ADJUSTMENT, VARIANCES AND APPEALS	48
17.01. BOARD OF ADJUSTMENT MEMBERSHIP	48

17.02. BOARD OF ADJUSTMENT MEETINGS	48
17.03. DUTIES	48
17.04. APPLICATIONS	49
17.05. VARIANCES AND BUILDING PERMITS	50
17.06. APPEALS FROM THE BOARD	50
SECTION 18. AMENDMENTS	51
18.01. GENERAL PROVISIONS	51
18.02. PLANNING COMMISSION PUBLIC HEARING.....	51
18.03. ACTION BY THE PLANNING COMMISSION	52
SECTION 19. CONDITIONAL USES.....	53
19.01. DEFINITION	53
19.02. PROCEDURES	53
19.03. APPLICATION	53
19.04. MINIMUM REQUIREMENTS	53
19.05. ADDITIONAL REQUIREMENTS.....	54
SECTION 20. NOTICES	55
20.01. REFERENCES TO NOTICE REQUIREMENTS.....	55
20.02. METHOD OF GIVING NOTICE	55
20.03. EXCEPTIONS TO NOTICE REQUIREMENT	55
SECTION 21. SUBDIVISION REGULATIONS.....	56
21.01. INTENT.....	56
21.02. DEFINITIONS	56
21.03. PROCEDURE	56
21.04. GENERAL GUIDELINES	62
21.05. DESIGN GUIDELINES	63
21.06. FINAL PLAT PROVISION.....	63
SECTION 22. MISCELLANEOUS.....	64
22.01. VIOLATIONS AND PENALTIES	64
22.02. INVALIDITY IN PART.....	64
22.03. CONFLICTING ORDINANCE.....	64
22.04. EFFECTIVE DATE	64
22.05. PUBLICATION.....	64
SECTION 23. “M-1” LIGHT MANUFACTURING AND INDUSTRIAL DISTRICT	65
23.01. INTENT.....	65
23.02. PERMITTED USES	65
23.03. CONDITIONAL USES	65
23.04. HEIGHT REGULATIONS.....	66
23.05. YARD REGULATIONS.....	66
23.06. USE LIMITATIONS	66
SECTION 24. “M-2” HEAVY MANUFACTURING AND INDUSTRIAL DISTRICT	67
24.01. INTENT.....	67
24.02. PERMITTED USES	67
24.03. CONDITIONAL USES	67
24.04. HEIGHT REGULATIONS.....	67
24.05. YARD REGULATIONS.....	67
24.06. USE LIMITATIONS	67

ORDINANCE NO. 275

AN ORDINANCE OF THE VILLAGE OF POTTER, NEBRASKA, ADOPTING A COMPREHENSIVE ZONING CODE TO BE KNOWN AS THE "POTTER ZONING ORDINANCE" TO PROVIDE FOR ZONING CLASSIFICATIONS, ZONING DISTRICTS, FOR USES AND REGULATIONS OF PROPERTY WITHIN THE VARIOUS ZONING CLASSIFICATIONS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PUBLISH IN PAMPHLET FORM.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF POTTER, NEBRASKA:

SECTION 1. TITLE

1.01 Title. A Comprehensive Zoning Code for the Village of Potter is established as set out in this Ordinance. This Ordinance and any later amendments to it shall be known as the "Potter Zoning Ordinance" and may be cited by that name.

SECTION 2. PURPOSE AND INTENT

2.01 Purpose and Intent. This zoning ordinance is intended to serve the following purposes:

1. To promote the health, safety, morals, comfort and general welfare of the Village and its surrounding area.
2. To preserve and protect property values throughout the Village and its surrounding area.
3. To regulate the height, number of stories, and size of buildings and other structures; the percentage of lot coverage; the size of yards and other open spaces, and the density of population.
4. To create zoning districts within the Village and the area outside the Village over which it has zoning jurisdiction.
5. To regulate the location and use of buildings and land within each district or zone.
6. To enforce and maintain the objectives and policies of the Village of Potter Comprehensive Plan.

SECTION 3. GENERAL PROVISIONS

3.01. Jurisdiction: This Ordinance shall apply to the incorporated area of the Village of Potter, Nebraska, and that portion of the area outside the Village's incorporated boundary which is within the one-mile area of planning and zoning jurisdiction set forth by Nebraska law, as may be amended when necessary.

3.02. Districts: The following zoning districts are established:

	R-1	Residential District 1	
	R-2	Residential District 2	
	R-3	Mobile Home District	
	C-1	Commercial District	
	C-2	Commercial Two District	
	PUD	Planned Unit Development District	
	A	Agricultural District	
	M-1	Light Manufacturing and Industrial District	
	M-2	Heavy Manufacturing and Industrial District	

3.03. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts the following rules apply:

1. The district boundaries are the centerline of streets, alleys, and waterways, unless otherwise indicated; and where the designation of a boundary line coincides with the location of streets, alleys, or waterways, the centerline of the streets, alleys, or waterways shall be construed to be the boundary line of the district.
2. Where the district boundaries do not coincide with the location of streets, alleys or waterways, but do coincide with lot-lines, the lot-line shall be construed to be the boundary of the district.

3.04. Exemptions: The following structures and uses shall be exempt from the provisions of these regulations:

1. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the surface of the ground.
2. Public signs, erected by or on behalf of a governmental entity.

3.05. Application of Regulations: Subject to the provisions of Section 12, the following general requirements shall apply to all zoning districts:

1. No building, structure or land shall hereafter be used or occupied in whole or in part, except in conformity with regulations set forth in the Zoning Ordinance.
2. No building or structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with regulations set forth in the Zoning Ordinance.

3.06. Interpretation:

1. Minimum Requirements: In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
2. Overlapping or Contradicting Regulations: Where the conditions imposed by any provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or any provision of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive shall govern unless specifically excepted.
3. Private Agreements: These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than the easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
4. Unlawful Uses: The adoption of these regulations shall not be interpreted as retroactively legalizing a use or structure which was illegal under previous law.

3.07. Separability: It is hereby declared to be the intention of the Village that the provisions of these regulations are separable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, the judgment shall not affect any other provisions of these regulations.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of these regulations to a particular property or structure, the judgment shall not affect the application of the provisions to any other property or structure.

SECTION 4. RULES AND DEFINITIONS

4.01. Rules:

1. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
 - a. Words used in the present tense shall include the future tense.
 - b. Words in the singular number include the plural number and words in the plural number include the singular number.
 - c. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
 - d. The word "shall" is mandatory; the word "may" is permissive.
 - e. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 - f. Unless otherwise specified, all distances shall be measured horizontally.
 - g. The word "Village" means Village of Potter, Nebraska.
 - h. The abbreviation N/A means not applicable.
 - i. In the event that there is any conflict or inconsistency between the heading of a section, subsection or paragraph or this Ordinance and the context thereof, the headings shall not be deemed to effect the scope, meaning or intent of the context.
 - j. The words "Village Board" shall mean the Village Board of Potter, Nebraska.
 - k. The words "Planning Commission" shall mean the Planning Commission duly appointed by the Village Board.
2. Any word or phrase which is defined in this section, and used within this Ordinance, shall have the meaning as so defined whenever the word or phrase is used, unless the definition is expressly limited in its meaning or scope.

4.02. Definitions:

For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

1. Accessory Building: A subordinate building which serves a function customarily incidental to that of the main building. Customary accessory buildings include but are not limited to garages, carports, and small storage sheds.
2. Accessory Use: A subordinate use which serves a function customarily incidental to that of the main building. Customary accessory buildings include but are not limited to garages, carports, and small storage sheds.
3. Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, and has a right-of-way which is 20 feet or less in width.
4. Allowed Use: Any use, either permitted or conditional, in the designated district.
5. Alteration: Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.
6. Animal Hospital or Clinic: An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine. (This does not include open kennels or runs.)
7. Automobile Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where services may be rendered and sales made, of this type of like nature.
8. Automobile Wrecking Yard: Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment as a result of dismantling or wrecking.
9. Basement: That portion of a building having more than one-half of its height below finished grade. This portion shall not be a completed structure, but shall serve as a substructure of foundation of the remainder of the building.
10. Bed and Breakfast: Any place of lodging that provides rented rooms to six (6) or fewer people for a period not to exceed seven (7) days per renter at a time, that is the personal residence of the owner, that is occupied by the owner at the time of rental.
11. Block: Is an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or a lake, and which has been designated as such on a plat for description purposes.
12. Boarding or Lodging House: A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons. Individual cooking facilities are not provided.
13. Building Area: The portion of a lot remaining after required yards have been provided.
14. Building: Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property, but not a fence or similar enclosure. It is a structure which is entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which conducted the principal use of the lot on which it is situated. In any Residential District, any dwelling shall be deemed to be the principal building on the lot which the same is situated.

Section 4 Rules and Definitions

15. Building, Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top floor in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gabled, hip or gambrel roof.
16. Campground: Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purpose, which includes any buildings structures, vehicles or enclosure used or intended for use or intended wholly or in part for the accommodation of transient campers.
17. Camping Unit: Any vehicle, tent, trailer, or other movable shelter used for camping purposes.
18. Clinic: (See Medical, Dental, or Health Clinic).
19. Collector Street: (See Street Network, Collector).
20. Common Open Space: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
21. Common Sewer System: A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluents in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Quality for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.
22. Common Water System: A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.
23. Comprehensive Plan: Is the plan or series of plans for the future development of the Village recommended by the Planning Commission and adopted by the Village Board.
24. Conditional Use Permit: A Conditional Use Permit is written permit issued by the Zoning Administration with the written authorization of the Board of Adjustment. This Conditional Use Permit provides permission under specific conditions to make certain conditional uses of land in certain zoning districts as stipulated under exceptions in each of the district zoning regulations.
25. Condominium: A single dwelling unit under individual ownership within a two-family or multiple dwelling unit structure.
26. Cul-De-Sac: Is a street having one end open to traffic and being terminated by a vehicular turnaround.
27. Day Care Center: A facility in the business of providing care to not more than twelve children as defined by Nebraska Department of Social Services as a Group Day care home.
28. Day Care Home: A private residence wherein not more than eight children are cared for as defined by Nebraska Department of Social Services as a Family Day Care Home.
29. District: A section or sections of the area within the zoning jurisdiction of the Village for which uniform regulations governing the use, height, area, size, density, and intensity of the use of buildings, land, and open spaces are established.
30. Dog: Any canine species over six (6) months of age.

Section 4 Rules and Definitions

31. Dwelling: A building or portion thereof, designed and used for residential purposes, but not including recreational travel trailers or motor homes not used as a permanent residence.
32. Dwelling, Single Family: A dwelling having accommodations for and occupied exclusively by one family.
33. Dwelling, Single-Family Attached or Town House: A portion of a dwelling having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each dwelling may be sold independently of the other portions.
34. Dwelling, Two-Family: A dwelling on a single lot of record having accommodations for and occupied exclusively by two families, independently.
35. Dwelling, Multiple-Family: A dwelling having accommodations for and occupied exclusively by more than two families, independently.
36. Dwelling for the Elderly and/or Handicapped: A two-family or multiple-family dwelling having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel.
37. Dwelling Unit: One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis.
38. Earth Sheltered Residence: A residence designed as a complete structure below or partially below ground level, which was not intended to serve as a substructure or foundation for a building.
39. Easement: Is a grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specified purpose or purposes.
40. Efficiency Unit: A dwelling unit having only one room exclusive of bathroom, water closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove.
41. Elderly Residents: Those people who are at least sixty-two (62) years of age.
42. Enclosed: A use that is surrounded on all sides by a building or fencing.
43. Exception: An exception is a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
44. Farm Operation: A location where the principle business is the raising of crops on the premises.
45. Family: One or more persons living together as a single housekeeping unit, sharing expenses of living, but not a boarding house, fraternity or sorority house, club, lodging house, hotel, or motel.
46. Floor Area: Shall mean the gross area of the building measured from the external faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following area:
- a. The basement floor area.
 - b. The area of each floor of the structure.
 - c. The attic space having headroom of seven (7) feet or more.
47. Garage: A detached accessory building used for the storage of motor driven vehicles.
48. Gasoline Service Station: (See Automobile Service Station).

Section 4 Rules and Definitions

49. Group Home: A facility licensed by the State of Nebraska in which persons who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for purposes of adaptation or rehabilitation.
50. Handicapped Persons: Those people having an impairment which is expected to be of long, continuous and indefinite duration and is a substantial limitation to their ability to live independently.
51. Home Occupation: A business, profession, service or trade conducted for gain or support entirely within a residential building or its accessory structures. (See Section 12.06 for requirements).
52. Hotel or Motel: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether the establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court tourist cabin, tourist court, or other similar designations.
53. Inoperable Motor Vehicle: A motor vehicle that is wrecked, dismantled, or unable to move under its own power or is impounded by a governmental agency.
54. Institution: A building occupied by a non-profit corporation or non-profit establishment for public use.
55. Kennel - Boarding: Any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed or trained by other than the owner.
56. Kennel - Breeding: Any place, area, building or structure where more than one dog is kept for purposes of breeding or raising for a fee.
57. Kennel - Dog: Any premises upon which is located five or more dogs over the age of six (6) months.
58. Loading Space, Off Street: Space logically and conveniently located for bulk pickups and deliveries, scales to delivery vehicles expected to be used, and accessible to these vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking space in computation of required off-street parking space.
59. Loop Street: A street having both ends terminating on another single street.
60. Lot: For purposes of this Ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning and subdivision requirements, or use, coverage, and area, and to provide yards and other open spaces as are herein required. The lot shall have frontage on an improved public street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, or of portions of lots of record; a parcel of land described by metes and bounds.
61. Lot Corner: A lot abutting upon two or more streets at their intersection.
62. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.
63. Lot, Double Frontage: A lot having a frontage on two non-intersecting streets.
64. Lot, Front: The front of a lot shall be that side abutting a street right-of-way.
65. Lot, Rear: The rear of a lot shall be that side opposite the front of the lot.
66. Lot Zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. The parcel may be a tract or may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

Section 4 Rules and Definitions

67. Lot of Record: A lot which is a part of a subdivision the plat of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which was recorded in the office of the Register of Deeds prior to the adoption of these regulations.
68. Major Recreation Equipment: Major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motor homes, tent trailers and the like, and shall include the term Recreational Vehicle.
69. Manufactured Home: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with national manufactured home construction and safety standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development.
70. Medical, Dental or Health Clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and in which no patients are lodged overnight, but which may include an apothecary.
71. Mini-Warehouse: A building or group of buildings that contains individual, compartmentalized and controlled-access cubicles, stalls, bays or lockers for the storage of a customer's goods or wares.
72. Mobile Home: A moveable or portable dwelling constructed to be towed on its own chassis, connected to utilities and designed with or without a permanent foundation for use year around living, which may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, which shall include a manufactured home.
73. Mobile Home Park: Any area of land upon which one (1) or more mobile homes or manufactured homes are parked, connected to utilities and used by one (1) or more persons for living or sleeping purposes. A mobile home or manufactured home parked in this area can either be placed on a permanent foundation or supported only by its wheels, jacks, blocks, or skirting or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue for one (1) or more mobile homes or manufactured homes, connected to utilities and used by one (1) or more persons for living or sleeping purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of the mobile home park; and shall include any buildings, structures, tents, vehicles, or enclosures used or intended for use or intended wholly or in part for the accommodation of automobile transients.
74. Modular Home: Any prefabricated structure of conventional construction, built to the Uniform Building Code (UBC), used for dwelling purposes moved on to a site in essentially complete constructed condition, in which the metal frame is removed and the weight of the dwelling is distributed to the perimeter onto a permanent foundation with permanent connections, and when completed, is a single-family unit. Modular Homes shall be considered single-family dwellings for the purposes of this Ordinance. This does not include double-wide mobile homes or manufactured homes.
75. Nonconforming Structure: A structure which does not comply with the lot size requirement or regulations applicable to new structures in the zoning district in which it is located.
76. Nonconforming Use: An existing use of a structure or land which does not conform to the zoning regulations.
77. Nursing Homes or Convalescent Homes: An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism or narcotics addiction.

Section 4 Rules and Definitions

78. Off-Street Parking: An area that is laid out for the purpose of parking motor vehicles of residents, customers, employees, or visitors and is not located on public right-of-way. Off-street parking shall be considered as an accessory use to the principal use for which the parking is provided.
79. Parking Space: An area for the purpose of storing one parked vehicle.
80. Pedestrian Ways: A tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.
81. Permanent Foundation: A foundation, constructed of concrete, concrete block or equivalent masonry material, extending below the frost line which is designated to resist frost action and to safely support a building.
82. Permanent Wall Foundation: An exterior wall, constructed of concrete, concrete block, brick, stone or other equivalent masonry material, designed to resist frost action and to safely support a building.
83. Planning Commission: The Village of Potter Planning Commission.
84. Planned Development: Special development of certain tracts of land, planned and designed as a unit for one or more land uses under the regulations and procedures contained in the Ordinance and as approved by the Village Board.
85. Private Club: A non-profit association of persons who are bona-fide members paying annual dues, which owns, hires or leases a building or premises, or portion thereof, the use of the building or premises being restricted to members and their guests. The affairs and management of private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members.
86. Professional Office: Any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.
87. Public Utility: Any business which furnishes to the general public:
- a. Telephone service.
 - b. Telegraph service.
 - c. Electricity.
 - d. Natural gas.
 - e. Water, sewer and garbage collection.
 - f. Any other business affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
88. Recreational Vehicle: A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted or drawn by another vehicle, and which has a body width not exceeding eight and one-half (8 1/2) feet and a body length not exceeding forty (40) feet.
89. Recreational Vehicle Park: (See Campground).
90. Restaurant: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises, or be served by drive-through lane(s), a drive-up service window(s), or both, but not including any school or school activities or functions, or money raising activities by non-profit, religious, charitable or governmental organizations held less than twenty-five days per year.
91. Right-of-way: An area dedicated to the public use which provides access to adjacent properties.

Section 4 Rules and Definitions

92. Salvage or Junk Yard and Scrap Processing Plant: A building or premise where junk, waste, inoperable motor vehicles or discarded and salvage materials are bought, sold, bartered, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling which shall include auto wrecking yards.
93. Service Station: (See Automobile Service Station).
94. Sign: Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business, but shall not include any display of governmental notice or official flag.
95. Signs, On-Site: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
96. Signs, Off-Site: A sign other than an on-site sign.
97. Sight Triangle: 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 2-1/2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 50 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 50-foot distance shall be increased to 100 feet for each arterial leg of the intersection.
98. Street: A dedicated public right-of-way, other than an alley, which provides a primary means of access to abutting property.
99. Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.
100. Street, Marginal: A minor street which is parallel to and adjacent to an arterial street and which serves to reduce the number of access points to the arterial street and thereby increase traffic safety. Also known as a frontage road.
101. Street, Network:
- a. Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
 - b. Arterial: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.
 - c. Collector: A street which provides for traffic movement between arterial and local streets, with direct access to abutting property.
 - d. Local: A street which provides direct access to abutting land, and local traffic movement whether in business, industrial, or residential land.
102. Structure: Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.
103. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:
- a. Attachment of new facade where structural supports are not changed.
 - b. Addition of fire escapes where structural supports are not changed.

Section 4 Rules and Definitions

- c. New windows where lintels and support walls are not materially changed.
- d. Repair or replacement of non-structural members.

104. Tavern: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises.
105. Traveled Way: The portion of a roadway of a street or highway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
106. Variance: A variance is a relaxation of the terms of this Zoning Ordinance that may be granted by the Village Board under the provisions of Section 17.
107. Village Board: The Village Board of Potter, Nebraska.
108. Warehouse: A building designed for storage.
109. Yard: A space on a lot that is open, unoccupied and unobstructed by buildings or structures from the ground upward.
110. Yard, Front: A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way and the front of the primary building.
111. Yard, Rear: A yard extending across the full width of the lot, the depth of which is the distance between a rear lot line and the rear of the primary building.
112. Yard, Side: A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.
113. Zone or Zoning District: (See District).
114. Zoning Administrator: The person or persons authorized and empowered by the Village Board to administer the requirements of these zoning regulations.
115. Zoning Area: That area which is zoned as set out in this Ordinance.
116. Zoning Regulations: The term zoning regulations shall mean the requirements stipulated in this ordinance and any amendments to it.

SECTION 5. "R-1" RESIDENTIAL DISTRICT

5.01. Intent: The intent of this district is to provide area for residential development including those uses which reinforce residential neighborhoods.

5.02. Permitted Uses: In District "R-1", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Public parks, playgrounds and schools.
3. Day care homes.
4. Accessory buildings and uses customarily incidental to the listed permitted uses.

5.03. Conditional Uses: The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:

1. Day care centers.
2. Churches.
3. Libraries.
4. Telephone exchanges or other similar public utilities.
5. Home occupations as defined in 12.06.
6. Garages/shops for repairing, restoring or storing motor vehicles and other equipment primarily owned by the garage/shop owner, provided that all materials shall be stored within such garage/shop; and provided further that no inoperable motor vehicles shall be stored outside such garage/shop.

5.04. Intensity of Use Regulations:

1. Minimum lot area: Single-family - 5,000 square feet
2. Minimum lot width: 50 feet

5.05. Height Regulations:

1. Maximum structure height: 35 feet

5.06. Yard Regulations:

1. Front yard: 20 feet
2. Side yard: Not less than five (5) feet.
3. Rear yard: There shall be a rear yard having a depth of not less than 20% of the depth of the lot, provided however, that the depth of the rear yard shall not be less than fifteen (15) feet.

507. Development Standards:

1. All single-family dwellings shall have no less than 900 square feet of floor area;
2. All single-family dwellings shall have a minimum width of 18 feet;
3. All single-family dwellings shall have a roof that is pitched with a minimum rise of two and one-half inches for each twelve inches of horizontal run;
4. All single-family dwellings shall have a non-reflective roof material which is or simulates asphalt or wood shingles, standing seam metal roofing, tile, or rock;
5. All single-family dwellings shall have all wheels, axles, transporting lights, and removable towing apparatus removed.
6. All single-family dwellings shall have a permanent foundation.

SECTION 6. "R-2" RESIDENTIAL DISTRICT

6.01. Intent: The intent of this district is primarily to provide a transition area between the commercial and residential districts within the Village where more intensive residential uses are allowed.

6.02. Permitted Uses: In District "R-2", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one of the following uses:

1. Any use allowed in an "R-1" District.
2. Two-family dwellings.
3. Multiple family dwellings.
4. Accessory buildings and uses customarily incidental to the listed permitted uses.

6.03. Conditional Uses: The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:

1. All conditional uses as permitted in an "R-1" District.
2. Group homes.
3. Nursing or convalescent homes.
4. Medical, dental and health clinic or hospital.
5. Funeral homes

6.04. Intensity of Use Regulations:

1. Minimum lot area: Single-family - 5,000 square feet
Two-family - 2,500 square feet/dwelling unit
2. Minimum lot width: 50 feet

6.05. Height Regulations:

1. Maximum structure height: 35 feet

6.06. Yard Regulations:

1. Front yard: 20 feet
2. Side yard: Not less than five (5) feet
3. Rear yard: There shall be a rear yard having a depth of not less than 20% of the depth of the lot, provided however, that the depth of the rear yard shall not be less than fifteen (15) feet.

6.07 Development Standards:

1. All single-family dwellings shall have no less than 900 square feet of floor area;
2. All single-family dwellings shall have a minimum width of 18 feet;
3. All single-family dwellings shall have a roof that is pitched with a minimum rise of two and one-half inches for each twelve inches of horizontal run;
4. All single-family dwellings shall have a non-reflective roof material which is or simulates asphalt or wood shingles, standing seam metal roofing, tile, or rock;
5. All single-family dwellings shall have all wheels, axles, transporting lights, and removable towing apparatus removed.
6. All single-family dwellings shall have a permanent foundation.

SECTION 7. "R-3" RESIDENTIAL DISTRICT

7.01. Intent: The intent of this district is to provide areas in Potter for mobile homes used for single family residential occupancy.

7.02. Permitted Uses: In District "R-3", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Modular homes.
3. Mobile Homes.
4. Manufactured Homes.
5. Public parks, playgrounds and schools.
6. Accessory buildings and uses customarily incidental to the listed permitted uses.
7. Utility Service Facilities

7.03. Conditional Uses: The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:

1. Home occupations as defined in 12.06.

7.04. Intensity of Use Regulations (Mobile Home Park):

1. Minimum lot area: 4,000 square feet
2. Minimum lot width: 50 feet

7.05. Height Regulations:

1. Maximum structure height: 35 feet

7.06. Yard Regulations:

1. Front yard: 20 feet
2. Side and Rear yards: based on the distance between mobile home units measured from the closest point or edge of the mobile home as follows:
 - a. 15 feet between mobile homes if the units are placed end (width) to end (width).
 - b. 20 feet between mobile homes if the units are placed side (length) to side (length).
 - c. 18 feet between mobile homes if the units are placed side (length) to end (width).
 - d. Ends (width) of mobile homes that are greater than 16 feet in width shall be considered to be sides of the mobile home in measuring distances between mobile home units.
 - e. A mobile home shall have a minimum offset of 5 feet or 1 foot for every 3 feet in height, whichever is greater, from the perimeter of the mobile home park or from any adjacent property which is not approved to be utilized for a mobile home.
 - f. Accessory buildings and structures on the same lot or space as a mobile home shall have a minimum clearance of 10 feet from any structure or mobile home on any other lot.
 - g. Commonly owned or utilized buildings which are accessory to the park shall have a minimum clearance of 10 feet from any other structure or mobile home.

SECTION 8. "C-1" COMMERCIAL DISTRICT

8.01. Intent: The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities and office uses normally found in a Village.

8.02. Permitted Uses: In District "C-1", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Accessory buildings and uses incidental to those listed below.
2. Amusement places (indoors), including video game arcades, game machines, pool halls and other similar establishments.
3. Animal hospital, clinics and kennels, providing the establishment and runs are completely enclosed inside a building.
4. Antique shops and stores.
5. Apparel and accessory stores.
6. Art and art supply stores.
7. Artist studio.
8. Arts and crafts shops.
9. Auditoriums and similar places of public assembly.
10. Automobile accessory and supply store.
11. Automobile and truck sales and services operated by a licensed dealer.
12. Bakery and pastry shop.
13. Banks and other savings and lending institutions.
14. Barber shops, beauty shops and similar personal services.
15. Bicycle shops.
16. Books and stationary stores.
17. Bowling alleys.
18. Business and technical/vocational schools including schools for photography, dancing and music.
19. Business machine repair, sales and service.
20. Carpenter, cabinet and sheet metal shops.
21. Car wash.
22. Churches.
23. Cigar and tobacco store.
24. Clothing and costume rental.
25. Commercial recreation centers.
26. Custom dressmaking, millinery, tailoring and similar trades.
27. Day care homes or centers.
28. Delicatessens and catering establishments.
29. Department stores.
30. Drug stores and prescription shops.
31. Dry cleaning and laundry establishments.
32. Dry goods and notion stores.
33. Equipment rental.
34. Feed and seed stores.
35. Fix-it shops, including radio, television and small household appliances.
36. Florist and/or gift shop.
37. Frozen food lockers.

Section 8 C-1 Commercial District

38. Funeral homes and mortuaries.
39. Furniture and home furnishing store.
40. Government buildings.
41. Greenhouse and nursery; retail and wholesale.
42. Grocery store.
43. Hardware store.
44. Hobby, stamp and/or coin shop.
45. Hotel and motel.
46. Household appliance store.
47. Interior decorator shop.
48. Jewelry and metal craft store or shop.
49. Leather goods and luggage store.
50. Library and/or museum.
51. Light assembly and processing operation such as electronics, garment works, plate making, pattern shop and similar uses.
52. Lock and key shop.
53. Lumber yard.
54. Machinery sales and service.
55. Mail order catalog stores.
56. Manufactured, mobile and modular home sales and service.
57. Medical, dental and health clinic or hospital.
58. Medical and orthopedic appliance store.
59. Meeting hall.
60. Messenger and telegraph service station.
61. Miniature golf.
62. Mini-warehouses.
63. Monument sales.
64. Motor vehicle repair service
65. Motor vehicle body shop.
66. Municipal storage yards.
67. Musical instrument sales and repair shop.
68. Newspaper office and newsstand.
69. Newsprint, job printing and printing supply store.
70. Offices and office building.
71. Office supply and office equipment store.
72. Optician and optometrist.
73. Package liquor store.
74. Paint and wall paper store.
75. Parking lots and garages.
76. Parks.
77. Pawn shop.
78. Pet shop.
79. Photographic equipment sales and supply store.
80. Photographic studio.
81. Picture framing shop.
82. Plumbing, heating, ventilation, air conditioning and electrical shops including related fabrication.
83. Printer.
84. Private clubs and lodges.
85. Real estate office.

86. Recreational vehicle parks.
87. Restaurant.
88. Service station.
89. Self-service laundry establishment.
90. Sewing machine shop.
91. Shoe store and repair shop.
92. Sporting goods and athletic store.
93. Tailor shop.
94. Tavern.
95. Theater.
96. Toy store.
97. Travel bureau.
98. Upholstering shop.
99. Utility company office.
100. Variety store.
101. Warehousing except for products of a highly explosive, combustible or volatile nature.
102. Wholesale establishments.

8.03. Conditional Uses in "C-1":

1. Bottling works.
2. Contractor's office and equipment storage yard.
3. Grain elevators.
4. Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
5. Manufacturing or storage of bulk oil or gas.
6. Ready-mixed concrete and asphalt mix plants.
7. Sign painting and manufacturing.
8. Truck and rail terminals.
9. Welding and blacksmith shops.
10. Public utility and public service uses as follows:
 - a. Telephone exchange, microwave towers, radio towers, television towers, telephone transmission buildings and electric power plants.
 - b. Public utility storage yards.

8.04. Intensity of Use Regulations:

1. Minimum lot area: None
2. Minimum lot width: None
3. All structures within the Commercial zone shall comply with all of the State Fire Marshall's regulations pertaining to that type structure.

8.05. Height Regulations:

1. Maximum structure height: 35 feet.
 - a. Provided the maximum height of a use permitted as a special exception and its accessory structures shall be 75 feet.

8.06. Yard Regulations:

1. Front yard: None
2. Side yard: None
3. Rear yard: None

8.07. Use Limitations:

1. No storage outside of an enclosed area, except the display of merchandise for sale to the public, shall be permitted.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
3. Any outdoor storage shall be within an enclosed area that has sidewall or fencing at least six feet in height.

SECTION 9. "C-2" COMMERCIAL DISTRICT

9.01. Intent: The intent of this district is to provide for those activities which require more intense uses of land.

9.02. Permitted Uses: In District "C-2", no building, structure, land or premises shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use allowed in the "C-1" District.
2. Specialized horticulture operations including orchards, nurseries and similar operations.
3. Parks, playgrounds, golf courses and recreational uses including fairgrounds.

9.03. Conditional Uses: The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:

1. Kennels.
2. Hospitals and institutions of an educational, religious, charitable, philanthropic nature.
3. Grain elevators and grain storage.
4. Commercial transmitting towers.
5. Other publicly owned buildings and uses not specifically listed elsewhere in this district.
6. Seasonal or temporary uses such as recreation camp or similar enterprises.
7. Youth camps, gun clubs, rodeo arenas and golf courses.
8. Recreational vehicle park.
9. Animal hospitals and clinics.
10. Auto wrecking yards, junk yards, salvage yards and scrap processing plants, however subject to the following:
 - a. Located on a tract of land at least 300 feet from a Residential District zone.
 - b. The area shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet.
 - c. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the screened area or within the public right-of-way.
 - d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department except when prohibited by Federal, State or local law or regulations.
11. Agricultural related businesses.

9.04. Height Regulations:

1. Any building or structure hereafter erected or altered may be erected to any height which is not in conflict with any other existing county ordinance, state or federal law.

9.05. Yard Regulations:

1. Yards surrounding residential dwellings shall meet or exceed the yard requirements set forth in an “R-1” district.

9.06. Use Limitations:

1. No storage outside of an enclosed area, except the display of merchandise for sale to the public, shall be permitted.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
3. Any outdoor storage shall be within an enclosed area that has sidewall or fencing at least six (6) feet in height.

SECTION 10. PLANNED UNIT DEVELOPMENT “PUD” DISTRICT

The District “PUD” shall be legally described as follows:

10.01. Intent: The intent of this district is to provide an area for high quality, attractive commercial establishments that cater to tourism activity.

10.02. Permitted Uses: In the PUD District, no building, structure, land or premises shall be hereafter erected, constructed, reconstructed, moved or altered, unless it has met the PUD District Regulations outlined in Section 10:

10.03. Procedure: A Planned Unit Development may only be granted a building permit as a special use to the PUD zoning district. The process for obtaining a permit for a Planned Unit Development is as follows:

1. Concept Plan:

- a. A prospective developer shall present a concept plan to the Planning Commission and the Village Board. The concept plan serves as a preliminary step to inform the Village of the proposed development and to present the developer with guidelines and recommendations in developing a project.
- b. The following information shall be presented in the concept plan:
 - i. Data regarding site conditions, land characteristics, available community utilities, and other related general information about uses of land on site and surrounding sites.
 - ii. Sketch drawing showing the proposed location of the uses of land, major streets and other features.
 - iii. Property survey and legal description of the subject parcel of land.
 - iv. An explanation of the character of the Planned Unit Development, how the proposed development affects the property, and how the proposed development accomplishes the purposes of the Planned Unit Development regulations.
 - v. Information on parking facilities.
 - vi. Preliminary engineering in sufficient detail which will convey the general basis of design of the sanitary sewer, water, storm water control and flood control.
 - vii. An analysis of the natural features and drainage patterns of the property.
 - viii. An examination of the soils determining the adequacy of the property for development.
 - ix. Any other information deemed necessary by the Planning Commission or Village Board.

Section 10 Planned Unit Development District

2. Preliminary Plat:
 - a. An application for approval of a Preliminary Plat of a Planned Unit Development shall be filed in writing with the Village Office. The Village Office shall transmit the application to the Planning Commission for review and duly published public hearing as required by state statutes.
 - b. The application shall contain such information as may be required to conduct a comprehensive review and evaluation of the proposal by the Planning Commission and the Village Board including the following Preliminary Plat information:
 - i. Title of the proposed Planned Unit Development project.
 - ii. Legal description and total acreage of the property.
 - iii. Date, scale and north arrow.
 - iv. Name and address of the owner, applicant, engineer and land surveyor.
 - v. Location of corporate boundary, county and township lines in relation to the Planned Unit Development.
 - vi. Location, dimensions and acreage of proposed lot(s)
 - vii. Location and dimensions of proposed streets, alleys, easements and storm water control areas.
 - viii. Character of the surrounding land uses adjacent to the Planned Unit Development.
 - ix. General internal use of each building or structure.
 - x. Ground elevations at 1 foot intervals.
 - xi. Floodplains
 - c. The applicant shall give written notice to the owners of adjacent property as required by law.
 - d. The public hearing shall be conducted by the Planning Commission who shall record the proceedings.
 - e. The Planning Commission shall make written findings of facts and shall submit them together with their recommendation to the Village Board.
 - f. The Village Board shall consider the Planning Commission's recommendations and may then grant, deny or grant with modification the proposed Planned Unit Development. If the Village Board grants approval of the Planned Unit Development, it shall adopt an ordinance authorizing the Planned Unit Development as a special use.
 - g. Attached as exhibits to the Ordinance shall be the Preliminary Plat of the Planned Unit Development and supporting documents as necessary. Approval of a Preliminary Plat of a Planned Unit Development shall not constitute final approval of the Final Plat of Planned Unit Development. Rather it shall be deemed an expression of approval of the concept and

Section 10 Planned Unit Development District

layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat of Planned Unit Development.

3. Final Plat:
 - a. The Planned Unit Development may be final platted in segments. The Final Plat or plats of the Planned Unit Development shall conform substantially to the Preliminary Plat of the Planned Unit Development as approved. The Preliminary Plat of the Planned Unit Development shall generally specify uses of land and location of buildings, whereas the Final Plat of the Planned Unit Development shall designate with particularity of uses of the land and the location of buildings.
 - b. An application for approval of a Final Plat of Planned Unit Development shall be filed in writing with the Village Office. The Village Office shall transmit the application the Planning Commission for review. The application shall contain such information as may be required to conduct a comprehensive review and evaluation of the application as determined by the Planning Commission of the Village Board.
 - c. A drawing of the Planned Unit Development showing the following information:
 - i. Designation of the uses of land and the location of buildings and structures.
 - ii. Title of the proposed Planned Unit Development.
 - iii. Legal description and total acreage of property.
 - iv. Scale, north arrow and date of preparation.
 - v. Location and dimensions of proposed streets, alleys, easements and storm water control areas.
 - vi. Dimensions of the lots.
 - d. The application shall include the following:
 - i. A document by the applicant setting forth the nature, type, character and extent of any public improvements to be constructed.
 - ii. A guarantee of project funding by the developer which shall be approved by the Village Board.
 - iii. Complete and detailed engineering which shows the design of the sanitary sewer, water, storm water control, flood control and street facilities including specifications.
 - iv. Cost estimates for all public improvements.
 - v. Other information as deemed necessary.
 - e. The review shall be conducted by the Planning Commission which shall make written findings of facts and shall submit them together with its recommendations to the Village Board.

Section 10 Planned Unit Development District

- f. After recommendation by the Planning Commission, the Village Board may grant, deny or grant with modification, the proposed Planned Unit Development. If the Village Board grants the proposed Planned Unit Development, it shall adopt an ordinance authorizing the Planned Unit Development as a special use. Attached to the ordinance as exhibits shall be the Final Plat of the Planned Unit Development and supporting documents as necessary.

10.04. General Guidelines: General considerations to be used by the Planning Commission and the Village Board in evaluating and allowing a proposed Planned Unit Development.

1. Demand for the type of uses at the site in question.
2. Probable impact upon municipal service, utilities and facilities.
3. Effect upon adjacent land uses.
4. Potential for traffic congestion or traffic hazards.
5. General suitability of the site in question for the development proposed.
6. The development proposed shall be in harmony with the Village's Comprehensive Development Plan.
7. The development shall meet the general intent of Section 10 of this Ordinance.

10.05. Design Guidelines: Design and improvement considerations to be evaluated by the Planning Commission and Village Board for proposed Planned Unit Development.

1. Adequate water and sewer is available.
2. Traffic Access is controlled.
3. No structures shall exceed 40 feet in height.
4. All parking areas shall be adequately landscaped.
5. All outside storage areas shall be effectively screened from public view.
6. Proposed permanent signs shall be included as part of the application and shall show location, size and design.
7. Areas not devoted to structures, required parking or concealed open storage shall be landscaped adequately

10.06. Lot Regulations: No developer may transfer or sell, agree to transfer or sell, or offer to transfer or sell any lot, tract or parcel which is part of the Planned Unit Development until the same has been approved by the Village Board.

10.07. Performance Standards: A Planned Unit Development shall be constructed in accordance with the approved Final Plat of Planned Unit Development and all supporting data. These plats shall control and limit the use of the parcel of land including the internal use of the buildings and the location of the buildings and structures in the Planned Unit Development as indicated on the plats.

Section 10 Planned Unit Development District

10.08. Time Limitations: The planned Unit Development shall be constructed in a timely manner. The Planned Unit Development shall be subject to revocation under the following the conditions:

1. Final Platting does not occur within two (2) years from the date of approval of the Preliminary Plat for the Planned Unit Development.
2. Construction does not commence within two (2) years from the date of approval of the Final Plat of the Planned Development Unit.
3. Either the Village Board or the owner of the parcel of land on which the Planned Unit Development is to be constructed may apply for the revocation of a Planned Unit Development. Said owner shall be notified in writing at least thirty (30) days prior to the Village Board's consideration of the revocation.

SECTION 11. "A" AGRICULTURAL DISTRICT

11.01. Intent: The intent of this district is to serve the agricultural community, protect prime farm land, protect land values, and serve the needs of the property owners in this district. It is the intention to only restrict in "A" that which is necessary to protect the health, safety and general welfare of the Village and its surrounding area.

11.02. Permitted Uses: In District "A" buildings, structures, land and premises shall hereafter be allowed to be erected, constructed, reconstructed, moved or altered as long as they are to be used for a permitted use.

1. The raising of crops and produce on said premises and the sale of such crops and produce.
2. The operation of a farm or ranch using normal and customary practices.
3. Cemeteries.
4. The storage of fuel in accordance with State and Federal regulations.

11.03. Conditional Uses: The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:

1. Confinement of feeder, beef or dairy cattle; swine, sheep, turkeys and/or poultry when not in conjunction with a farm operation.
2. Experimental farms.
3. Commercial animal stable or shelters
4. Archery, trap and skeet shooting ranges.
5. Substations.
6. Livestock auction sales.
7. Solid waste, disposal and processing, sites which include incinerators, compactors, transfer stations, recycling and other similar functions.
8. Gravel Pits.
9. Rodeos and rodeo type activities
10. Carnivals and circuses
11. Fairgrounds
12. Golf courses and clubhouses customarily accessory thereto, miniature golf, driving ranges and other similar activities operated as a business
13. Horticulture nurseries and greenhouses
14. Landscape gardening and landscape contracting businesses
15. Communication towers and antennas

16. Shooting ranges
17. Stables and arenas
18. Roadside field retail stands
19. Race tracks, including horse, dog, automobile, and demolition derbies

11.04. Height Regulations:

1. Any building or structure hereafter erected or altered may be erected to any height which is not in conflict with any other existing county ordinance, state or federal law.

SECTION 12. SUPPLEMENTARY DISTRICT REGULATIONS

12.01. Height Regulations:

1. Chimneys, cooling towers, elevator head-houses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers/spires, church steeples, radio/television towers, antennas or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations.

12.02. Yard Regulations:

1. Front yards: The front yards in Residential Districts (“R-1” and “R-2”) shall be adjusted in the following cases:
 - a. Where fifty percent (50%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard either greater or smaller than required then:
 - i. Where a building is to be erected on a parcel of land that is within fifty (50) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of adjacent building on the two sides.
 - b. In cases where corner lots with more than two (2) frontages, front yard requirements shall be subject to the following limitations:
 - i. At least one front yard shall be provided having the full depth required generally in the district; and
 - ii. No other front yard on the lot shall have less than half the full depth required generally.
2. Accessory Buildings:
 - a. No accessory uses, buildings or structures shall be erected in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet from any other building.
 - b. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) to the rear or side lot line; unless otherwise specifically permitted, any accessory building requiring vehicle access from an alley way shall be a minimum of five (5) feet from the rear property line. All accessory buildings on a lot collectively shall not cover more than thirty (30) percent of the required yard. In addition, no accessory building shall be constructed upon a lot until the construction of the main building has been started. Finally, no accessory building shall be used for dwelling purposes.
 - c. Detached accessory storage buildings for residences shall not have area dimensions with a gross floor area greater than thirty (30) percent of the required rear yard, shall be permanently anchored and shall not exceed twenty-five (25) feet in height.
 - d. An accessory building shall not be constructed of or be part of any of the following:
 - i. Mobile homes;
 - ii. Grain bins;
 - iii. Pickup toppers; and

Section 12 Supplementary District Regulations

- iv. Railcars.
- e. An accessory building shall not be part of or consist of a vehicle, trailer or portions thereof, originally designated for travel or use upon a public roadway.
- f. An accessory building may not consist of any recycled or salvaged materials unless the structure meets all building codes. The exterior siding of an accessory building shall consist of new materials, with the exception that logs, bricks, cement blocks, non-rusted sheet metal or recomposed plastics are exempt from the need of new material exterior siding.
- g. Enclosed sealed mobile storage containers, including but not limited to, sea containers, cargo containers, shipping containers, and any other storage containers, may be permitted for permanent storage in the commercial zoning areas and school property only with approval of the Board of Trustees prior to placement. Said mobile storage containers will not be allowed in residential zoning areas or other zoning areas.
- h. Any cargo container utilized as an accessory building shall not be permitted on any lots which are included within a residential zoning area. Such cargo containers will be permitted upon lots in commercial zoning areas subject to the following restrictions:
 - i. Only one (1) cargo container per lot unless the Village Board of Trustees approves more than one (1) container;
 - ii. No stacking of containers;
 - iii. Not to exceed 8' x 8' x 40' in size;
 - iv. Shall be free of dents, rust and/or graffiti and shall be maintained in good condition and painted to blend in with the surroundings;
 - v. Shall be permanently and adequately anchored;
 - vi. Shall be securely locked at all times, other than during actual loading or unloading;
 - vii. If airtight, an air vent must be installed; and
 - viii. Under no circumstances shall the cargo container be used as a dwelling unit, or housing unit, pet housing or containment units or kennel.
 - ix. In the event of an emergency, such as a fire or natural disaster, a cargo container may be placed on a property for up to thirty (30) days without approval of the Village Board of Trustees; provided however, the Clerk of the Village of Potter must be notified within five (5) working days of the placement of a cargo container by either the property owner, the tenant or the contractor. If the Village of Potter is not so notified, the cargo container must be immediately removed. After the initial thirty (30) days has expired, the Village Board of Trustees may extend the permit another thirty (30) days upon application and Hearing before the Board. The permit must be renewed in the same manner every thirty (30) days and may be renewed up to a total of five (5) times. If after six (6) months the cargo container is still present, the cargo container must be removed unless application is made and approval obtained from the Village Board of Trustees prior to the end of said six (6) month period.

12.03. Number of Structures and Uses on a Zoned Lot:

1. With respect to "R-1" and "R-2" Districts, only one principal use and structure may be located on a lot or tract except that this shall not prohibit allowable home occupations.
2. With respect to "C" Districts, more than one principal use and structure may be located upon the lot or tract, but only when the building or buildings conform to all requirements for the district.

12.04. Sight Triangle:

1. On a corner lot in all districts, except "C" Districts, development shall conform to the requirements of the sight triangle as defined in Section 4.02.

12.05. Access to Commercial District:

1. No land which is located in a Residential District shall be used for a driveway, walkway or access way to any land which is located in a Commercial District.

12.06. Home Occupations:

Home occupations, where permitted, shall be subject to the following:

1. Restrictions and Limitations:

- a. The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than fifty percent (50%) of the total floor area of the dwelling unit.
- b. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
- c. No alteration of the exterior of the principal residential building shall be made which changes the character as a residence. The home occupation shall be carried on entirely within the principal residential structure or accessory building.
- d. No sign shall be illuminated or exceed two (2) square feet in area.
- e. No equipment shall be utilized that creates a nuisance due to noise or electrical interference.
- f. Parking needs generated by the conduct of a home occupation shall be provided off-street.

2. Particular Home Occupations Permitted:

Permitted home occupations (not exclusive) which are subject to the above restrictions and limitations include:

- a. Art, dancing and music schools, provided that instruction is limited to five (5) pupils at one time.
- b. Artists, sculptors or authors.
- c. Beauty and barber shops and other services customarily performed by these shops such as manicures and hair removal salons.
- d. Bed and breakfast services.

e. Day care home.

Section 12 Supplementary District Regulations

f. Home crafts and hobbies such as model making, rug weaving, knick knacks, cabinet making.

g. Home party products.

h. Offices for salespersons, sales representatives and manufacturing representatives.

i. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, realtors, insurance agents, brokers or similar professions.

j. Radio, television, recording studio or small appliance and electronics repair service.

k. Saw sharpening.

l. Tailoring, alterations, seamstresses, shoemaking and shoe repair.

m. Physicians, dentists and chiropractors.

3. Particular Home Occupations Prohibited: Permitted home occupations shall not, in any event, include the following:

a. Animal hospitals and veterinary clinics.

b. Automobile and vehicle repair service.

c. Equipment rental.

d. Funeral services and mortuaries.

e. Machine shops.

f. Commercial photo developing.

g. Restaurants.

h. Second-hand merchandise.

12.07. Temporary Uses Permitted:

1. Street Sales: The retail sales of merchandise not within an enclosed structure, in "C" Districts only, for a period not to exceed three (3) consecutive days in each calendar month. Street sales displays need not comply with the yard and setback requirements of these regulations, provided that no merchandise shall be displayed in the sight triangle.

2. Christmas Tree Sales: Christmas tree sales in "C" Districts only for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed in the sight triangle.

3. Contractor's Office: Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of the project.

4. Seasonal Sales: Seasonal sales of farm produce in "C" Districts only. Structures incidental to the sale need not comply with the applicable front yard requirements if the structures are removed or moved

back of the required front yard setback line at the end of the season during which they are used. All permanent structures must comply with the front yard requirements.

Section 12 Supplementary District Regulations

5. **Garage, Yard, Basement or Porch Sales:** The sale of tangible personal property consisting of household goods and personal effects by an individual at his or her residence, or if more than one individual's property is involved, at the residence of one of the individual's, not occurring at any residence for more than three (3) days during the calendar year, and none of the individuals conduct or engage in a trade or business in which similar items are sold, and when such property was originally acquired for and used for personal use.

12.08. Determination of Building Setback Line: The building setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the architectural projection of the existing or proposed structure nearest the property line.

12.09. Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

Definitions:

Front Yard: A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way and the front of the primary building.

Rear Yard: A yard extending across the full width of the lot, the depth of which is the distance between a rear lot line and the rear of the primary building.

Side Yard: A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.

1. No fence shall be constructed which will constitute a traffic hazard.
2. No fence shall be constructed in a manner or be of a design as to be hazardous or dangerous to persons or animals.
3. No person shall erect or maintain any fence which shall adversely affect the public health, safety and welfare.
4. In residential zones, no fence shall exceed 4 feet in height in front yards and no fence shall exceed 6 feet in height in side and rear yards.

12.10. Recreational Vehicles: No recreational vehicle or camper shall be utilized for permanent living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for this use.

12.11. Radio and Television Towers: Radio and television towers shall be permitted in the "C" District as long as the height of the tower does not conflict with any airport approach or landing zone or with any other Village ordinances. In all other districts, radio and television transmission towers may only be permitted as a conditional use.

12.12. Livestock: No cattle, horses, sheep, goats, swine, or other farm stock; nor chickens, ducks, geese, turkeys or other fowl or poultry shall be kept, housed, penned or otherwise held in any commercial or residential district created by this Ordinance unless otherwise permitted.

12.13 Livestock Sheltering: The act of watering, feeding, or sheltering of animals within 300 feet of a residential structure is not permitted.

SECTION 13. SIGN REGULATIONS

13.01. Applicability:

Any sign shall, by definition, be a structure. No land, building or structure shall be used for sign purposes except within the stipulated districts listed in the Sign Use Regulations specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal conformance. Signs in legal nonconformance shall not be enlarged, moved, lighted or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of these regulations, no sign shall be erected, enlarged, constructed or otherwise installed unless it is in compliance with this sign regulation. All signs shall be constructed in such a manner and of such materials that they shall be safe and substantial.

13.02. Classification of Signs:

1. Advertising Signs: A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt with elsewhere than on the premises where the sign is located or to which it is affixed.
2. Bulletin Board Signs: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it and announcement of persons, events or activities occurring at the institution. This type of sign may also present a greeting or similar message.
3. Business Sign: A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where the sign is located, or to which it is affixed.
4. Construction Sign: A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project. This sign is permitted only during the construction period and only on the premises on which the construction is taking place.
5. Identification Sign: A sign giving the name and address of a building, business, development or establishment. These signs may be wholly or partly devoted to readily-recognized symbol.
6. Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
7. Real Estate Sign: A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.
8. Portable Sign: A sign which is intended to be moved and displayed at different locations; may be mounted on wheels or a trailer.

13.03. Structural Types:

1. Awning, Canopy or Marquee Sign: A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No sign of this nature shall project above, below, or beyond the awning, canopy or marquee.

2. Ground Sign: Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property.

Section 13 Sign Regulations

Section 13 Sign Regulations

3. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from the building.
4. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from the face of the building.
5. Roof Sign: A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the building.

13.04. General Standards:

1. Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the height element of the sign.
2. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source:
 - a. Illuminated signs shall be designed as to reflect or direct light away from any Residential District.
 - b. Lighted signs in direct vision of a traffic signal shall not be in red, amber or green illumination.
3. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity or color at all times shall be considered as a flashing sign. For the purpose of this regulation, any revolving, rotating, moving, animated signs with moving lights or signs which create the illusion of movement shall be considered as a flashing sign.
 - a. Flashing signs shall not be permitted in any Residential District.
 - b. A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to the text indicating time, temperature or other public messages.
4. Accessway or Window: No sign shall block any required accessway or window.
5. Signs on Trees or Utility Poles: No sign shall be attached to a tree or utility pole whether on public or private property.
6. Metal Signs: Signs constructed of metal and illuminated by any means requiring internal wiring or electrically-wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not the wires or conductors are insulated or otherwise protected.
7. Traffic Safety:
 - a. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic of railroad control sign, signal device, or where it may interfere with, mislead, or confuse traffic.

Section 13 Sign Regulations

- b. Any sign located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign except wall signs and awnings, canopy or marquee signs be placed so as to project over any public right-of-way.
- c. Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation.
- 8. Portable Signs: Portable signs shall be permitted on a temporary basis in "C" Districts only, subject to the following conditions:
 - a. No portable sign shall be utilized without first obtaining a sign permit.
 - b. A portable sign shall contain no more than 64 square feet of advertising space, including all sides of the sign.
 - c. An applicant may utilize a portable sign for a period of not more than fourteen (14) consecutive calendar days and shall be permitted to utilize a portable sign a maximum of four (4) times per calendar year.
 - d. Portable signs shall not be placed on public right-of-ways except within "C" Districts.

13.05. Exemptions: Total Exemptions: The following signs shall be exempt from the requirements outlined within this section, except for the provisions of section 13.03.

- 1. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization.
- 2. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
- 3. Memorial signs and tablets displayed on public or private property.
- 4. Small signs, not exceeding three (3) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and other similar signs.
- 5. Score boards in athletic stadiums.
- 6. Political campaign signs may be displayed for a period beginning on the last day of the statutory filing period and ending one-week after the general or special election. Political signs may remain up between the primary and general elections except that signs for candidates who lost in the primary and signs that become deteriorated or partially destroyed shall be removed.
- 7. Temporary signs for the sale of household goods at a residence (garage sales) for a period not to exceed three (3) days and temporary signs to promote auctions.
- 8. Christmas tree lights permitted during the Christmas season.

SECTION 14. OFF-STREET PARKING REGULATIONS

14.01. General Provisions:

1. Utilization: Required accessory off-street parking facilities provided for the uses listed below shall be solely for the parking of operable motor vehicles of the patrons, occupants or employees of these uses. Off-street parking spaces shall not open directly on a public street but shall open directly on a driveway or aisle that is adequate to provide a safe means of access.
2. Residential Districts: Required off-street parking spaces may be located within the front yard in all Residential Districts. However, no more than twenty five (25) percent of a front yard can be used for parking spaces.
3. Mixed Uses: When a building or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements.

14.02. Required Spaces (off public right-of-way): Parking spaces off the public right-of-way shall be provided as follows:

1. Manufactured homes and mobile homes: One parking space for each home.
2. Single-family and modular dwelling: One space per dwelling unit.
3. Two-family and multiple family: One space per dwelling unit.
4. Dwelling units designed specifically for the elderly: One space per two dwelling units.

14.03. Required Spaces (off-street): Off-street parking spaces shall be provided as follows:

1. Nursing homes, rest homes, etc.: One parking space per five (5) beds based on the designed maximum capacity of the building, plus one parking space for each employee on duty.
2. Boarding or rooming houses: One parking space per sleeping room.
3. Hotels and motels: One space per each rental unit plus one space per two employees and spaces as are required for restaurants, assembly rooms, and other affiliated services provided.

SECTION 15. NON-CONFORMING USES

15.01. General: Non-Conforming uses are of three types:

1. Nonconforming Lot of Record: A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and the lot does not comply with the lot area or width requirements of the district which it is located.
2. Nonconforming Structure: A structure that existed prior to the adoption of these regulations that does not comply with the lot coverage, height or yard requirements which are applicable to structures in the zoning district in which it is located.
3. Nonconforming Uses: A use of a structure or of land that lawfully existed prior to the adoption of these regulations which does not comply with the use regulations applicable in the zoning district in which it is located.

15.02. Nonconforming Lots of Record: The Zoning Board of Adjustment may issue a building permit for a nonconforming lot of record provided that:

1. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of the size and width at that location would have been prohibited by any zoning regulations.
2. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of the lot has been prohibited by any zoning regulations.
3. The lot can meet all yard regulations for the district in which it is located.
4. The lot can meet minimum sanitation requirements by connecting a sanitary sewer line.

15.03. Nonconforming Structures:

1. Authority to Continue: Except in the R-1 District, any existing structure which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.
2. Enlargement, Repair, Alterations: Except in the R-1 District, any nonconforming structure may be enlarged, maintained, repaired or remodeled, provided, however, that no enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of the structure. Notwithstanding the above, a porch which is covered by a roof which extends into a front setback area may be enclosed but not in excess of the area covered by the existing roof.
3. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than sixty (60) percent of its replacement value, the structure shall not be restored unless it shall then conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of sixty (60) percent or less, no repairs or restoration shall be made unless a building permit is obtained within six (6) months and restoration is actually begun one year after the date of the partial destruction and is diligently pursued to completion.

4. Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 15 Non-Conforming Uses

15.04. Nonconforming Uses:

1. Authority to Continue: Except in the R-1 District, any lawfully existing use of part or all of a structure or any lawfully existing use of land which existed prior to the adoption of these regulations and does not comply with these requirements of these regulations may be continued, so long as otherwise lawful and so long as it is not specified to be terminated by these regulations.
2. Ordinary Repair and Maintenance:
 - a. Normal maintenance and incidental repair or replacement, installation or relocation of non-bearing partitions, non-bearing walls, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
 - b. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares the structure to be unsafe and orders its restoration to a safe condition.
3. Extension: A nonconforming use shall not be extended, expanded, enlarged or increased either in land area or floor area.
4. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless the use shall then conform to the regulations of district in which it is located.
5. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than sixty (60) percent of its replacement value, the structure shall not be restored unless the structure and its use shall then conform to all regulations of the zoning district in which it is located. When the damage or destruction is sixty (60) percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of the partial destruction and is diligently pursued to completion.
6. Moving: No structure that is devoted in whole or in part to a nonconforming use and no nonconforming use of land shall be moved in whole or in part for any distance whatever to any location on the same or any other lot, unless the entire structure and its use and the use of the land shall then conform to all regulations of the zoning district in which it is located after being so moved. Manufactured homes and mobile homes may be replaced on an existing utility hookup outside a manufactured home park.
7. Change in Use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure or premises may be changed to another nonconforming use, provided that the Village Board, after receiving the recommendation of the Planning Commission, shall find that the proposed use is as appropriate or more appropriate to the district than the existing nonconforming use. In permitting a change, the Village Board, after receiving the recommendation of the Planning Commission, may require conditions and safeguards to protect surrounding areas and properties. Once the use has changed it may no longer be returned to the original use or any other less appropriate use.
8. Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of twelve (12) consecutive months, that use shall not be re-established or resumed, and any later

use or occupancy of the land or buildings shall comply with the regulations of the zoning district in which the land or buildings are located.

Section 15 Non-Conforming Uses

9. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after the principal use shall cease or terminate unless the accessory use is permitted in the district.
10. Nonconforming Residential Uses: Notwithstanding the provisions of Section 8, any structure which is devoted to a residential use and which is located in a "C-1" District may be remodeled, expanded or enlarged. The structure shall not be used to accommodate a greater number of dwelling or lodging units than the structure accommodated prior to the work.
11. Change of Ownership: A nonconforming use may be continued, but not increased, by a new owner of such property, subject to the recommendation of the Planning Commission and approval by the Village Board of Adjustment.

SECTION 16. ADMINISTRATION

16.01. Administrative Procedure: The Chairperson and Village Board shall appoint a Zoning Administrator(s), with the recommendation of the Planning Commission, who shall be responsible for the administration of this Ordinance. The Village Board shall consult the Planning Commission's recommendation prior to acting on the following powers and duties. The Zoning Administrator(s) shall have the following powers and duties:

1. To enter upon any premises at reasonable times and make all inspections necessary to the performance of the Administrator's duties.
2. To order work or activities stopped by written notice served on the proper person, firm or corporation when the work is being done contrary to the provisions of this Ordinance or any other ordinance dealing with building construction or codes.
3. To issue building permits, according to applicable Village ordinances and building codes.
4. To allow a period of ten (10) days for compliance with this Ordinance after issuance of a "stop work" notice.

16.02. Permits Required: No building or other structure shall be erected, constructed, reconstructed, moved or structurally altered without first obtaining a building permit as required by the Village ordinance(s) governing building permits and codes.

SECTION 17. BOARD OF ADJUSTMENT, VARIANCES AND APPEALS

17.01. Board of Adjustment Membership: The Village Board of Trustees shall appoint five persons to serve three year terms as members of the Village Board of Adjustment. One member only of the Board of Adjustments shall be appointed by the Village Board from the current membership of the Potter Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the Board of Adjustment. Any member of the Board of Adjustment may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

17.02. Board of Adjustment Meetings: The Board shall consult the recommendation of the Planning Commission on all planning and zoning matters. Meetings of the Board of Adjustment shall be held at such times as the Board of Adjustment may designate, or at such other times as the Chairperson, in his or her discretion, calls a meeting. Special meetings may also be held upon the call of any three (3) members of the Board of Adjustment. The Chairperson or, in the Chairperson's absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Any resident or property owner in the Village or within the area over which it exercises zoning jurisdiction shall have the right to appear before the Board of Adjustment regarding any matter in which they have a reasonable interest. The Board of Adjustment shall keep minutes of its proceedings showing the vote. Records of its examinations and other official actions shall be immediately filed in the office of the Village Clerk and shall be public record. A majority of the Board shall constitute a quorum for the purpose of doing business.

17.03. Duties: The Board of Adjustment is authorized, upon consulting the recommendation of the Planning Commission:

1. To hear and decide appeals where it alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location of soundness of structures.
2. To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any zone.
3. To authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Zoning Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardships upon the owner or the property. Upon an appeal relating to the property, a variance from the strict application of this Ordinance may be granted to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution. In granting a variance, the Board may impose certain conditions, safeguards and restrictions upon the premises benefited by the variance which may be necessary to reduce or minimize any potentially injurious effect of the variance upon other property in the neighborhood. A request for a variance shall not be granted unless there is a finding by the Board of Adjustment that all of the following conditions have been met:
 - a. The strict application of the zoning regulation would produce undue hardship.
 - b. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- c. The authorization of the 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.

Section 17 Board of Adjustment, Variances and Appeals

- d. The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
 - e. The conditions which gave rise to the request are not created by an action or actions of the property owner or applicant.
 - f. 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 these zoning regulations.
4. In exercising the above-mentioned powers the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. To that end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

17.04. Applications:

1. Procedure: The procedure for requesting a hearing before the Board of Adjustment shall be as follows:
 - a. All applications for a variance to the Board of Adjustment shall be in writing and filed with the Planning Commission. If the Planning Commission provides for an application form, then that form shall be used. The application shall include the following:
 - i. The description of the lot, tract of land, building or structure for which the variance requested.
 - ii. The name or names of the owner or owners.
 - iii. The nature of the relief requested.
 - b. After receiving the recommendation of the Planning Commission, a hearing shall be held by the Board of Adjustment within sixty (60) days of the filing of the application unless delayed by request of the applicant. Notice of the hearing shall be given as required by this Ordinance.
 - c. An application shall be accompanied by a thirty (30) dollar fee. A separate filing fee will be required for each additional request.
2. Additional Requirements: In addition to the above requirements, certain applications require additional information as follows:
 - a. Appeals and Interpretations:
 - i. An application for an appeal or interpretation must be filed within fifteen (15) working days after a ruling has been made by the Board of Adjustment.
 - ii. A copy of the order, requirement, decision or determination of the Board of Adjustment which the applicant believes to be in error shall be submitted.
 - iii. A clear and accurate, written description of the proposed use, work or action in which the appeal or interpretation is involved and a statement justifying the applicant's position.

- iv. Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

Section 17 Board of Adjustment, Variances and Appeals

b. Variance:

- a. The applicant shall submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the conditions as set out in this Ordinance.
3. The applicant shall submit a sketch, in duplicate, drawn to scale and showing lot or lots included in the application; the structures existing; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board of Adjustment in consideration of the application should be included.
3. Performance: In making any decision varying or modifying any provisions of the zoning regulations, the Board of Adjustment shall impose any restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining property.

The Board of Adjustment may require cash, a letter of credit or a performance bond to guarantee the installation of required improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board of Adjustment, and shall be enforceable by or payable to the Village Board in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board of Adjustment may specify a time limit for the completion of the required improvements and in the event the improvements are not completed within the specified time, the Board of Adjustment may reconsider its action and may, after reconsideration, declare the granting of the application null and void.

17.05. Variances and Building Permits: If the Board of Adjustment grants the application for the variance and a building permit will be necessary, the building permit shall not be issued until the statutory period for appeal from the decision of the Board has expired. No building permit may be issued while an application for a variance is pending before the Board Adjustment or if the Board Adjustment denies the application unless the Board of Adjustment's decision is reversed by a court. Once a variance is granted, the right to the variance shall expire unless the required building permit is applied for within six (6) months after the granting of the variance.

17.06. Appeals from the Board: Any person or persons aggrieved by any decision of the Board of Adjustment, or any officer, department or Board of the Village may appeal to the District Court of Cheyenne County as provided by law.

SECTION 18. AMENDMENTS

18.01. General Provisions:

1. Authority: The Village Board may, by ordinance, amend, supplement, change, modify or repeal these regulations and the district boundaries. No amendment, change or repeal shall be adopted by the Village Board until the Planning Commission has held a public hearing and submitted its recommendations.
2. Proposal of Amendments: Amendments may be initiated by the Village Board, the Planning Commission, or upon application by the owners of the property affected. However, no person may apply for an amendment within a period of six (6) months following the denial by the Village Board of the same amendment.
3. Application: When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an Application for Amendment shall be obtained from the Village Clerk. The application shall be completed in its entirety and filed with the Village Clerk so that a public hearing date can be set.
4. Ownership List: The application for an amendment shall be accompanied by an ownership list obtained from an abstractor or County Records listing the legal description and the name and address of the owners of all property located within three hundred feet (300') of the boundaries of the property for which the zoning change is requested.
5. Fees: For the purpose of wholly or partially defraying the costs of the amendment proceedings, a fee shall be paid upon the filing of each application, for a change of district boundaries or other change for which the Village may incur costs, in the amount of one hundred fifty (150) dollars.
6. Disposition of Amendment Proposals: Upon receipt of a proposed amendment from the Village Board or an application for an amendment from the owner of the property affected, the Planning Commission shall hold a public hearing on the proposed amendment, and forward its findings and recommendations with respect to the proposed amendment to the Village Board.

18.02. Planning Commission Public Hearing:

1. Public Hearing: The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by the Planning Commission itself. The Planning Commission shall select a reasonable hour and place for the public hearing, and it shall hold the public hearing within sixty (60) days from the date on which the proposed amendment is referred to, filed with or initiated. An applicant for an amendment may waive the requirement that a hearing be held within sixty (60) days.
2. Notice of Hearing: Public notice of the hearing on a proposed amendment shall be given as required by this Ordinance, except that the Planning Commission shall also send notice to the Board of Education.
3. Conduct of Hearing: The hearing shall be conducted and a record of the proceedings shall be preserved according to the procedures as the Planning Commission may prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency. A copy of the report shall be made available to the applicant and any other interested persons and shall be available for review in the office of the Village Clerk at least three (3) days before the date set for public hearing. The

Planning Commission may also require reports after the public hearing if additional information is deemed necessary. These reports shall also be made available to the applicant and any other interested persons.

Section 18 Amendments

18.03. Action by the Planning Commission:

1. Adoption of Amendments: The Village Board shall consider the proposed amendment at a properly advertised public hearing. Upon the receipt of the recommendation of the Planning Commission and any protest petitions that have been submitted, the Village Board shall consider the application and may approve the recommendations of the Planning Commission or take whatever action it deems necessary.
2. If a proposed amendment is not acted upon finally by the Village Board within sixty (60) days after the recommendation by the Planning Commission is submitted, the proposed amendment shall be considered to have been defeated and denied, unless the applicant for the amendment has consented to an extension of the period of time. Whenever a proposed amendment is defeated, either by vote of the Village Board or by reason of the operation of this subsection, the amendment shall not be passed without further public hearing and notice as required by this Ordinance.
3. Notice of Hearing: Public notice of the Village Board hearing on a proposed amendment shall be given as required by this Ordinance in Section 20.
3. Protest: If a written protest against a proposed amendment is filed in the office of the Village Clerk within fourteen (14) days after the date of conclusion of the hearing on a proposed amendment by the Planning Commission, and the protest is signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lot or lots included in the proposed change, or of those immediately adjacent on the sides and in the rear of the area proposed extending three hundred feet (300'), and of those directly opposite extending three hundred feet (300') from the street frontage of the opposite lots, then the proposed amendment shall not be passed except by a three-fourths (3/4) vote of the Village Board.
4. Approved Action: If the Village Board approves a change, it shall adopt an ordinance to that effect. If the boundaries of a zone have been amended, the amending ordinance shall define the change or boundary as amended, and shall amend the section of the ordinance designating the zone.

SECTION 19. CONDITIONAL USES

19.01. Definition: Conditional uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where the product, process, mode of operation or nature of business may prove detrimental to the health, safety, welfare or property value of the immediate neighborhood and its environment. Within the various zoning districts, conditional uses that are specifically listed in the district regulations, may be permitted only after additional requirements are complied with as established within this section.

19.02. Procedures: The consideration of a conditional use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Village Board.

19.03. Application: An application for a Conditional Use Permit shall be in writing and signed by the owner of the lot, tract of land, building or structure for which the permit is being requested, and if the use is being proposed by a person other than the owner, by that person as well. It shall be filed with the Village Office along with a filing fee of thirty (30) dollars. The application shall state:

1. A description of the lot or tract of land and any buildings or structures located on it, for which the Conditional Use Permit is requested.
2. The name or names of the owner or owners, along with the name of the person or persons proposing the use if other than the owner.
3. A description of the nature of the use for which the permit is requested.
4. A statement of the reason or reasons why the Conditional Use Permit should be issued.

19.04. Minimum Requirements: A Conditional Use Permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to such use are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and the use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of proposed buildings, structures, walls and fences on the site, and
 - b. The nature and extent of landscaping and screening proposed or already on the site.

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

Section 19 Conditional Uses

6. Adequate utility, drainage, and other necessary facilities have been or will be provided.
7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

19.05 Additional Requirements:

1. In granting a conditional use, the Planning Commission shall recommend, and the Village Board may impose certain conditions, safeguards and restrictions upon the premises benefited by the conditional use which may be necessary to reduce or minimize any potential injurious effect of conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Any additional requirements set by the Village Board shall be filed with the application.
2. If a Conditional Use Permit is issued and a building permit will be necessary, the building permit shall not be issued until the statutory period for appeal from the decision of the Village Board has expired. No building permit may be issued while an application for a Conditional Use Permit is pending or if the application is denied unless the denial is reversed by a court. Once a Conditional Use Permit is granted, the right to the permit shall expire unless the required building permit is applied for within six (6) months after the issuing of the permit.
3. A Conditional Use Permit may not be transferred and, if a change of ownership of the lot or tract of land for which the Conditional Use Permit was issued occurs, the Conditional Use Permit shall terminate. The new owners shall have to apply for their own Conditional Use Permit.
4. Any Conditional Use wanting to expand such use shall apply for an additional Conditional Use Permit for such expansion.
5. Any Conditional Use must conform to all local, state and federal laws.

SECTION 20. NOTICES

20.01. References to Notice Requirements: Where reference is made in this Ordinance to notice being given as required by this Ordinance, then the notice shall be given as provided for in section 20.02 below.

20.02. Method of Giving Notice: Notices required pursuant to this section shall be given as follows:

1. Publication: Notice of the time and place of the hearing shall be published once in a newspaper of general circulation in the Village at least ten (10) days prior to the hearing.
2. Posting: A notice shall be posted in a conspicuous place on or near the property on which action is pending. The notice shall be not less than eighteen (18) inches in height and twenty-four (24) inches in width with white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. The posted notice shall be placed upon the premises so that it is easily visible from the street nearest to the premises and shall be posted at least ten (10) days prior to the date of the hearing. It shall be unlawful for anyone to remove, mutilate, destroy or change the posted notice prior to the hearing. Any person doing so shall be guilty of a misdemeanor.
3. Mailing: If the record title owners of any lots included in the proposed change be nonresidents of the Village, then a written notice of the hearing shall be mailed by certified mail to them addressed to their last-known address at least ten (10) days prior to the hearing.

20.03. Exceptions to Notice Requirement: Notice by posting or mailing shall not apply if:

1. The proposed change is to apply throughout the entire area of an existing zoning district, or
2. Additional or different types of zoning districts are proposed, whether or not the additional or different districts are made applicable to areas or parts of areas already within a zoning district of the Village.

SECTION 21. Subdivision Regulations

SECTION 21. SUBDIVISION REGULATIONS

21.01. Intent: The intent of this section is to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the Village, for the coordination of streets or roads within subdivision of land with other existing or planned streets or roads, for adequate open spaces, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity.

21.02. Definitions: For the purposes of Section 21, a subdivision shall be defined as:

The separation in any manner of a parcel or tract of land into two or more lots for the purpose of either immediate or future transfer of ownership or of building or commercial land development. (Division of land for agricultural purposes is exempt from this definition.) The definition includes re-subdivision and shall relate to the process of subdividing or to the land subdivided. For the purpose of recordation of any separation of land, a plat of such division shall be submitted for approval in accordance with Section 21.03.

The plat of a single separation of a lot for the purpose of a sale of a gift to a member of immediate family of the property owner for that member's personal use shall be submitted in accordance with Section 21.03 of this Ordinance. Only one such subdivision may be allowed per family member, and shall not be for the purpose of circumventing this subsection. A member of the immediate family shall be defined as any person who is naturally or legally defined as offspring, spouse or parent of the owner. Such subdivisions are to be approved by the Village Board.

Transfer of a lot or parcel by will, intestate succession or court ordered partition is to be excluded from the provisions of this section. A plat must show the signature of the Village Mayor before it can be recorded.

For the purpose of Section 21, a sub-divider or developer shall be defined as:

Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sales or lease of a subdivision.

21.03. Procedure: Any person, partnership or corporation intending to subdivide land within Potter's planning jurisdiction shall submit plans and plats as required by and specified by this Ordinance to the Planning Commission and the Village Board for review and approval. There are four steps in the subdivision process:

Step 1. Sketch Plan:

- a. A prospect developer shall present a sketch plan to the Planning Commission and the Village Board. The concept plans serves as a preliminary step to inform the Village on the proposed subdivision and to present the developer with guidelines and recommendations in developing a subdivision.
- b. The following information shall be presented in the sketch plan :
 - i. A copy of the deed or legal instrument identifying the applicant's interest in the property under consideration.
 - ii. A description of the type of uses proposed for the subdivision.
 - iii. A description of the type of water system proposed for the subdivision.

- iv. A description of the type of sewer system proposed for the subdivision.
 - v. A sketch plan drainage report shall be prepared.
- SECTION 21. Subdivision Regulations***
- vi. A description of the width and type of surfaces of all street and sidewalks proposed within the subdivision.
 - vii. Any floodplain, soils or geologic hazard.
 - viii. A sketch plan vicinity map shall be drawn to scale showing the following:
 - A. The location of the proposed subdivision and its property boundaries.
 - B. The existing street and highway systems within five hundred feet (500') of the boundaries of the proposed subdivision.
 - C. All unimproved or proposed public right-of-ways within five hundred feet (500') of the boundaries of the proposed subdivision.
 - D. All public sewer, water and storm drainage systems within five hundred feet (500') of the proposed subdivision.
 - E. Title, scale, date and north arrow.
 - ix. A sketch plan subdivision map that is drawn to scale and clearly shall be developed which includes the following:
 - A. Title, scale, north arrow, name of the subdivision, township, range, section, quarter section, block and lot numbers.
 - B. The layout of blocks, lots, outlets, roads, accesses, utility easements and open space scaled to the nearest foot.
 - C. Existing topographical contours at ten (10) foot intervals drawn from available data, such as the US Geological Survey maps.
 - D. Soil types by boundary, accompanied by a description of the soil type from the Cheyenne County Soil Survey.
 - E. Floodplain and geologic hazard areas, existing structures, utility lines, ditches, streams, lakes, drainage ways, vegetative cover, oil and gas production facilities, and any other structure or feature located within the proposed subdivision.
 - F. Any other information determined to be reasonably necessary by the Planning Commission or Village Board.

Step 2. An applicant shall submit an application for a change of zone as outlined in Section 18.

Step 3. Preliminary Plan:

A preliminary plan shall be submitted with the following information:

- a. A copy of a title commitment issued by a title insurance company.

- b. A certificate from the County Treasurer showing no delinquent taxes for the preliminary plan area.
- c. A description of the types of uses proposed for the subdivision.

SECTION 21. Subdivision Regulations

- d. A summary explaining how the developer will address any problems or concerns that were identified in the sketch plan.
- e. The total number of proposed lots.
- f. A description of the subdivision circulation system including road width, type and depth of road base and surface, width and depth of borrow ditches, curb and gutter, and vehicle parking arrangement. The circulation system shall also include a description of any sidewalks, bike paths or trails.
- g. A statement describing the ownership, function and maintenance of any open space or park within the proposed subdivision.
- h. A description of the proposed water system accompanied by an estimate of the total gallons of water per day required for domestic use and emergency fire protection.
- i. A water supply resource report containing written evidence that adequate water service in terms of quality, quantity and dependability is available for the type of subdivision proposed.
- j. A description of the proposed sewage disposal containing written evidence that the proposed sewage disposal is appropriate for the subdivision.
- k. The proposed method of financing with an estimate of the infrastructure construction costs related to the proposed subdivision. Cost estimates shall include, but not limited to the following.
 - i. Streets and related facilities.
 - ii. Water distribution systems.
 - iii. Storm drainage facilities.
 - iv. Sewage collection systems.
 - v. Other utilities and infrastructure as may be required.
- l. A list of all public utilities and water service providers located within five hundred feet (500') of the proposed subdivision.
- m. A list of any covenants, grants of easements, and restrictions imposed by any land, buildings and structures within the proposed subdivision.
- n. A certified list of the names, addresses and the corresponding parcel identification numbers assigned by the Cheyenne County Assessor to the owners of property of the surface estate within five hundred feet (500') of the property subject to the application. The applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- o. A preliminary plan vicinity map shall be submitted showing the following:
 - i. The perimeter outline of the proposed subdivision. The location of all existing and proposed accesses to the proposed subdivision.
 - ii. The location and name of all roads and highways within five hundred feet (500') of the perimeter of the proposed subdivision.

- iii. The perimeter outline and identification of subdivisions, zone districts and any special districts within five hundred feet (500') of the perimeter of the proposed subdivision.

SECTION 21. Subdivision Regulations

- p. A preliminary plan plat shall be submitted showing the following
 - i. North arrow, subdivision name, total acreage and legal description of the proposed subdivision
 - ii. Lots and blocks shall be numbered consecutively. Lot dimensions shall be scaled to the nearest foot. The area of each lot shall be shown in acres except when lots are less than one acre they shall be shown in square feet.
 - iii. The street layout for the subdivision. All street shall be named.
 - iv. The layout of future streets adjacent to the subdivision shall be shown as a dashed line.
 - v. Topographical contour lines showing elevations.
 - vi. The location, size and use of all existing structures and existing and proposed easements. This includes easements for water, sewer, electric, gas, and telephone lines. It also includes, but not limited to, irrigation ditches, water mains, and fire hydrants.
 - vii. A utility service statement block shall appear on the preliminary plan plat map. The block shall identify each utility company, special district or municipality intending to service the subdivision. The block shall include:
 - A. The name of the utility company.
 - B. A dated signature and statement from the representative of the utility company indicating of the following:
 - I. Service is available.
 - II. Service is available subject to the following specific conditions.
 - III. Service is not available for the subdivision.
 - viii. A drainage report.

Step 4. Final Plat: The preliminary plan must be approved by the Village Board before a final plat can be submitted. A final plat shall be submitted for approval within one year of the date a preliminary plan has been approved by the Village Board unless an extension of time is granted by the Village Board within the one year's time.

The final plat shall conform to the approved preliminary plan. The Board may approve a modified final plat if changes reflect improvements in the design. The following information shall be submitted as part of a final plat application:

- a. A copy of a title commitment issued by the insurance company.
- b. A description of the type of uses proposed for the subdivision.
- c. A summary explaining how the developer will address any problems or concerns that were identified in the preliminary plan.
- d. The total number of lots proposed.

SECTION 21. Subdivision Regulations

- e. A description of the subdivision circulation system including road width, type and depth of road base and surface, width and depth of borrow ditches, curb and gutter and vehicle parking arrangement. The circulation system shall also include a description of any sidewalks, bike paths or trails.
- f. A statement describing the ownership, function and maintenance of any open space of park within the proposed subdivision.
- g. A statement indicating if on-street parking will be permitted within the proposed subdivision.
- h. If the applicant is to dedicate land for schools, roads, parks or other public purposes, a letter of intent from the appropriate public agency stating it will accept the lands to be dedicated.
- i. A description of the proposed water system accompanied by an estimate of the total gallons of water per day required for domestic use and emergency fire protection.
- j. A water supply resource report containing written evidence that adequate water service in terms of quality, quantity and dependability is available for the type of subdivision proposed.
- k. A copy of a contract or some tangible guarantee providing for a common water supply if water is required to be supplied by a water district, municipality or other agency.
- l. A description of the proposed sewage disposal containing written evidence that the proposed sewage disposal is appropriate for the subdivision.
- m. A list of any covenants, grants of easements, and restrictions imposed by any land, buildings and structures within the proposed subdivision.
- n. A copy of a Nebraska Department of Roads access permit if a new street intersects with a state highway.
- o. Proof of an existing easement or dedicated right-of-way when it is contiguous to an easement or right of way of the proposed subdivision.
- p. A certified list of the names, addresses and the corresponding parcel identification numbers assigned by the Cheyenne County Assessor to the owners of property of the surface estate within five hundred feet (500') of the property subject to the application. The applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- q. A final plat map shall be submitted following the listed requirements:
 - i. The plat shall be delineated in non-fading permanent ink.
 - ii. The final plat shall contain the original signatures and seals of all of the parties required.
 - iii. North arrow, subdivision name, total acreage, date, total number of lots, name and address of the owner(s) of record, legal description of the proposed subdivision, and scale.

- iv. Lots and blocks shall be numbered consecutively. Lot dimensions shall be scaled to the nearest foot. The area of each lot shall be shown in acres except when lots are less than one acre they shall be shown in square feet.
- v. All streets, walkways and alleys shall be designated and identified by bearings and dimensions. All streets shall be named.

SECTION 21. Subdivision Regulations

- vi. The location, size and use of all existing structures and existing and proposed easements. This includes easements for water, sewer, electric, gas, and telephone lines. It also includes, but not limited to, irrigation ditches, water mains, and fire hydrants.
- vii. A utility service statement block shall appear on the preliminary plan plat map. The block shall identify each utility company, special district or municipality intending to service the subdivision. The block shall include:
 - A. The name of the utility company.
 - B. A dated signature and statement from the representative of the utility company indicating of the following:
 - I. Service is available.
 - II. Service is available subject to the following specific conditions.
 - III. Service is not available for the subdivision.
- viii. All land within boundaries of the subdivision shall be accounted for either as lots, easements, right-of-way, private street, alley, walkway, trail or public area.
- ix. If the final plat is revised, a copy of the original final plat shall be provided for comparison purposes.
- x. A final drainage report shall be submitted.
- xi. The following final plat supporting documents shall be submitted as part of a final plat application:
 - A. A certificate from the County Treasurer showing no delinquent taxes for the final plat area.
 - B. A title commitment or a title option covering all public dedications.
 - C. A warranty deed, if required, deeding to the appropriate entity any lands to be used for the benefit of the public or owners of this subdivision.
- xii. The final plat shall contain the following certificates and seals:
 - A. Certificate of Dedication, Ownership and Maintenance:
 Know all persons by those present that _____ being the Owner(s), Mortgagee or Lienholder of certain lands in Cheyenne County, Nebraska, described as follows: Beginning _____containing _____ acres, more or less, have by these presents laid out, platted and subdivided the same into lots and blocks, as shown on this plat, under the name and style of and do hereby dedicate to the Village of Potter, public, school district, owners and future owners of this subdivision all ways, public right-of-ways, easements, parks and open space and other public right-of-way and easements for purposes shown hereon.

Executed this _____ day of, _____, 19__.

(Owners, Mortgagee, or Lienholder)

SECTION 21. Subdivision Regulations

The foregoing dedication was acknowledged before me this ____ day of _____, 19__.
My Commission expires _____.
Notary Public

Witness my hand and seal

B. Surveying Certificate:

I, _____, a registered Professional Land Surveyor in the State of Nebraska do hereby certify that the survey represented by this plat was made under my personal supervision and checking. I further certify that the survey and this plat complies with all applicable rules, regulations and laws of the State of Nebraska.

By: _____
Registered Land Surveyor Date

C. Certificate of Approval by the Village Board:

This plat is approved by the Village Board of Potter, Nebraska. Approval of this plat does not constitute acceptance of any dedication.

Witness my hand and the corporate seal of Potter, Nebraska this ____ day of _____, 19__.

Mayor, Potter, Nebraska

ATTEST:

By: _____
Potter Village Clerk Date

21.04. General Guidelines: General considerations to be used by the Planning Commission and the Village Board in evaluation and allowing a proposed subdivision.

1. Demand for the type of uses at the site in question.
2. Probable impact upon municipal service, utilities and facilities.
3. Effect upon adjacent land uses.
4. Potential for traffic congestion or traffic hazards.
5. General suitability of the site in question for the development proposed.
6. The development proposed shall conform to the zoning regulations for the zoning district in which it lies.
7. The development proposed shall be in harmony with the Village's Comprehensive Development Plan.

8. The development shall meet the general intent of Section 21 of this Ordinance.

SECTION 21. Subdivision Regulations

21.05. Design Guidelines: Design and improvement considerations to be evaluated by the Planning Commission and Village Board for proposed subdivisions.

1. Adequate water and sewer is available.
2. Storm water drainage is adequately controlled.
3. Street names shall have the names of existing streets when they are aligned.
4. No more than two streets shall intersect at one point.
5. Sidewalks shall be constructed within a subdivision where required by the Village Board. Sidewalks will be a minimum of four feet in width.
6. Curb and gutters shall be constructed in accordance with existing Village regulations.
7. All electric and communication utility lines and services and all street lighting circuits shall be installed underground, except for the following:
 - a. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities.
 - b. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.
 - c. Existing and new overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines.
 - d. It shall not be necessary to remove or replace existing utility facilities used or useful in serving the subdivision.
 - e. Deviations from requirements, other than those listed above, shall be permitted only with the approval of the Village Board who shall make such approval only in cases of extreme difficulty.

21.06. Final Plat Provision: A proposed subdivision shall be developed in accordance with the approved Final Plat of the subdivision and all supporting data. These plats shall control and limit the use of the land in the subdivision as indicated on the plats.

SECTION 22. Miscellaneous

SECTION 22. MISCELLANEOUS

22.01. Violations and Penalties: Any person who violates any provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100) for each offense. Each and every day that the violation continues shall constitute a separate offense.

Whenever a violation exists in these regulations, the Village may proceed by a suit in equity to enjoin and abate the violation, in the manner provided by law. Whenever, in any action, it is established that a violation exists, the court may, together with the fine and penalty imposed, enter an order of abatement as a part of the judgment in the case.

22.02. Invalidity in Part: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Ordinance.

22.03. Conflicting Ordinance: Where this Ordinance may conflict with any other Local, State or Federal ordinance or regulation, the most restrictive ordinance shall apply.

22.04. Effective Date: This Ordinance shall take effect and be in force from and after the date of its passage, approval and publication as required by law.

22.05. Publication: Publication of this Ordinance shall be in pamphlet form.

PASSED AND APPROVED ON December 8, 1997.

Attest:

Hal Enevolsen, Chairman

Pat Weikhorst, Village Clerk

SECTION 23. "M-1" LIGHT MANUFACTURING AND INDUSTRIAL DISTRICT

23.01. Intent: The intent of this district is to provide a zone which will accommodate most fabrication, activities, except heavy manufacturing and processing of raw materials.

23.02. Permitted Uses: In District "M-1", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in "C-1" and "C-2"
2. Any manufacturing, processing, fabrication, or warehousing activity that is completely confined within a closed building
3. Air Transportation
4. Airports
5. Ambulance Services
6. Auction houses
7. Beverage bottling plants
8. Billboards
9. Cold storage plants
10. Compressed gas storage facility (Maximum container size 10" D by 5'H)
11. Construction storage lots
12. Custom woodworking and milling services
13. Landscaping, sand/gravel/material storage
14. Machine shop and welding
15. Monument works, stone
16. Motor freight transportation offices
17. Police and fire stations
18. Public scales
19. Railroad transportation/stations/offices
20. Railroad yard or shops
21. Sandblasting
22. Truck stops
23. Water storage

23.03. Conditional Uses: The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:

1. Cleaning services
2. Dairy products processing
3. Equipment rental and sales yards
4. Fabrication facilities
5. Fuel yards
6. Incinerator
7. Laundries and commercial plants
8. Oil or gas wells, fracking and pumps
9. Recycling centers & collection points
10. Retail building materials

11. Temporary buildings

Section 23 M-1 Light Manufacturing and Industrial District

23.04. Height Regulations:

1. Any building or structure hereafter erected or altered may be erected to any height which is not in conflict with any other existing county ordinance, state or federal law.

23.05. Yard Regulations:

1. Front yard: None
2. Side yard: None
3. Rear yard: None

23.06. Use Limitations:

1. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no direct glare is visible to any traffic on any public street.
2. Any outdoor storage shall be within an enclosed area that has sidewall or fencing at least six (6) feet in height.

SECTION 24. "M-2" HEAVY MANUFACTURING AND INDUSTRIAL DISTRICT

24.01. Intent: The intent of this district is to provide a zone which will accommodate the manufacturing and processing of goods from raw materials.

24.02. Permitted Uses: In District "M-2", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in "M-1"
2. Feed mills
3. Mining, minerals, rocks quarries, sand and gravel
4. Plastic and plastic products manufacturing
5. Agricultural production facilities
6. Rubber manufacturing and processing
7. Steel manufacturing

24.03. Conditional Uses: The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:

1. Cleaning services
2. Dairy products processing
3. Equipment rental and sales yards
4. Fabrication facilities
5. Fuel yards
6. Incinerator
7. Laundries and commercial plants
8. Oil or gas wells, fracking and pumps
9. Recycling centers & collection points
10. Retail building materials
11. Temporary buildings

24.04. Height Regulations:

2. Any building or structure hereafter erected or altered may be erected to any height which is not in conflict with any other existing county ordinance, state or federal law.

24.05. Yard Regulations:

1. Front yard: None
2. Side yard: None
3. Rear yard: None

24.06. Use Limitations:

1. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no direct glare is visible to any traffic on any public street.
2. Any outdoor storage shall be within an enclosed area that has sidewall or fencing at least six (6) feet in height.