

ARTICLE SEVEN - AUXILIARY REGULATIONS

701 Planning Commission Recommendations

Pursuant to Nebraska Revised Statutes §19-9901 (R.R.S. 1991), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

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

702 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the Village of Platte Center at least one (1) time ten (10) days prior to such hearing.

703 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the Village of Platte Center, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one mile (1) mile, as established on the map entitled *The Official Zoning Map of the Village of Platte Center, Nebraska*, and may be amended by subsequent annexation.

704 Provisions of Ordinance Declared to be Minimum Requirements

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

705 Zoning Affects Every Building and Use

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

706 Lot

Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one (1) principal building on a lot unless otherwise provided.

The total percentage of allowable lot coverage shall be addressed in each district. Such percentage shall exclude driveways, sidewalks, and paved patios, but shall specifically include decks.

More than one (1) principal building of a single permitted use may be located upon a lot or tract in the following instance if recommended by the Planning Commission and approved by the Village Council.

1. Institutional buildings
2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings
5. Home for the aged
6. Agricultural Buildings

707 Reductions in Lot Area Prohibited

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

708 Obstructions to Vision at Street Intersections Prohibited

A corner lot, within the area formed by the center line of streets at a distance of ninety feet (90') from their intersections, there shall be no obstruction to vision between a height of two and one-half feet (2½') and a height of ten feet (10') 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. The requirements of this section shall not be deemed to prohibit any necessary retaining well.

Yard Requirements

1. Yard requirements shall be set forth under the Schedule of Lot, yard, and Bulk Requirements for each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
2. All accessory buildings that are attached to the principal buildings (e.g. attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
3. The Zoning Administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that:
 - a. More than thirty percent (30%) of the frontage on one (1) side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance.
 - b. A minority of such structures have observed or conformed to an average setback line, and
 - c. All structures not conforming to front yard setbacks must be within one-hundred feet (100') of each other.
4. Any side or rear yard in residential district which is adjacent to any existing industrial or commercial use shall be no less than twenty-five feet (25') and shall contain landscaping and planting suitable to provide effective screening pursuant to Section 624.
5. Any yard for a commercial or industrial use in which is adjacent to any residential use or district shall be increased to forty feet (40') and shall contain landscaping and planting suitable to provide effective screening pursuant to Section 624. Included in the increased yard, a solid or semi-solid fence or wall at

least six feet (6'), but not more than eight feet (8') high shall be provided adjacent to an adjoining residential district unless the adjacent residential district and industrial district are separated by a street right-of-way. The owner or owners of the property in the Industrial District shall maintain said fence or wall in good condition. Said fencing shall be constructed of commercially available fencing.

6. No side yards are required where dwelling units are erected above commercial and industrial structures that do not require front yards.

710 Drainage

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

711 Permitted Obstruction in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

1. All Yards: Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet (4') or less than above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; eaves and roof overhangs projecting thirty-six inches (36") or less; chimneys projecting twenty-four inches (24") or less into the yard; recreational and laundry drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen inches (18") into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
2. Front Yards: Bay windows projecting three feet (3') or less into the yard are permitted.
3. Rear and Side Yards: Open off-street parking spaces or outside elements of central air conditioning systems.
4. Rear Yards: Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon firetowers, and the ordinary projections of chimneys and flues into the rear yard for a distance of not more than three-and-a-half feet (3½') and where the same are so placed as not to obstruct lights and ventilation.
5. Double Frontage Lots: the required front yard shall be provided on each street.
6. Building Groupings: For the purpose of the side yard regulation a group business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

712 Permitted Modifications of Height Regulations

The height limitations of this Ordinance shall not apply to:

Belfries	Public Monuments	Chimneys
Ornamental Towers and Spires	Church Spires	Conveyors
Towers less than 125 feet in height	Air-Pollution Prevention Devices	Cooling Towers
Elevator Bulkheads	Silos	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots	Water Towers
Tanks	Flag Poles	

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Occupancy of Basements and Cellars

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