



ARTICLE NINE - ADMINISTRATION AND PROCEDURES

901 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending the Zoning Ordinance; and granting variances.

902 Conditional Use Permit Procedure

1. Purpose

The Conditional Use Permit Procedure provides for public review and discretionary Village Board approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

2. Administration

The Planning Commission shall review and evaluate each application and transmit its recommendation to the Village Board. The Village Board shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

3. Application Requirements

An application for a Conditional Use Permit may be filed with the Zoning Administrator by the owner(s) of a property or the owners' authorized agent. The application shall include the following information:

- a. Name and address of the applicant.
- b. Owner, address and legal description of the property.
- c. A description of the nature and operating characteristics of the proposed use.
- d. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

4. Approval Process

- a. The Planning Commission, following proper notice, shall hold a public hearing on each Conditional Use Permit and, following such public hearing, shall recommend action to the Village Board.
- b. The Village Board, after publication and public hearing, shall act on the Conditional Use Permit. A majority vote of those members either elected or appointed to the Village Board is required for approval.

5. Criteria for Review

The Planning Commission and the Village Board shall review and approve the site plan based on the criteria established in Table 10-1 and conformance with applicable regulations in this Zoning Ordinance.

6. Scope of Village Board's Approval

- a. The Village Board may, at its discretion, apply a Conditional Use Permit to a specific owner or applicant. The Village Board may establish special site development or operational regulations as a condition for approval of a Conditional Use Permit.
- b. The Village Board shall not grant a Conditional Use Permit for any home occupation/home-based business which is otherwise prohibited under this Ordinance.

7. Lapse and Revocation of Permit

- a. A Conditional Use Permit shall become void one year after its effective date if the applicant has not carried out development or occupancy during that period.
- b. The Village Board may revoke a Conditional Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

8. Previously Approved Permits

Any Conditional Use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Conditional Use Permit, subject to requirements imposed at the time of its approval.

Table 9-1: Criteria for Conditional Use Permits

Land Use Compatibility	CRITERIA	Conditional Use Permi
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	X
Height and Scale		
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X
Building Coverage	Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated by landscaping or site amenities.	X
Site Development		
Frontage	Frontage along a street should be similar to lot width.	X
Parking/Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X
	All structures must be accessible to public safety vehicles.	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and	X

	buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drains should be preserved.	
Building Design	Architectural design and building materials should be compatible with surrounding areas.	X
Operating Characteristics		
Traffic Capavillage	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system.	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X
Public Facilities		
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X
	Adequate sanitary sewer capavillage to serve development.	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water system.	X
	Development of other properties shall not be inhibited.	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X
Utilities	Project must be served by utilities.	X
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X
Comprehensive Plan	Projects should be consistent with the Village of Platte Center's Comprehensive Development Plan.	X

903 Amendment Procedure

1. Purpose:

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

2. Initiation of Amendments:

- a. Text amendments may be initiated by the Planning Commission or Village Board.
- b. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the Village Board.

3. Rezoning Application Requirements:

An application for a rezoning may be filed with the Zoning Administrator or his/her designee. The application shall include the following information:

- a. Name and address of the applicant.
- b. Owner, address and legal description of the property.
- c. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
- d. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

4. Amendment Process:

- a. The Planning Commission, following ten days notice and publication, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the Village Board. A vote either for or against an amendment by a majority of all Planning Commission members shall constitute a recommendation to the Village Board. A vote either for or against an amendment by less than a majority of all Planning Commission members shall constitute a failure to make a recommendation to the Village Board.
- b. The Village Board, after publication and public hearing, shall act on the proposed amendment. A majority vote of those members either elected or appointed to the Village Board is required for approval.

5. Required Notice and Publication:

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided as follows:

- a. Notice by Posted Sign: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.
- b. Publication: At least ten days before the date of hearing, the Village Clerk shall have published in a daily newspaper having a general circulation in the Village of Platte Center a Notice of the time, place and subject matter of such hearing

904 Extension of the Extra-Territorial Jurisdiction

Upon the automatic extension of the one-mile Extra-Territorial Jurisdiction due to annexation, the Village Board with the recommendation of the Planning Commission shall zone properties within the newly established Jurisdiction concurrent with adoption of the annexation ordinance. The zoning shall consider the Comprehensive Development Plan of the Village of Platte Center and the present use of the land.

Zoning Permits and Certificates of Zoning Compliance

1. Administration and Enforcement:

The Zoning Administrator shall administer and enforce this ordinance. The Village Board may direct other persons to assist him/her.

If the Zoning Administrator, or his/her designee shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/ she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

2. Zoning Permits Required:

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Zoning Administrator or his/her designee. No Zoning Permit shall be issued by the Zoning Administrator or his/her designee, except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

3. Application for Zoning Permit:

All applications for Zoning Permits shall include plans if applicable in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

The application shall include such other information as lawfully may be required by the Zoning Administrator, or his/her designee, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

4. Certificates of Zoning Compliance for New, Altered or Non-Conforming Uses:

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Administrator, or his/her designee, stating that the proposed use of the building or land conforms to the requirements of this ordinance.

5. Expiration of Zoning Permit:

- a. If the work described in any Zoning Permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be canceled by the administrative official; and written notice thereof shall be given to the persons affected.
- b. If the work described in any Zoning Permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Zoning Permit has been obtained.

- c. The expiration date of a Zoning Permit may be established for a period longer than one year if established at the time that such permit is issued by the Village. The Zoning Administrator, or his/her designee may, at his/her discretion extend the expiration period of the Zoning Permit.

Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance:

Zoning Permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section hereof.

906 Schedule of Fees, Charges and Expenses

The Village Board shall establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Village Board.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

907 Board of Adjustment

1. Establishment:

- a. The Platte Center Village Board will serve as the Board of Adjustment for the Village of Platte Center.

2. Procedure for Appeals

- a. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty (30) days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.
- b. The Board shall provide a minimum of ten (10) days notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the Village of Platte Center; and by written notice to the appealing party.
- c. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.

Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have only the following powers and duties:

Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Zoning Administrator, or his/her designee in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures

Interpretation of Zoning Map: To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.

Variances to Relieve Hardships Relating to Property: To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

1. Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:
 - a. Strict application of the zoning ordinance will produce undue hardship.
 - b. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
 - d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
 - e. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
 - f. The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.
2. Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 1009(l) have been met by the applicant for a variance.
3. Conditions for Grant of Variance.
 - a. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 1014 of this Ordinance.
 - b. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
 - c. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Board has Powers of Zoning Administrator on Appeals: Reversing Decisions of Zoning Administrator:

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

909 Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the village aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

910 Duties of Zoning Administrator, Board of Adjustment, Village Board, and Courts on Matters of Appeal

1. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.
2. Under this ordinance the Village Board shall have only the duties (1) of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance as provided by law, (2) of establishing a schedule of fees and charges as stated in Section 10 of this Ordinance, and (3) acting as the Board of Adjustment.

911 Severability Clause

Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

912 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this resolution.

913 Penalties for Violation

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or

imprisonment for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

2. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Village from taking such other lawful action