



Lodgepole Zoning Ordinance

updated 12/2018

VILLAGE OF LODGEPOLE

CHEYENNE COUNTY

Zoning Districts

- R-1 Residential
- R-2 Residential
- R-3 Residential
- Parks
- Commercial
- Industrial
- Agriculture

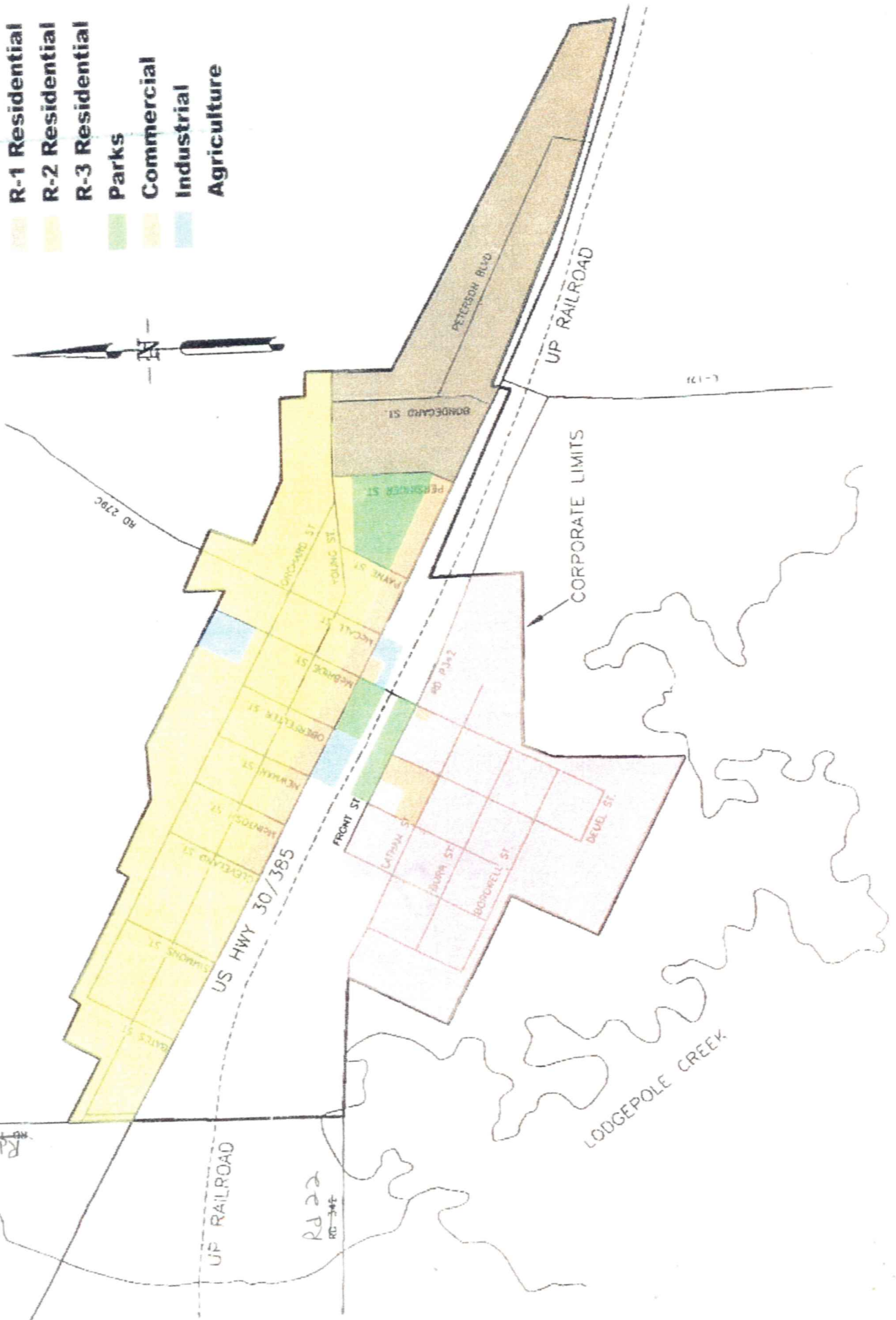


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ORDINANCE NO. 134

PASSED AT REGULAR LODGEPOLE VILLAGE BOARD MEETING
JUNE 1, 1998

After discussion of the Lodgepole Village Board and pursuant to Nebraska Revised Statutes 19-903., it was moved by Village Board member Born and seconded by Village Board member Dykman that the Village of Lodgepole Comprehensive Development Plan recommended by the Village of Lodgepole Planning Commission be adopted by the Lodgepole Village Board. By roll call vote with all Board members present, the Lodgepole Comprehensive Development Plan was unanimously adopted by the Lodgepole, Nebraska Village Board. Motion carried.


Scott Smith, Chairman


Julie Huff,
Village Clerk

ORDINANCE NO. ____

AN ORDINANCE OF THE VILLAGE OF LODGEPOLE, NEBRASKA, ADOPTING A COMPREHENSIVE ZONING CODE AND SUBDIVISION REGULATIONS TO BE KNOWN AS THE "LODGEPOLE ZONING AND SUBDIVISION REGULATION ORDINANCE" TO PROVIDE FOR ZONING CLASSIFICATIONS, ZONING DISTRICTS, FOR USES AND REGULATIONS OF PROPERTY WITHIN THE VARIOUS ZONING CLASSIFICATIONS; TO PROVIDE SUBDIVISION REGULATIONS; 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 LODGEPOLE, NEBRASKA:

SECTION 1. TITLE

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

SECTION 2. PURPOSE AND INTENT

2.01. 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 Lodgepole Comprehensive Plan.
7. To regulate the development of subdivisions within the Village and the outlying areas around the Village over which Lodgepole has jurisdiction.

SECTION 3. GENERAL PROVISIONS

3.01. Jurisdiction: This Ordinance shall apply to the incorporated area of the Village of Lodgepole, 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 One District
R-2	Residential Two District
R-3	Residential Three District
C	Commercial District
I	Industrial District
A	Agricultural 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, and 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, rule or regulation of any land, 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. Severability: 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. The words "Board of Adjustment" mean the Village Board serving in the capacity of the Village Board of Adjustment.
- g. Unless otherwise specified, all distances shall be measured horizontally.
- h. The word "Village" means Village of Lodgepole, Nebraska.
- i. The abbreviation N/A means not applicable.
- j. 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.
- k. The words "Village Board" shall mean the Village Board of Lodgepole, Nebraska.
- l. 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 or use.
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 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.
8. 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.
9. 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.
10. 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.
11. Board of Adjustment: That Board which serves to hear and determine appeals and variances to the zoning regulations.
12. Boarding or Lodging House: A building other than a hotel or motel where, for compensation and by prearrangement 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, paved patios, and attached garages is a building in which is conducted the principal use of the lot on which it is situated.

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. Collector Street: (See Street Network, Collector).
17. Commercial Storage Unites): 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.
18. Communication Tower: Any structure used to elevate a transmitter for radio, television, telephone, or any other types of communication.
19. Comprehensive Plan: Is the plan or series of plans for the future development of the Village recommended by the Planning Commission and adapted by the Village Board.
20. 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.
21. 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.
22. 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.
23. District: A section or sections of the area within the zoning jurisdiction of the Village for which will form regulations governing the use, height, area, size, density, and intensity of the use of buildings, land, and open spaces are established.
24. Dog: Any canine species over six (6) months of age.
25. 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.
26. Dwelling, Single Family: A dwelling having accommodations for and occupied exclusively by one family, excluding mobile homes.
27. 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.
28. Dwelling, Two-Family: A dwelling on a single lot of record having accommodations for and occupied exclusively by two families, independently.
29. Dwelling, Multiple-Family: A dwelling having accommodations for and occupied exclusively by more than two families, independently.
30. Dwelling for the Elderly and/or Handicapped: A two-family or multiple-family dwelling or multiple-family dwelling having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel.
31. 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.

32. 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.
33. 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.
34. Farm Operation: A location where the principle business is the raising of crops on the premises.
35. 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.
36. Feedlot/Confinement: A lot, yard, corral, building or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze. All feedlot/confinement facilities located within 1/4 mile of any other feedlot/confinement facilities that are under the ownership or management of the same operation shall be considered a single feedlot/confinement operation.
37. Garage: An accessory building used for the storage of motor driven vehicles.
38. 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.
39. Home Occupation: A business, profession, service or trade conducted for gain or support entirely within a residential building or its accessory structures. (See section 12.05 for requirement).
40. 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.
41. Household Pet: Any non-venomous species of reptile and any domestic dog, domestic cat, rodent, or bird. Animals defined as livestock shall not be considered pets.
42. 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.
43. Institution: A building occupied by a non-profit corporation or non-profit establishment for public use.
44. Kennel: Any place where five (5) or more households' pets of one species or a total of eight (8) or more household pets of two (2) or more species are kept or maintained.
45. Livestock: Any cattle, bison, mules, burros, llamas, ostriches, elk, horses, swine, sheep, goats, poultry, or rabbits.
46. Loop Street: A street having both ends terminating on another single street.
47. 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.

48. Lot Corner: A lot abutting upon two or more streets at their intersection.
49. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.
50. Lot, Double Frontage: A lot having a frontage on two non-intersecting streets.
51. Lot, Front: The front of a lot shall be that side abutting a street right-of-way.
52. Lot, Rear: The rear of a lot shall be that side opposite the front of the lot.
53. 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.
54. 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.
55. 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.
56. 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's 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.
57. 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. This does not include double-wide mobile homes or manufactured homes.
58. 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.
59. Nonconforming Use: An existing use of a structure or land which does not conform to the zoning regulations.
60. 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.

61. 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.
62. Parking Space: An area for the purpose of storing one parked vehicle.
63. Permanent Foundation: A foundation, constructed of concrete, concrete block, or equivalent masonry material, extending below the frost line which is designed to resist frost action and to safely support a building.
64. Planning Commission: The Village of Lodgepole Planning Commission.
65. 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.
66. 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.
67. 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.
68. Recreational Vehicle Park: (See Campground).
69. 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.
70. Right-of-way: An area dedicated to the public use which provides access to adjacent properties.
71. 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.
72. 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.
73. 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.
74. Signs, Off-Site: A sign other than an on-site sign.

75. **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 2-112 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.
76. **Street:** A dedicated public right-of-way, other than an alley, which provides a primary means of access to abutting property.
77. **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.
78. **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.
79. **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.
80. **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.
 - c. New windows.
 - d. Repair or replacement of non-structural members.
81. **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.
82. **Village Board:** The Village Board of Lodgepole, Nebraska.
83. **Warehouse:** A building designed for storage.
84. **Yard:** A space on a lot that is open, unoccupied and unobstructed by buildings or structures from the ground upward.
85. **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.
86. **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.
87. **Yard, Side:** A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.
88. **Zoning Administrator:** The person or persons authorized and empowered by the Village Board to administer the requirements of these zoning regulations.
89. **Zoning Regulations:** The term zoning regulations shall mean the requirements stipulated in this ordinance and any amendments to it.

SECTION 5. "R-I" RESIDENTIAL DISTRICT

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

5.02. Permitted Uses: In District "R-I", 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 (including modular homes).
2. Two- and Three- Family Dwellings
3. Public parks, playgrounds and schools.
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. Multi-Family dwelling with four or more units
2. Day care homes.
3. Day care centers.
4. Churches.
5. Kennels
6. Home Occupation as defined in Section 12.05.
7. Uses similar to the uses listed above as long as the use complies with the general intent of the R-I District.

5.04. Intensity of Use Regulations:

1. Minimum lot area: 10,000 square feet
2. Minimum lot width: 100 feet

5.05. Height Regulations:

1. Maximum structure height: 35 feet

5.06. Foundations: All dwellings shall be built on a permanent foundation.

1. Foundations: All dwellings shall be built on a permanent foundation. For purposes of this section, permanent foundation shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

2. Accessory storage buildings shall be permanently anchored. For purposes of this section, permanently anchored shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

5.07. Yard Regulations:

1. Front yards: The front yards in Residential Districts ("R-1", "R-2" and "R-3") 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:
 - (1) 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:
 - (1) At least one front yard shall be provided having the full depth required generally in the district; and
 - (2) No other front yard on the lot shall have less than half the full depth required generally.
2. Side yard: Not less than five (5) feet.
3. Rear yard: Not less than 15 feet from the primary structure;
Not less than 5 feet from an accessory structure.

5.08. Accessory Buildings:

- a. No accessory uses, buildings or structures shall be erected in any required front or side yard.
 - 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 and 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 eighteen (18) feet in height.
 - d. An accessory building shall not be constructed of or be part of any of the following:
 - (1) Mobile homes;
 - (2) Grain bins;
 - (3) Pickup toppers; and
 - (4) Railcars.
- a. 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.
- b. 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.

c. ~~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 only with approval of the Board prior to placement. Said mobile storage containers will not be allowed in residential zoning areas.

d. ~~g~~. 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:

- (1) Only one (1) cargo container per lot unless the Village Board of Trustees approves more than one (1) container;
- (2) No stacking of containers;
- (3) Not to exceed 8' x 8' x 40' in size;
- (4) Shall be free of dents, rust and/or graffiti and shall be maintained in good condition and painted to blend in with surroundings;
- (5) Shall be permanently and adequately anchored; anchor must be a minimum of 32 inches deep.
- (6) Shall be securely locked at all times, other than during actual loading or unloading;
- (7) If airtight, an air vent must be installed; and
- (8) Under no circumstances shall the cargo container be used as a dwelling unit, or housing unit, pet housing or containment units or kennel.

e. ~~g~~. 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; provided however, the Clerk of the Village of Lodgepole 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 Lodgepole is not so notified, the cargo container must be immediately removed. After the initial thirty (30) days has expired, the Village Board 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 prior to the end of said six (6) month period.

ORDINANCE NO. 5.09

AN ORDINANCE TO AMEND SECTION 5.08 OF THE ORDINANCES OF THE MUNICIPAL CODE OF THE VILLAGE OF LODGEPOLE, NEBRASKA, PERTAINING TO ACCESSORY BUILDINGS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LODGEPOLE, NEBRASKA:

Section 1. That § 5.08 of the Village of Lodgepole Zoning and Subdivision Ordinance of the Municipal Code of the Village of Lodgepole, Nebraska, is amended to read as follows:

5.08 Accessory Buildings:

a. No accessory uses, buildings or structures shall be erected in any required front or side yard.

b. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet 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 and 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 eighteen (18) feet in height.

d. No accessory storage building shall be used to store any items that would be in violation of Environmental Protection Agency and State Fire Marshall codes and regulations; and

e. An accessory building shall not be constructed of or be part of any of the following;

- (1) Mobile homes;
- (2) Grain bins;
- (3) Pickup toppers; and
- (4) Railcars.

i. 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.

ii. 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.

f. 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 commercial zoning areas only with approval of the Board prior to placement. Said mobile storage containers will not be allowed in residential zoning areas.

g. 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:

- (1) Only one (1) cargo container per lot unless the Village Board of Trustees approves more than one (1) container;
- (2) No stacking of containers;
- (3) Not to exceed 8' x 8' x 40' in size;
- (4) Shall be free of dents, rust and/or graffiti and shall be maintained in good condition and painted to blend in with surroundings;
- (5) Shall be permanently and adequately anchored; anchor must be a minimum of 32 inches deep.
- (6) Shall be securely locked at all times, other than during actual loading or unloading;
- (7) If airtight, an air vent must be installed.
- (8) Under no circumstances shall the cargo container be used as a dwelling unit, or housing unit, pet housing or containment units or kennel.

h. 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; provided however, the Clerk of the Village of Lodgepole must be notified within five (5) working days of the placement of a cargo container by either the property owner, the tenant or

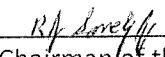
the contractor. If the Village of Lodgepole is not so notified, the cargo container must be immediately removed. After the initial thirty (30) days has expired, the Village Board may extend the permit another thirty (30) days upon application and Hearing before the Board. The permit must be renewed in 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 prior to the end of said six (6) month period.

Section 2: That any other ordinance or passed and approved prior to the passage, approval and publication of this Ordinance and in conflict with the provisions of this Ordinance, is hereby repealed.

Section 3: This Ordinance shall go into full force and effect upon its passage, approval and publication or posting as required by law.

Passed and approved this 5th day of November, 2020.


Village Clerk


Vice Chairman of the Board

SECTION 6. "R-2" RESIDENTIAL DISTRICT

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

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 or more of the following uses: .

1. Single-family dwellings (including modular homes).
2. Two and three-family dwellings.
3. Public parks, playgrounds and schools.
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. Multi-family dwellings with 4 or more units
2. Day care homes.
3. Day care centers.
4. Churches.
5. Hospitals.
6. Libraries.
7. Kennels
8. Home occupations as defined in 12.05.
9. Governmental buildings.
10. Group homes.
11. Nursing or convalescent homes.
12. Funeral homes.
13. Arts and crafts shops.
14. 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.
15. Uses similar to the uses listed above as long as the use complies with the general intent of the R-2 District.

6.04. Intensity of Use Regulations:

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

6.05. Height Regulations:

1. Maximum structure height: 35 feet

6.06. Foundations: All dwellings shall be built on a permanent foundation.

1. Foundations: All dwellings shall be built on a permanent foundation. For purposes of this section, permanent foundation shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

2. Accessory storage buildings shall be permanently anchored. For purposes of this section, permanently anchored shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

6.07. Yard Regulations:

2. 1. Front yard: The front yards in Residential Districts ("R-1", "R-2" and "R-3") 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:
 - (1) 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:
 - (1) At least one front yard shall be provided having the full depth required generally in the district; and
 - (2) No other front yard on the lot shall have less than half the full depth required generally.
2. Side yard: Not less than five (5) feet.
3. Rear yard: Not less than 15 feet from the primary structure;
Not less than 5 feet from an accessory structure.

6.08. Accessory Buildings:

- a. No accessory uses, buildings or structures shall be erected in any required front or side yard.
- 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 and 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 eighteen (18) feet in height.
- d. An accessory building shall not be constructed of or be part of any of the following:
 - 1. Mobile homes;
 - 2. Grain bins;
 - 3. Pickup toppers; and
 - 4. Railcars.
- b. 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.
- c. 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.
- d. 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 only with approval of the Board prior to placement. Said mobile storage containers will not be allowed in residential zoning areas.
- e. 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:
 - 1. Only one (1) cargo container per lot unless the Village Board of Trustees approves more than one (1) container;
 - 2. No stacking of containers;
 - 3. Not to exceed 8' x 8' x 40' in size;
 - 4. Shall be free of dents, rust and/or graffiti and shall be maintained in good condition and painted to blend in with surroundings;
 - 5. Shall be permanently and adequately anchored; anchor must be a minimum of 32 inches deep.
 - 6. Shall be securely locked at all times, other than during actual loading or unloading;
 - 7. If airtight, an air vent must be installed; and
 - 8. Under no circumstances shall the cargo container be used as a dwelling unit, or housing unit, pet housing or containment units or kennel.
- f. 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; provided however, the Clerk of the Village of Lodgepole 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 Lodgepole is not so notified, the cargo container must be immediately removed. After the initial thirty (30) days has expired, the Village Board 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 prior to the end of said six (6) month period.

SECTION 7. "R-3" RESIDENTIAL DISTRICT

7.01. Intent: The intent of this district is to provide an area for residential development in mature neighborhoods including mobile homes.

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 of the following uses:

1. Any use allowed in an "R-2" District.
2. Mobile Homes.

7.03. 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-2" District.
2. Mobile Home Parks (see Section 13)

7.04. Intensity of Use Regulations:

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

7.05. Height Regulations:

1. Maximum structure height: 35 feet

7.06. Foundations: All dwellings (except for mobile homes) shall be built on a permanent foundation.

1. Foundations: All dwellings shall be built on a permanent foundation. For purposes of this section, permanent foundation shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

2. Accessory storage buildings shall be permanently anchored. For purposes of this section, permanently anchored shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

7.07. Yard Regulations:

1. Front yard: The front yards in Residential Districts ("R-1", "R-2" and "R-3") 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:

1. 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:

1. At least one front yard shall be provided having the full depth required generally in the district; and
2. No other front yard on the lot shall have less than half the full depth required generally.

2. Side yard: Not less than five (5) feet

3. Rear yard: Not less than 15 feet from the primary structure;
Not less than 5 feet from an accessory structure.

Section 7.08. Accessory Buildings:

- a. No accessory uses, buildings or structures shall be erected in any required front or side yard.

- 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 and 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 eighteen (18) feet in height.

- D An accessory building shall not be constructed of or be part of any of the following:

1. Mobile homes;
2. Grain bins;
3. Pickup toppers; and
4. Railcars.

- a. 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.

- b. 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.

- c. Enclosed sealed mobile storage containers, including but not limited to, sea containers, cargo containers, shipping containers, and any other storage

- c. 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 only with approval of the Board prior to placement. Said mobile storage containers will not be allowed in residential zoning areas.
- d. 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 surroundings;
 - v. Shall be permanently and adequately anchored; anchor must be a minimum of 32 inches deep.
 - 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.
- e. 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; provided however, the Clerk of the Village of Lodgepole 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 Lodgepole is not so notified, the cargo container must be immediately removed. After the initial thirty (30) days has expired, the Village Board 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 prior to the end of said six (6) month period.

SECTION 8. "C" COMMERCIAL DISTRICT

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

8.02. Permitted Uses: In District "C", 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. Stores and shops which provide personal services.
2. Stores and shops which sell retail or wholesale merchandise.
3. Restaurants.
4. Offices
5. Public and/or governmental buildings and facilities.
6. Utility Service Facilities.

8.03. Conditional Uses in "C"

1. Contractor equipment storage yard.
2. Grain elevators.
3. Grain storage facilities
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. Welding and blacksmith shop.
9. 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
10. Commercial Storage Units
11. Kennels
12. Uses similar to the uses listed above as long as the use complies with the general intent of the C-I District.

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. 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: Shall not be less than 15 feet
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.

SECTION 9. "I" INDUSTRIAL 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 "I", 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" District.
2. Specialized horticulture operations including orchards, nurseries and similar operations.
3. Parks, playgrounds, and recreational uses.

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

1. Kennels (Boarding, Breeding, and Dog).
2. Hospitals and institutions of an educational, religious, charitable, philanthropic nature.
3. Grain elevators.
4. Grain storage facilities.
5. Communication towers. (See Section 12.12)
6. Truck and rail terminals.
7. Animal hospitals and clinics.
8. Kennels
9. 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 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.
10. Uses similar to the uses listed above as long as the use complies with the general intent of the C-2 District.

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 Village ordinance, state or federal law.

9.05 Yard regulations:

1. Front Yard: Shall not be less than 15 feet

SECTION 10. "An AGRICULTURE DISTRICT"

10.01. 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.

10.02. 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 and selling of crops and produce.
2. The grazing of livestock.
3. The operation of a farm or ranch using normal and customary practices.
4. One (1) single family home per legal lot.
5. Cemeteries.

10.03. 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. (See Sections 12.10 and 12.11)
2. Kennels
3. Archery, trap and skeet shooting ranges.
4. Substations.
5. Livestock auction sales.
6. Solid waste, disposal and processing, sites which include incinerators, compactors, transfer stations, recycling and other similar functions.
7. Communication Towers (See Section 12.12)
8. Mobile Home Parks (see Section 13)
9. Uses similar to the uses listed above as long as the use complies with the general intent of the A District.

10.04. 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 Village ordinance, state or federal law.

10.05. Lot Regulations:

1. Minimum Lot Size: 20 acres

SECTION 11. "P" PARK AND RECREATION DISTRICT

11.01. Intent: The intent of this district is to preserve existing and future park and recreation lands. It is the intention to only restrict in "P" 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 "P" 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. Playground Equipment
2. Ballparks
3. Outdoor recreation facilities
4. Picnic facilities including shelter houses
5. Band shells
6. Concession stands
7. Restroom Facilities

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

1. Other uses associated with parks and/or outdoor recreation as long as such uses are similar to the intent of the P District.

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

1. With respect to any Residential District, only one principal use or structure may be located on a lot.
2. With respect to "C" and "T" 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.

12.03. 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:

12.04. 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.

12.05. 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 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. Machine shops.
- e. Restaurants.

£ Second-hand merchandise.

g. Any other use similar to those uses listed above.

12.06. Temporary Uses Permitted

1. Christmas Tree Sales: Christmas tree sales in "A", "C", and "T" 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.

2. 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.

3. Seasonal Sales: Seasonal sales of farm produce in "A" and "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.

4. 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 five (5) 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.

12.07. 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.

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

1. No fence shall be construed which will constitute a traffic hazard.
2. No fence shall be constructed in a manner or be 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 the R-1, R-2 and R-3 Residential Zones, no fence shall exceed 3 1/2 feet in height in front yards; no fence shall exceed 3 1/2 feet in height in side yards if said yard is located on a corner lot, but may be up to 6 feet in height in side yards that are not located on a corner lot, provided said fence may not extend further forward than the front corner of the house; and no fence shall exceed 6 feet in height in rear yards at any time .

12.09. 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.

12.10. Livestock: The act of watering, feeding, or sheltering livestock within 300 feet of a residential structure is prohibited.

12.11. Feedlots: Feedlots shall not be allowed within 1 mile of the Village of Lodgepole.

12.12. Communication Towers: The following minimum standards shall apply to all communication towers when seeking a conditional use permit:

- A. The height of a communication tower shall not exceed the distance between the base of a tower and any permanent structure, utility line or road.
- B. Communication towers shall not be constructed unless evidence is demonstrated that the communication transmitter(s) in question cannot be practically located on either an existing structure or an existing communication tower.
- C. All new communication towers shall be constructed in a manner that will allow such tower to accommodate at least three additional communication transmitters.
- D. Communication towers shall not contain transmitters which interfere with commercial or residential radio or television signals.
- E. All communication towers must comply with FAA regulations.

SECTION 13. MOBILE HOME PARK REGULATIONS

13.01. Intent: It is intended that the requirements for mobile home parks shall be such that the quality of a neighborhood is not detrimentally affected by the adjacent location of a mobile home park. The mobile home park is basically a low to medium density residential use and shall be treated as such. Since this form of single-family housing physically contrasts substantially with typical on-site constructed housing, it is necessary to review each request via the procedures of Section 20 "Conditional Uses". This review procedure allows design adjustments to fit the constraints of any site.

13.02. Development Standards: In those districts where mobile home parks are listed as Conditional Uses, all applications must first be processed via the procedures of Section 20. In addition to possible conditions being attached as the result of the conditional use, the following standards shall also apply:

1. Minimum size of mobile home area: 5,000 square feet
2. Setback: Mobile homes shall not be placed within 20 feet of any boundary that is not a street and 25 feet from any boundary that is adjacent to a street.
3. Minimum Separation between homes: 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 three 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 building which are accessory to the park shall have a minimum clearance of 10 feet from any other structure or mobile home.
4. Access to dedicated streets shall be provided. The Village may require mobile home parks over 50 units to have additional access points for emergency access purposes.
5. Lighting: Adequate lighting shall be provided.
6. Architectural Control: The Village may set architectural standards for a mobile home park, including requirements of wood siding or similar design features.
7. Landscaping: A landscaping concept plan shall be submitted for review and approval.
8. Storage: Storage units shall be designed as an integral part of the site.
9. Utilities: All utilities shall be placed underground. Potable water and a sewage disposal system meeting Department of Health requirements shall be provided.
10. Trash Collection: Trash receptacles shall be provided and properly screened from view.

13.03 Livestock: No livestock shall be kept, housed, penned or otherwise in any mobile home park.

SECTION 14. SIGN REGULATIONS

14.01. 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.

14.02. 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. Access way or Window: No sign shall block any required access way 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 or railroad control sign, signal device, or where it may interfere with, mislead, or confuse traffic.
 - 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.

14.03. Exemptions

1. Total Exemptions: The following signs shall be exempt from the requirements outlined in Section 14.
 - a. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
 - b. 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.
 - c. Memorial signs and tablets displayed on public or private property.
 - d. 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.
 - e. Score boards for athletic events.
 - f. 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.
 - g. 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.

SECTION 15. PARKING REGULATIONS

15.01. 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.

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.

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

1. Mobile homes: One parking space for each home.
2. Single-family dwelling: One space per dwelling unit.
3. Multiple family: One space per dwelling unit.
4. Dwelling units designed specifically for the elderly: One space per two dwelling units.

15.03. 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 16. NON-CONFORMING USES

16.01. 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 in 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.

16.02. 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.

16.03. Nonconforming Structures:

1. **Authority to Continue:** 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:** 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.

16.04. Nonconforming Uses:

1. Authority to Continue: 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 tenanted by these regulations.

2. Ordinary Repair and Maintenance:

a. Normal maintenance and incidental repair or replacement, installation or relocation of nonbearing 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 as 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. 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.

9. 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-I" 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.

10. Change of Ownership: A nonconforming use may be continued, but not increased, by a new owner of such property.

SECTION 17. ADMINISTRATION

17.01. 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 make all inspections necessary to perform 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.

17.02. 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.

17.03. Building Permit Approval: All building permits shall be approved by the Village Board after consideration of the Village Planning Commission's recommendation.

17.04. Fees:

SECTION 18. BOARD OF ADJUSTMENT, VARIANCES AND APPEALS

18.01. Board of Adjustment: The members of the Village Board of Trustees shall serve as the members of the Village Board of Adjustment. The Board shall consult the recommendation of the Planning Commission on all planning and zoning matters. Meetings of the Board shall be held at such times as the Board may designate, or at such other times as the Chair person, 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. 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 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 regarding any matter in which they have a reasonable interest. The Board 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.

18.02. Duties: The Board 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 Ordinance. 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 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.
 - 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.

- f. The conditions which gave rise to the request are not created by an action or actions of the property owner or applicant.
- g. 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 may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. To that end, the Board shall have all the powers of the officer from whom the appeal is taken.

18.03. Applications:

1. Procedure: The procedure for requesting a hearing before the Board shall be as follows:
 - a. All applications for a variance to the Board 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:
 - (1) The description of the lot, tract of land, building or structure for which the variance is requested.
 - (2) The name or names of the owner or owners.
 - (3) 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:
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

b. Variance:

- (1) 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.
 - (2) 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 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 shall impose any restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining property.

The Board 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, 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 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 may reconsider its action and may, after reconsideration, declare the granting of the application null and void.

18.04. 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 or if the Board denies the application unless the

Board'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.

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

SECTION 19. AMENDMENTS

19.01. 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 recommendation.
2. Proposal of Amendments: Amendments may be initiated by the Village Board, the Planning Commission, or upon application of the owners of 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 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 (300) feet 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 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 _ (\$?).
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.

19.02. 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 application for an amendment may waive the requirement that a hearing be held within sixty (60) days.
2. Notice of Hearing: Public notice of this 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 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 is 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.

19.03. Action by the Village Council:

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.

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.

2. **Notice of Hearing:** Public notice of the Village Board hearing on a proposed amendment shall be given as required by this Ordinance in Section 19.
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 lot or lots included in the proposed change, or of those immediately adjacent to the sides and in the rear of the area proposed extending three hundred (300) feet and of those directly opposite extending three hundred (300) feet 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 20. CONDITIONAL USES:

20.01. Definitions: 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 possesses, 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.

20.02. Procedure: 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.

20.03. 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 __ dollars (\$??). The applicant 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 shall be issued.

20.04. 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.
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 designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

20.05. 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 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 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 (or subdivide) 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. The definition includes resubdivision and shall relate to the process of subdividing or to the land subdivided. For the purpose of recording any separation of land, a plat of such division shall be submitted for approval in accordance with Section 21.03.

However, the following shall be exempt from the subdivision regulations:

- A. Division of land for agriculture purposes;
- B. The plat of a single separation of a lot for the purpose of a sale or a gift to a member of the immediate family of the property owner for that immediate family member's personal use in the Agriculture Zoning District. (The plat shall be recorded.) 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 family shall be defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.
- C. Transfer of a lot or parcel by will, intestate succession or court ordered partition. A plat must show the signature of the Village Board Chairman before it can be recorded;
- D. Division of a lot to sell an existing home in the Agriculture District. (The Plat shall be recorded.) However, the lot must be at least one acre and shall not be for the purpose of circumventing the subdivision regulations. (Developing speculation homes on land that is not subdivided prior to construction shall constitute circumventing the subdivision regulations)

For the purposes of Section 21, a subdivide 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 Lodgepole'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 prospective developer shall present a sketch plan to the Planning Commission and Village Board. The concept plan 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.
 - 1. A copy of a deed or legal instrument identifying the applicant's interest in the property under consideration.
 - 2. A description of the type of uses proposed for the subdivision.
 - 3. A description of the type of water system proposed for the subdivision.
 - 4. A description of the type of sewer system proposed for the subdivision.
 - 5. A sketch plan drainage report shall be prepared.
 - 6. A description of the width and type of surface of all streets and sidewalks proposed within the subdivision.
 - 7. Any floodplain, soil or geologic hazard.
 - 8. 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.
9. A sketch plan subdivision map that is drawn to scale and clearly legible 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) Flood 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 the Village Board.

Step 2. An applicant shall submit an application for a change of zone as outlined in Section 19.

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.
- 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 lots proposed.
- 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:
1. Streets and related facilities.
 2. Water distribution systems.
 3. Storm drainage facilities.
 4. Sewage collection systems.
 5. 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 upon 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:
1. The perimeter outline of the proposed subdivision. The location of all existing and proposed accesses to the proposed subdivision.
 2. The location and name of all roads and highways within five hundred feet (500') of the perimeter of the proposed subdivision.
 3. 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.
- P. A preliminary plan plat shall be submitted showing the following:
1. North arrow, subdivision name, total acreage, and legal description of the proposed subdivision.
 2. 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.
 3. The street layout for the subdivision. All streets shall be named.
 4. The layout of future streets adjacent to the subdivision shall be shown as a dashed line.
 5. Topographical contour lines showing elevations.
 6. 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 is not limited to, irrigation ditches, water mains, and fire hydrants.
 7. A utility service statement block shall appear on the preliminary plan plat map. The block shall identify each utility company or special district 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 one 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.
 8. 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 the 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 design. The following information shall be submitted as part of a final plat application:

- A. A copy of a title commitment issued by a title 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.
- 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 or 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.
 - a. 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 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 or other.
- K. A description of the proposed sewage disposal containing written evidence that the proposed sewage disposal is appropriate for the subdivision.
- L. A list of any covenants, grants of easement, and restrictions imposed upon any land, buildings and structures within the proposed subdivision.
- M. A copy of a Nebraska Department of Roads access permit if a new street intersects with a state highway.
- N. 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.
- O. A certified list of the names, addresses, and the corresponding parcel identification numbers assigned by the 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.
- P. A final plat map shall be submitted following the listed requirements:
 - 1. The plat shall be delineated in non-fading permanent black ink.
 - 2. The final plat shall contain the original signatures and seals of all parties required.
 - 3. North arrow, subdivision name, total acreage, date, total acreage, total number of lots, name and address of the owner(s) of record, legal description of the proposed subdivision, and scale.

4. 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.
5. All streets, walkways, and alleys shall be designated and identified by bearings and dimensions. All streets shall be named.
6. 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 is not limited to, irrigation ditches, water mains, and fire hydrants.
7. A utility service statement block shall appear on the preliminary plan plat map. The block shall identify each utility company or special district 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 one 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.
8. 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.
9. If the final plat is revised, a copy of the original final plat shall be provided for comparison purposes.
10. A final drainage report shall be submitted.
11. 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.

12. 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), Mortgage 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 public, school district, owners and future owners of this subdivision all ways, public rights-of-ways, easements, parks and open space, and other public right-of-way and easements for purposes shown hereon.

Executed this ___ day of _____, 19__

(Owner, Mortgagee, or Lienholder)

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 Lodgepole, Nebraska Board of Trustees. Approval of this plat does not constitute acceptance of any dedication.

Witness my hand and the corporate seal of Lodgepole, Nebraska this _ day of _____, ____

Chairman, Lodgepole Board of Trustees, Nebraska

ATTEST:

By: _____ --:--_ Dated: ____ _

Lodgepole Village Clerk

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

1. Demand for the type of uses at the site in question.
2. Effect upon adjacent land uses
3. Potential for traffic congestion or traffic hazards.
4. General suitability of the site in question for the development proposed.
5. The development proposed shall conform to the zoning regulations for the zoning district in which it lies.
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 21 of this Ordinance.

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.
5. No more than two streets shall intersect at one point.
6. Sidewalks shall be constructed within a subdivision where required by the Village Board.
 - a. Sidewalks will be a minimum of four feet in width.
7. Curbs and gutters shall be constructed in accordance with existing Village regulations.
8. 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 Development Requirements: 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. NOTICES

22.01. 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 22.02 below.

22.02. 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.

22.03. 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 23. ENFORCEMENT

23.01 Zoning Violations: Lodgepole may enforce the Lodgepole Zoning and Subdivision Regulation Ordinance through methods included in this Ordinance or through other methods adopted by the Village Board.

23.02 Violations and Penalties: It is unlawful to erect, construct, reconstruct, or alter any building or structure in violation of any provision of the Lodgepole Zoning and Subdivision Regulation Ordinance. Any person, firm, or corporation violating any provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof: shall be punished by a fine of not more than one hundred dollars (\$100), or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal use of any building, structure, or land continues shall be deemed 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.

23.03. Enforcement Procedure: Whenever the Village Board, whether through personnel knowledge or through members of the planning commission or village employees, has knowledge of any violation of the Lodgepole Zoning and Subdivision Ordinance, it shall give written notice to the violator to correct such violation within thirty (30) days after the date of such notice. Should the violator fail to correct the violation within such thirty (30) day period, the

Lodgepole Village Board may request that the Cheyenne County Sheriff's Department issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. The summons and complaint shall require that the violator appear in court at a definite time and place stated therein to answer and defend the charge.

A. One (1) copy of said summons and complaint shall be served upon the violator by the Cheyenne County Sheriff's Department in the manner provided by law for the service of a criminal summons. One (1) copy each shall be retained by the Sheriff's Department and the Village Board and one (1) copy shall be transmitted to the clerk of the court.

SECTION 24. MISCELLANEOUS

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

24.02. 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.

24.03. Publication: Publication of this Ordinance shall be in pamphlet form the foregoing Ordinance No. __ and the accompanying official Lodgepole Zoning Map were, on motion duly made and seconded, and adopted on the __ the day of _____, 1999

Attest:

Jim Bondegard, Chairman

Julie Huff: Village Clerk

Effective date of this Ordinance: __, _____ 1999