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CHAPTER 9 – ZONING REGULATIONS

(Adopted 5/6/08)

Article 1 – General Provisions

1.1 TITLE. These regulations shall be adopted by ordinance and cited as the Zoning Regulations of the Village of Firth, Nebraska.

1.2 JURISDICTION. The provisions of these regulations shall apply within the planning jurisdiction of Firth, Nebraska, as established on the map entitled "The Official Zoning Map of the Village of Firth, Nebraska." The jurisdiction includes the zoning areas within and up to one mile beyond the corporate limits of the Village of Firth, Nebraska.

1.3 PURPOSE. Pursuant to the authority conferred by Neb. Rev. Stat. Sections 19-901 through 19-914, this ordinance is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants in the Village of Firth by regulating and restricting the height, number of stories, and size of buildings and other structures, the size of yards, courts, and other open spaces, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes in accordance with the Firth Comprehensive Plan and the zoning maps adopted herewith.

Article 2 – Application of Regulations

2.1 GENERAL. The Zoning Regulations set forth by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

2.2 ZONING AFFECTS EVERY BUILDING AND USE. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, moved or structurally altered except in conformity with all of the Zoning Regulations herein specified for the district in which it is located.

2.3 YARD AND LOT REDUCTION PROHIBITED. No yard or lot existing at the time of passage of this ordinance shall be reduced by private action in dimension or area below the minimum requirements set herein. Yards or lots created after the effective date of this ordinance shall meet the minimum requirements established by these regulations.

2.4 MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Where applicable, municipal, state, or federal standards which are more restrictive than those contained herein, the more restrictive standards shall apply.

2.5 NONCONFORMITIES; INTENT. Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses.

2.51 NONCONFORMING LOTS OF RECORD. The zoning administrator may issue a permit for any nonconforming lot of record (in association with Section 8.6) provided that:

1. Said 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 such size and width at such location would not have been prohibited, and
2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the Zoning Regulations, and
3. Said lot can meet all required yard regulations for the district in which it is located.

2.52 NONCONFORMING STRUCTURES.

Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which

does not comply with the use regulations and/or the applicable yard and height regulations may be continued, so long as it remains otherwise lawful.

Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired, remodeled, or rebuilt; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure.

Damage or Destruction: In the event any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75 percent of its assessed fair market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 60 percent or less of its assessed fair market value, no repairs or restoration shall be made unless a building permit is obtained within six months, and restoration is actually begun one year after the date of such partial destruction and is diligently pursued to completion.

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.

2.53 NONCONFORMING USES.

Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.

Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, water and/or waste disposal systems, may be performed on any structure or system that is devoted in whole or in part to a nonconforming use.
2. 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 in charge of protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.

Extension: A nonconforming use shall not be extended, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to the extension of such use to any structure or land area other than that occupied by

such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

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 such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Damage or Destruction: In the event that a nonconforming building or use is damaged to the extent of more than 60 percent of its reasonable replacement value, the property shall conform to the zone in which it is located.

Moving: No structure that is devoted in whole or in part to a nonconforming use and 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 the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

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 structure and premises, may be changed to another nonconforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.

Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned, for a period of 12 consecutive months (as per Neb. Rev. Stat. §19-904.01), such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

Article 3 – General Definitions

3.1 GENERAL PROVISIONS. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of these Zoning Regulations.

3.11 TENSE: Words used in the present tense include the future tense.

3.12 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.

3.13 SHALL and MAY: The word "shall" is mandatory; the word "may" is permissive.

3.14 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of these Zoning Regulations and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

3.2 GENERAL TERMINOLOGY. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

"Village" shall mean the Village of Firth, Nebraska.

"Governing body" shall mean the Village Board of Firth, Nebraska.

"Planning Commission" shall mean the Planning Commission of Firth, duly appointed by the governing body of the Village of Firth.

"He" or "his" shall also mean "she" or "hers."

3.3 DEFINITIONS. For the purpose of the regulations, certain words and terms used herein are defined as follows:

ACCESSORY USE OF BUILDING: A subordinate building or use which customarily is incidental to that of the main or principal building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, detached garages, garden houses, antenna/satellite dishes, amateur radio or cellular communication towers of less than 100 feet, and residential, agricultural and recreational storage sheds. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.

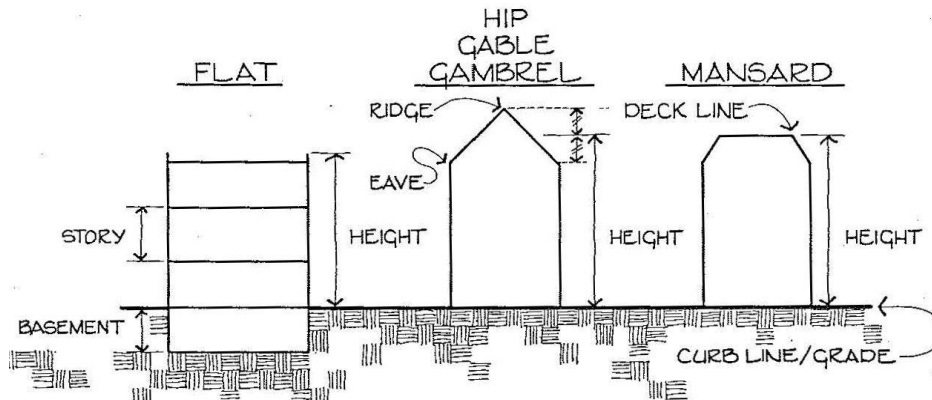
AGRICULTURAL FARM OR OPERATION: A tract of land or a combination of tracts of land utilized primarily for agricultural purposes which either singularly or jointly consist of at least 20 acres and which produces \$1,000 or more of farm products each year.

ALLEY: A public or private thoroughfare which affords only a secondary means of access to the property abutting thereon.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building. "Building" includes "structure."

BUILDING HEIGHT: The vertical distance to the highest point of the roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than 10 feet from the front lot line or from the grade in all other cases.



Source: A Survey of Zoning Definitions (American Planning Association, 1989)

CAMP GROUNDS: Any premises where two or more camping units are parked/ placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers.

CHILD CARE CENTER: A facility which is or should be licensed by the Nebraska Department of Health and Human Services under the authority of Neb. Rev. Stat. §71-1908 through 71-1918, as provided and defined under the Title 474 of the Nebraska Administrative Code, Chapter 6, Section 002.

CHILD CARE HOME: A private home providing care for children for compensation which is or should be licensed by the Nebraska Department of Health and Human Services.

CONDITIONAL USE: A use which is allowed in a zone when specified conditions have been complied with as identified for each district as a conditional use. A conditional use permit is reviewed and issued by the zoning administrator.

DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

DWELLING, MULTI-FAMILY: A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

DWELLING, SINGLE-FAMILY: A dwelling having accommodations for and occupied by one family.

DWELLING, TWO-FAMILY: A residential building containing two dwelling units entirely surrounded by open space on the same lot.

DWELLING UNIT: Consists of one or more rooms which are arranged, designed or used as a separate living quarters by a single family or other group of persons living together as a household or a person living alone. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

EASEMENT: A grant by the property owner to the public, a corporation or persons for the use of a tract of land for a specific purpose or purposes.

FARM RESIDENCE: Residential dwellings located on a farm, including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.

FARMSTEAD: Any building site that includes at least two buildings that have combined assessed valuation for tax purposes of at least \$5,000 as of the date on which these regulations go into effect.

GROUP HOME: Means a facility which houses more than five but less than 16 persons who are unrelated by blood, marriage or adoption. Those facilities may offer, in addition to lodging, accommodations, meals, resident support services, counseling, guidance and varying levels of medical care. Such facility shall be licensed or approved by the State of Nebraska or other appropriate agency.

HOME OCCUPATION: An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes. Also provided that no article is offered for sale except those which are produced by such occupation, and that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes.

LIVESTOCK, CONFINEMENT FACILITIES/OPERATIONS: Any building(s), lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for

raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals for more than 180 consecutive days.

LANDFILL: A disposal site employing an engineering method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day and in conformance with the requirements of the Nebraska Department of Health and Human Services.

LOT: A parcel of land occupied or intended for occupation by a use permitted in this Ordinance and fronting upon a street or road.

LOT, CORNER: A lot abutting two or more streets or roads at their intersection.

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street or road.

LOT OF RECORD: A lot of which is part of a subdivision recorded in the office of the register of deeds, or a lot or parcel described by metes and bounds the description of which has been so recorded.

LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

MANUFACTURED HOME: A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built to compliance with *National Manufactured Home Construction and Safety Standards*, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Neb. Rev. Stat. §71-1557 bearing the seal of the Department of Health and Human Services.

MOBILE HOME: A year-round, transportable structures which is a single-family dwelling unit suitable for permanent, more than 30 days of living quarters, more than 8 feet wide and 40 feet in length and built to be towed on its own chassis with or without a permanent foundation when connected to the required utilities. This portable dwelling may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or two or more units, separately towable but designed to be joined as one integral unit. Nothing in this definition shall be construed so as to include prefabricated, modular, precut dwelling units or these manufactured in sections or parts away from the site and transported thereto for assembly.

MOBILE HOME PARK: Any area of land which two or more mobile homes are parked, connected to utilities and used by one or more persons for living or sleeping purposes. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirtings 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 purposes for one or more mobile homes, connected to utilities and used by one or more persons living, or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

MODULAR HOME: Any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling units, which units are movable or portable until placed on a permanent foundation and connected to utilities. All modular homes shall bear a label certifying that it was built to compliance with the Nebraska Department of Health and Human Services as established in Neb. Rev. Stat. §71-1557.

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 approval date of this ordinance and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

NONCONFORMING STRUCTURE: An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

NONCONFORMING USE: An existing use of a structure or of land which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.

PARKING SPACE, OFF-STREET: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or road and permitting ingress and egress of an automobile.

RECYCLING CENTER: A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum, and paper; and similar household wastes; no hazardous material as defined by state and federal law is accepted; there is no wrecking or dismantling of salvage material and no salvage material is held outside a building.

RECYCLING COLLECTION POINT: A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

SANITARY LANDFILL: A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial or burning of garbage, sewage, trash, refuse, junk, discarded ma-

chinery or motor vehicles, or parts thereof, or other waste, and which is in conformance with the requirements of the Nebraska Department of Health and Human Services.

SANITARY TRANSFER STATION: A collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of the Nebraska Department of Health and Human Services.

SALVAGE OR JUNKYARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, boats or trailers presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing operations.

SPECIAL USE PERMIT: A written permit issued with authorization of the applicable governing body. The special permit provides permission under specific conditions to make certain special uses of land in certain zoning districts as stipulated under permitted special uses in each of the district zoning regulations.

STREET: All property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes.

STREET, CENTER LINE: A line midway between street lines.

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.

STRUCTURE: Anything constructed or erected, the use of which requires 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, street signs, bridges and culverts.

STRUCTURAL ALTERATION: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof.

TEMPORARY HOUSING UNITS: Include travel trailers, campers or self contained motor homes not exceeding 8 feet in width, nor 32 feet in length.

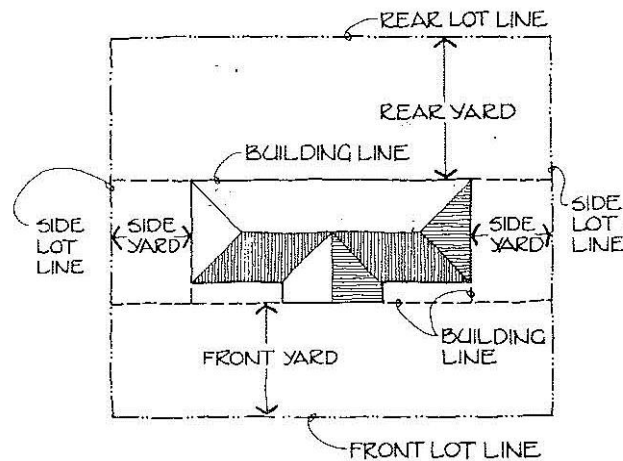
TOWNHOUSE: One of a group or row of not less than two nor more than 12 attached, single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses

shall be considered as one building occupying a single lot.

VARIANCE: A variance is a relaxation of the terms of the Zoning Regulations, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yards accessories, ornaments, and furniture may be permitted in any yard subject to the district regulations.

YARD, FRONT: A yard extending from the front lot line adjoining a public street to the front of the building between side lot lines.



Source: A Survey of Zoning Definitions (American Planning Association, 1989)

YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot to the nearest point of the main building.

YARD, REQUIRED: The required minimum open space between the property line and the yard line. The required yard shall contain no building or structure other than the projection of the usual steps, or open porches, or as otherwise provided in these regulations.

YARD, SIDE: A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building.

ZONING ADMINISTRATOR: The person or persons authorized and empowered by the governing body to administer the requirements of the Zoning Regulations.

ZONING BOARD OF ADJUSTMENT: The legally appointed board empowered to hear and decide appeals from, and to provide interpretations of, the terms of the Zoning Reg-

ulations and official maps as defined within this ordinance and in accordance with the laws of the State of Nebraska.

ZONING DISTRICT: Means an area delineated on a zoning map for which uniform use regulations are specified.

ZONING MAP: Means a map or maps officially enacted by the governing body as part of this ordinance showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the village clerk as an official record of the Village.

Article 4 – Establishment and Designation of Districts

4.1 PLANNING COMMISSION RECOMMENDATIONS. It shall be a purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the governing body shall not hold its public hearings or take action until it has received the final report of the Planning Commission.

4.2 DISTRICTS CREATED. For the purpose of the Zoning Regulations, there are hereby created zoning districts, as named and described in Article 5 of this ordinance.

- AGR Agriculture Residential District
- R-1 Residential Single-Family District
- R-2 Residential Single- and Multi-Family District
- R-3 Residential Mobile Home/Single- and Multi-Family District
- C-1 General Commercial District
- C-2 Highway Commercial District
- I Industrial

4.3 OFFICIAL ZONING MAPS

4.31 The boundaries of the district are shown upon maps which are made a part hereof by reference, which maps are designated as the Village of Firth Zoning District Maps, dated May 6, 2008 and signed by the mayor and attested by the village clerk and hereinafter referred to as the "Official Zoning Maps."

4.32 The signed copies of the Zoning Maps containing the zoning districts designated at the time of adoption of this ordinance shall be maintained in the office of the village clerk for the use and benefit of the public.

4.33 If in accordance with the provisions of these regulations, changes are made in the district boundaries or other matter portrayed on the Official Zoning Maps, such changes shall be entered on the appropriate part of the official maps promptly after the amendment has been approved by the Village Board with an entry on the maps as follows:

"On (date), by official action of the Village Board, the following change was made in the Official Zoning Maps (brief description of the nature of the change), which entry shall be signed by the mayor and attested by the village clerk."

No amendment to these regulations, which involves matter portrayed on the Official Zoning Maps shall become effective until after such change and entry have been made on said maps.

4.34 No changes of any nature shall be made in the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in these regulations.

4.35 In the event that the Official Zoning Maps become damaged, destroyed, lost or difficult to interpret, the Village Board, may, by ordinance, adopt new Official Zoning Maps which shall supersede the prior maps. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior maps but no such correction shall have the effect of amending the original Official Zoning Maps or any subsequent amendment thereof.

4.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:

4.41 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

4.42 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

4.43 Boundaries indicated as approximately following Village limits shall be construed as following such Village limits;

4.44 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

4.45 Boundaries indicated as parallel to or extension of features indicated in subsection 4.41 through 4.44 above shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of each map.

4.46 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered by subsections 4.41 through 4.45 above, the Board of Zoning Adjustment shall interpret the district boundaries.

4.47 Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Adjustment may permit, as an exception, the extension of the regulations for either portion of the lot not to exceed 150 feet beyond the district line into the remaining portion of the lot.

Article 5 – Zoning Districts

5.1 AGR AGRICULTURE RESIDENTIAL DISTRICT.

5.11 INTENT. This district is intended for general agricultural purposes within one mile of the Village of Firth.

5.12 PERMITTED PRINCIPAL USES AND STRUCTURES. The following shall be permitted as uses by right:

1. Single-family non-farm dwellings, ranch and farm residences;
2. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations.
3. Public facilities and utility distribution systems;
4. One additional single-family dwelling, ranch and farm residence (may also be a mobile home) for the purpose of housing relatives or agricultural workers; and
5. Churches, places of worship and cemeteries.

5.13 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 8.2; and
3. Roadside stands for the sale of agricultural produce grown on the agricultural farm or operation.

5.14 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Sewage disposal and water systems, including agricultural irrigation wells;
2. Public and private uses including parks, playgrounds, golf courses, campgrounds, recreation uses, riding stables, dude ranches, public utilities and utility distribution system;
3. Flood, erosion and sediment control projects;

4. Broadcast towers and stations, including amateur radio or cellular communication towers of more than 100 feet;
5. Bed and breakfast establishments;
6. Salvage or junk yard in accordance with Section 6.3;
7. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and quarries;
8. Expansion of existing livestock confinement facilities up to a maximum of 50 head of livestock. Livestock not confined for a period of 180 consecutive days or longer shall be considered grazing livestock and not defined as a confinement facility.
9. Rural subdivisions with individual parcels less than 4 acres in accordance with the Nebraska Department of Environmental Quality, Title 124 and Department of Health and Human Services regulations and with a shared or community drinking water and sanitary sewer system, then the minimum lot area of individual parcels may be reduced to one acre.

5.15 PROHIBITED USES AND STRUCTURES. All other uses and structures which are not specially permitted or not permissible as special uses shall be prohibited from the AGR Agricultural Residential District.

5.16 SPECIAL REGULATION. Provisions must be made for disposal of wastes in accordance with local and state regulations.

5.17 MINIMUM LOT REQUIREMENTS. The minimum lot area for AGR uses shall be 3 acres.

5.18 MINIMUM YARD REQUIREMENTS.

Front Yard: There shall be a minimum front yard of not less than a depth of 35 feet, measured from the existing road way right-of-way line.

Rear Yard: No limitations; unless abutting a Residential District, then the minimum rear yard shall be 35 feet.

Side Yard: No limitations; unless abutting a Residential District, then the minimum side yard shall be 10 feet.

5.19 MAXIMUM HEIGHT. No limitation.

5.20 SIGN REGULATIONS. Signs within the AGR Agricultural Residential Dis-

trict shall be in conformance with the provisions of Section 8.9.

5.2 R-1 RESIDENTIAL SINGLE-FAMILY DISTRICT.

5.21 INTENT. This district is intended to provide for residential uses consisting primarily of single-family dwelling units and accessory structures by also including the permitted uses set forth in Section 5.22 below.

5.22 PERMITTED PRINCIPAL USES AND STRUCTURES. The following shall be permitted as uses by right:

1. Single-family dwellings;
2. Two-family dwellings;
3. Manufactured homes which comply with the provisions of Article 8.3;
4. Public and parochial schools;
5. Child care homes;
6. Public uses including but not limited to public parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems; and
7. Places of worship such as churches and synagogues.

5.23 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2.
2. Accessory uses and structures normally appurtenant to permitted uses and structures.

5.24 PERMITTED SPECIAL USES. A building or premises may be used for the following purpose in the R-1 Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Medical clinics;
2. Mortuaries;
3. Child care center;
4. Museum and art galleries;
5. Nursing homes;
6. Public and private golf courses;
7. Retirement homes;
8. Bed and breakfast homes;
9. Townhouses; and
10. Multi-family dwellings.

5.25 PROHIBITED USES AND STRUCTURES. All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R-1 Residential District.

5.26 HEIGHT AND AREA REGULATIONS. The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Single-Family Dwelling	7,000	50'	25'	7'	30'	35'
Two-Family Dwelling	3,500 Per Family	50'	25'	7'	30'	35'
Multi-Family Dwelling	2,200 Per Family	50'	25'	10'	15'	45'
Other Permitted Uses	7,000	50'	25'	7'	30'	35'

2. Buildings on corner lots shall provide front yard setbacks of 25 feet on one street side and 15 feet on the other front yard and designate remaining yards as one rear and one side yard;
3. Building and structures shall not exceed 2½ stories in height;
4. The side yard setback between individual units of two-family dwellings may be reduced to zero, if a one-hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

5.27 PARKING REGULATIONS. Parking within the R-1 Residential Zoning District shall be in conformance with the provisions of Article 7 of these Zoning Regulations. In addition, semi trucks and/or trailers shall not be allowed to be parked within the R-1 Residential District.

5.28 FENCE REGULATIONS. Fences within the R-1 Residential District shall be in conformance with the provisions of Section 8.8.

5.29 SIGN REGULATIONS. Signs within the R-1 Residential District shall be in conformance with the provisions of Section 8.9.

5.2B R-1B RESIDENTIAL SINGLE FAMILY DISTRICT.

5.21B INTENT. This district is intended to provide for residential uses consisting primarily of single-family dwelling units and accessory structures by also including the permitted uses set forth in Section 5.22B below. This district is intended for new lots established after May 5, 2008.

5.22B PERMITTED PRINCIPAL USES AND STRUCTURES. The following shall be permitted as uses by right:

1. Single-family dwellings;
2. Two-family dwellings;
3. Manufactured homes which comply with the provisions of Article 8.3;
4. Public and parochial schools;
5. Child care homes;
6. Public uses including but not limited to public parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems; and
7. Places of worship such as churches and synagogues.

5.23B PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Section 8.2.
2. Accessory uses and structures normally appurtenant to permitted uses and structures.

5.24B PERMITTED SPECIAL USES: A building or premises may be used for the following purpose in the R-1B Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Medical clinics;
2. Mortuaries;
3. Child care center;
4. Museum and art galleries;
5. Nursing homes;
6. Public and private golf courses;
7. Retirement homes;
8. Bed and breakfast homes;
9. Townhouses; and
10. Multi-family dwellings.

5.25B PROHIBITED USES AND STRUCTURES. All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R-1B Residential District.

5.26B HEIGHT AND AREA REGULATIONS. The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Single-Family Dwelling	9,375	75'	25'	7'	30'	35'
Two-Family Dwelling	4,687 Per Family	75'	25'	7'	30'	35'

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Multi-Family Dwelling	2,200 Per Family	75'	25'	10'	15'	45'
Other Permitted Uses	9,375	75'	25'	7'	30'	35'

2. Buildings on corner lots shall provide front yard setbacks of 25 feet on one street side and 25 feet on the other front yard and designate remaining yards as one rear and one side yard;
3. Building and structures shall not exceed 2½ stories in height;
4. The side yard setback between individual units of two-family dwellings may be reduced to zero, if a one-hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

5.27B PARKING REGULATIONS. Parking within the R-1B Residential Zoning District shall be in conformance with the provisions of Article 7 of these Zoning Regulations. In addition, semi trucks and/or trailers shall not be allowed to be parked within the R-1B Residential District.

5.28B FENCE REGULATIONS: Fences within the R-1B Residential District shall be in conformance with the provisions of Section 8.8.

5.29B SIGN REGULATIONS: Signs within the R-1B Residential District shall be in conformance with the provisions of Section 8.9.

5.3 R-2 RESIDENTIAL SINGLE- AND MULTI-FAMILY DISTRICT.

5.31 INTENT. It is the intent of this district to provide for single- and multi-family residential uses. Multi-family dwellings are considered as a residential uses and should be located in areas adjacent commercial and industrial uses as buffers to single-family areas beyond, or in proximity to parks and public uses, where services and amenities are available.

5.32 PERMITTED PRINCIPAL USES AND STRUCTURES. The following shall be permitted as uses by right:

1. Single-family dwellings;
2. Manufactured homes which comply with the provisions of Article 8.3;
3. Two-family dwellings;
4. Multi-family dwellings;
5. Child care homes;
6. Community buildings;
7. Public uses including but not limited to public parks, playgrounds, recrea-

tional uses, fire stations, public elementary and high schools, public utilities and utility distribution systems; and

8. Places of worship such as churches and synagogues.

5.33 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Section 8.2; and
2. Accessory uses and structures normally appurtenant to the permitted uses and structures.

5.34 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the R-2 Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Child care centers;
2. Bed and breakfast homes;
3. Communication and utility buildings and uses;
4. Medical clinics;
5. Funeral homes and mortuaries;
6. Clubs, fraternities, lodges, and meeting places of a non-commercial nature; and
7. Public and/or private golf courses.

5.35 PROHIBITED USES AND STRUCTURES. All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R-2 Residential District.

5.36 HEIGHT AND AREA REGULATIONS. The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Single-Family Dwelling	6,500	50'	25'	7'	30'	35'
Two-Family Dwelling	3,250 Per Family	25' Per Family	25'	7'	15'	35'
Multi-Family Dwelling	2,200 Per Family	50'	25'	10'	15'	45'
Other Permitted Uses	6,500	50'	25'	7'	15'	35'

2. Buildings on corner lots with a width of 50 feet or less shall provide a second frontage on the street side of not less than 7 feet, provided that the buildable width need not be reduced to less than 28 feet, yards re-

maining shall be designated side yards each with a minimum depth of 5 feet;

3. Buildings on corner lots with a width of 50 feet or greater shall provide a second frontage on the street side of not less than 15 feet, yards remaining shall be designated side yards with a minimum depth of 5 feet;
4. Building and structures shall not exceed three stories in height.

5.37 PARKING REGULATIONS. Parking within the R-2 Residential District shall be in conformance with the provisions of Article 7 of these regulations. In addition, semi trucks and/or trailers shall not be allowed to be parked within the R-2 Residential District.

5.38 FENCE REGULATIONS. Fences within the R-1 Residential District shall be in conformance with the provisions of Section 8.8.

5.39 SIGN REGULATIONS. Signs within the R-1 Residential District shall be in conformance with the provisions of Section 8.9.

5.4 R-3 RESIDENTIAL MOBILE HOME/SINGLE- AND MULTI-FAMILY DISTRICT.

5.41 INTENT. It is the intent of this district to provide for single- and multi-family residential uses and development of residential dwellings including mobile homes and mobile home parks. Mobile home parks are considered as a residential use and should be located in areas where services and amenities are available, such as those found in conventional residential areas.

5.42 PERMITTED PRINCIPAL USES AND STRUCTURES. The following shall be permitted as uses by right:

1. Single-family dwellings;
2. Mobile homes and mobile home parks in accordance with the provisions of Section 8.7;
3. Manufactured homes which comply with the provisions of Section 8.3;
4. Two-family dwellings;
5. Multi-family dwellings;
6. Child care homes;
7. Community buildings;
8. Public uses including but not limited to public parks, playgrounds, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems; and
9. Places of worship such as churches and synagogues.

5.43 PERMITTED ACCESSORY USES AND STRUCTURES. The following

accessory uses and structures shall be permitted:

1. Home occupations in accordance with Section 8.2; and
2. Accessory uses and structures normally appurtenant to the permitted uses and structures.

5.44 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the R-3 Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Child care centers;
2. Bed and breakfast homes;
3. Communication and utility buildings and uses;
4. Medical clinics;
5. Funeral homes and mortuaries;
6. Clubs, fraternities, lodges, and meeting places of a non-commercial nature; and
7. Public and/or private golf courses.

5.45 PROHIBITED USES AND STRUCTURES. All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R-3 Residential District.

5.46 HEIGHT AND AREA REGULATIONS. The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Mobile Home	4,000	45'	15'	7'	10'	35'
Single-Family Dwelling	6,500	50'	25'	7'	15'	35'
Two-Family Dwelling	3,250 Per Family	25' Per Family	25'	7'	15'	35'
Multi-Family Dwelling	2,200 Per Family	50'	25'	7'	15'	45'
Other Permitted Uses	6,500	50'	25'	7'	15'	35'

2. Buildings on corner lots with a width of 50 feet or less shall provide a second frontage on the street side of not less than 7 feet, provided that the buildable width need not be reduced to less than 28 feet, yards remaining shall be designated side yards each with a minimum depth of 5 feet;
3. Buildings on corner lots with a width of 50 feet or greater shall provide a

second frontage on the street side of not less than 15 feet, yards remaining shall be designated side yards with a minimum depth of 5 feet;

4. Building and structures shall not exceed three stories in height.

5.47 PARKING REGULATIONS. Parking within the R-3 Residential District shall be in conformance with the provisions of Article 7 of these regulations. In addition, semi trucks and/or trailers shall not be allowed to be parked within the R-3 Residential District.

5.48 FENCE REGULATIONS. Fences within the R-3 Residential District shall be in conformance with the provisions of Section 8.8.

5.49 SIGN REGULATIONS. Signs within the R-3 Residential District shall be in conformance with the provisions of Section 8.9.

5.5 C-1 GENERAL COMMERCIAL DISTRICT

5.51 INTENT. This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a Central Business District. Highest density and intensity of use are permitted in this district.

5.52 PERMITTED PRINCIPAL USES AND STRUCTURES. The following shall be permitted as uses by right:

1. Automotive wash facilities;
2. Bakeries;
3. Banks, savings and loan associations, credit unions and finance companies;
4. Barbershops, beauty parlors and shoeshine shops;
5. Business offices;
6. Child care homes and centers;
7. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses);
8. Convenience store or filling station;
9. Detached banking facilities (ATMs);
10. Dry cleaning or laundry establishments;
11. Food service, restaurants and taverns;
12. Food storage lockers;
13. Funeral homes and mortuaries;
14. Garden centers;
15. Motels and hotels;
16. Museums and art galleries;
17. Office buildings;
18. Parking lots and other off-street parking facilities;
19. Personal and professional services;

20. Photography studios;
21. Private schools, including but not limited to business or commercial schools, and dance or music academies;
22. Public and private charitable institutions;
23. Public parks, buildings and grounds;
24. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities;
25. Retail store or business;
26. Public utility facilities;
27. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
28. Service stations; and
29. Stores or shops for the sale of goods at retail and/or wholesale.

5.53 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted: Accessory uses and structures normally appurtenant to permitted uses and structures and to uses and structures permitted as special uses.

5.54 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the C-1 Commercial Business District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Single-family dwellings;
2. Multi-family dwellings;
3. Bed and breakfast guest homes;
4. Farm implement sales and service establishments;
5. Gasoline service stations;
6. Motor vehicles sales and service establishments;
7. Mini storage facilities; and
8. Recycling centers.

5.55 PROHIBITED USES AND STRUCTURES. All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the C-1 Commercial Business District.

5.56 SCREENING REQUIREMENTS.

1. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot within a Residential District shall be conducted wholly within an enclosed building unless screened from the Residential District by a sight-obscuring barrier permanently maintained at least 6 feet in height.

2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.57 PROHIBITED USES; OBJECTIONABLE CONDITIONS. No use shall be permitted and no process, equipment or materials shall be used which are found by the Village to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.

5.58 HEIGHT AND AREA REGULATIONS. The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Permitted Uses	2,250	25'	0'	0' (6' when abutting a Residential District)	15'	45'
Multi-Family Dwelling	2,250 Per Family	50'	25'	7' (7½' on corner lots)	15'	45'

5.59 FENCE REGULATIONS. Fences within the C-1 General Commercial District shall be in conformance with the provisions of **Section 8.8.**

5.60 SIGN REGULATIONS. Signs within the C-1 General Commercial District shall be in conformance with the provisions of Section 8.9.

5.6 C-2 HIGHWAY COMMERCIAL DISTRICT

5.61 INTENT. The C-2 Highway Commercial District is intended for the purpose of servicing highway travelers and providing limited commercial services. Off-street parking is required in order to reduce possible adverse effects on adjacent properties.

5.62 PERMITTED PRINCIPAL USES AND STRUCTURES. The following shall be permitted as uses by right:

1. Automobile sales;
2. Automobile wash facilities;
3. Churches and other religious institutions;
4. Construction sales and services;
5. Commercial operations and businesses, intended for the purpose of servicing travel and recreational users;
6. Commercial recreational facilities (bowling alleys, miniature golf courses)

- and similar uses);
7. Convenience store or filling station;
 8. Detached banking facilities (ATMs);
 9. Electric and telephone substations;
 10. Farm implement sales and services;
 11. Garden centers and nurseries;
 12. Irrigation equipment sales and services;
 13. Mini storage facilities;
 14. Mobile homes sales;
 15. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
 16. Restaurants and cafes;
 17. Service stations;
 18. Single family homes;
 19. Stores or shops for sale of goods at retail;
 20. Transportation warehousing;
 21. Trucks and freight terminals;
 22. Utilities, including shops and offices; and
 23. Medical clinics.

5.63 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted: Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.

5.64 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the C-2 Highway Commercial District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Private clubs and lodges;
2. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agriculture chemicals;
3. Radio studios, transmitters and antenna; and
4. Recycling centers.

5.65 SCREENING REQUIREMENTS.

1. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot within a Residential District shall be conducted wholly within an enclosed building unless screened from the Residential District by a sight-obscuring barrier permanently maintained at least 6 feet in height.
2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a

solid wall or fence.

5.66 PROHIBITED USES.

1. All other uses and structures which are not specifically permitted or permissible as special uses shall be prohibited from the C-2 Highway Commercial District.

5.67 HEIGHT AND AREAS REGULATIONS. The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Permitted Uses	14,000	100'	25'	20'	25'	35'

5.68 PARKING REGULATIONS. Parking within the C-2 Highway Commercial District shall be in conformance with the provisions of Article 7 of these regulations.

5.69 FENCE REGULATIONS. Fences within the C-2 Highway Commercial District shall be in conformance with the provisions of Section 8.8.

5.70 SIGN REGULATIONS. Signs within the C-2 Highway Commercial District shall be in conformance with the provisions of Section 8.9.

5.7 I INDUSTRIAL DISTRICT.

5.71 INTENT. This district is designed to provide for a wide range of industrial and related uses.

5.72 PERMITTED PRINCIPAL USES AND STRUCTURES. The following shall be permitted as uses by right:

1. Animal care, and/or, veterinary clinics/hospitals;
2. Automobile sales and services;
4. Automotive wash facilities;
5. Bottling works;
6. Building material sales, except for ready-mix concrete plants and similar uses which emit particulate, odor or smoke;
7. Contractors' and carpenters' offices and shops, cabinet, plumbing or sheet metal shops (if enclosed);
8. Grain storage;
9. Construction sales and services;
10. Dry cleaning and/or laundry plants;

11. Farm implementation sales and services;
12. Farm produce sales;
13. Food service, restaurants and taverns;
14. Freight and truck terminals;
15. Frozen food lockers;
16. Furniture warehouses;
17. Garden centers and nurseries;
18. Groceries, retail and wholesale;
19. Light manufacturing operations, providing that such use is not noxious by reason of vibration or noise beyond the confines of the building, or by the emission of particulate, fumes, gas, odor, or smoke;
20. Machinery sales and storage lots;
21. Mini storage facilities;
22. Mobile and modular home sales and manufacturing;
23. Newspaper publishing plants;
24. Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools and junior high schools, high schools; private non-profit schools, churches, parsonages, and other religious institutions; parks and playgrounds;
25. Public utility and public service uses;
26. Transportation warehousing, truck and freight terminals;
27. Warehouse or storage houses;
28. Wholesale sales and services; and
29. Any similar uses that are determined by the Village Board after referral to and recommendation by the Planning Commission to be of an industrial use similar to the above listed uses.

5.73 PERMITTED ACCESSORY USES. Accessory uses and structures normally appurtenant to permitted uses and structures.

5.74 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the I Industrial District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Junk and salvage yard (in conformance with Section 6.3);
2. Recycling center;
3. Ethanol and/or alcohol plants; and
4. Landfills and sanitary landfills (in conformance with Section 6.4).

5.75 PROHIBITED USES AND STRUCTURES. All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the I Industrial District.

5.76 HEIGHT AND AREA REGULATIONS. The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Permitted Uses	10,000	100'	50'	0' (20' when abutting a Residential District)	40'	35'

5.77 PARKING REGULATIONS. Parking within the I-1 Industrial District shall be in conformance with the provisions of Article 7 of these regulations.

5.78 FENCE REGULATIONS. Fences within the I-1 Industrial District shall be in conformance with the provisions of Section 8.8.

5.79 SIGN REGULATIONS. Signs within the I-1 Industrial District shall be in conformance with the provisions of Section 8.9.

5.80 USE LIMITATIONS. All operations, activities and storage shall be conducted entirely inside of a building, or buildings, unless the nearest point of such operation or activity is more than 200 feet from the boundary of any other zoning district other than an Industrial District and except that storage may be maintained outside the building and side yards or rear yards of such storage area is separated from public streets and other property by screening of not less than 6 feet in height. If a lot in an Industrial District adjoins a Residential District, screening shall be provided at the lot lines sufficient to protect, on a year-round basis, the privacy of adjoining residential uses.

Article 6 – Special Use Permit

6.1 GENERAL. The Village Board may authorize by special permit after public hearing, any of the following buildings or uses designated in these Zoning Regulations as permitted special uses.

6.2 PROCEDURES.

6.21 Such application shall be in writing, filed in the office of the village clerk, stating the proposed location and use of the property and such other relevant matters as may be requested by the governing body. Upon receipt of such application, the zoning administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the Village Board, within 30 days. Upon hearing, the Village Board may approve or deny the application in whole or in part, or prescribe conditions for such use of the property. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the Village Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the Village, one time at least ten days prior to such hearing. (Neb. Rev. Stat. §19-904).

6.22 In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten days prior to date of each hearing.

6.23 Except as otherwise provided herein, no special use permit shall be granted by the Village Board, without an affirmative vote of a majority of all members of the Board and unless the proposed use is found to:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

6.24 In case of protest against such special use permit, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending 100 feet therefrom and of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of two-thirds of all members of the Village Board.

6.3 SALVAGE OR JUNK YARD.

6.31 Salvage or junk yard operations and related facilities shall only be allowed by special permit in the AGR and I Zoning Districts under the following conditions:

1. Located on a tract of land at least one-fourth of a mile from a residential or agricultural farm residence.
2. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least 8 feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.
3. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.
4. Any other requirement deemed appropriate and necessary by the Village Board for the protection of the general health and welfare.

6.32 In making any decision granting a special use permit, the Village Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

6.4 LANDFILLS AND SANITARY LANDFILLS.

6.41 Private landfill operations shall only be allowed by special permit in the AGR Agriculture District upon prior approval of the Nebraska Department of Health and Human Services System and with conformance to the following conditions:

1. Located on a tract of land at least 300 feet from a residential or agricultural farm residence.
2. The operation shall be conducted wholly within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least 8 feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all material within the yard and no material shall protrude above the fence.
3. No material shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.
4. Any other requirement deemed appropriate and necessary by the Village Board for the protection of the general health and welfare.
5. Special use permits granted under this section shall be subject to annual review and renewal by the Village Board.

6.42 In making any decision granting a special use permit, the Village Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

Article 7 – Parking Regulations

7.1 GENERAL PROVISIONS.

7.11 All buildings and structures erected and all uses of land in all districts, with the exception of the C-1 Commercial District, established after the effective date of adopting these Zoning Regulations, by ordinance, shall provide accessory parking and loading facilities as required under this section.

7.12 All off-street parking spaces required by these regulations shall be located on the same lots as the use it serves, provided, that no parking space can be reasonable provided on the same lot, such space shall be provided on any off-street lot a substantial portion of which is within 500 feet of such use.

7.13 Owners of two or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.

7.14 All yard area including driveways, except the required front yard for residential uses may be used for off-street parking. Garages and driveways may be considered as off-street parking spaces. Each required off-street parking space shall open directly upon an aisle or driveway which provides direct access to a street or alley or shall itself be directly accessible to such street or alley.

7.15 For the purpose of computing the number of parking spaces in a given area, the formula of 200 square feet per parking space shall be required. Standing areas, aisles for maneuvering and entrance and exit roadways shall not be computed as parking space and shall be provided, when necessary, in addition to required parking spaces in order to provide for appropriate access.

7.16 Any lighting used to illuminate off-street parking or loading areas shall be directed away from residential properties in such a way as not to interfere with such residential use.

7.17 A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building certificate. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

7.2 OFF-STREET PARKING REQUIREMENTS. At the time of construction, or enlargement of more than 50 percent of an existing structure or building or change in the use of land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

	Use	Minimum Number of Parking Spaces
1.	Residential	
	Single-family, two-family dwelling	2 per dwelling unit
	Apartments	
	Efficiency and one-bedroom	1 per dwelling unit
	Two-bedrooms	1½ per dwelling unit
	Three or more bedrooms	2 per dwelling unit
2.	Mobile trailer park	2 per trailer unit
3.	Hotel and motel	1 per rental unit plus 1 for every 4 employees
4.	Hospitals, nursing homes, rest homes, or similar uses	1 for every 2½ patient beds and 1 for each staff and employee on the largest shift
5.	Places of public assembly such as auditoriums, theaters, stadiums, community halls, churches, etc.	1 for every 4 seats
6.	Bowling alley	2 for each alley
7.	Retail sales department stores, restaurants, taverns, grocery stores, etc.	1 per 200 square feet of floor area as determined by exterior wall dimensions
8.	Professional office establishments	1 per 500 square feet of floor area as determined by exterior wall dimensions
9.	Manufacturing, wholesale warehouse and similar uses	1 for every 2 employees on the largest working shift

7.3 OFF-STREET LOADING REQUIREMENTS. At the time of construction, alteration or enlargement of any structure or building except residences and farms having an aggregate gross floor area of 500 square feet or more, off-street loading areas shall be provided and maintained for all uses as follows:

Number	Loading Area	Gross Floor Area
1. One	500 square feet	For every 5,000 to 20,000 square feet
2. One	500 square feet	For every 20,000 square feet or fraction thereof

Article 8 – Accessory Uses and Supplemental Regulations

8.1 ACCESSORY BUILDINGS

8.11 Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof, and shall be on the premises of the main use.

8.12 Any accessory building shall have a minimum side yard setback of 5 feet on interior lots and 15 feet on corner lots (25 feet in a R-1B District), provided it is located between the rear property line and the rear building line of the principal building. No accessory building shall be located between the front building line of the principal building and the front property line. No accessory building shall be located closer than 5 feet from the rear property line or within 10 feet of any other building on adjacent properties, and no accessory building shall be located within any easement or right-of-way along the rear property line. All garage entrances must have a minimum 15 feet long drive when garage opening is perpendicular to the access alley or 20 feet perpendicular to the access street.

8.13 There shall be a maximum of two accessory buildings. The minimum distance between accessory buildings on the same lot shall be 5 feet. The maximum floor area of one of the accessory buildings equaling 720 square feet, or half the first floor area of the principal permitted dwelling, whichever is greater. Accessory buildings shall not exceed 20 feet in height, or the height of the principal permitted building, whichever is greater. A second accessory building shall have a maximum floor area of 120 square feet. Attached garages are considered part of principal building.

8.2 HOME OCCUPATIONS

8.21 An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

8.22 The following conditions and restrictions shall apply to such customary home occupations:

1. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his/her private

residence.

2. Signs and displays shall be limited to one non-illuminated sign not exceeding 6 square feet in area.
3. No equipment or machinery shall be used in such activities that create excessive noise, smoke, odor, dust, radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.

8.3 MANUFACTURED HOMES. All manufactured homes located outside mobile home parks shall meet the following standards:

- 8.31** The home shall have no less than 900 square feet of floor area.
- 8.32** The home shall have no less than an 18-foot exterior width.
- 8.33** The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run.
- 8.34** The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction.
- 8.35** The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock.
- 8.36** The home shall have wheels, axles, transporting lights and removable towing apparatus removed.
- 8.37** Nothing in this Article shall be deemed to supersede any valid restrictive covenants of record.
- 8.38** The home must meet building code requirements adopted by the Village.

8.4 YARD REGULATIONS

8.41 FRONT YARDS: The front yards heretofore established shall be adjusted in the following cases:

1. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have observed a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings provided that no building shall be required to have a front yard setback of more than 50 feet.
2. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard less than the required, new buildings shall not be erected closer to the street than the nearest building on the block.

8.42 STRUCTURAL PROJECTIONS. The ordinary projections of chimneys and flues, buttresses, eaves, overhangs, egress window wells, open/unenclosed

steps or stoops or porches, covered/unenclosed steps, or stoops or porches, may extend into required yards for a distance of:

1. Not more than 3 feet to the side yard lot line.
2. Not more than 15 feet from the back property lot line.
3. Not more than 5 feet in the front yard, unless such property adjoins a 100-foot street right of way in the front, in which event not more than 10 feet, so long as there is at least a 15-foot setback from the structural projection to the front property line.

(Am. by Ord. No. 10-2017-1, 10/3/17)

8.5 EXCEPTIONS TO HEIGHT REGULATIONS. The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy and agricultural structures.

8.6 EXCEPTION TO LOT SIZE REQUIREMENTS. If, at the time of passage of this article, a lot or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the district subject to the other requirements of the district.

8.7 MOBILE HOME PARKS. Mobile home parks shall only be allowed in the R-3 Zoning District under the following conditions:

8.71 Individual mobile home lots shall have an area of not less than 4,000 square feet per single wide mobile home and 6,000 square feet for double wide mobile homes and the total number of lots per gross acre shall not exceed six.

8.72 Mobile homes shall be situated on individual lots so there will be a minimum of 15 feet between mobile homes and that each mobile home will be set back at least 15 feet from the nearest service road. Mobile homes parked end-to-end shall have an end-to-end clearance of not less than 10 feet. Enclosed additions shall be considered a part of the mobile home in measuring required yard distance. The required area for each mobile home space shall not include area required for access or service roads, service buildings, recreation areas, office, and other similar mobile home park needs.

8.73 The mobile home park shall have direct access to a public street or highway by a right-of-way at least 50 feet in width and a minimum length of 100 feet to permit the easy entrance and exit from the mobile home park. Service roads shall be provided to each mobile home space. Each service road shall provide for continuous forward movement, shall connect with a street or highway, and shall have a minimum clear width of 20 feet paved with a suitable dustless material.

8.74 Walkways not less than 4 feet wide shall be provided from mobile home spaces to the service buildings. All walkways within the park shall be hard surfaced and lighted at night with a minimum illumination of 25-watt lamps spaced at intervals of not more than 100 feet.

8.75 Two off-street parking spaces for each mobile home space shall be provided at each mobile home space or in group parking. Each off-street parking space shall be at least 300 square feet.

8.76 The area of the mobile home stand shall be improved to provide an adequate and approved foundation for the placement and tie-down of the mobile home, thereby securing the super-structure against uplift, sliding, rotation, or overturning.

8.77 The mobile home or trailer stand shall be on incombustible materials and shall not shift or settle unevenly under the weight of the mobile home or trailer due to frost action, inadequate drainage, vibration or other forces acting upon the super-structure. The mobile home or trailer stand may be provided by means of a solid concrete footer block (16" x 16" x 4" minimum) placed on solid uniform soil with at least two standard concrete blocks with cells placed vertically beside each other on the footer block. A solid 4-inch concrete cap covering the two concrete blocks shall be provided as the bearing area to be positioned directly beneath the steel frame of the mobile home or trailer. Such clocking shall be provided along the full length of the mobile home or trailer unit, spaced not more than 10 feet apart, and not more than 5 feet from the ends of the unit.

8.78 The mobile home or trailer stand shall be provided with anchors and the tie downs such as cast-in-lace concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home or trailer. The tie-down devices shall be compatible with the foundation system provided for the mobile home or trailer such that the tie-downs are designated to resist the action of frost in the same manner as the foundation system.

8.79 The skirting of all mobile homes and trailers is required. Such skirting shall not attach a mobile home or trailer permanently to the ground, but shall be sufficient to withstand wind load requirements and shall not provide a harborage for junk or rodents, nor create a fire hazard. Such skirting shall be provided with removable access panels sufficient to provide easy access to all utility connection points of the mobile home or trailer and its subsequent connection to the utility raisers if they are located within the skirted area.

Permit the Creation of Mobile Home Parks in Which the Individual Mobile Home Lots Are Available For Sale. Wherever a mobile home park is permitted by this ordinance to be created through the granting of conditional uses or otherwise, said mobile home park

may be designed to permit the sale of the individual mobile home lots within said park. A proposed mobile home park in which the individual mobile home lots will be offered for sale must meet all of the following requirements:

1. The individual mobile home lots shall, for the district within which such mobile home park is located, meet the minimum lot requirements, minimum yard requirements, maximum lot coverage, and maximum height requirements of such districts.
2. Each such mobile home lot shall be individually serviced with all utilities and shall be individually metered for all utilities and treated in all respects by the Village as a separate user of utilities.
3. The developer of such mobile home park shall be required to secure a preliminary and final plat as per the subdivision process outlined in the Village of Firth Subdivision Regulations.
4. At the time of an application for a special use permit, or at the time of the application for subdivision in a mobile home park where the lots are to be offered for sale, the developer shall submit all legal documents necessary for the creation of an association having the purpose of maintaining, controlling, and covering all expenses, taxes and costs incurred on common areas within the mobile home park. Such association shall require that all property owners within the mobile home park be members thereof and pledge the lots owned within the mobile home park as security for the association performing such obligations. Covenants shall be placed on the property by the developer and owners thereof so as to ensure this obligation. These documents shall be submitted by the proper officials to the Village Board for its approval and no subdivision permit or special use permit may be issued without the approval of these documents by the Village Board.

8.8 FENCE REGULATIONS. Notwithstanding other provisions of this ordinance, fences and walls may be permitted in any required yard, provided that no fence or wall along the sides or front edge of any front yard shall be over 3½ feet (42 inches) in height. Additionally, on a corner lot in a Residential District, a sight triangle shall be provided such that nothing shall be erected or placed in such a manner as to materially impede vision between a height of 2½ feet and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersections. The following regulations shall apply to the construction of fences:

1. No solid fence shall be constructed closer to the street than the property line. No fence shall be closer than 2 feet to the sidewalk.
2. No fence erected in a required front yard shall materially obstruct public view. Permitted types of fences shall include split rail, chain link, or other similar mate-

rial. No component of a front yard fence shall exceed 3½ feet in height, nor shall any structural member exceed 36 inches in cross-sectional area.

3. No fence shall be constructed which will constitute a traffic hazard as identified in the site triangle of a corner lot (see Section 8.8).
4. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals by intent of its construction or by inadequate maintenance.
5. No fence within Residential Districts, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than 6 feet 6 inches.
6. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
7. In commercial and industrial districts, maximum height of fences shall be 8 feet. When industry standards for certain types of businesses require fences of greater heights, the zoning administrator at his direction, may allow greater heights.
8. All fences constructed in the Village shall comply with the provision of this section and obtain a building permit.
9. Good side of fence shall face to the outside of the property.
(Am. by Ord. No. 10-2017-1, 10/3/17)

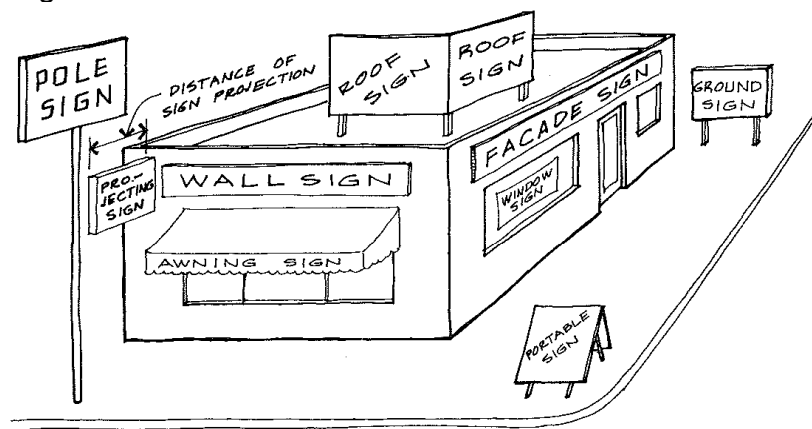
8.9 SIGN REGULATIONS. The following regulations shall govern the location, area and type of signs permitted within the Village:

1. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a land use permit except those sign excepted below and without being in conformity with the provisions of this ordinance.
2. All signs are prohibited in the AGR, R-1, R-2, R-3 and PUD Districts except the following:
 - a. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 4 square feet.
 - b. Real estate signs, not to exceed 4 square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
 - c. Name, occupation and warning signs not to exceed 2 square feet located

on the premises.

- d. Bulletin boards for public, charitable, or religious institutions not to exceed 8 square feet in area located on the premises.
 - e. Memorial signs, such as traffic control, parking restriction, information and notices.
 - f. Official signs, such as traffic control, parking restriction, information and notices.
 - g. Temporary signs or banners when authorized by the Planning Commission.
3. Signs are permitted in the C-1, C-2, I-1 Districts subject to the following restrictions:
- a. Wall signs placed against the exterior walls of building shall not extend more than 6 inches out from a building's wall surface; shall not exceed a total of 200 square feet in area or 40 percent of the wall surface (whichever is smaller) for any one premises and shall not extend above the wall on which it is placed.
 - b. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises, shall not extend more than 6 feet into any required yard, shall not extend more than 3 feet from all side lot lines, shall not exceed a height of 20 feet above the mean centerline street grade, and shall not be less than 10 feet above a driveway or an alley.
 - c. Ground signs shall not exceed 20 feet in height above the mean centerline street grade, shall meet all requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.
 - d. Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for any one premises.
 - e. Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
 - f. Combinations of any of the above signs shall meet all the requirements for the individual sign.

4. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a stand-pipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
5. The erection or maintenance of any advertising sign, display or device which is visible to the traveled way of the National System of Interstate and Defense Highways and the system of federal aid primary roads of the State of Nebraska, as defined by the Nebraska Department of Roads, is hereby prohibited unless in compliance with the regulations set forth in *Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Interstate and Federal Aid Primary Highways*, as amended, adopted and published by the Nebraska Department of Roads. As of July, 1976, primary highways within Firth's zoning jurisdiction are Highway 30 and Interstate 80.
6. Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device, or in such a manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic. This shall also mean pedestrian traffic on sidewalks. All road signs shall be maintained in a neat and presentable condition.
7. In the event the use or need of a sign shall cease, the sign shall be removed promptly and the area restored to a condition free from refuse and rubbish. After 30 days' notice and failure to do so, the Village shall remove the sign and assess the charges to the owner.



SIGN TYPES

Source: The Illustrated Book of Development Definitions (Maskowitz, Harvey and Carl Lindbloom, 1995)

8.10 RADIO TOWERS. The following shall be permitted without regulation of this ordinance, provided that the primary use of the property is not a telecommunications facility.

ty and that the antenna use is accessory to the primary use of the property. (Note, however, that these may be under the regulatory jurisdiction of other county or local ordinances.)

1. Personal and non-commercial use of all television antennas and satellite dishes.
2. Personal and non-commercial use of radio towers are exempt from the provisions of this ordinance, including the installation of any antenna and supporting towers, poles and masts that are owned and/or operated by a federally licensed amateur radio operator or used exclusively for receive-only antennas.
3. Mobile service providing public information coverage of news events of a temporary nature.

(Am. by Ord. No. 10-2017-1, 10/3/17)

8.11 SOLAR ENERGY SYSTEMS. Solar energy systems may be installed only as a use accessory to a permitted principal use. Such systems may be installed only as accessory uses either on the roof of a permitted principal or accessory structure or as a free-standing structure. Installation requirements shall be as follows:

1. Roof-mounted solar panels shall be mounted parallel to the roof angle and, if mounted on a sloping roof, shall not exceed a height of 15 inches above the ridge of the roof.
2. A roof-mounted solar panel that is mounted on a flat roof may be angled to achieve maximum sun exposure but shall not exceed 8 feet above the roof. No such mounted panel shall exceed the maximum permitted height of the structure.
3. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties, businesses, residential homes or roadways.
4. An external disconnect switch, readily accessible by emergency responders and which is clearly identifiable and unobstructed, shall be provided to disconnect power at the solar panel.
5. Ground mounted solar energy systems shall be located behind the back building line of the principal structure on a residential lot. When located in the side or rear yard of a residential lot, solar panels shall comply with the height limitations and yard setback requirements applicable to accessory structures in said zone district.
6. Ground mounted solar energy systems, complying with the height limitations and the required rear yard setback applicable to accessory structures in said zone district, may be located in the rear yard of all non-residential zones.
7. When installed as an accessory use on a lot with a principal use or structure, so-

lar energy systems shall be designed and sized to provide energy for the principal use of the property whereon the solar energy system is installed and shall not be for the generation of power for commercial purposes. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time from an accessory use solar energy system designed and sized to meet the energy needs of the principal use located on the same property whereon the solar energy system is installed. This provision is not applicable to solar energy systems installed as the principal use of the property. In these cases there is no other principal use on the property that could utilize the energy generated by the solar energy system.

(Am. by Ord. No. 10-2017-1, 10/3/17)

8.12 SMALL WIND ENERGY SYSTEMS. Small wind energy systems are allowed as a restricted use in all zoning districts. The following specific conditions shall apply:

1. The base of the tower shall be set back from all property lines, utility easements and rights of way equivalent to the height of the tower, including turbine blades. Any facility mounted on a building shall be set back from the edge of the building equivalent to the height of the facility measured from the building mount.
2. Maximum tower height, measured to the highest point of the turbine blades, in the following districts:
 - a. Residential, 60 feet;
 - b. Agricultural, 100 feet; and
 - c. Commercial and Industrial, 80 feet.
3. Noise: Small wind energy systems shall not exceed 60 dB measured at the closest neighboring inhabited structure. The level may be exceeded during short term events such as utility outages or severe wind events greater than 50 mph.
4. All small wind energy systems shall be designed and approved by a listing agency such as the American Wind Energy Association, UL, Factory Mutual or other listing agency or shall be designed by a licensed engineer.
5. All building permit applications shall be accompanied by engineered drawings and specifications for the tower, base, footings, and other facilities from the manufacturer or designer.
6. All small wind energy systems shall be located, constructed and operated to comply with any applicable Federal Aviation Administration (FAA) regulations or guidelines.
7. All small wind energy systems shall be in compliance with the National Electrical Code.

8. *Utility Notification:* No small wind energy system shall be installed without prior notification and approval of the Board of Public Works of the intent to construct, install and operate an interconnected customer-owned generator and must meet all the requirements of the board for interconnection. Off-grid systems shall be exempt from this requirement.
9. All small wind energy systems shall have utility company-approved metering transfer switches.
10. If a wind generator is inoperable for more than one year, the owner shall be notified that he/she/it must, within three months of receiving notice, restore the system to working order or remove it.
11. No signs other than manufacturer, safety and warning labeling shall be placed on the tower of turbine. For a system which exceeds 12 volts, "High Voltage" warning signs shall be posted on or near the system.
12. The wind generator system shall not have any illumination unless required by FAA regulations or guidelines.
13. Any climbing devices shall be removed below 12 feet to prevent unauthorized climbing.
14. The tower shall be freestanding without the aid of guy wires.
15. Turbine blades, whether horizontal or vertical, shall be a minimum of 12 feet above the adjacent grade.
16. All communications and connector lines associated with the installation shall be buried. If obstacles prevent an underground installation, the applicant shall receive a waiver from the Board of Public Works.

(Am. by Ord. No. 10-2017-1, 10/3/17)

8.13 SOLAR AND WIND ENERGY SYSTEMS; DEFINITIONS. The following definitions shall apply to solar and wind energy systems:

"Large scale wind generator (wind farm)" shall mean any wind generator facilities that do not qualify for small scale wind energy systems according to the standards of these regulations.

"Energy" shall mean the ability to do work.

"Photovoltaic" shall refer to technology which uses a device, typically a solar panel, to convert light into electricity.

"Small wind energy systems" shall mean facilities used to generate energy from wind as

a use accessory to other permitted structures on the premises.

“Solar array” shall mean a group of multiple solar panels connected together to provide a single electrical output.

“Solar energy” shall mean energy from the sun that is converted into thermal or electrical energy.

“Solar energy system” shall mean all associated equipment which converts solar energy into usable electrical energy, heats water or produces hot air, or other similar function.

“Solar panel” shall mean a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

(Am. by Ord. No. 10-2017-1, 10/3/17)

Article 9 – Board of Zoning Adjustment

9.1 CREATION, MEMBERSHIP.

9.11 The Village Board of Zoning Adjustment is hereby created and the members of said board shall be appointed by the Village Board. The legislative body of a village may provide by ordinance that it shall constitute a board of adjustment. (Neb. Rev. Stat. §19-911)

9.12 One member only of said board shall be appointed from membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the Village Board of Zoning Adjustment.

9.13 Said board shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the Village Board upon written charges and after public hearings. Vacancies shall be filled for the unexpired terms of any member whose term becomes vacant.

9.2 MEETINGS. Meetings of the Board of Zoning Adjustment shall be held at the call of the mayor and at such times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the village clerk and shall be a public record.

9.3 INTERPRETATIONS AND VARIANCES

9.31 The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these regulations, have the following powers (Neb. Rev. Stat. §19-910):

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or planning commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any maps, or for decisions upon other special questions upon which the Board is authorized by any such regulation to pass; and
3. Where by reason of exceptional narrowness, shallowness, or shape of a

specific piece of property at the time of adoption of the Zoning Regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this Section 19-910, and Sections 19-901, 19-903 to 19-904.01, and 19-908 would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these Zoning Regulations, but no such variance shall be authorized unless the Board finds that:

- a. The strict application of the regulation would produce undue hardship;
- b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- d. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

9.32 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable and practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Regulations.

9.33 In exercising the above-mentioned powers such Board may, in conformity with the provisions of said sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as shall be proper, and to that end shall have all the powers of the officer from whom the appeal is taken.

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

9.4 PROCEDURES FOR REQUESTING A VARIANCE. The procedures to be followed by the Board of Zoning Adjustment shall be as follows.

9.41 Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten days from the date of decision by any official or department. The appeal filed in writing shall define the appeal being requested and the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Adjustment all the paper constituting the record upon which the action appealed from was taken.

9.42 The chairperson of the Board shall set a hearing within 30 days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time and place.

9.5 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT. Any person or persons, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the Village, may seek review of such decision by the District Court for the Village in the manner provided by the laws of the state and particularly by Neb. Rev. Stat. §19-912.

Article 10 – Administrative Provisions, Enforcement and Fees

10.1 ENFORCEMENT.

10.11 ZONING ADMINISTRATOR. This ordinance shall be enforced and administered by a zoning administrator who shall be appointed by the Village Board and who may be provided with the assistance of such other persons as the Village Board may direct in order to carry out the following duties and responsibilities:

1. Approve and issue all building permits and occupancy certificates when compliance is made with this ordinance.
2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this ordinance.
3. Receive, file and forward to the Board of Zoning Adjustment the records in all appeals for variances.
4. Maintain permanent and current records of the Zoning Regulations including but not limited to, all zoning maps, amendments, special use permits, variances, appeals and applications thereof and records of hearings thereon.
5. Prepare and have available in book, pamphlet or map for each year.
 - a. The compiled text of the Zoning Regulations and amendments thereto, including all amendments adopted through the preceding December 31; and
 - b. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding December 31.
6. Whenever the zoning administrator shall find that any of the provisions of this ordinance have been or are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she may order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, structures or additions or alterations thereto; discontinuance of any illegal work being done; or take any other appropriate action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

10.2 BUILDING PERMITS REQUIRED.

10.21 GENERAL. No building or other structure shall be erected, moved, added to, or structurally altered without a building permit first having been issued by the zoning administrator. No building permit shall be issued unless the proposed construction or use is in conformance with all of the provisions of this ordinance and with all other applicable codes, regulations and laws of the Village and with all orders and variances lawfully issued by the Board of Adjustment. A building permit shall not be required for improvements to the agricultural (non-residential) buildings or structures in the AGR Agricultural District which have a value of \$1,000.00 or less. If the work for which a permit has been issued shall not have begun within six months of the date thereof, or if the construction shall be discontinued for a period of six months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit. (Am. by Ord. No. 10-2017-1, 10/3/17)

10.22 APPLICATION FOR BUILDING PERMIT. All applications for a building permit shall be accompanied by a plot plan showing the location, ground area, height and bulk of all present and proposed structures, additions, parking areas and site improvements; the actual dimensions and shape of the lot lines; the uses to be built upon; the building lines in proposed structures or additions; and any other reasonable and pertinent information as may be required by the zoning administrator or the proper enforcement of this ordinance.

10.23 APPROVAL OR DISAPPROVAL OF PERMIT. The zoning administrator shall examine all applications for building permits, including plans, specifications and documents filed therewith and shall either approve or disapprove such application within 30 days of receipt of same. Upon approval and receipt of required fees, the zoning administrator shall promptly issue the building permit and shall affix his/her signature to the permit and the plans and mark the plans "Approved." Upon disapproval of the application, the zoning administrator shall refuse to issue the permit and shall state in writing on the plans the reasons for disapproval, affix his/her signature and mark the plans "Disapproved."

10.24 APPEAL FROM APPROVAL OR DISAPPROVAL. An appeal from approval or disapproval of any application shall be made to the Board of Zoning Adjustment in writing within ten days after the determination of the zoning administrator has been filed.

10.3 CERTIFICATION OF OCCUPANCY REQUIRED.

10.31 GENERAL. No building, structure or land shall be used or occupied, in whole or in part, nor shall any change made in the use or type of occupancy of an existing building or structure requiring a building permit, nor shall any change be made in the use of land, except to any use which is primarily agricultural, unless a certificate of occupancy shall be issued by the zoning administrator in ac-

cordance with this ordinance.

10.32 TEMPORARY CERTIFICATE. Upon request, the zoning administrator may issue a partial certificate of occupancy for a period not to exceed 90 days, for a building or structure or part thereof, before the entire work covered by the building permit shall have been completed, provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

10.33 APPLICATION FOR CERTIFICATE OF OCCUPANCY. All applications for certificate of occupancy shall be made by the owner or his/her agent and shall be accompanied by an affidavit of the owner, registered architect, licensed professional engineer, or superintendent of construction who shall state that he has examined the approved plans of the structure, that said structure has been erected in accordance with the approved plans and that it complies with this ordinance and all local code and resolutions/ordinances governing building construction. The application and affidavit shall be filed with the zoning administrator.

10.34 ISSUANCE OF CERTIFICATE OF OCCUPANCY. Before issuing a certificate of occupancy, the zoning administrator shall examine all buildings, structures or sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, or change the use or occupancy. The zoning administrator shall maintain a record of all examinations and inspections, together with a record of findings of violations of the law.

10.35 AUTHORIZATION. A certificate of occupancy shall be deemed to authorize, and is required for, both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect so long as such building or land is used as authorized in the certificate of occupancy.

10.4 SCHEDULE OF FEES. The schedule of fees shall be established for these regulations by the Village Board. The schedule of fees shall be posted in the office of the zoning administrator and may be altered or amended only by the Village Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

Article 11 – Amendment

11.1 GENERAL. The Village Board may from time to time supplement, change or generally revise the boundaries or regulations contained in this ordinance. A proposal for such amendment may be initiated by the Village Board or Planning Commission or upon application of the owner of the property affected. A filing fee established by the Village Board is required for each application to be considered by the Planning Commission.

11.2 SUBMISSION TO PLANNING COMMISSION.

11.21 All such proposed amendments shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district.

11.22 If such proposed amendment is not a general revision of an existing provision of this ordinance, and will affect specific property, it shall be designated by legal description and general street location and in addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within 300 feet of the area proposed to be altered and an opportunity granted to interested parties to be heard.

11.3 AMENDMENT CONSIDERATION AND ADOPTION.

11.31 The procedure for the consideration and adoption of any such proposed amendments, to the Zoning Regulations, shall be in like manner as that required for the consideration and adoption of the ordinance except herein before or hereinafter modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend.

11.32 When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the Village Board, if it approves such recommendation, may either adopt such recommendation by ordinance or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the Village Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning commission which the Village Board disapproves, the said governing body shall return

such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the ordinance shall define the change or the boundary as amended, shall order the Official Zoning Maps to be changed to reflect such amendment, and shall amend the section of the ordinance incorporating the same and reincorporate such maps as amended.

11.4 PROTEST. Regardless of whether or not the Village Board approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the village clerk within 14 days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of a two-thirds majority of the Village Board.

Article 12 – Complaints, Penalties, Remedies

12.1 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of these Zoning Regulations occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the zoning administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

12.2 PENALTIES.

12.21 The owner or agent of a building or premises in or upon which a violation of any provisions of this ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a misdemeanor, with associated fine. Each and every day that such violation continues after notification shall constitute a separate offense of not more than \$500.00 for each offense.

12.22 Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

12.3 REMEDIES. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of these regulations the appropriate authorities of the Village may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

Article 13 – Legal Status Provisions

13.1 SEPARABILITY. Should any article, section or provisions of these regulations be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

13.2 PURPOSE OF CATCH HEADS. The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of these regulations.

13.3 REPEAL OF CONFLICTING ORDINANCES. All other ordinances and regulations in conflict with these are hereby repealed to the extent necessary to give these regulations full force and effect.

13.4 EFFECTIVE DATE. The ordinance for these Zoning Regulations shall take effect and be in force from and after its passage and publication according to law.