

# VILLAGE of BIG SPRINGS ZONING REGULATIONS

Updated April 2023

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# GENERAL PROVISIONS

## PURPOSE

The zoning ordinance of Big Springs is designed to implement and be consistent with the goals, objectives, policies, and strategies of the adopted comprehensive plan through complete, integrated, effective and concise land development regulations.

- **General Provisions** provides the general intent, legal context, and scope of these regulations and also the general rules applied to its language and use.
- **Establishment of Districts** provides the basic information about why districts are established, the levels of intensity intended for each district, general use, protocol for non-conforming uses, lots, and structures, boundaries, and zoning maps.
- **Zoning Districts** outlines the regulations governing uses and structures within each district.
- **Supplemental Use Provisions** provides supplemental provisions for unique uses, such as parking and home-occupations and also provisions for structures like signage and fences.
- **Administration** provides protocol for administration of these regulations, which includes duties of the planning commission and board of appeals.
- **Implementation** includes provisions for building permits and fees associated with development.
- **Appendix 1: Use Matrix by Category of Use** provides a table, sorted by category of use, stating which uses are permitted, conditional, accessory, or prohibited for each zoning district.
- **Appendix 2: Definitions** provides the meanings for words and terminology used in this ordinance.

## AUTHORITY

This ordinance is authorized by Nebraska Revised Statutes 19-901. These regulations are adopted in accordance with the comprehensive plan and are designed to: to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to secure safety from flood; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to protect property against blight and depreciation; to protect the tax base; to secure economy in governmental expenditures; and to preserve, protect, and enhance historic buildings, places, and districts.

Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations:

- Ensure that new development is compatible with surrounding development in use, character, and size;
- Provide for land uses that serve important public needs, such as affordable housing and employment generators;
- Promote mixed-use buildings and mixed-use neighborhoods;
- Promote infill housing and downtown retail and residential development;
- Integrate civic uses into neighborhoods;
- Protect natural resources; and
- Encourage commercial development at highway corridors and the historic downtown.

**MINIMUM REGULATIONS.** 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.

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

No person, firm, or corporation and no officer or employee (either as owner or as participating principal, agent, servant, or employee of such owner) shall sell, rent, or lease, or offer or attempt to sell, rent, or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this chapter.

**JURISDICTIONAL AREA:** The provisions of this Ordinance shall apply to all structures and land within the corporate limits of Big Springs, Nebraska and that portion of the unincorporated area within 1 mile of the corporate limits of Big Springs, Nebraska.

**COMPATIBILITY WITH OTHER PLANS AND REGULATIONS:** If a regulation adopted by the zoning ordinance requires a greater width or size of a yard, court, or other open space, requires a lower building height or fewer number of stories for a building; requires a greater percentage of lot to be left unoccupied; or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under the zoning ordinance controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

**SEPARABILITY:** The provisions found within this Ordinance are separable, however if any court shall adjudge any provision of these regulations to be invalid, such judgment shall not affect or prevent the application of any other provision of this Ordinance.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

The zoning code is consistent with the adopted comprehensive plan. Any amendments to this chapter including but not limited to rezoning approvals, and all development approvals, shall be consistent with the following:

- A. The adopted comprehensive plan, as it may be amended from time to time, in effect at the time of the request for amendment; and
- B. Any area, downtown, or specific plan adopted

An amendment to the text of the ZONING CODE is deemed consistent and in accordance with the comprehensive plan if it complies with the goals, objectives, policies, and strategies.

**DEFINITIONS**

The meaning and construction of words as set forth in this section and Appendix 2: Definitions shall apply throughout this Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

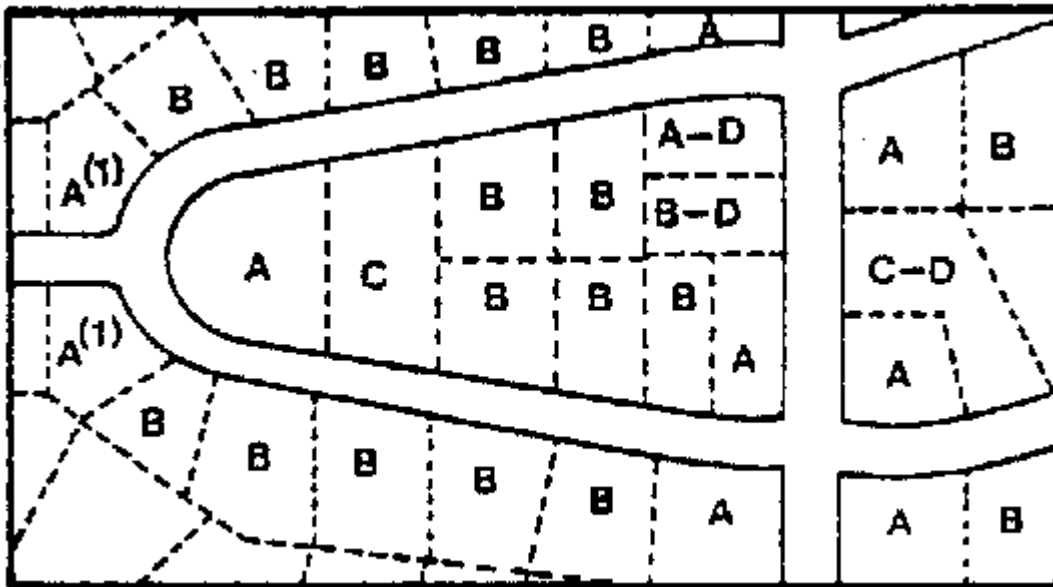
## RULES OF GENERAL CONSTRUCTION OF THE LANGUAGE

For the purposes of this Zoning Ordinance the following rules shall apply:

- a. Words and numbers used singularly shall include the plural, the plural shall include the singular, unless the context clearly indicates otherwise. Words used in the present tense shall include the future tense.
- b. Any conflict between the text and any illustration explaining the text, the text shall apply.
- c. The word “persons” includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent, or any other representative.
- d. The word “shall” is always mandatory. The word “may” is discretionary and not compulsory.
- e. The words “use,” “used,” “occupy,” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.
- f. The word “and” indicates all connected items, conditions, provisions, or events shall apply. The word “or” indicates that one or more of the connected items, conditions, provisions, or events shall apply. “Either...or” indicates that the connected items or provisions shall apply singly, but not in combination.
- g. The word “Commission” shall refer to the Planning Commission of the Village of Big Springs, Nebraska.
- h. Undefined words or terms not herein defined shall have their usual and customary meaning as defined in a standard English dictionary or other applicable Village, State, or Federal regulation, unless the context clearly indicates another meaning was intended.
- i. Computation of Time: Unless otherwise specifically provided, the time within which an act is to be completed shall be computed by excluding the first day and including the last day, unless it is Sunday or a Village holiday. All acts shall be completed within the time frame specified subject to extension periods provided herein.
- j. Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the Village of Big Springs, Nebraska.



## LOT DEFINITIONS



### LOT DEFINITIONS

**LOT, CORNER:** a lot located at the intersection of two (2) or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot." See lots 'A' and 'A1' in the diagram. On corner lots, one frontage shall be designated as the 'front' and conform to front yard set-backs with the remaining side conforming to side yard set-backs for corner lots.

**LOT, INTERIOR:** a lot other than a corner lot. Indicated by lot 'B' in the diagram.

**LOT, NONCONFORMING:** a lot having less area or dimension than is required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Zoning Ordinance.

**LOT, REVERSED FRONTAGE:** A lot on which the frontage is at right angles or approximately right angles to the general pattern in the area. A reversed frontage lot may be a corner lot (A-D in the diagram) or a through lot (C-D).

**LOT, THROUGH (DOUBLE FRONTAGE):** a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. Indicated as lot "C" in the diagram.

# ESTABLISHMENT OF DISTRICTS

## PURPOSE

The purpose of this chapter is to present the Zoning District Regulations. Zoning Districts are established in the Zoning Regulations to promote compatible land use patterns and to establish site development regulations appropriate to the purpose and specific nature of each district.

In accordance with the foregoing purposes, the Village is hereby divided into Districts. This section establishes regulations governing the following:

- The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes
- The height, number of stories, and size of buildings and other structures;
- The percentage of a lot that may be occupied;
- The size of yards, courts, and other open spaces; and
- Population density

**Base Zoning Districts** establish districts that divide the local government into various residential, commercial, and industrial zones, which implement the land use policies in the Comprehensive Plan, as shown in the table below. Each subsection describes the relationship between the various zoning districts and the comprehensive plan. Each district establishes uses that are permitted as of right and as a conditional use. A use permitted as of right is compatible with the other uses within the purpose of the district and therefore requires only administrative approval. Conditional uses require a public hearing to decide whether conditions are needed in order to make the use compatible with other uses in the district.

**Overlay Zoning Districts** establish districts within which the standards of both the base and overlay zoning districts apply. These districts address special situations that require additional regulations to protect the public health, safety, and general welfare.

## HIERARCHY OF DISTRICTS & INTENSITY

References in this Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those districts established in this article and shall represent a progression for Agriculture (AG) as the least intensive to Light Industrial (I) as the most intensive. Any Overlay Districts shall not be included in this reference.

*Table 1: Zoning districts and corresponding intensity and land use from comprehensive plan*

Zoning District	Intensity	Corresponding Future Land Use from Comprehensive Plan
Agricultural (AG)	Rural	Agricultural
Rural Residential (RR)	Rural or Suburban	Agricultural
Residential- General (R)	Low Intensity	Low Density Residential

Residential- Traditional Neighborhood District (R-T)	Low Intensity- Traditional Density	Neighborhood Residential or Medium Density Residential
Central Business District (C-1)	Moderate Intensity- Small Town Traditional Commercial	Downtown Commercial District
Business District- Highway (C-2)	Moderate Intensity- Commercial	Highway Commercial
Business District- Interstate (C-3)	High Intensity- Traveler Commercial	Highway Commercial
Light Industrial	High Intensity- Light Industry	Industrial

**ANNEXED TERRITORY**

From the date of annexation until the property is zoned to a permanent zoning classification, annexed property will be zoned as an interim to be AG Agricultural District.

**USE REGULATIONS**

**Generally**

No use is permitted unless it is listed as a permitted or conditional use in this section. Those uses permitted as principal uses or buildings within each zoning district are those uses listed in the use matrix in Appendix 1. Permitted accessory uses are set forth in the accessory regulations in the Supplemental Regulations.

**Uses Not Mentioned**

A use not specifically mentioned or described by category in the use matrix (Appendix 1) is prohibited. Evaluation of these uses shall be as set forth in ‘Interpretation Materially Similar Uses’ of this chapter.

**Uses Preempted By State Statute**

Notwithstanding any provision of this section to be contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the use matrix (Appendix 1).

**Interpretation-Materially Similar Uses**

The zoning administrator shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described Interpretations may be ratified by the Village Board upon recommendation by the planning commission at a regularly scheduled meeting. It is the intent of this chapter to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a Conditional Use Permit (CUP). Uses not listed as a permitted use or CUP are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the use matrix (Appendix 1) and such use is not listed as a prohibited use and is not otherwise prohibited by

law, the zoning administrator shall determine whether a materially similar use exists in this section.

Should the zoning administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the zoning administrator's decision shall be recorded in writing. Should the zoning administrator determine that a materially similar use does not exist, the matter may be referred to the planning commission for consideration for amendment to the zoning regulations establishing a specific listing for the use in question. Unless an appeal is timely filed, the zoning administrator's decision is valid. If, when seeking periodic ratification of interpretations the zoning administrator's interpretation is reversed, then decisions made in reliance on the zoning administrator's interpretation are in violation of the zoning regulations.

### Nonconforming Uses of Land and/or Buildings

#### Intent

It is the intent of this Zoning Ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this Zoning Ordinance to be incompatible with permitted uses in the districts involved. Where at the time of adoption of this ordinance, lawful uses of land or buildings exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they satisfy the following requirements.

#### Non-conforming Lots of Record

Lots of record at the effective date or adoption or amendment of this Zoning Ordinance that are nonconforming in area or width, or both, can be built upon with principle and customary accessory buildings. This provision shall apply provided: 1) that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located; 2) that such lot has been owned separately from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinances would have prohibited creation of such lot. Variance of area or width, or both, shall be obtained only through action of the Board of Adjustment.

#### Nonconforming Structures

1. *Enlargement, repair, alterations:* A nonconforming structure that contains a conforming use may be altered or extended provided the alteration or extension does not cause the building to deviate further from the standards of this ordinance.

Except for structures located on a lot that does not comply with the applicable lot size requirements, all enlargements shall meet all required setbacks unless provided elsewhere in this Zoning Ordinance.

2. *Damage or Destruction:* If a nonconforming building or a building containing a nonconforming use is destroyed by any cause to an extent exceeding 50 percent of its fair market value as indicated by the records of the Deuel County Assessor, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located. A future building or use on the site shall conform to this ordinance in both use and structure. When a structure is damaged to the extent of less than fifty percent (50%) of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one

(1) year after the date of such partial destruction and may be extended six (6) months upon an approved Building Permit extension request.

3. *Moving*: No structure shall be moved in whole or in part for any distance whatsoever, 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.
4. *Maintenance or Repair*: Normal maintenance of a building containing or related to a lawful nonconforming use and incidental alteration shall be permitted. Work may be done in on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing provided that it does not extend or intensify the nonconforming use. Nothing in this Zoning Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### Nonconforming Uses

1. *Continuation, Enlargement or expansion*
  - A. A nonconforming use may be continued but may not be enlarged upon, increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.
  - B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Zoning Ordinance.
  - C. The extension of a nonconforming use into a portion of an existing structure that was arranged or designed for the nonconforming use at the time of passage of this ordinance is not considered an enlargement or expansion of a nonconforming use. No such use shall be extended to occupy any land outside such building.
2. *Discontinuation or abandonment*: If a nonconforming use on the property is discontinued or abandoned for a period of one year, further use of the property shall conform to the requirements of this ordinance, and the nonconforming use may not thereafter be resumed.
3. *Use Replacement, permitted use*: If a nonconforming use is replaced by a permitted use, for any length of time, the new use shall conform to this ordinance, and the nonconforming use may not thereafter be resumed.
4. *Use Replacement, other non-conforming use*: If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission and Village Board, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission and/or Village Board may require appropriate conditions and safeguard in accord with the provisions of this Zoning Ordinance.

5. *Uses Under Special Use Permits Not Nonconforming Uses:* Any use for which a special permit is issued as provided in this Zoning Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such District.

## DIMENSIONAL REGULATIONS

The lot design (frontage, setbacks, and coverage) and building design (height) requirements are established in each zoning district regulation below. To the extent that there is any inconsistency between an illustration and written regulations in each district, the written regulations govern. To the extent of any inconsistency exists between a table summary and the zoning district regulations, the zoning district regulations control.

## ZONING DISTRICT BOUNDARIES

When there is uncertainty in district boundaries as shown on the zoning map, the following rules apply:

- A. Boundaries indicated as approximately following the right-of-way or centerlines of streets, highways, or alleys shall be construed to follow such right-of-way or centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines; (Boundaries indicated as approximately following Village limits shall be construed as following Village limits;
- C. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- D. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
- E. Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the Village of Big Springs, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all areas so involved
- F. shall then be subject to all regulations of the extended districts, and
- G. Boundaries indicated as parallel to or extensions of features indicated in subsections "A" through "F" above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection "a" through "f" above, the Planning Commission shall interpret the district boundaries.
- I. Where a district boundary line divided a lot which was in single ownership at the time of passage of these Regulations. The Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50 ft.) beyond the district line into the remaining portion of the lot.

## OFFICIAL MAP

The Official Zoning Map shall be identified by the signature of the Chairperson, attested by the Village Clerk, and bearing the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1 of the Zoning Regulations of the Village of Big Springs, Nebraska."

### Map Changes

If in accordance with the provisions of these Regulations and Chapter 19. Laws of Nebraska. changes are made in district boundaries or other matter portrayed on the Official Zoning Map such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Village Board, with an entry on the Official Zoning Map citing the change, ordinance number, date, and a brief description of the nature of the change as required by Neb. Rev. Stat. §19-904. . which entry shall be signed by the Chairman and attested by the Village Clerk. No amendment to these Regulations which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said Map.

No changes of any nature shall be made in the Official Zoning Map or matters shown thereon except in conformity with the procedures set forth in these Regulations. Any unauthorized change of whatever kind by person or persons shall be considered a violation of these Regulations and punishable as provided under Section 1601.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Village Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Village.

### Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Village Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman, attested by the Village Clerk, and bearing the seal of the Village under the following words: "This is to certify that this Official Zoning Map" supersedes and replaces the Official Zoning Map adopted (date of adoption of Map being replaced as part of the Zoning Regulations of the Village of Big Springs, Nebraska.)"

Unless the prior Official Zoning Map has been lost. or has been totally destroyed, the prior Map or any significant parts thereof remaining. shall be preserved, together with all available records pertaining to its adoption or amendment.

# ZONING DISTRICTS

## Agricultural (AG)

### Intent

Agricultural (AG) districts provide areas for agricultural operations and natural resource industries. The intent is to protect existing farming operations as a viable, long-term use. These districts are composed mainly of unsubdivided lands that are in agricultural uses with some dwellings and some accessory uses. "AG" zoning implements agricultural, pasture land, and natural resource protection and is not suitable for areas with central water and sewer.

### Permitted Uses

Permitted, conditional, and accessory uses are outlined in the land use matrix in Appendix 1.

### Prohibited Uses and Structures.

All residential dwellings which are not ranch and farm dwellings, all other uses which are not specifically permitted or not permissible as special exceptions. All other uses which are not specifically permitted or not permissible as conditional uses shall be prohibited, unless determined to be a permitted principal, accessory or conditional use via a documented comparative interpretation by the Zoning Administrator or the Board of Zoning Adjustment. Such permitted principal, accessory or conditional use allowed by documented interpretative comparison will be incorporated into the land use schedule accordingly through periodic amendment of these regulations.

### Dimensional Standards

The dimensional standards within the "AG" (Agricultural) district are outlined in the table below.

Table 2: Dimensional Standards- AG

Dimension	Proposed
Lot size (min. acres)	10 acres
Density (max dwelling units/acre)	0.1
Frontage (min- sf)	0
Min. lot width (feet)	150
Max lot width	-
Height (max feet) (dwelling unit)	45
Stories	-
Min front setback (ft)	30
Max width of driveway approach (ft)	25
Min side setback (ft.)	15
Min rear setback (ft.)	50
Maximum lot coverage	-



## Agricultural- Flood Plain (FLOOD)

### **Intent**

The Agricultural- Flood Plain (FLOOD) district regulates uses in flood prone areas of Big Springs's jurisdiction from loss of life or property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base due to inundation. These district regulations are designed to mitigate flood losses caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

### **Authority**

The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood prone area.

### **Permitted Uses**

1. Farming, ranching, truck gardening, greenhouses, and nurseries.
2. Golf courses and recreational uses.
3. Accessory buildings incidental to uses listed above.

### **Conditional Uses**

1. Single family, manufactured homes, modular homes, and mobile homes (not mobile home parks) provided such uses are elevated above the flood plain.
2. Alternative energy systems and communication towers.

Further permitted, conditional, and accessory uses are outlined in the land use matrix in Appendix 1.

### **Prohibited Uses and Structures.**

All residential dwellings which are not ranch and farm dwellings, all other uses which are not specifically permitted or not permissible as special exceptions. All other uses which are not specifically permitted or not permissible as conditional uses shall be prohibited, unless determined to be a permitted principal, accessory or conditional use via a documented comparative interpretation by the Zoning Administrator or the Board of Zoning Adjustment. Such permitted principal, accessory or conditional use allowed by documented interpretative comparison will be incorporated into the land use schedule accordingly through periodic amendment of these regulations.

### **Dimensional Standards**

The dimensional standards within the "FLOOD" (Agricultural- Flood Plain) district are the same as the "AG" (Agricultural) district.

# Agricultural Estate Dwelling Sites (AEDS)

## Intent

It is not the intent of this Code to encourage the creation of a large number of Agricultural Estate Dwelling Sites (AEDS), but rather allow the transfer and use of a smaller portion of a larger tract of agricultural land, whereby the smaller tract is platted and created to be used primarily for a dwelling site without requiring a rezone to a higher intensity use.

## Process.

The administrative process and approval of an AEDS shall be the same as that of a rezone. The ordinance approving the AEDS, and an agreement signed by the property owner of the AEDS and the owner of the remaining minimum 60 acre tract, shall be filed at the Deuel County Courthouse with the final plat. Such agreement shall act to bind any subsequent owners of both tracts to the requirements of this Code. Any tract proposed to be created shall be subject to the same preliminary and final platting process as all other subdivisions of land.

## Pre-existing requirements.

The AEDS tract must consist of one or more of the following conditions:

1. A parcel 80 acres or more with an existing vacant dwelling and accessory buildings on farm or ranch land.
2. A parcel 80 acres or more which would allow the conveyance of a smaller portion of the property to be used for dwelling purposes.
3. A parcel 80 acres or more used in agricultural production containing, with a smaller portion of marginal, unproductive land therein, not exceeding 20 acres, that may be used exclusively for dwelling purposes unrelated to the agricultural production.

## Dwelling Tract requirements.

Min lot size: 2.5 acres

Max lot size: 20 acres

Min lot width: 150 feet

Min lot depth: 200 feet

- *Remaining tract size.* The entire tract of land being subdivided shall be a minimum of 80 acres before the creation of the AEDS. The larger portion of land, after creation of the AEDS, must remain in agricultural use but may continue to include another dwelling associated with the agricultural production on the land. This minimum 60 acre tract shall be reserved from further subdivision for as long as the land is zoned AG, Agriculture. One AEDS shall be allowed per each 80-acre tract of land so that overall density does not exceed two AEDS per quarter-section (160 acres) of land.
- *Shape.* Each proposed AEDS shall be shaped and located to allow the accurate platting on the official zoning map of the village.

## Transportation access

Each proposed AEDS without frontage or access along a public road shall have a dedicated access road or access easement at least 25 feet in width to a public road. Access roads serving different AEDS shall be separated by a minimum of 1,000 feet between them, measured along the public road. New driveways shall also be approved

by the Deuel County Road Superintendent or Nebraska Department of Transportation, whichever is applicable.

**Other considerations**

The planning commission and Village Board shall take into consideration the effects of the AEDS on utilities, roads, drainage, etc., as well as adjacent zoning districts and potential growth patterns of the Village to ensure the approval does not limit the Village's growth.

**Discontinuation**

In the event that the AEDS is no longer used for the purpose herein described or if the conditions in the AEDS agreement filed at the Courthouse are violated, the approval granted by the Village shall automatically be revoked. Any person(s) violating this Code or the AEDS agreement shall be prosecuted by the Village in the same manner as other zoning code violations.

# Rural Residential (RR)

**INTENT**

The "RR" Rural Residential district is intended primarily to allow for the subdivision of land in rural and scenic areas to: (a) permit the opportunity of developing estate-type lots which, because of their size, cannot be economically accommodated within urban areas; and (b) to encourage the provision of estate-type lots as a subdivision of land which will assure the provisions of at least those minimum physical improvements necessary to protect the health, safety and general welfare of people living on estate-type lots or parcels. Generally, these districts are located near built-up urban areas in reasonable reach of fire protection and hard surfaced roads, but which are unlikely to be served in the future by village utilities.

**Permitted Uses**

Permitted, conditional, and accessory uses are outlined in the land use matrix in Appendix 1.

**Dimensional Standards**

The dimensional standards within the "RR" Rural Residential district are outlined in the table below.

*Table 3: Dimensional Standards- RR*

Dimension	Standard
Lot size (min. acres)	1 acre
Density (max dwelling units/acre)	
Frontage (min- feet)	
Min. lot width	100
Max lot width	
Height (max feet) (dwelling unit)	35
Stories	
Min front setback	30
Max width of driveway approach	
Min side setback	10 (for one story +7.5 ft. for each additional .5 story)
Min rear setback	25 (for one story +7.5 ft. for each additional .5 story)
Maximum lot coverage	30%

## General Residential (R)

### Intent

To provide for a stable, pleasant residential environment which encourages family life. These districts are composed mainly of a mixture of single-family, two-family, and multifamily dwellings, and open space where similar residential development seems likely to occur, but also provide space for uses and for institutions, other than residential, which require a residential environment and are not detrimental to the overall intent of the residential neighborhood.

### Permitted Uses

Permitted, conditional, and accessory uses are outlined in the land use matrix in Appendix 1.

### Dimensional Standards

The dimensional standards for principal structures within the "R" General Residential district are outlined in the table below.

Table 4: Dimensional Standards- R

Dimension	Standard
Lot size (min. Sq. feet)	5000
Density (max sq. feet per dwelling unit)	2500 per dwelling unit
Frontage (min- feet)	-
Min. lot width	45'
Max lot width	-
Height (max feet)	35'
Min front setback	25'
Max front setback	-
Interior side setback	5' (one story, +5' for each additional one story)
Corner side setback	½ distance of front setback or 12.5 ft, Garage: 20' from property line on straight approach from side yard or 12.5' when garage runs parallel to property line on curved approach from side
Min rear setback	20'
Maximum lot coverage	40%

# Residential-Traditional Neighborhood District (R-T)

**Intent**

The intent of the “R-T” Residential-Traditional Neighborhood district is to provide for a stable, pleasant residential environment which encourages family life and retains the traditional neighborhood form. These districts are composed mainly of a mixture of single-family, two-family, and multifamily dwellings in the village’s established neighborhoods and open space where similar style residential development is desired. These districts also provide space for uses and for institutions, other than residential, which require a residential environment and are not detrimental to the overall intent of the residential neighborhood.

Dimensional standards are intended to preserve openness, preserve emergency safety access, provide consistent sightlines, and preserve comfortable use of front and backyards. Maximum front setbacks and lot widths protects the tax base, walkability, and small town neighborhood feel by maintaining the traditional neighborhood grid dimensions.

**Permitted, conditional, and accessory uses**

Permitted, conditional, and accessory uses in the “R-T” Residential- Traditional Neighborhood district will be the same as in the “R” General Residential zone.

**Dimensional Standards**

The dimensional standards for principal structures within the "R-T” Residential Traditional Neighborhood district are outlined in the table below.

*Table 5: Dimensional Standards- R-T*

Dimension	Standard
Lot size (min. Sq. feet)	5000
Density (max sq. feet per dwelling unit)	2500 per dwelling unit for 2 or 3 units; 2000 per dwelling unit for 4+ units
Frontage (min- feet)	-
Min. lot width (at street)	45'
Max lot width (at street)	150'
Height (max feet)	35'
Min front setback	25'
Max front setback	35'
Interior side setback	5' (one story, +5' for each additional one story)
Corner side setback	½ distance of front setback or 12.5 ft. whichever is greater, Garage: 20' from property line on straight approach from side yard or 12.5' when garage runs parallel to property line on curved side yard approach
Min rear setback	20'
Maximum lot coverage	40%

## Central Business District (C-1)

### Intent

The intent of the “C-1” Central Business District is to preserve and enhance the historic and traditional commercial core of the village. This district provides for concentrated downtown retail, service, office, civic, and mixed uses. A mix of limited off-street parking areas, on-street parking, and buildings set at zero lot lines are intended to maintain a neighborhood commercial scale, promote pedestrian activity, and maintain the unique character of the center.

### Permitted Uses

Permitted, conditional, and accessory uses are outlined in the land use matrix in Appendix 1.

### Performance Standards

The following regulations shall apply as minimum requirements for all non-residential uses in the C-1 Central Business District.

1. No outdoor or open storage of materials is allowed. Warehouse or storage facilities are not permitted as the primary use on a lot or property, but rather must be accessory to an allowed C-1 Zone use.
2. Accessory uses such as outdoor eating areas/ retail sales displays are allowed but cannot interfere with safe pedestrian and vehicular movement.
3. Outdoor entertainment uses may be allowed through the issuance of a special event permit or Conditional Use Permit.
4. No use shall be permitted and no process, equipment or materials shall be used which are found to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibrations, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.

Single-family or multi-family residential units are permitted in the following cases:

1. Above the first floor of commercial establishments
2. On the ground floor so long as building frontage serves a commercial use allowed in the C-1 zone.

### Dimensional Standards

The dimensional standards for principal structures within the "C-1" Central Business District are outlined in the table below.

Table 6: Dimensional Standards- C-1

Dimension	Standard
Lot size (min. acres)	No limits
Density (max dwelling units/acre)	-
Frontage (min- feet)	-
Min. lot width	No limits
Max lot width	-

Depth	-
Height (max feet)	45'
Stories	-
Min front setback	0'
Max front setback	0'
Min side setback	-
Interior	None, except 8' if abutting residential
Corner	-
Min rear setback	None (except abutting residential- 10' + 5' per additional story)
Maximum lot coverage	100%
Signs	2 sq. ft. per lineal foot of lot frontage <u>or</u> 75 sq. feet in total area, whichever is less; height may not exceed top of a multi-story building; 20' max height for single story

## Business District- Highway (C-2)

### Intent

The purpose of the (C-2) Business District– Highway is to establish the location of areas best suited for the needs of highway-related business within the planning area, those commercial types being characterized by the need for larger lot sizes, off-street parking, and immediate access to transient traffic. This district is not intended for industrial uses or large-scale commercial service businesses requiring 24-hour high intensity traffic or emissions that would be disruptive to nearby lower intensity land uses.

### Permitted Uses

Permitted, conditional, and accessory uses are outlined in the land use matrix in Appendix 1.

### Performance Standards

1. Where a site adjoins or is located across the alley from any Residential District or residential use, a solid wall or fence, vine covered open fence or compact evergreen hedge six (6) feet in height, shall be located on the property line common to such districts, except in a required front yard.
2. Outdoor storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six (6) feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.
3. No use shall be permitted and no process, equipment or materials shall be used which are found to be objectionable to persons living or working in the vicinity by reasons of



odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibrations, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.

## Dimensional Standards

The dimensional standards for principal structures within the "C-2" Commercial- Highway district are outlined in the table below.

Table 7: Dimensional Standards: C-2

Dimension	Standard
Lot size (min. acres)	-
Density (max dwelling units/acre)	
Frontage (min- feet)	
Min. lot width	-
Max lot width	-
Depth	-
Height (building, max feet)	45'
Stories	-
Min front setback	5'
Max front setback	-
Min side setback	0', unless abutting R districts or street or alley shall be 25'
Interior	
Corner	
Min rear setback	0', unless abutting R districts or street or alley shall be 25'
Maximum lot coverage	85%
Signs	90 sq. ft. in area and 35' in height, temporary non-illuminated not to exceed 32 sq. feet (sale or rent)

## Business District- Interstate (C-3)

### Intent

The purpose of the (C-3) Business District – Interstate Highway is to establish the location of areas best suited to the needs of interstate highway-related business types, those commercial types being characterized by a need for larger lot sizes, off-street parking, and immediate access to higher volumes of transient traffic.

### Permitted Uses

Permitted, conditional, and accessory uses are outlined in the land use matrix in Appendix 1.

### Dimensional Standards

The dimensional standards for principal structures within the "C-3" Business District- Interstate district are outlined in the table below.

*Table 8: Dimensional Standards- C-3*

Dimension	Standard
Lot size (min. acres)	-
Density (max dwelling units/acre)	-
Frontage (min- feet)	-
Min. lot width	-
Max lot width	-
Depth	-
Height (building, max feet)	-
Stories	-
Min front setback	25'
Max front setback	-
Min side setback	10'
Interior	-
Corner	-
Min rear setback	20'
Maximum lot coverage	-
Separation	-
Signs	80' in height; (on-facade no more than 10% surface area of facade, temporary non-illuminated not to exceed 32 sq. feet (sale or rent)

# Light Industrial (I)

**Intent**

Light Industrial districts provide for a wide range of warehouse/distribution, light manufacturing, and limited retail and service uses that service the industrial uses that can be grouped together and set apart from the residential and business areas because of bulk, noise, odor, or the need for segregation of placement due to unusual circumstances related to the manufacturing or industrial processes.

**Permitted Uses**

Permitted, conditional, and accessory uses are outlined in the land use matrix in Appendix 1.

**Performance Standards**

*a. Physical Appearance*

All operations shall be carried on within an enclosed building, 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. New materials or equipment in operable condition may be stored in the open. Storage may be maintained outside the building and side yards or rear yards provided such storage area facing lower intensity zoning districts is separated by screening of not less than 6 feet in height.

*b. Additional Screening*

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.

**Dimensional Standards**

The dimensional standards for principal structures within the "I" Light Industrial district are outlined in the table below.

*Table 9: Dimensional Standards: Light Industrial*

Dimension	Standards
Lot size (min. feet)	-
Density	-
Frontage (min- feet)	-
Min. lot width	-
Max lot width	-
Depth	-
Height (building, max feet)	-
Stories	-
Min front setback	35'

Max front setback	-
Min side setback	10'
Min rear setback	20'
Maximum lot coverage	
Signs	35' in height; free standing sign no more than 90 sq. feet surface area, on facade no more than 10% of facade surface area, temporary non illuminated not to exceed 16 sq. feet (for example, 'sale' or 'rent')

# SUPPLEMENTAL USE PROVISIONS

## PURPOSE

The Supplemental Provisions set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in the Zoning Districts chapter of this Zoning Ordinance. The regulations contained in this Article pertain both to uses allowed by right within various zoning districts and to uses that require approval as conditional Uses by the village board. Nothing contained in this section shall limit the right of the village board to impose additional conditions on developments seeking conditional approval.

**Compliance Required;** No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining properties. Any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are used to reduce dangerous and objectionable conditions to acceptable limits as established by the Village Board of Big Springs.

## DRAINAGE

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

## LOT REQUIREMENTS

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

More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if approved by the Village Board:

- A. Institutional buildings
- B. Public/semi-public buildings
- C. Multiple-family dwellings
- D. Commercial/industrial buildings
- E. Home for the aged
- F. Agricultural buildings

### **Reductions in Lot Area Prohibited**

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this

Zoning Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

### **Exceptions 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.

### **Through Lots**

Through Lots shall follow the following criteria in all districts except for AG (Agricultural) and RR (Rural Residential):

Where a through lot abuts a major thoroughfare and access is made from the other frontage street and access along said thoroughfare is restricted, the rear yard setback for fences and screening devices shall be zero feet. The rear yard setback for accessory buildings shall follow the prescribed setback within the zoning district.

Where a through lot is part of a triple frontage lot and abuts a major thoroughfare, the rear yard shall meet the standards of the rear yard of the zoning district, while the other two frontages shall be treated as a corner lot with a front yard setback and a street side yard setback.

Where a through lot occurs, other than along a major thoroughfare, the following shall apply:

- A. Unless the prevailing front yard pattern on neighboring lots indicates otherwise, front yard setbacks as required by this ordinance shall be provided on all frontages.
- B. One (1) of the front yards that would normally be required on a through lot may be waived by the administrative official provided the non-conforming setback shall not exceed the average of the setbacks provided on adjacent lots.
- C. In the case of corner lots, a front yard of the required depth (primary front yard) shall be provided in accordance with the prevailing yard pattern and a second front yard (secondary front yard) of one-half the depth required generally for front yards in the district shall be provided on the other frontage, unless otherwise provided in the district regulations.

### **Visibility at Intersections**

On a corner lot in all districts, a sight triangle shall be provided such that nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (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 fifty (50) feet from the point of the intersection and nothing shall be erected, placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting street and alley between the lot line and curb line.

# BUILDINGS AND STRUCTURES

## STRUCTURE TO HAVE ACCESS

Every building hereafter erected or moved with the exception of non-residential agricultural related structures in an agricultural district, shall be on a lot adjacent to a public or approved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

## TEMPORARY STRUCTURES

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts.

## ACCESSORY BUILDINGS

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 on 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 gasses, 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.

Any accessory buildings in R and R-T shall have a minimum side yard setback of 5 feet on interior lots and ½ distance of the front yard setback on corner lots provided it is located between the rear property line and the rear building line of the principal building

Any accessory buildings in R and R-T shall have a minimum rear yard setback of 5 feet or 15 feet from any other building on adjacent properties.

Prohibited accessory building conditions:

- No accessory buildings shall be permitted on lots without an occupied principal building. An accessory building may be constructed where two or more contiguous lots are under single ownership with a principle building present provided such lots are re-platted to one single lot.
- No residential accessory building shall be placed or constructed in any required front yard.
- No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- No accessory building shall be located within any easement or right of way along the rear property line.
- No residential accessory building shall occupy more than 40% of the required rear or side yard.
- No accessory building shall be located closer than six feet to any other building.
- No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
- No residential accessory building shall exceed the total square feet in gross floor area as the principal structure.

Garages and outbuildings in residential districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction.



All accessory buildings and accessory dwellings require a building permit from the Village. A site map proving that the structure is within the setbacks and is going to be permanently anchored must be provided when applying for the permit.

#### SETBACK AND DIMENSION ALTERNATIVES AND EXCEPTIONS

1. 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.

2. Where 40 percent or more of the frontage on one side of a street is developed with buildings that have a front yard less than the required, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots. Structures shall not be erected closer to the street than the nearest building on the block.

#### **Architectural projections**

Architectural projections may be allowed to extend up to five (5) feet into any required front or rear yard setback. Such architectural projections including roofs shall not extend into any side yard setback requirements.

Any porches or carports totally or partially enclosed with screen windows or permanent construction shall be considered a part of the principal structure and meet all setback requirements of the principal structure.

#### **Exceptions**

An **unenclosed landing, patio, porch or deck** not more than three (3) feet off the adjoining ground may project into a front or rear yard for a distance not to exceed eight (8) feet or a side yard not to exceed three (3) feet.

**Fire Escapes** may extend into a required side or rear yard not more than six (6) feet.

**Handicap ramps** shall not be required to meet front or side yard setbacks provided such building extension does not interfere with the general public's safe travel of village sidewalks or streets.

On through lots or double frontage lots of record the required front yard setback shall be provided on both streets for principal buildings.

Architectural features, such as cornices, canopies, eaves or similar architectural features may extend into a required yard not more than three (3) feet.

## USES

#### ACCESSORY DWELLING UNITS (ADUs)

ADUs are conditional uses as the Zoning Districts chapter. All ADUs require a building permit.

Only one ADU is permissible per lot.

All ADUs shall be installed upon a permanent foundation and with separate, permanent utility connections. Attached and internal ADU's must be on separate utility meters.

Site Development Regulations. All site development regulations shall be followed, unless specifically stated below.

- A. The Principal Dwelling Unit (PDU) and ADU combined shall comply with all lot coverage maximums.
- B. An existing structure, at the time of passage of this ordinance, whose height or setback(s) does not meet the ADU requirements may be converted into an ADU but the structure shall not be altered in any manner that would increase the degree of non-conformance.
- C. A detached ADU shall be setback a minimum of 20 feet behind the front facing facade of the PDU. Corner ADUs must have a front setback of 25 feet and side setback of 15 feet. All garage entrances must have a minimum 15 feet long drive when garage opening is perpendicular to the access alley or 20 feet when garage opening is perpendicular to the access street.
- D. A detached ADU may be located a minimum side setback of 7 feet on interior lots.
- E. No accessory dwelling unit shall be located closer than 7 feet from the rear property line.

#### Size

- A. The square footage of an internal ADU shall be no larger than the primary dwelling unit.
- B. The maximum square footage of an attached or detached ADU shall not exceed the total square feet in gross floor area as the principal structure or 750 square feet, whichever is less.
- C. The minimum size of an ADU shall conform to the minimum size required by the current and adopted building code.
- D. Detached and attached ADUs shall be limited to a maximum of one bedroom, internal ADUs shall be limited to a maximum of two bedrooms.

#### Entrances

- A. One ground level, street-facing entrance may be added to a PDU with an attached or internal ADU, if none currently exist. Any additional entrances on facade(s) facing public streets shall not face the street. Street-facing entrances are generally parallel to and easily visible from streets.
- B. Detached structures may have entrances facing public streets, if setback a minimum of 20 feet behind the front facing facade of the PDU. If existing at the time of passage of this ordinance entrances on detached garages may be converted to an ADU entrance, regardless of setback or orientation.
- C. No entrances shall be added to façade(s) facing the rear of the lot unless abutting an alley or meeting base zoning district primary structure setback requirements.
- D. Any other entrance(s) shall face the buildable area of the lot or meet the base zoning district setback requirements.

#### Parking

The combined ADU and PDU must provide a minimum 2 off street parking spaces.

#### Design Regulations.

- A. The primary exterior materials and finishes of an ADU must generally match or exceed the quality or grade of the PDU.

- B. Exterior stairways that are not enclosed and span a full storey, leading to an ADU entrance shall not be allowed on structure front facades facing public streets.
- C. The lot serving the ADU and PDU shall only have one driveway per street frontage.

Occupancy.

The total combined number of dwelling units of the ADU and the PDU shall not exceed 2 dwelling units.

Ownership.

- A. The owner of the lot on which an ADU use is maintained shall occupy either the PDU or the ADU as the owner's legal and permanent residence. For purposes of this provision, "the owner's legal and permanent residence" shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. Leasing of the owner's unit, under any terms, is prohibited.
- B. The property shall be subject to a deed restriction stating that the accessory dwelling unit shall not be sold separate from the main building.

#### HOME OCCUPATIONS

It shall be the purpose of this section to provide homeowners and residential renters with the opportunity to conduct a small-scale commercial use within a home or accessory building while protecting residential areas from adverse impacts associated with a commercial use, and to achieve and maintain an attractive and efficiently functioning community. A home occupation shall conform to the following standards:

1. The use of a home occupation is clearly incidental and subordinate to the principal use of the residential building.
2. Home occupations shall not occupy more than forty-nine (49) percent of the total floor area of the main building; or, if located in an accessory building, shall not occupy more than forty-nine (49) percent of the total building area.
3. Only members of the immediate family residing on premise shall be engaged in the home occupation.
4. There shall not be any alterations of the exterior of any building which changes its character of the building.
5. The home occupation shall use existing entrances and exits.
6. There shall be only one non-illuminated wall sign with a surface area not to exceed six (6) square feet.
7. On street parking shall be limited to the property boundaries.
8. No outdoor storage of any equipment, machinery, parts, goods, materials or any other articles used in connection with the home occupation is allowed.
9. The home occupation shall not adversely affect the residential character of the dwelling or neighborhood by the emission of smoke, noise, odor, water, dust, gasses, refuse, heat, light, vibration, excess traffic or electrical interference. The home occupation shall not constitute a fire hazard or a nuisance to neighboring properties.
10. The home occupation shall not involve the parking or storage of tractor trailers, semi-trucks or heavy equipment such as construction equipment used in a business.

Particular Home Occupations permitted: customary home occupations include, but are not limited to, the following list of occupations:

1. Dressmakers, seamstresses, tailors.
2. Music teachers
3. Dance and drama instructors, provided that instruction shall be limited to not more than ten (10) pupils at a time.
4. Artists, sculptors, authors, and composers.
5. Offices for architects, engineers, lawyers, realtors, insurance agents, brokers, and members of similar professions.
6. Ministers, rabbis, and priests.
7. Offices for salespersons, sales representatives, manufacturer's representatives.
8. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or vocation.
9. Day nurseries or babysitters caring for eight (8) or fewer unrelated children.
10. Barbershops and beauty parlors.
11. Services such as small appliance, radio, and T.V. repair.

Particular Home Occupations prohibited: permitted home occupations shall not, under any circumstances, include:

1. Funeral homes.
2. Adult Entertainment.
3. Restaurants.
4. Grocery stores.
5. Stables, animal kennels, or hospitals.
6. Hotels or short-term tourist rentals, unless specifically permitted in the district.
7. Renting of trailers or equipment.
8. Auto and other vehicle repair.

#### MANUFACTURED HOMES

All individual manufactured homes located within the 'R' or 'R-T' zoning districts the Village of Big Springs shall meet these standards:

1. The home shall have no less than 700 square feet of floor area.
2. The home shall have no less than an 18-foot exterior width.
3. The roof shall be pitched with a minimum vertical rise of 2.5 inches for each 12 inches of horizontal run.
4. The exterior material shall be of a color, material and scale comparable with existing residential site-built, single-family construction.
5. The home shall have a non-reflective roof material which is or simulated asphalt or wood shingles, tile or rock.
6. The home shall have wheels, axles, transporting lights and removable towing apparatus removed.
7. Nothing in this Article shall be deemed to supersede any valid restrictive covenants of record.
8. The home must meet building codes adopted by the Village of Big Springs.

#### COMMERCIAL SELF-SERVICE STORAGE FACILITIES

1. All commercial self-service storage operations and activities shall be conducted within a building or buildings.
2. When abutting a residential zoning district a solid fence or wall of at least six feet in height shall be installed at the time of construction.
3. No commercial self-service storage building shall be used for residential purposes, the storage of hazardous material, or agricultural products.

#### CARGO CONTAINERS

1. No cargo containers shall be permitted on any real property located within the corporate limits of the Village.
2. Real estate located outside of the Village corporate limits but within the Village extraterritorial zoning jurisdiction may obtain a building permit from the Village for up to two (2) cargo containers per property.

#### COMMUNICATION TOWERS

Radio, cellular, and television towers shall be permitted in commercial, industrial and agricultural districts provided such towers have a 1.1 X height of the tower for minimum setbacks from the property lines and subject to all applicable FAA regulations. Radio towers for use by government services shall not be required to meet the 1.1 X height setback. Such uses shall apply for a conditional use with setbacks being recommended by the Big Springs Planning Commission and established by the Village Council of Big Springs.

The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located

#### **Residential Separation**

Towers exceeding 100 feet in height must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.

Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.

#### **Abandonment**

If any tower shall cease to be used for a period of one year, the Building Inspector shall notify the tower owner that the site will be subject to determination of abandonment. Upon issuance of written notice to show cause by the Building Inspector, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Building Inspector shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Building Inspector, or his/her designee and a written

request shall be directed to the Village Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and Village of Big Springs codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

#### KEEPING OF LIVESTOCK

Livestock are allowed to be kept as a use within the AG and RR districts.

The keeping of livestock is not permitted in any other district, except that which is allowed per municipal code and the keeping of household pets shall be permitted as an accessory use in all zoning districts, subject to the regulations for Kennels.

**Minimum Requirements:** The following regulations serve as a minimum requirement for the consideration of a conditional use permit for the keeping of Livestock in any zoning district in the Village of Big Springs

#### **Minimum Lot Size:**

- A. Land designated as acreage for each Animal Unit shall be used exclusively for the animal(s) of the domestic livestock as proposed.
- B. Minimum lot size for the zone in which the use is located must be met.
- C. Minimum of one (1) acre of land, exclusive of buildings and impervious surfaces must be provided for the first two animal units which are housed or pastured on the lot.
- D. One (1) additional acre of land shall be provided for each additional animal unit, beyond the two (2) permitted on the first acre, which is to be housed or pastured on the lot.

#### **Setback Requirements**

- A. All buildings and structures housing animals and any building or structures used to store feed other materials used for the domestic livestock use shall be located at a minimum of thirty-five (35) feet from all property lines, or the setback required by the zoning district in which the use is located, whichever is greater.
- B. A minimum setback of one-hundred (100) feet shall be provided between any area or structure used for the storage of animal wastes and all property lines, and existing street rights-of-way.

#### **Fencing Requirements**

All animals shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered, or bridled under the direct control of the owner or an authorized agent of the owner of the animals.

**Nuisance Effect:** the presence of domestic livestock shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, or any other definition as stated in the Village Code.

**Conversion:** Conversion of a domestic livestock use to a more intense, commercial livestock operation shall not be permitted. No conversion of a domestic livestock use to any other principal or accessory use shall be permitted unless such use complies with all ordinance and permitting requirements in full force and effect at the time such conversion is applied for.

**Compliance with Other Regulations:** the proposed use shall comply with all applicable State, Federal, and Local regulations including, but not limited to, nutrient management, building

codes, erosion and sedimentation control, and stormwater management, as well as standards for signs, lighting, and parking access.

#### SALVAGE OR JUNK YARD

In making any decision granting a conditional 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.

Salvage or Junk Yard operations and related facilities shall only be allowed by conditional permit in the 'AG' and 'I' Zoning Districts under the following conditions:

- Located on a tract of land at least one-fourth (1/4) of a mile from a residential or agricultural farm residence.
- 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 ensure maximum safety to the public and preserve the general welfare of a 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.
- 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.
- Any other requirement deemed appropriate and necessary by the Village Board for the protection of the general health and welfare.

#### LANDFILLS AND SANITARY LANDFILLS

In making any decision granting a conditional 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.

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

- A. Located on a tract of land at least 300 feet from a residential or agricultural farm residence.
- B. 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 and color shall be maintained by the proprietor to ensure 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.
- C. 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.
- D. Any other requirement deemed appropriate and necessary by the Village Board for the protection of the general health and welfare.

Conditional use permits granted under this section shall be subject to annual review and renewal by the Village Board.

## ALTERNATIVE ENERGY SYSTEMS

### Wind Energy Systems

Non-Commercial Wind Energy Systems (WES) shall be conditional uses in all districts, and be installed with the purpose to provide for full or partial onsite consumption of utility supplied electricity.

1. Setbacks: Non Commercial WES shall be free standing and located in the rear yard of all residential districts, further, all towers in any zoning district shall be set back from rear and side yard property lines 1.1 times the height measured from ground to the top of the arc of the wind tower blade. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
2. Tower Height: Shall be measured from ground to the top of the wind tower blade at it's highest point. The maximum tower height shall not exceed 60 feet in residential districts, 45 feet in the central business district, 80 feet in highway commercial and interstate commercial districts and 100 feet industrial districts, unless a greater restriction is imposed by FAA regulations.
3. Turbine blades, whether horizontal or vertical, shall be a minimum of 15 feet above the adjacent grade.
4. Non Commercial WES shall not exceed 50 dba, as measured at the closest neighboring inhabited residence. Temporary exceptions may include severe wind storms or power outages requiring higher demand.
5. Compliance:
  - i. Construction of all WES shall require a building permit.
  - ii. The permit application will include an engineered drawing showing compliance with nationally recognized building codes. The permit shall include standard to scale drawings of the tower structure, turbine structure, footings, guy wire anchors and a professional engineers stamp.
6. Any climbing devices shall be removed below 12 feet to prevent unauthorized climbing.
7. The wind generator system shall not have any illumination unless required by FAA regulations or guidelines.
8. Meteorological Towers shall only be located within the Agricultural and Industrial districts and shall be considered a Conditional Use. Meteorological Towers whether permanent or temporary exceeding 200 feet shall comply with all applicable FAA regulations. Meteorological Towers less than 200 feet shall have the guy wires clearly marked with devices common to overhead transmission lines. Meteorological Towers shall obtain a building permit prior to construction.

Commercial Wind Energy Systems (CWES) are prohibited in all districts except the Agricultural district where they shall be considered a Conditional Use.

1. Wind towers as part of a commercial wind energy system are permitted in the Agricultural district provided they conform to the 1.1X tower height setback measured from ground to the top of the tallest extension of the tower and power generating blade.
2. All commercial and non commercial wind energy systems shall be subject to, where applicable, all applicable FAA regulations.
3. If any wind tower shall cease to generate electricity for a period of one year, the Building Inspector shall notify the tower owner that the site will be subject to determination of abandonment. Upon issuance of written notice to show cause by the Building Inspector, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the



relevant period, the Building Inspector shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower for residential and small scale systems, and 180 days for commercial systems. Removal shall include turbines, buildings, towers, cabling, electrical components, and any related buildings. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Building Inspector, or his/her designee and a written request shall be directed to the Village Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and Village of Big Springs codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

### Solar Energy Systems

Except in the AG, Agricultural District, 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:

- A. 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.
- B. 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.
- C. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties, businesses, residential homes or road- ways.
- D. 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.
- E. Ground mounted solar energy systems shall be located behind the rear lot 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.
- F. 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.
- G. When installed as an accessory use on a lot with a principal use or structure, solar 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.

# PLANNED DEVELOPMENT TYPES

## MOBILE HOMES

### Siting and time restrictions

No lot in any district outside an approved mobile home park shall have a mobile home parked and occupied upon it for more than forty-eight (48) hours, except upon a special permit issued by the Zoning Administrator. Such permit shall be issued for a period not to exceed thirty (30) days and shall not be renewable within the same calendar year. A long-term permit may be issued for parking and occupying a mobile home on land owned by the owner of said mobile home during:

1. The construction of a house thereon;
2. The repair or reconstruction of any residence thereon as a result of damages suffered by explosion, fire, wind or other natural disasters or man made disasters
3. A period of illness or physical disability necessitating special facilities for care of the occupant
4. For the purposes of providing security for the property on a temporary basis
5. For any cause created by conditions pertaining to the police, health or welfare of the community generally.

Such permit shall be issued for a period not exceeding one hundred eighty (180) days, and which shall be renewable for an additional period not exceeding one hundred eighty (180) days. However, if said condition shall not occur within forty-five (45) days from the issuance of the permit or if material progress in house construction is not made within forty-five (45) days from the issuance of a permit, or if said condition ceases or construction work on the property ceases for a consecutive period of forty five (45) day, said permit shall terminate and become void. If the mobile / manufactured home is being parked on the site waiting to be placed on and connected to a permanent foundation, the mobile homeowner does not originally need a permit. After thirty (30) days, if the mobile / manufactured home has not been placed on and connected to a permanent foundation, a permit must be acquired in accordance with this section.

### Mobile Home Parks

Mobile Home Parks shall only be allowed as a conditional use in the R (General Residential) District under the following conditions.

### Lot requirements and dimensions

- Minimum site area for a mobile home park shall be two (2) acres and shall not be less than 300 feet in width.
- A minimum of 10% of the total mobile home park area shall be dedicated for definable play areas and open space. Required setbacks are not to be used for this purpose.
- Mobile homes shall be **situated** on individual lots within the mobile home park
- Individual mobile home lots shall have an area of not less than 5,000 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.
- There shall be a minimum of 15 feet between mobile homes and each mobile home shall be set back at least 15 feet from the nearest service road. 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 the area required for access or service roads, service buildings, recreation areas, office, and other similar mobile home park needs.

Minimum site area: 2 acres (87,120 sq. ft.)

Lot size (within Mobile Home Park):

Single Wide: 5000 sq. ft.

Double Wide: 6000 sq. ft.

Density (max): 6 units per acre. (Minimum site could have maximum of 12 units)

Max height: 35'

Min front setback from road: 15'

Max front setback from road: 25'

Min distance between units: 15'

### Structures

- A. The **minimum mobile home square footage** shall be 700 feet, not including accessory buildings, decks or non-livable accessories.
- B. 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.
- C. The mobile home or trailer stand shall be provided with **anchors and the tie downs** such as cast-in-place concrete "dead men," eyelets embedded 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.
- D. 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.
- E. **Accessory structures**, no larger than 300 square feet shall be permitted. Accessory structures, including decks and carports, shall meet the same setback requirements as the mobile home. Building permits are required for accessory structures.
- F. 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 blocking 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.

### Access and Parking

The mobile home park shall have **direct access to a public street or highway** with sufficient right of way 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 all-weather material to allow adequate surface drainage to the storm drainage system.

**Walkways** shall be hard surfaced and not less than 4 feet wide and shall be provided from mobile home spaces to the service buildings.

All streets and walkways within the park shall be lighted at night similar to the village system.

**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.

**Utilities:** All **internal utilities** shall be underground.

All **sewers** shall be connected to the municipal sanitary sewer system. Individual septic systems within corporate limits will not be allowed. Special exceptions may exist in areas within the extraterritorial area.

### **Storage and RVs**

- A. Enclosed storage units, when provided, shall be located either adjacent to the mobile home in the mobile home park or a designated area approved at the time of development. Storage of campers, boats, RV's or like uses is not permitted within the mobile home park.
- B. Placement of RV's or travel trailers is not permitted as a residential use within the mobile home park. Such uses are limited to RV parks.

### **Placement, Permits and Codes:**

- A. It is unlawful for any person to construct, alter or extend any mobile home park or structures within a park without a building permit issued by the Village Clerk.
- B. A \$25,000 Performance Bond covering the construction costs of the development shall be posted in favor of the Village of Big Springs for a two-year period. Such bond shall be returned upon the completion of the mobile home park or at the end of the two-year period, whichever comes first.
- C. Mobile Homes shall comply with standards specified in the Definitions section of this Ordinance.
- D. Mobile Home Parks shall pay a yearly licensing fee as established by the Village of Big Springs
- E. Mobile homes locating the mobile home park shall purchase a Building Permit prior to placement from the Village Clerk

### **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:

- A. 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.
- B. Each 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.

- C. 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 Subdivision Regulations.
- D. At the time of an application for a conditional 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.

#### TINY HOMES AND TINY HOME COMMUNITIES

It is the intent of this section to allow housing meeting certain qualifications to be located upon lots that are developed as part of a planned tiny home community. Such accommodation provides wider housing stock choices for citizens. Tiny homes must be located in a planned tiny home community, no less than one (1) acre in size, approved by the Village via the planned development process. Tiny home communities are permitted in the Residential Districts. All tiny homes must meet all of the following requirements:

1. Be complete dwelling units containing a kitchen, sanitary and sleeping facilities within the unit, for the exclusive use of a single-family maintaining a household.
2. Be permanently attached to a village-approved foundation.
3. Comply with the height and yard requirements of the base district.
4. Maximum lot coverage of 40%, (425 sq. ft. min individual lot size.)
5. Comply with the village-adopted building code.
6. Minimum structure size:
  - A. 170 sq. ft. for one occupant
  - B. 100 ft. for each additional occupant
  - C. 8.5 foot width
7. Min. Density: 12 units/acre (requires density)

#### OFF-STREET PARKING

Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established in all districts except the (C-1) Central Business District; or, provided that no parking space can be reasonably provided on the same lot, such space shall be provided with vehicular access to a street or alley; such use shall be equal in number to at least the minimum requirements for the specific use set forth herein.

- A. Commercial uses in the C-1 Central Business District area are permitted to use excess stalls from adjacent businesses.
- B. There shall be no parking in a residential front yard except in an all-weather driveway. There may be off street parking located in the front yard of non-residential zones. Off street parking is permissible in all other yards. Garages and driveways may be considered as off-street parking spaces

- C. When a building or development contains mixed uses the off-street parking requirements shall be calculated for each use.
- D. Parking areas for residential uses shall be adjacent to the principal use. Parking areas for commercial and industrial uses shall be within 300 feet of the principal building. There shall be no parking area within any street right of way except with specific Village Board approval. Parking spaces in commercial or industrial districts shall not be located within the required landscape or screening areas.
- E. Off Street parking areas shall not be used for the storage of goods, inventory or by products.
- F. Each off-street parking space shall be no less than 8.5 feet in width and no less than 20 feet in length, except parallel parking spaces shall be 23 feet in length. In the case of handicap accessibility the parking space shall meet the standards of the American Disabilities Act and shall be located no more than one stall away from the entrance to the use being served.
- G. 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 permit. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

'Table 10: Required Parking', provides general minimum requirements for rates of all similar uses. Where the classification of the use is not determinable from the table, the Zoning Administrator shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, function and operation. The following criteria shall be used in interpreting the table:

1. A rate based on employees shall consider the maximum number of employees likely to be on-site at one time.
2. A rate based on square footage shall consider the service area open to the public or patrons, or leasable floor area. Where this number is not easily or readily determined, 85 percent of gross floor area may be used.
3. A rate based on seating shall consider the total number of seats based on industry standards for typical layouts of buildings.
4. A rate based on capacity shall be the maximum permitted under public safety and building codes.
5. Where uses or sites have components of different uses (i.e., hotel with a restaurant), each component shall be calculated under the most applicable corresponding rate.

*Table 10: Required Parking*

<b>Use</b>	<b>Off Street Parking Requirements</b>
Auto Repair	5 per lift or mechanic pit
Bowling alley	2 per lane
Churches, auditoriums, places of assembly	1 per five seats
Clinics	5 per 1000 sf
Exercise Studio or Gym	1 per 3 persons occupancy
Funeral homes	1 per four seats

Hospitals & nursing homes	.5 per room + 1 per two employees
Motel/hotel	1 per room
Professional offices or similar	2.5 per 1000 sq. feet
Public Administration (Fed, State, County, Village, etc.)	2.5 per 1000 sq. feet
Residential- Accessory dwelling unit	1 per unit
Residential- Duplex	1.5 per unit
Residential- Multifamily	1.5 per unit
Residential- Single family detached	2 per unit
Restaurant, clubs, cafes	1 per 3 seats
Retail uses in highway commercial	1 per 350 sq. feet of floor area
School or higher ed instruction facility	1 per 1000 sf + 1 per classroom; OR 1 per three seats of any assembly area (whichever is greater)

**Off-street Parking, Parking for Individuals with Disabilities**

Each off-street parking facility shall provide the number of parking spaces set forth in the following table. Parking facilities for single-family, duplex, and mobile homes are exempt from the requirement. Spaces designated for the handicapped shall have a minimum width of twelve feet (12') and provide a barrier free route to an accessible building entrance. Such space shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.

Number of total stalls	Number of Required Accessible Spaces
5-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301+	2% of total stalls

### **Parking Credits to Reduce Required Parking**

The parking required by 'Table 10: Required Parking' may be reduced depending on context, and according to the following strategies:

1. **Downtown / Highway Commercial.** In the C-1 and C-2 districts, any use under 2,000 square feet is exempt from any on-site parking. All other uses in the C-1 and C-2 districts may reduce the required on-site parking by 40 percent, in addition to all other applicable credits and shared parking reductions.
2. **On-Street Parking Credit.** All on-street parking within 600 feet of any lot frontage shall count towards the parking requirement at a rate of one space for every three on-street spaces.
3. **Public Parking Credit.** Any site within 600 feet of a public parking area may reduce the required vehicle parking at a rate of one space for every two public parking spaces.
4. **Deferral of Parking Space Requirements-** A portion of the required parking may remain unimproved until it is necessary to adequately serve parking demand. The Planning Commission or Village Board, whichever is charged with granting final approval, shall determine that the initial occupancy of the premises will be adequately served by the lesser number of spaces and a site plan shall indicate the location, pattern and circulation to and from the deferred parking spaces. Any approved deferral shall specifically indicate what event will trigger the construction of the deferred parking. The area reserved for future parking shall be brought to finished grade and shall be landscaped, and it shall not be used for any permanent purpose or structure unless a revised site plan and parking plan is approved.

### STORAGE OR PARKING OF VEHICLES, BOATS, TRAILERS, OR CAMPERS

No lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the Village of Big Springs shall be used for any of the following:

The storage or keeping of motor vehicles, campers, and trailers not having a properly issued current registration and current motor vehicle license plate properly displayed; except for the following provisions:

1. The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned Agricultural (AG) or any Industrial (I) District and used in agricultural or industrial activity conducted on said premises.
2. The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the Big Springs zoning regulations.

### FENCES, WALLS, AND BUFFERS

Fence regulations shall not apply within AG and RR districts.

Fences, walls and hedges may be permitted in various districts as an accessory use with the following limitations:

1. No solid fence in a residential district shall exceed six feet in height.
2. No fence or wall along the sides or front edge of any front yard shall be over 3½ feet (42 inches) in height.
3. 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.

4. Within residential districts all fences may be constructed on or near, but not exceed, the property line.
5. Ornamental fences, walls, and hedges not more than three feet in height shall be permitted in the front yard of any residential district. Ornamental fences, walls and hedges higher than three feet shall be set back from the front property line three feet for each foot of height exceeding the initial three foot height.
6. No sharp or barbed wire or electrical agricultural fence shall be used except in the Agricultural district
7. 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 inadequate maintenance.
8. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
9. A solid or semi solid fence, wall or hedge may be considered to mitigate the visual and noise impacts of conditional uses. These types of visual and noise screenings may generally be 6-8 feet high depending on the district and use.
10. 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/her direction, may allow greater heights.

## SIGN REGULATIONS

All signs except official, public traffic, and street signs shall conform to the provisions of this Section and other Village Code Provisions. The following regulations shall apply to all signs hereinafter permitted in all zoning districts.

### General Regulations

1. Signs shall not be permitted within the public right of way or public easements.
2. Flashing or rotating signs resembling emergency vehicles shall not be permitted.
3. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
4. Upon notification by the Village Council that a sign is rotted, unsafe, or unsightly, the owner of the sign or the owner of the property where the sign is located shall remove or repair the sign. If the sign is not removed or repaired, the Village is authorized to remove the sign at the owner's expense after a ten day notice to the owner of the sign and like notice to the owner of the property and public hearing thereon.
5. The owner, lessee or manager of any ground sign and owner of the land on which the same is located shall keep grass, weeds and other growth cut and shall clean and remove debris from the lot on which such sign is located.
6. Political signs are allowed on private property with the consent of the owner of the property. Such signs must comply with visibility at intersections regulations and be removed within seven days following the election to which they apply.

Signs in Residential Districts shall conform to the following regulations:

- A. A nameplate sign identifying the owner or occupant of the unit provided such sign does not exceed six (6) square feet in surface area, such signs may be illuminated. Any signs

exceeding six (6) square feet or decorative in nature shall be considered a conditional use.

- B. A sign pertaining to the lease or sale of a building or property, provided such sign does not exceed six (6) square feet in surface area, such signs may not be illuminated.
- C. A temporary sign identifying engineering, architectural, contracting engaged in or used in the construction of a building, such signs may not be illuminated. These signs may not exceed four (4) square feet and shall be removed at occupancy.
- D. An identification sign not exceeding thirty-two (32) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, public buildings, such signs may be illuminated.
- E. Public street identification signs, traffic signs and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

Signs in Commercial Districts shall conform to the following requirements:

- A. Sign area and height shall conform to the dimensions specified in the respective commercial zoning district.
- B. Such signs may be illuminated.
- C. Where a sign is illuminated, the source of the light shall not be visible from a public right of way and such light shall be directed away from any adjoining residential areas.
- D. For corner lots the smallest or least frontage shall be used to determine sign size.
- E. No roof mounted sign shall project higher than six feet above the height of the building.
- F. Rotating or flashing signs are not permitted; this does not include informational LED signs.
- G. Painted wall signs and wall signs shall be governed by the requirements found in "A". Such wall signs shall be kept in good repair as determined by the Village Building Inspector.
- H. Artistic murals for non-commercial purposes may be exempted from size requirements if provisions are made for their maintenance.
- I. Pylon signs shall conform to the requirements of "A". The Village Clerk may require stamped and engineered drawings as part of a pylon sign building permit.
- J. Marquee, awning and canopy signs commonly found in the central business district shall not project over the street right of way, be less than seven feet from sidewalk to the bottom of said sign, and does not exceed an area of six (6) square feet.
- K. Portable signs are permitted and shall be located in front of the business to which they pertain such signs shall not be placed as to pose a hazard to users of the sidewalk. Portable signs shall be no larger than twelve square feet per side or panel.
- L. Temporary signs placed within windows to advertise a particular product or sale for a period not to exceed three (3) months and which do not flash or move shall be exempt from all of these regulations.

Signs in the Industrial Districts: Signs may be erected in the Industrial Districts subject to the following requirements:

- A. Advertising signs shall be limited to one per lot; such signs may be illuminated.
- B. The total surface area of all business signs shall not exceed three lineal feet of lot frontage, or twenty percent of the building frontage or three hundred square feet in area, whichever of these is less. Such signs may be illuminated.
- C. All requirements of Section 8B through 8L shall apply.

# ADMINISTRATION

## BIG SPRINGS PLANNING COMMISSION

The Village Board shall appoint a Planning Commission to oversee the administration of the Village Comprehensive Plan, Zoning Ordinance and other matters delegated to it by the Village Board.

### Duties of the Planning Commission

1. Engage in land use planning activities.
2. Prepare, adopt zoning ordinance and subdivision regulations.
3. Review and act on all requests for amendments to the zoning ordinance and Conditional Use Permits
4. Hold public hearings on the above. 5. Other matters as delegated by the Village Board.

### Zoning Map Amendment (Rezoning) Procedure

The procedure for taking action on an amendment to the zoning ordinance shall be as follows:

1. An amendment to this ordinance may be initiated by the Village Board, Planning Commission or property owner. An amendment may be for a change of property from one district to another, a change in district regulations, or a change to other portions of this ordinance All requests for amendment to the Zoning Ordinance test or map shall follow the procedure outlined below.
2. The Planning Commission shall cause to be published a notice of public hearing in the official newspaper at least ten (10) days prior to the date of the hearing. When the petition involves changes in zone boundaries affecting an area of five (5) acres or less, a similar notice shall be mailed at least then (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within 150 feet of the property to which the amendment relates.
3. For the purpose of giving mailed notice, the Village Clerk shall use the records of the village public utilities and the County Recorder to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Village Clerk and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt was made to comply.
4. The Planning Commission shall hold a public hearing on the amendment within thirty (30) days of its filing. The planning Commission shall consider the effect of the amendment on the Comprehensive plan and on existing and planned land uses in the neighborhood of the amendment and throughout the village. Within ten (10) days of the public hearing, the Planning Commission shall make a recommendation to the Village Board.
5. The Village Board shall vote on the amendment within sixty (60) days of filing. Notice of the action shall be made to the applicant.

6. No petition of a property owner for an amendment to this ordinance shall be considered by the village within the one-year period immediately following a previous denial of such request, except the village may consider a new petition if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

### Conditional Use Procedures

The procedure for taking action on a conditional use application shall be as follows:

1. An application for a conditional use permit shall be filed with the Village Board.
2. The application shall be accompanied by a site plan of the proposed use showing such information as may be deemed necessary by the Village Clerk which may include, but is not limited to the following:
  - A. Scale drawing of the parcel showing dimensions:
  - B. Location of all existing and proposed buildings and their square footages;
  - C. Curb cuts, driveways, access roads, parking spaces and off-street loading areas;
  - D. Existing topography
  - E. Finished grading and drainage plan.
  - F. Sanitary sewer and water plan with estimated use per day.
  - G. Soil limitations for the intended use,
  - H. A map showing all principal land use within 150 feet of the parcel which application is being made.
3. The application and related file shall be referred to the Planning Commission for study concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood.
4. The Planning Commission shall cause to be published a notice of public hearing in the official newspaper at least ten (10) days prior to the date of hearing. A similar notice shall be mailed at least ten (10) days prior to the date of the public hearing to each owner of property situated wholly or partly within 150 feet of the property requesting the Conditional Use Permit. For purposes of giving mailed notice, the Village Clerk shall use the records of village public utilities and the County Assessor's Office to determine the names and addresses of property owners. A copy of the notice and a list of owners and addresses to which the notice was sent shall be attested to by the Village Clerk and shall be made part of the records of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt was made to comply..
5. The Planning Commission shall transmit its findings and recommendations to the Village Board with ten (10) days of the hearing
6. The Planning Commission shall recommend no conditional use unless the Commission makes a positive finding on each of the following:

- a. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
  - b. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
  - c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
  - d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
  - e. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring property will result
7. Within sixty (60) days of filing, the Village Board shall consider the advice and recommendation of the Planning Commission and shall make a determination on the Conditional Use Permit Should the Village Board find that the proposed use when conducted under the specified conditions will not be detrimental to the health, safety and general welfare, they may grant a Conditional Use Permit specifying the conditions for location and use requested.
  8. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith
  9. A use permitted by a Conditional Use Permit shall be established within one year of the permit issuance. If the use is not established within a year, the Conditional Use Permit shall be void.
  10. Once the use is established, a Conditional Use Permit shall remain in effect as long as the conditions agreed upon are observed, but nothing shall prevent the village from enacting or amending this ordinance to change the status of conditional uses.
  11. A certified copy of any Conditional Use Permit shall be filed with the Duel County Recorder. The Conditional Use Permit shall include the legal description of the property included.

## BOARD OF ZONING APPEALS

A three person Board of Adjustment and Appeals is hereby created. Members of the Board of Adjustment and Appeals shall be appointed by the Village Council and shall consist of two members of the Big Springs Village Planning Commission and one member of the Village Board.

### Duties of Board of Zoning Appeals

The Board of Adjustment and Appeals has the following powers and duties with respect to the Zoning Ordinance.

1. To hear and decide appeals where it is alleged that there is an error in any order of requirement, decision or determination made by an administrative officer in the enforcement of the zoning ordinance.
2. To hear requests for variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances when it is demonstrated that such actions will be in keeping with the spirit and manner of this ordinance

#### Variance and Appeals Procedure

The procedure for taking action on a variance or an appeal shall be as follows:

1. An application for a variance or an appeal of a requirement, decision or determination of an administrative officer shall be filed with the Village Clerk stating the particular difficulties claimed and remedy sought.
2. The request shall be referred to the Board of Adjustment and Appeals for consideration
3. The Village Clerk shall: 1) refer the matter to the Board of Adjustment and Appeals for review and comment; and 2) cause to be published in the official newspaper, a notice of the public hearing at least ten (10) days prior to the date of the hearing.
4. The Board of Adjustment and Appeals shall review and comment upon the request within thirty (30) days of the filing of the request.
5. The Board of Adjustment and Appeals shall, within sixty (60) days of filing, hold a public hearing in accordance with this Ordinance, make its order deciding the matter and serves copy of the order to the applicant by registered mail.
6. A decision of the Board of Adjustment and Appeals is final, subject only to judicial review in the district court.
7. The Board of Adjustment and Appeals shall provide for a record of its proceedings which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.
8. A certified copy of a variance granted, including the legal description of the property involved shall be filed with the County Recorder.

Circumstances for granting a variance:

1. The property in question cannot be put to a reasonable use if used under conditions allowed by the zoning and subdivision ordinances
2. The plight of the landowner is due to circumstances unique to his property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance
5. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties
6. A variance may not be granted for any use that is not permitted under this ordinance for the zone in which the property is located

7. Undue hardship, as used in connection with the granting of a variance includes direct sunlight for solar energy systems.

## ZONING ADMINISTRATION

The Village Board a "Zoning Administrator for the purpose of implementing this Ordinance.

1. Issue occupancy and building permits, and make and maintain records thereof.
2. Conduct inspections of buildings and use of land to determine compliance with terms of this ordinance
3. Maintain permanent and current records of the ordinance, including but not limited to all maps, amendments and conditional uses, variances, appeals and application therefore.
4. Institute in the name of the village, any appropriate actions or proceedings against violator as provided for in this ordinance.

## IMPLEMENTATION

### BUILDING PERMIT

No building or other structure shall be erected, moved, or structurally altered without a building permit first having been issued by the Zoning Administrator. Permits are not required for the construction of agricultural buildings, non-structural maintenance, or non-structural damage by storms. Fences, walls, accessory buildings, including car ports, are required to have a building permit. No building permit shall be issued unless the proposed construction or use is in conformance with all the provisions of this Ordinance and will all other applicable codes, regulations and laws of the Village of Big Springs.

#### Application for a Building Permit

All applications for a building permit shall be accompanied by a plot plan showing the location, lot dimensions, setbacks, parking areas, buffers and other pertinent information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.

#### Approval or Disapproval of a Building Permit

The Zoning Administrator shall examine all applications for building permits, including plans, specifications, and documents filed with the permit application. The Zoning Administrator shall either approve or disapprove such application with thirty (30) days of the application. Upon approval and receipt of the required fees, the Zoning Administrator shall issue the building permit and affix a signature to the permit. If the application is disapproved, the application shall be returned with the reasons for denial stated on the application.

#### Appeal

An appeal may be made of either the approval or disapproval of a building permit. The appeal shall be made within ten days following approval or disapproval to the Board of Adjustment and Appeals of the Village of Big Springs. The Board of Adjustment and Appeals in review of the appeal shall hold a public hearing after due notice has been published in the official newspaper ten days prior to the hearing. At the hearing Board of Adjustment and Appeals shall take testimony from the applicant, Zoning Administrator and interested parties. Village Board shall render a decision within ten days of the hearing

## FEES

Village Board shall set such fees for building permits, Conditional Use, Zoning Amendment, Variance, Demotion and Mobile Home Placement



# APPENDIX 1: USE MATRIX by CATEGORY OF USE

	A= Accessory, C = Conditional, P= Permitted								
Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
<b>Agriculture, mining, hunting</b>									
Agricultural Farmers markets	P	P	P			P	P	P	P
Animal hospitals	P					C	P	P	P
Animal production including slaughter	C								
Apiary and other related structures	P	P	A					P	
Aquarium						P	P	P	
Commercial greenhouses/nurseries	P	C	A					P	P
Crop production	P	P	P	A	A				
Domestic Livestock	P	P	P						
Fishing, hunting, and trapping, including game preserves and retreats	P	P							
Forestry and logging	P	P							
Hatcheries and poultry houses	P								
Irrigation facilities	P	P	P					P	P
Kennels and other canine-related facilities	P		A						P
Livestock confinement Fac/Operations	C								
Livestock grazing operations	P	P							
Livestock pens or hog houses	C								
Nonmetallic mining									
Oil and natural gas									
Quarrying and stone cutting									
Slaughterhouse	C								C
Stables and other equine-related facilities	P	C	P						
Tank farms	C								C

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
<b>Commercial- Sales, retail, office, services</b>									
Adult Entertainment establishment-live /adult-oriented entertainment/adult retail								C	
Bakeries						P	P	P	P
Barbershops, beauty parlors, shoe shine shops						P	P	P	
Beer, wine, and liquor store (off-premises consumption of alcohol)						P	P	P	
Bicycle, motorcycle, all-terrain vehicle dealers						P	P	P	
Boat or marine craft dealer						C	P	P	P
Building material sales, except for redi-mix concrete plants and similar uses which emit particulate, odor, and smoke							P	P	P
Car dealer							P	P	P
Car washes							P	P	P
Commercial center						P	P	P	P
Communication and utility buildings and uses							P	P	P
Communication towers	C	C	C			C	C	C	C
Community food services						P	P	P	
Construction-related businesses						P	P	P	P
Contractors and carpenters' offices and shops, cabinet, plumbing, electrical, HVAC, or sheet metal shops						C	P	P	P
Convenience store						P	P	P	P
Cremation facilities	C								P
Department store building						P	P	P	
Dry cleaning/laundry establishments						P	P	P	P

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Facilities for the comm storage/sale of fertilizer/toxic/flammable ag chemicals								C	C
Farm implement sales and service							C	P	P
Gas Station						C	P	P	P
Grocery retail						P	P	P	
Lumberyard and building materials						C	P	P	P
Market shops, including open markets						P	P	P	
Motor vehicle sales and service establishments							C	P	P
Newspaper publishing plants									P
Office building or bank (with drive-thru)						P	P	P	P
Office building over storefronts						P	P	P	P
Office or bank building, stand-alone (without drive-thru)						P	P	P	P
Office or store building with residence on top						P	P		
Outdoor resale business							P	P	P
Parts, accessories, or tires						P	P	P	
Pawnshops						P	P	P	P
Photography studios	P					P	P	P	P
Post offices						P	P	P	P
Racetrack	C	C						C	C
Radio, television, or wireless transmitter	C	C	C	C	P	C	C	P	C
Recycling business						C	C	C	C
Research and development services (scientific, med. and tech)						P	P	P	P
Roadside stand, pushcarts, etc.	P	P	A	P		P	P	P	P
Rooftop parking facility						A			P
Sales and showrooms including service facilities and rental of equipment						P	P	P	P

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Septic tank and related services	C	C	C						C
Services to buildings and dwellings (Pest control, janitorial, landscaping, carpet/upholstery, cleaning, parking, and crating)						P	P	P	P
Shop or store building with drive-thru facility						C	P	P	P
Shopping center						P	P	P	
Stand-alone store or shop building						P	P	P	P
Support functions for ag and forestry to include machinery sales and services							P	P	P
Support functions for agriculture and forestry	P	C					P	P	P
Surface parking, covered						A	C	P	P
Surface parking, open	A	A				A	C	P	P
Tattoo parlors						P	P	P	P
Kiosks	P		P		P	P	P	P	P
<b>Commercial- Public Gathering</b>									
Amusement or theme park							P	P	
Amusement, sports, or recreation establishment (not specifically enumerated)						P	P	P	
Arcade						P	P	P	
Bars, taverns, night clubs						P	P	P	
Bowling, billiards, pool, etc.						P	P	P	
Drive-in theaters	C	C					C	P	
Exhibition, convention, or conference structure						P	P	P	P
Exhibitions and art galleries				A	A	P	P	P	P

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Fitness, recreational sports, gym, or athletic club						P	P	P	P
Indoor games facility						P	P	P	
Minigolf	C					C	P	P	
Movie theater						P	P	P	
Performance theater						P	P	P	
Planetarium						P	P	P	
Restaurant with incidental consumption of alcohol						P	P	P	P
Restaurant with NO consumption of alcohol						P	P	P	P
Skating rinks						P	P	P	
Sports stadium or arena	C					P		C	P
Zoological parks						C	P	P	
Bed and breakfast inn	C		C	C	C	P	P	P	
Hotel, motel, or tourist court						P	P	P	
<b>Industrial, manufacturing, warehousing</b>									
Assembly and construction-type plants								P	P
Automotive wrecking and graveyards, salvage yards, and junkyards	C								C
Demolition business									C
Gas or electric power generation facility	C					C		P	C
Grain silos and other storage structure for grains and agricultural products	P	P	P					P	P
Hazardous waste collection									C

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Hazardous waste storage facility									
Hazardous waste treatment and disposal									C
High-rise mini warehouse									P
Incinerator, composting, or similar facility	C								C
Industrial parks									P
Laboratory or specialized industrial facility						P	P	P	P
Large area distribution or transit warehouse							C	P	C
Light industrial structures and facilities									P
Manufacturing plants									C
Metals (iron, copper, etc.)									
Mill-type factory structures									C
Mini-warehouse						C	P	P	P
Mobile/modular home manufacturing									P
Process plants (metals, chemicals, etc.)									P
Produce warehouse							P		C
Railroad facility	C								P
Refrigerated warehouse or cold storage							P	P	P
Sewer treatment plant	C					P			P
Solid waste collection									P
Solid waste combustor or incinerator									C
Solid waste landfill facility	C								C
The open storage, parking, or sale of building materials and supplies, wholesale and warehousing goods, and contractors' equipment.								C	C
Warehouse and storage services						A	P	P	P
Warehouse discount store/superstore							P	P	P

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Wholesale trade- durable goods								C	P
Wholesale trade- nondurable goods								C	P
<b>Park, Camping, Open Space</b>									
Active open space/athletic fields/golf	C	C	P	P	P		P	P	
Amphitheater						P	P	P	
Camps, camping, recreational vehicle (RV) and related establishments	C	C						C	
Cemetery, monument, tombstone, or mausoleum	C		C						
Covered or partially covered atriums and public enclosures						P	P	P	P
Outdoor stage, bandstand, or similar structure	C	C	A	C	C	A	P	P	P
Passive open space	P	P	P	P	P	P	P	P	P
Playground equipment	P	P	P	P	P		P	P	P
<b>Residential</b>									
Accessory Dwelling Unit or Accessory Apartments (internal or attached ADU)			P	P	P	C	P (bus. owner)	P (bus. owner)	
Accessory Dwelling Unit (detached)			P	P	P	C			
Assisted living services				C	C				
Barracks	C								
Congregate living services				C	C	C			
Dormitories				C	C				
Duplex Structures				P	P				
Loft building									
Manufactured housing- individual units	P	C	P	P	P				

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Mobile home parks				C					
Multi-family dwellings (3-4 units)				P	P				
Multi-family dwellings (5+ units)				C	C				
Retirement housing services			C	C	C				
Rooming and boarding house				C	C	C		C	
Single family detached dwellings	P	C	P	P	P				
Single-family attached dwellings				P	P	C			
Single-room occupancy units					C	C			
Skilled nursing services	C		C	C	C	C			
Temporary structures, tents, etc. for shelter						A	A	A	
Townhouses				P	P				
Zero lot line or row houses						C			
<b>Social, Civic, and Public Assembly</b>									
Museum, exhibition, or similar facility	C					P	P	P	
Child and youth services				C	C	P	P	P	
Child Care Center (13+ children)	C		C	C	C	P	P	P	
Family Child Care Home I (At residence, Max 8 children)	C		P	P	P				
Family Child Care Home II (Max 12 children)	C		C	C	C	P	P	P	
Churches, temples, synagogues, mosques, and other religious facilities	P		P	P	P	P	P	P	P
Clubs or lodges						P	P	P	
College or university facility (privately owned)	C		C	C		P	P	P	
Correctional or rehabilitation facility									C
Emergency and relief services						P	P	P	
Emergency operation center	C					P	P	P	P
Environmental monitoring station (air, soil, etc.)	C								C



Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Fire and rescue station	P					P	P	P	P
Funeral homes				C	C	P	P	P	
Grade school (privately owned)				C	C	P	P	P	
Hospital building						P	P	P	
Library building					C	P	P	P	
Medical clinic building				C	C	P	P	P	P
Other family services						P	P	P	
Police station	P					P	P	P	
Public administration						P	P	P	P
Public safety-related facility	P					P	P	P	P
School or university buildings (privately owned)				C	C	P	P	P	
Services for elderly and disabled						P	P	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)						P	P	P	P
Trade or specialty school facility (privately owned)	C					P	P	P	P
<b>Transportation-related use</b>									
Airport control tower	C								
Airport maintenance and hangar facility	C								
Airport terminal	C								
Automobile parking facilities						A	C	P	P
Automobile repair and service structures							P	P	P
Automobile sales and service						C	P	P	P
Bus or truck maintenance facility						P	P	P	P
Bus stop shelter			P	P	P	P	P	P	P
Bus terminal						P	P	P	P

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Bus, truck, mobile home or large vehicle dealers						C	P	P	P
Car care center							P	P	P
Car rental and leasing						C	P	P	P
Courier and messenger services	C					P	P	P	P
Highway rest stops and welcome centers	P						P	P	
Inter-urban, charter bus, and other similar establishments						C	P	P	P
Leasing trucks, trailers, rec vehicles, etc.						C	P	P	P
Local transit systems- bus, special needs, and other motor vehicles						C	P	P	P
Pipeline transportation									C
Postal transportation services						C	P	P	P
Road, ground passenger and transit transportation	P			P		P	P	P	P
Runway	C								
School and employee bus transportation	P		C			P	P	P	P
Taxi and limousine service						P	P	P	P
Towing and other road services	C						P	P	P
Truck and freight transportation services							C	P	P
<b>Utilities, Signs, Non-Structure Uses</b>									
Billboard (freestanding in compliance with Village code)							P	P	P
Sign (freestanding in compliance with Village code)	A	A	A	A	A	A	A	A	A
Culvert	P	P	P	P	P	P	P	P	P
Dam	C	C	C	C	C		C		P

Use/Activity	AG	FLOOD	RR	R	R-T	C-1	C-2	C-3	I
Fountain, sculpture, or other aesthetic structure	P	C	P	P	P	A	P	P	P
Levee	P	C							P
Utility structures on right-of-way	P	C	P	P	P	P	P	P	P
Wastewater storage or pumping station facility, lift stations	P								P
Water reservoir	C	C	C						
Water supply pump station	P	C	P	P	P	P	P	P	P
Water supply-related facility	P	C	P	P	P	P	P	P	P
Water tank (elevated, at grade, underground)	P		P	P	P	P	P	P	P
Water treatment and purification facility	C								C
Weather stations or transmitter	C	C							C
Wells	P	C	P	P	P		P	P	P

## APPENDIX 2: DEFINITIONS

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. These definitions shall be used in the interpretation of this Zoning Ordinance.

### A

1. **ABANDONED:** intent of abandonment shall be assumed once an owner has ceased to use a property for a period of twelve (12) months. Indications of cessation include, without limitation, failure to provide utilities, lack of occupancy, failure to invest any resources into the property, lack of routine maintenance performance, defaulting on required financial payments, and failure to pay appropriate taxes. This is distinguished from short-term interruptions such as periods of remodel, maintenance, or normally accepted periods of vacation or seasonal closure.
2. **ABUT OR ABUTTING:** to border on, being contiguous with or have property or district lines in common. This shall include properties separated by an alley.
3. **ACCESS OR ACCESS WAY:** the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Ordinance.
4. **ACCESSORY BUILDING:** any detached subordinate (in size and use) building which serves a function customarily incidental to that of the main building or main use of the premises. All accessory buildings shall be affixed to the ground. Accessory buildings not securely fastened to the ground are prohibited.
5. **ACCESSORY DWELLING UNIT (ADU) or ACCESSORY APARTMENT:** a second dwelling unit located on the same lot as a primary dwelling unit (PDU) which: allows additional housing types that respond to the needs of changing households and are typically more affordable; allows additional housing units while respecting the style and scale of the surrounding areas; and utilizes existing infrastructure while adding population. The following definitions are types of ADUs:
  - a. **Detached ADU -** A dwelling that is detached from the primary dwelling unit (PDU) structure.
  - b. **Attached ADU -** A dwelling that is attached to the primary dwelling unit (PDU).
  - c. **Internal ADU -** A dwelling that is integrated into the primary dwelling unit (PDU).
6. **ACCESSORY STRUCTURE:** a detached subordinate (in size and use) structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
7. **ACCESSORY USE:** a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
8. **ADJACENT:** near, close, or abutting. For example, a Commercial District across the street from a Residential District shall be considered as “adjacent.”
9. **ADULT ENTERTAINMENT ESTABLISHMENT, LIVE:** Any building or portion of a building which contains any exhibition or dance wherein any employee or entertainer is unclothed or in such attire, costume or

clothing so as to expose to view any portion of the female breast below the areola, or male or female genitals, vulva, anus and/or buttocks, or any portion of the pubic hair and which exhibition or dance is for the benefit of a member or members of the adult public, or advertised for the use or benefit of a member of the adult public, held, conducted, operated or maintained for profit, direct or indirect.

10. ADULT ORIENTED ENTERTAINMENT: Any exhibition, performance or dance of any type conducted in a premise where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following sexual activities:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast; or
- d. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises' activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at the time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

11. ADULT RETAIL: An enclosed building or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of "adult-oriented merchandise." For purposes of this definition, a retail establishment devotes a significant or substantial portion of its stock in trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, transfer or viewing of such adult-oriented merchandise is clearly material to the economic viability of the business. It is presumed that such adult-oriented merchandise accounts for any one or more of the following:

- a. Thirty percent or more of the retail dollar value of gross sales over any quarterly period;
- b. Thirty percent or more of the floor area of the store open to the public;
- c. Thirty percent or more of the retail dollar value of all merchandise displayed in the store;
- d. Thirty percent or more of the store's inventory (whether measured by retail dollar value or number of items); or
- e. Thirty percent or more of the store's stock in trade.
- f. In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.

12. AGRICULTURAL FARM OPERATION: any tract of land over ten acres in area used for or devoted to the commercial production of farm products.

13. AGRICULTURE: planting, cultivating, harvesting, and storage of grains, hay, or plants commonly grown in the country. The raising and feeding of livestock and poultry shall be considered an agricultural

venture if the area in which the livestock or poultry is kept is ten acres or more in area primarily used for grazing, or if such raising of livestock and poultry is incidental or supplemental to the raising of crops.

14. ALLEY: a dedicated public or private right-of-way, other than a street, which provides only a secondary means of access to abutting property, which is no less than twenty (20) feet in width. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.

15. ALTERATION: as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height or the moving from one location or position to another, shall be considered an "alteration."

16. AMENDMENT: a change in the wording, context, or substance of this Zoning Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the official zoning map.

17. ANIMAL HOSPITAL OR CLINIC: an establishment where animals are admitted principally for examination, treatment, board, or care by a doctor of veterinary medicine. This does not include open kennels or runs.

18. ANIMAL UNITS: one animal unit equals one animal.

19. APARTMENT: a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended, or designed for a place of residence of an individual, a single family or group of individuals living together as a single housekeeping unit. (See also Dwelling, Multiple.)

20. APPLICANT: the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property.

21. APPEARANCE: the outward aspect visible to the public.

22. APPROPRIATE: fitting to the context of the site and the whole community.

23. APPURTENANCES: shall mean the visible, functional, objects accessory to and part of buildings.

24. AREA: a piece of land capable of being described with such detail that its location may be established and boundaries ascertained.

25. ATTACHED: having one or more walls in common with a principal building or connected to a principal building by an integral architectural element.

26. ATTACHED PERMANENTLY: attached to real estate in such a way as to require dismantling, cutting away, unbolting, from a permanent foundation or structural change in such structure in order to relocate it to another site.

## **B**

1. BAR/TAVERN: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Limits entry to persons 21 years of age or older. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery or brew-pub, and other beverage tasting facilities, such as wine or beer tasting rooms. Does not include adult oriented businesses.

2. BASEMENT: a level of building below street level that has at least one-half (1/2) of its height, measuring from its floor to its ceiling, below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. BED AND BREAKFAST: a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
4. BEDROOM: a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
5. BEST INTEREST OF THE COMMUNITY: shall mean interests of the community at large and not interests of the immediate neighborhood.
6. BLOCK: a parcel of land platted into lots and bounded by public streets or by waterways, right-of ways, un-platted land, Village-County boundaries, or adjoining property lines which has been designated as such on a plat for the purposes of legal description of a property.
7. BOARD OF ADJUSTMENT: the board that has been created by the Village and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
8. BOARDING OR LODGE HOUSE: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided.
9. BOND: any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Village Board which meets the intent of such security required by this Ordinance.
10. BOUNDARY ADJUSTMENT: the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.
11. BREWERY-BREW PUB: An establishment that produces ales, beers, meads, hard ciders, and/or similar beverages to serve on-site. Sale of beverages for off-site consumption is also permitted in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of brewed beverages must be in conjunction with the service of food. Brew pubs may not produce more than 15,000 barrels of beverage (all beverage types combined) annually. May include the distribution of beverages for consumption at other sites.
12. BREWERY-PRODUCTION: An establishment which produces ales, beers, meads, hard ciders, and/or similar beverages on-site. Production Breweries are classified as a use which manufactures more than 15,000 barrels of beverage (all beverage types combined) annually. Breweries may also serve beverages on-site, and sell beverages for off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). In addition, uses which produce 15,000 barrels of beverage or less, but which do not meet one or more of the additional requirements to be considered a brew pub, are breweries.

13. BUFFER: strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road.

14. BUFFER ZONE: an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

15. BUILDING: any structure entirely separated from any other structure by space or by walls, having a roof, which was built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. Trailers, with or without wheels, shall not be considered as buildings. The term "building" includes the term "structure."

16. BUILDING, AREA OF: shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

17. BUILDING CODE: the various codes of the Village that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the Uniform Building Code, and other codes adopted by the Village that pertain to building codes.

18. BUILDING HEIGHT: the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building.

19. BUILDING LINE: a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the street line and shall be located at the required front yard setback or where the lot width meets the minimum lot width required in the district, whichever is greater.

20. BUILDING PERMIT: a document that must be issued by the Zoning Administrator prior to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure regulated by this Zoning Ordinance or by the applicable building codes of the Village of Big Springs. Issuance of a building permit follows review of plans by the Zoning Administrator to determine that the proposed use of building or land complies with the provisions of this Zoning Ordinance.

21. BUILDING SETBACK: the minimum of distance as prescribed by this Zoning Ordinance between any property line and the closed point of the building line or face of any building or structure.

## **C**

1. CAMPGROUND: a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which its primary purpose is recreational, having open areas that are natural in character.

2. CAR WASH: a building or structure or area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.



3. CARGO CONTAINER: Any container, box, semi-truck box or trailer, railcar box or container or any other container or box designed or used for transportation of goods and material by sea, air, or land; this definition shall include containers with or without wheels, with or without a separate chassis and/or with or without an attached running gear; this definition does not include trailers, as defined by Neb. Rev. Stat. 60-354, or semitrailers, as defined by Neb. Rev. Stat. 60-348, provided that said trailers or semitrailers are licensed and registered for road travel and are regularly used for road travel.
4. CARPORT: a permanent roofed accessory structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage. All carports shall be considered an accessory structure.
5. CEMETERY: land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.
6. CHARITABLE ORGANIZATION OR CLUB: a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
7. CHANGE OF USE: the replacement of an existing use by a new use.
8. CHILD CARE:
  - a. Family Childcare Home I: child care is provided in the licensee's residence to at least four but not more than eight children, except that a licensee may be approved to serve up to two additional school-age children during non-school hours if no more than two of the other children in care are under 18 months of age.
  - b. Family Child Care Home II (FCCH-II): child care is provided for at least four, but not more than 12 children. An FCCH-II may be located in the licensee's residence or another location.
9. CHILD CARE CENTER: a facility licensed to provide child care for thirteen (13) or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
10. CHURCH, TEMPLE, SYNAGOGUE, MOSQUE or PLACE OF WORSHIP: a permanently located building commonly used for religious worship fully enclosed with walls and having a roof and conforming to applicable legal requirements.
11. CLUB: an association of persons (whether incorporated or not), religious or otherwise, for a common purpose, but not including groups organized primarily to render a service or carried on as a business for profit.
12. CLUSTER DEVELOPMENT: a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.
13. CODE: The Village Code of the Village of Big Springs.
14. COMMERCIAL USE: Use of a parcel or portion of a parcel where the principal activity is the production or transaction of goods or services.

15. COMMISSION: The Village of Big Springs Planning Commission.
16. COMMON AREA OR PROPERTY: a parcel or parcels of land, together with improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.
17. COMMON OPEN SPACE: an area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking, or loading areas. Areas of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
18. COMMUNITY CENTER: a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
19. COMPATIBILITY: the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
20. COMPATIBLE USES: a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
21. COMPREHENSIVE PLAN: Cultivating the Big Springs Comprehensive Plan of the Village of Big Springs, Nebraska as adopted by the Village Board, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of Neb. Rev. Stat. §19-924-929 (1943) (Reissue 1997), as the same may, from time-to-time, be amended.
22. CONDITIONAL ACCESSORY USE: an incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, and where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood, or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
23. CONDITIONAL APPROVAL: approval of a subdivision which requires the subdivide to take certain specified action in order to secure approval of the subdivision. The Resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.
24. CONDITIONAL USE: a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
25. CONDITIONAL USE PERMIT: a permit issued by the Commission and Village Board that authorizes the recipient to make conditional use of the property in accordance with the provisions of this Zoning Ordinance and any additional conditions placed upon, or required by, said permit.

26. **CONDOMINIUM:** as defined in the Neb. Rev. Stat. §76-824--894 (1943) (Reissued 1997), the Condominium Law, whereby four or more apartments are separately offered for sale. Shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.
27. **CONFLICTING LAND USE:** the use of property which transfers over neighboring property lines causes negative economic or environmental effects, including, but not limiting, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses, and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
28. **CONSERVATION:** the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.
29. **CONSERVATION AREA:** environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in overriding public interest, including but not limiting, wetlands, floodways, flood plains, drainage ways, river, or stream banks, and areas of significant biological productivity or uniqueness.
30. **CONSERVATION EASEMENT:** an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
31. **CONSTRUCTION:** on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting, and landscaping.
32. **CONVENIENCE STORE:** a one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items. It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic.
33. **COUNTY:** Deuel County, Nebraska.
34. **COURT:** An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building and lot lines on which walls are allowable.
35. **COVERAGE:** the percentage of lot covered by buildings and structures.
36. **CROP PRODUCTION:** branch of agriculture that deals with growing crops for use as food and fiber.
37. **CUL-DE-SAC:** a short, public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

## **D**

1. **DEDICATION:** the intentional appropriation of land by the owner to some public use.
2. **DENSITY:** the number of dwelling units per gross acre of land.

3. DETACHED: fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
4. DEVELOPMENT: any manmade change to improved or unimproved real estate, including but limiting, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
5. DEVELOPMENT REVIEW: the review, by the Village, of subdivision plats, site plans, rezoning requests, or permit review.
6. DISTRICT OR ZONE: sections of zoning area for which this Zoning Ordinance governing the use of land, building height and bulk, size of yards, and intensity of activity are uniform.
7. DOG: any canine species over twelve (12) months of age; a dog younger than 12 months is a puppy.
8. DOMESTIC LIVESTOCK USE: Any activity involving the breeding, raising, caring for, housing, and principally the hobby/personal use of domestic animals and products derived from those animals by the occupant, owner, or leaser of the lot on which such use is located. Such animals may include, but need not be limited to, chickens, sheep, goats, alpacas, cattle, horses or swine, and other species not defined as household pets or regulated elsewhere in this Ordinance.
9. DOWNZONING: a change in zoning classification of land to a less intensive or more restrictive district such as from a commercial district to residential district or from a multiple family residential district to single family residential district.
10. DRIVE-IN FACILITY: an establishment where customers can be served without leaving the confinement of their vehicles.
11. DRIVEWAY: any vehicular access to an off-street parking or loading facility.
12. DUPLEX: shall mean the same as “Dwelling, Two (2) Family.”
13. DWELLING: any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.
14. DWELLING, MANUFACTURED HOME: a factory-built structure which is to be used as a place for human habitation, which is not constructed with 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 axels, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.
15. DWELLING, MOBILE HOME: any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved essentially in a completely constructed condition and mounted on wheels, skids or roller jacks, blocks, horses, skirting, or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camper, but the definition shall not apply to any vehicle lawfully operated upon fixed rail.

- a. Permanently attached: attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers' recommendations.
- b. Permanent Foundation: based on building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42" below the final ground level.

16. DWELLING, MODULAR: (is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home, it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Neb. Rev. Stat. §71- 1555-1567 (1943) (Reissued 1997), in addition to any amendments thereto; those that do not meet the above criteria shall be considered a mobile home.

17. DWELLING, MULTI-FAMILY: a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

18. DWELLING, SEASONAL: a dwelling designed and used as a temporary residence and occupied less than six (6) months in a year.

19. DWELLING, SINGLE FAMILY: a building having accommodations for or occupied exclusively by one family which meet all of the following standards:

- a. The home shall have no less than five hundred (500) square feet of floor area, above grade, for single story construction, unless otherwise noted in this Zoning Ordinance.
- b. The home shall have no less than eighteen (18) foot exterior width.
- c. The roof shall be pitched with a minimum vertical rise of two and one-half (2 ½) inches for each twelve (12) inches of horizontal run.
- d. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction.
- e. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, tin, steel, or rock.
- f. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed.
- g. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning districts.
- h. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of forty-two (42) inches below the final ground level.

20. DWELLING, SINGLE FAMILY (ATTACHED): a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an un-pierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.

21. DWELLING, SINGLE FAMILY (DETACHED): a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.

22. DWELLING, TWO (2) FAMILY: Also referred to as a 'duplex', a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having a separate kitchen and toilet facilities for each family.

23. DWELLING UNIT: one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet, and sleeping facilities.

## **E**

1. EASEMENT: a privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.

2. EFFECTIVE DATE: the date that this Zoning Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Zoning Ordinance as a result of such adoption or amendment.

3. ENCLOSED: a roofed or covered space fully surrounded by walls.

4. ENCROACHMENT: an advancement or intrusion beyond the lines or limits as designated and established by this Zoning Ordinance, and to infringe or trespass into or upon the possession or right of others without permission.

5. ENLARGEMENT: the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

6. EXTERIOR BUILDING COMPONENT: an essential and visible part of the exterior of a building.

7. EXTRATERRITORIAL JURISDICTION: the area beyond the corporate limits, in which the Village has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

## **F**

1. FAÇADE: the exterior wall of a building exposed to public view from the building's exterior.

2. FACTORY: a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

3. FAMILY: a person living alone, or any of the following groups living together as a single, nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- c. Any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship.
- d. Up to four unrelated persons and any related children.
- e. A group care home.

The term “family” does not include occupancy of a residence by persons living in fraternities, sororities, clubs or transient, or permanent commercial residential facilities catering to the general public. The term “family” excludes nursing homes and convalescent homes.

4. FARMERS MARKET, AGRICULTURAL: an [outdoor] market at a fixed location open to the public, operated by a governmental agency, a non-profit corporation, or one (1) or more producers at which (a) 75% of the vendors sell Farm Products or value-added Farm Products, and (b) at least 75% of the vendors who regularly participate during the market's hours of operation are Producers, or family members, or employees of Producers.

5. FARM PRODUCTS: fruits, vegetables, mushrooms, grain, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

6. FENCE: an enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including vehicles, machinery, equipment, buildings, or hedges, shrubs, trees, or other natural growth.

7. FENCE, OPEN: a fence, including gate, which has, for each one foot (1') wide segment extending over the entire length and height of fence, fifty percent (50%) or more of the surface area in open spaces which affords direct views through the fence.

8. FENCE, SOLID: any fence which does not qualify as an open fence.

9. FLOOR AREA: whenever the term “floor area” is used in this Zoning Ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

10. FRONTAGE: the portion of a parcel of property which abuts a dedicated public street or highway.

11. FRONTAGE ROAD: minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

## **G**

1. GARAGE, PRIVATE: an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

2. GARAGE, PUBLIC: any garage other than a private garage.

3. GOVERNING BODY: the body having jurisdiction in the zoning area

4. GRADE: the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

- a. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
- b. For buildings having walls facing more than one street, the grade shall be the average of the grades of all walls facing each street.

- c. For buildings having no walls facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.
- d. Any wall approximately parallel to and not more than five feet (5') from a street line is considered as facing the street.

5. GROSS FLOOR AREA (GFA): the sum of the gross horizontal areas of the floor(s) of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are measured from the faces of the exterior walls of each such floor.

6. GROUP DAY CARE CENTER: an establishment other than a public or parochial school, which provides day care, play groups, nursery schools, or education for five or more unrelated children.

7. GROUP CARE HOME: a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four-hour care for individuals in a residential setting.

8. GUEST ROOM: a room which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

## H

1. HABITABLE: state of a structure that allows for human occupation. Indications of habitability include, without limitation, heat in the winter months, no infestation of vermin, roaches, termites, or mold, and access to potable water.

2. HALFWAY HOUSE: a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

3. HAZARDOUS WASTE: any discarded material, refuse, or waste products, in solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

4. HEDGE: a plant or series of plants, shrubs, or other landscape material, so arranged as to form a physical barrier or enclosure.

5. HOME OCCUPATION: a business, profession, or trade conducted for gain or support entirely within a residential building subject to the use limitations outlined in the Supplemental Use Provisions.

6. HOMEOWNERS ASSOCIATION: a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

7. HOTEL: a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.



8. HOUSEHOLD PET: shall mean animals ordinarily permitted in the dwelling area and kept for company or pleasure including; dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana, and turtles. Household pet shall also include any domesticated animal that a person owns or that is sold or offered for sale generally for the purpose of being kept indoors as household pets, except unusual animals.

I

1. IMPERVIOUS COVERAGE: the total horizontal area of all buildings, roofed, or covered spaces, paved surface areas, walkways, driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

2. IMPERVIOUS SURFACE: a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as rock, gravel, or clay, and conventionally surfaced streets, routes, sidewalks, parking lots, and driveways.

3. IMPROVEMENTS: street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or any other such installation as designated by the Village Board or its specific approving authority.

4. INCIDENTAL USE: a use which is subordinate to the main use of a premise.

5. INDUSTRIAL PARK: a planned, coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, and orientation and open space.

6. INDUSTRY: the manufacture, fabrication, processing, reduction or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

7. INFILL DEVELOPMENT: the construction of a building or structure on a vacant parcel located in a predominately built up area.

8. INFILL SITE: any vacant lot, parcel, or tract of land within developed areas of the Village, where at least eighty percent (80%) of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been constructed or are provided.

9. INOPERABLE MOTOR VEHICLE: any motor vehicle which:

- a. Does not have a current state license plate or;
- b. Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways.

A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

10. INTENSITY: shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from low intensity, being agricultural and residential, to uses of highest intensity, being heavy industrial. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

11. INTENT AND PURPOSE: The Commission and Board by the adoption of this Zoning Ordinance, have made a finding that the health, safety, and welfare of the community will be served by the creation of these districts and by the regulations prescribed therein.

## J

1. JUNK: any worn-out, cast-off, old, or discarded articles of scrap, wood, plastic, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

2. JUNK YARD: any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted.

## K

1. KENNEL, BOARDING: any lot or premises on which three (3) or more dogs, cats, or nonfarm/ non-domestic animal or any combination of five (5) or more thereof, at least four (4) months of age, are boarded, bred, or trained for a fee.

2. KENNEL, COMMERCIAL: an establishment where four or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age are groomed, bred, boarded, trained, or sold as a business.

## L

1. LAGOON: a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.

2. LANDFILL: a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

3. LANDSCAPE: plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

4. LEED: a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

5. LIGHT CUT-OFF ANGLE: an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

6. **LOFT BUILDING:** A building or space within a building designed for commercial or industrial use, generally constructed prior to 1930.
7. **LOT:** a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this Zoning Ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one (1) public street or right-of-way, two (2) thoroughfare easements, or one (1) private road.
8. **LOT AREA:** the total area, on a horizontal plane, within the lot lines of a lot.
9. **LOT CONSOLIDATION:** a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two (2).
10. **LOT, CORNER:** a lot located at the intersection of two (2) or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot." On corner lots, one frontage shall be designated as the 'front' and conform to front yard set-backs with the remaining side conforming to side yard set-backs for corner lots.
11. **LOT COVERAGE:** The portion of a lot or building site which is occupied by any piece of real property, not including paved areas, sidewalks, other walkways, or swimming pools. Temporary or semi-permanent structures such as porches, pergolas, carports, fences, and playground structures shall not be included in the total lot coverage.
12. **LOT DEPTH:** the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
13. **LOT, THROUGH (DOUBLE FRONTAGE):** a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
14. **LOT, FRONTAGE:** the side of a lot abutting a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
15. **LOT, INTERIOR:** a lot other than a corner lot.
16. **LOT LINE:** the property boundary line(s) of record that divides one lot from another or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.
- a. **Front line:** the lot lines separating the lot and a public or private street right-of-way.
- For an interior lot, the lot line separating the lot from the right-of-way or easement.
  - For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Utilities Superintendent, or as may be noted on the final plat.
  - For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same

classification, the front lot line shall be determined by the Utilities Superintendent at the time of application for the original building permit for the lot, or as may be noted on the final plat.

b. Rear line: the lot line which is opposite and most distant from the front line.

c. Side Line: any lot line that is neither a front or a rear lot line. A side lot line separating a lot from a street, private way or court is a street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

17. LOT, NONCONFORMING: a lot having less area or dimension than is required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Zoning Ordinance.

18. LOT, PLATTED: a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the Village and recorded in the office of the Register of Deeds for Deuel County.

19. LOT OF RECORD: a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulations establishing the zoning district in which the lot is located.

20. LOT WIDTH: the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lots.

21. LOT, REVERSED FRONTAGE: A lot on which the frontage is at right angles or approximately right angles to the general pattern in the area. A reversed frontage lot may be a corner lot or a through lot.

## **M**

1. MAIL ORDER SERVICE: an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping and receiving of merchandise intended for retail sale.

2. MOBILE HOME PARK: a parcel of land under single ownership that has been planned and improved for the placement of 2 or more manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. This does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

3. MANUFACTURING: uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquids. Manufacturing production is usually carried on for the

wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

4. **MAP, OFFICIAL ZONING DISTRICT:** a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Big Springs Village Board.

5. **MEDICAL, DENTAL, OR HEALTH CLINIC:** any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.

6. **MIXED USE:** properties where various uses are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

7. **MOBILE HOME:** every transportable or relocatable device of any description originally designed to be mobile and designed for living quarters, including double-wide models, that is eight (8) body feet or more in width and forty (40) body feet or more in length, built on a permanent chassis, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. This includes the term “trailer homes.”

8. **MONUMENT:** an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

## **N**

**NIGHT CLUB:** A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Many times, a fee is charged for admission.

**NON-CONFORMING BUILDING:** a building or portion thereof which was lawful when established but which does not conform to this Zoning Ordinance or subsequently established zoning or zoning regulations.

3. **NON-CONFORMING STRUCTURE:** A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

4. **NON-CONFORMING USE:** a use lawful when established but which does not conform to this Zoning Ordinance or subsequently established zoning or zoning regulations.

5. **NUISANCE:** anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses of a reasonable person such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter, or meets any section of the definition of a nuisance as described in Article 3 of the Big Springs Municipal Code.

6. **NURSING HOMES OR CONVALESCENT HOMES:** An institution or agency licensed by the State for the reception, board, care or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

## **O**

1. **OFFICE:** a building or a portion of a building wherein services are performed involving, primarily administrative, professional, or clerical operations.
2. **OPEN LOTS:** pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreak or small shed-type areas.
3. **OPEN SPACE:** a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
4. **OUTDOOR STORAGE:** the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three (3) days.
5. **OUTDOOR STORAGE CONTAINER:** a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement. The container must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or approved aggregate material and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, plumbing, electricity, or other mechanical systems as part of its assembly or use.
6. **OVERLAY DISTRICT:** a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.
7. **OWNER:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

## **P**

1. **PARCEL:** a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.
2. **PARK:** any public or private land available for recreational, educational, cultural, or aesthetic use.
3. **PARKING FACILITY:** an area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
4. **PARKING SPACES:** an area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with “parking stall.” Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached and townhome residential uses shall be considered to have a means of access to a public street.

5. PAVED: permanently surfaced with poured concrete, concrete pavers, or asphalt.
6. PEDESTRIAN WAY: a right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
7. PERMANENT FOUNDATION: a base constructed from either poured concrete or laid masonry, rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
8. PERMANENTLY ATTACHED: connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
9. PERMITTED USE: any land use allowed without condition within a zoning district.
10. PERSON: an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, Village, County, special district or any other group or combination acting as an entity, except that it shall not include Big Springs, Nebraska.
11. PLACE: An open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.
12. PLANNED UNIT DEVELOPMENT: development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
13. PLANNING COMMISSION: The Planning Commission of Big Springs, Nebraska.
14. PLAT: a map showing the location, boundaries, and legal description of individual properties.
15. PLAT, FINAL: the Final Plat of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.
16. PLAT, PRELIMINARY: the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.
17. PLAT OF RECORD: a map prepared in accordance with the provisions of these regulations and any other applicable local regulations to be placed on record in the office of the Register of Deeds of Deuel County.
18. POD: a portable storage container designed and intended for the temporary placement upon property for the onsite storage of household or other goods, with a size typically not exceeding 16 ft. x 8 ft. x 8 ft.
19. PRINCIPAL BUILDING: a building in which the primary use of the property is conducted. Any building or structure containing a dwelling unit shall be deemed a principal building or structure in all residential zoning districts.
20. PRINCIPAL USE: the primary activity or structure for which a lot is used, as permitted by this Zoning Ordinance

26. **PRODUCER:** a person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

27. **PROHIBITED USE:** any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

28. **PROTECTED ZONE:** all lands that fall outside of the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of this Zoning Ordinance.

## **Q**

1. **QUARRY:** an open pit from which stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

## **R**

1. **REAL PROPERTY:** Land and any buildings, structures, or equipment permanently attached or fixed to the land.

2. **RECREATIONAL FACILITY:** facilities used by the public for passive and active recreation. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks, wildlife conservation areas used for public viewing, and theme parks.

3. **RECREATIONAL VEHICLE (RV):** a vehicular unit less than forty feet (40') in overall length, eight feet (8') in width, or twelve feet (12') in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

4. **RECREATIONAL VEHICLE PARK:** a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

5. **REDEVELOPMENT:** the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purposes of a new use or building.

6. **REGULATION:** a specific requirement set forth by this Zoning Ordinance which must be followed.

7. **REPLAT:** the further subdivision of a lot or parcel of land previously subdivided, whether the new subdivision results in more lots or fewer lots.

8. **RESIDENCE:** a building used, designed, or intended to be used as a home or dwelling place for one or more families.

9. **RESTAURANT:** Establishment that: sells, or offers for sale, food and beverages during all hours it is open for business primarily by way of table service. Prepares food on-site in a kitchen capable of preparing food from its component ingredients. Does not limit entry to persons 21 years of age or older



and service of alcoholic beverages is secondary to service of food. Take-out service is permissible but must be secondary to on-site table service.

10. REVERSE SPOT ZONING: an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual land owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

11. REZONING: an amendment to or change in the zoning regulations either to the text or map or both.

12. RIGHT-OF-WAY: an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

13. ROADSIDE STAND: A temporary site, typically a tent, table, or vehicle where surplus garden products or other goods can be displayed for sale from time to time.

## **S**

1. SCREENING: a structure or planting that conceals from the area behind from abutting property and from public view from a public street.

2. SELF-SERVICE STATION: an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

3. SELF-SERVICE STORAGE FACILITIES: a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

4. SERVICE STATION: a service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced, self-service pumps without buildings shall also be included, such service shall not include tire recapping, body repairs or major overhaul.

5. SETBACK: the distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.

6. SIGN: any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business.

7. SITE: the parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this Zoning Ordinance.

8. SITE PLAN: a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the Village in order that an informed decision can be made on the associated request.

9. SIGHT TRIANGLE: an area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet (2 1/2') and ten feet (10') above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty feet (60') in each direction along the centerline of the streets.

10. SHIPPING CONTAINER/STORAGE OR SHIPPING CONEX: an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods, or commodities by commercial trucks, trains, and/or ships. Shipping containers as defined are not railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than storage of goods and materials. Shipping containers, as defined, also include a POD, a portable storage container designed and intended for the temporary placement upon property for the onsite storage of household or other goods, with a size typically not exceeding 16' x 8' x 8'.

11. SPORTS AND ENTERTAINMENT ASSEMBLY: A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

12. SPOT ZONING: an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an up zoning to a more intensive use classification.

13. STATE: The State of Nebraska.

14. STORAGE: the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

15. STORY: that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

16. STREET: a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except as excluded in this Zoning Ordinance.

17. STREET, ARTERIAL: a street designed with the primary function of efficient movement of through traffic between and around areas of a village, or county with controlled access to abutting property.

18. STREET, COLLECTOR: a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

19. STREET, LOCAL: a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

20. STRUCTURE: anything constructed or erected, the use of which requires permanent attachment on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.

21. STRUCTURAL ALTERATIONS: any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered as structural alterations:

- c. attachment of a new front where structural supports are not changed.
- d. addition of fire escapes where structural supports are not changed.
- e. new windows where lintels and support walls are not materially changed.
- f. repair or replacement of non-structural members.

22. SUBDIVIDER: any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

23. SUBDIVISION: the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

24. SUBDIVISION AGREEMENT: an agreement between a subdivider and the Village that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

## T

1. TANK FARMS: a facility having two (2) or more storage containers for the transfer of inorganic liquids or gases from which no retail sale of the fuel to the public is or may be conducted.

2. TAVERN: an establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served only to members and their guests.

3. TEMPORARY STRUCTURE: a structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Structure cannot be in place for more than ten (10) days.

4. TEMPORARY USE: a use intended for limited duration, not to exceed six months, to be located in a zoning district not permitting such use.

5. TOWNHOUSE: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a town house structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

6. TURNAROUND: a space on private property that permits the turning around of any passenger vehicle without the necessity of using any public right-of-way to turn around.

## U

1. UPZONING: a change in the zoning classification of land to a more intensive or less restrictive district.
2. USE: the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
3. USE, BEST: the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety, and general welfare.
4. USE, HIGHEST: an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.
5. USE, PERMITTED: any land use allowed without condition within a zoning district.
6. USE, PRINCIPAL: the main use of land or structure, as distinguished from an accessory use.
7. USE, PROHIBITED: any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
8. UTILITIES: the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

## **V**

1. VALUE ADDED FARM PRODUCT: any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.
2. VARIANCE: relief from or variation of the provisions of this Zoning Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. A variance is a relaxation of the terms of the Zoning Ordinance 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. As used in this Zoning Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
3. VIEW CORRIDOR: the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.
4. VILLAGE: The Village of Big Springs, Nebraska.

## **W**

1. WAIVER: permission to depart from the requirements of an Ordinance with respect to the submission of required documents.
2. WAREHOUSE: a building used primarily for the storage of goods and materials.
3. WATERS OF THE STATE: all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation

systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

4. WETLAND: an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

**X**

**Y**

1. YARD: any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Zoning Ordinance.

2. YARD, FRONT: a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

3. YARD, REAR: a space between the rear yard setback line and the rear lot line, extending the full width of the yard.

4. YARD, SIDE: a space extending from the front yard, or from the front lot line where no front yard is required by this Zoning Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

**Z**

1. ZONE OR DISTRICT: a section of the Zoning Area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings are herein established.

2. ZONED LOT: a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by this Zoning Ordinance.

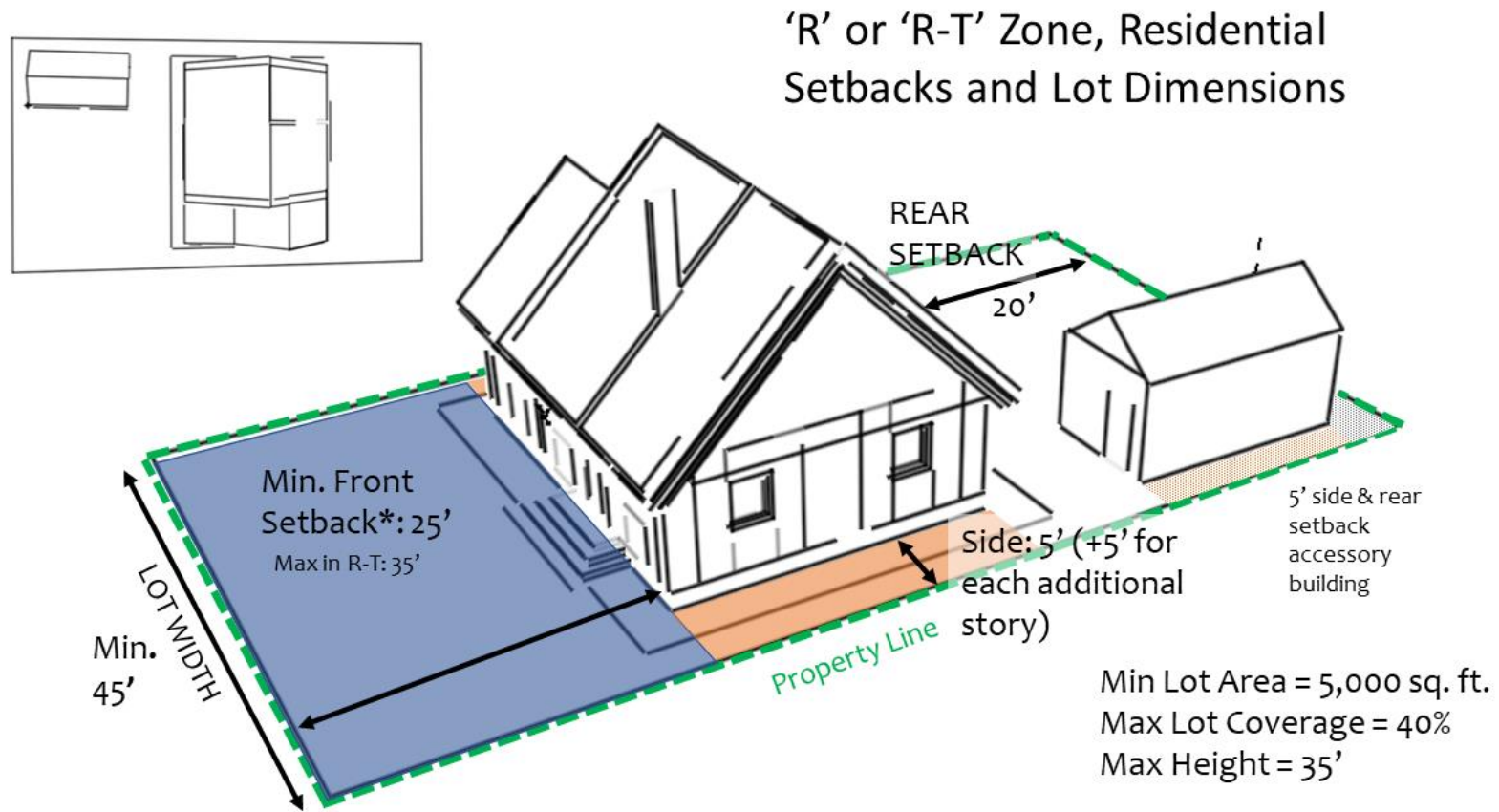
3. ZONING ADMINISTRATIVE OFFICER: the person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of this Zoning Ordinance.

4. ZONING PERMIT: any permit required by the Village and issued by the Zoning Administrator to be obtained by any person engaged in any activity governed by the regulations set forth in this Ordinance.

5. ZONING REGULATIONS: the term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

# APPENDIX 3: SETBACK & LOT DIMENSIONS EXAMPLE DIAGRAMS

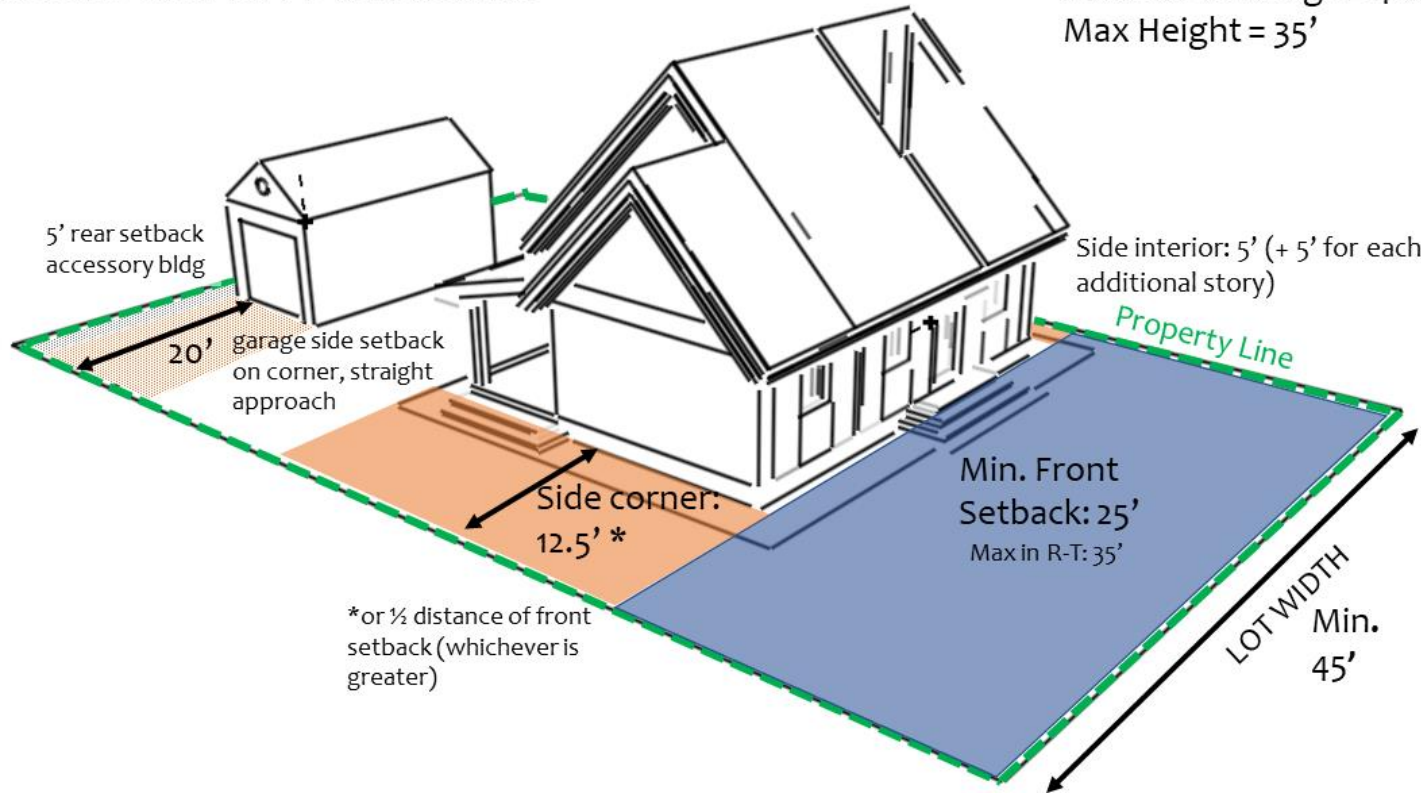
R or R-T Zone: Single Family Detached Unit



R or R-T Zone: Single family detached- corner lot

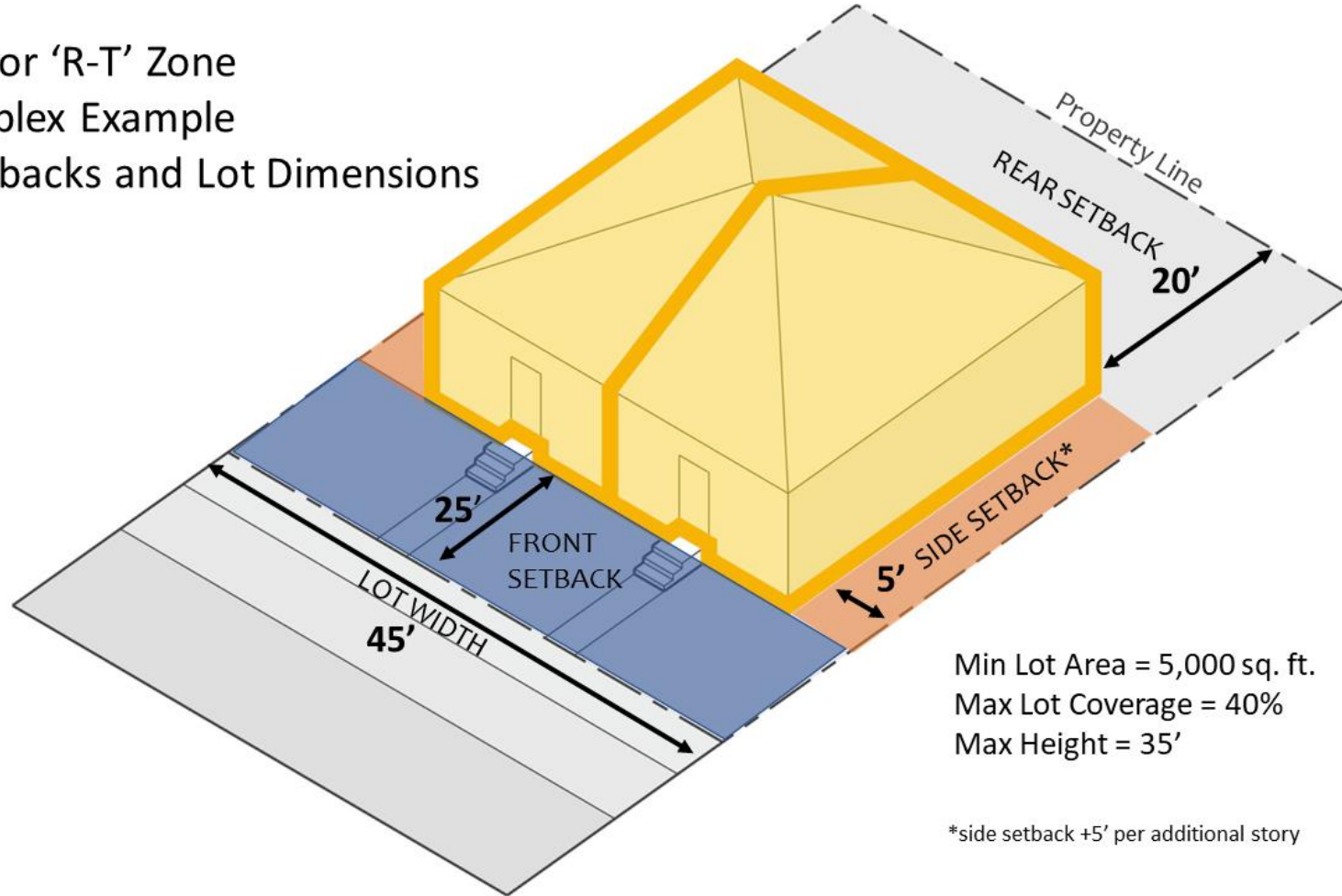
### 'R' or 'R-T' Zone, Corner Lot, Setbacks and Lot Dimensions

Min Lot Area = 5,000 sq. ft.  
Max Lot Coverage = 40%  
Max Height = 35'



R or R-T Zone: Duplex

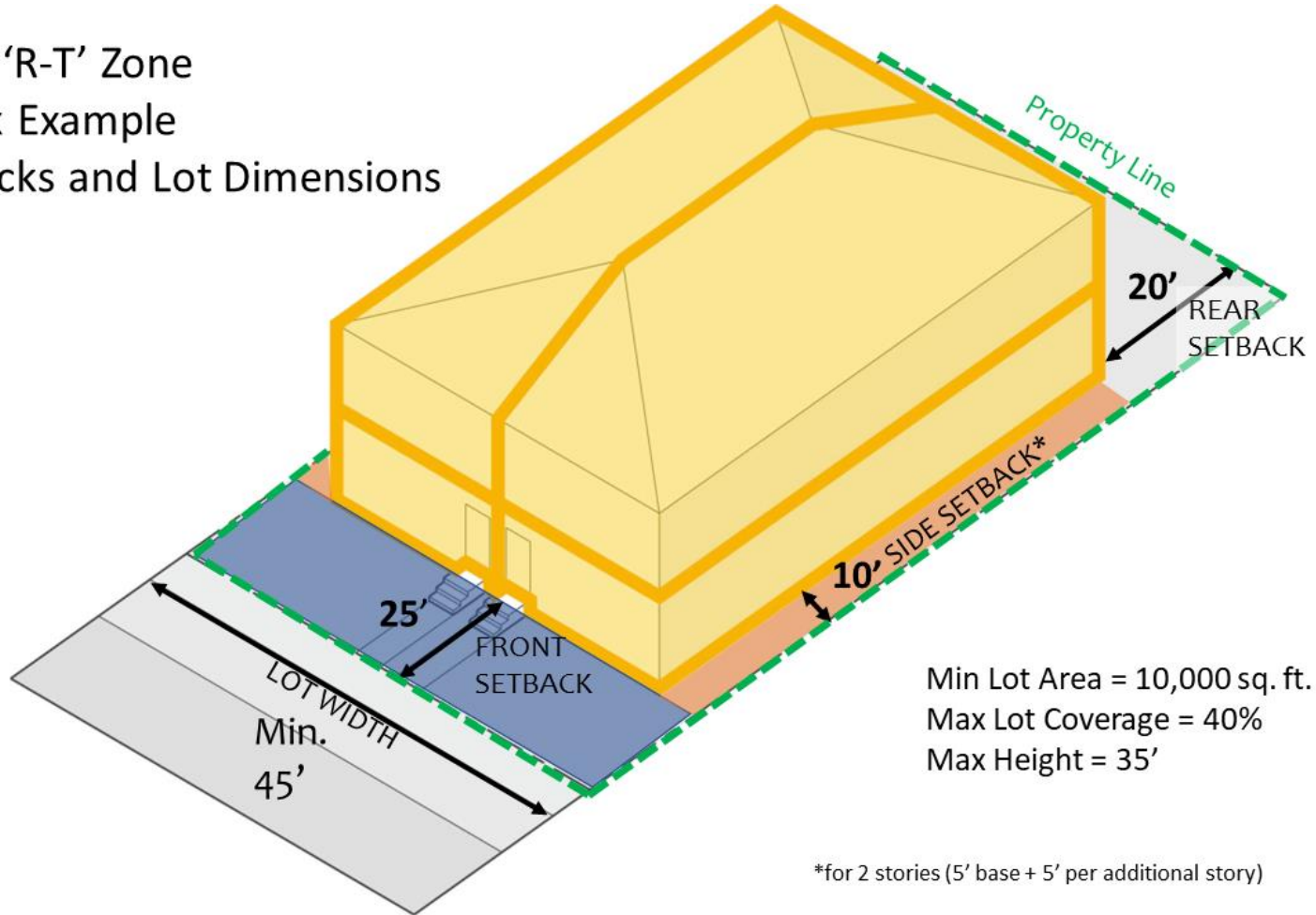
### 'R' or 'R-T' Zone Duplex Example Setbacks and Lot Dimensions



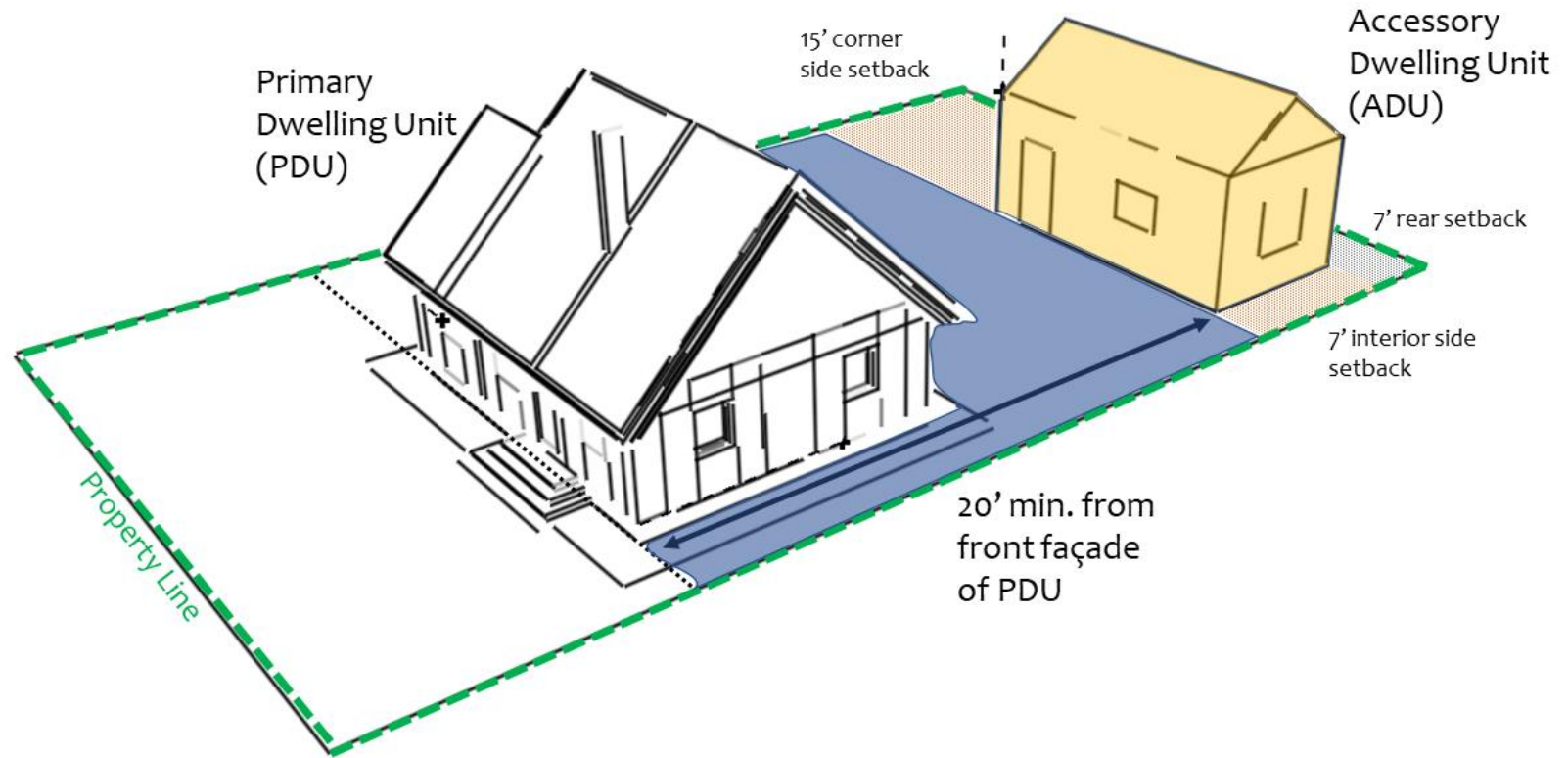


R or R-T Zone: 4-plex

### 'R' or 'R-T' Zone 4-Plex Example Setbacks and Lot Dimensions

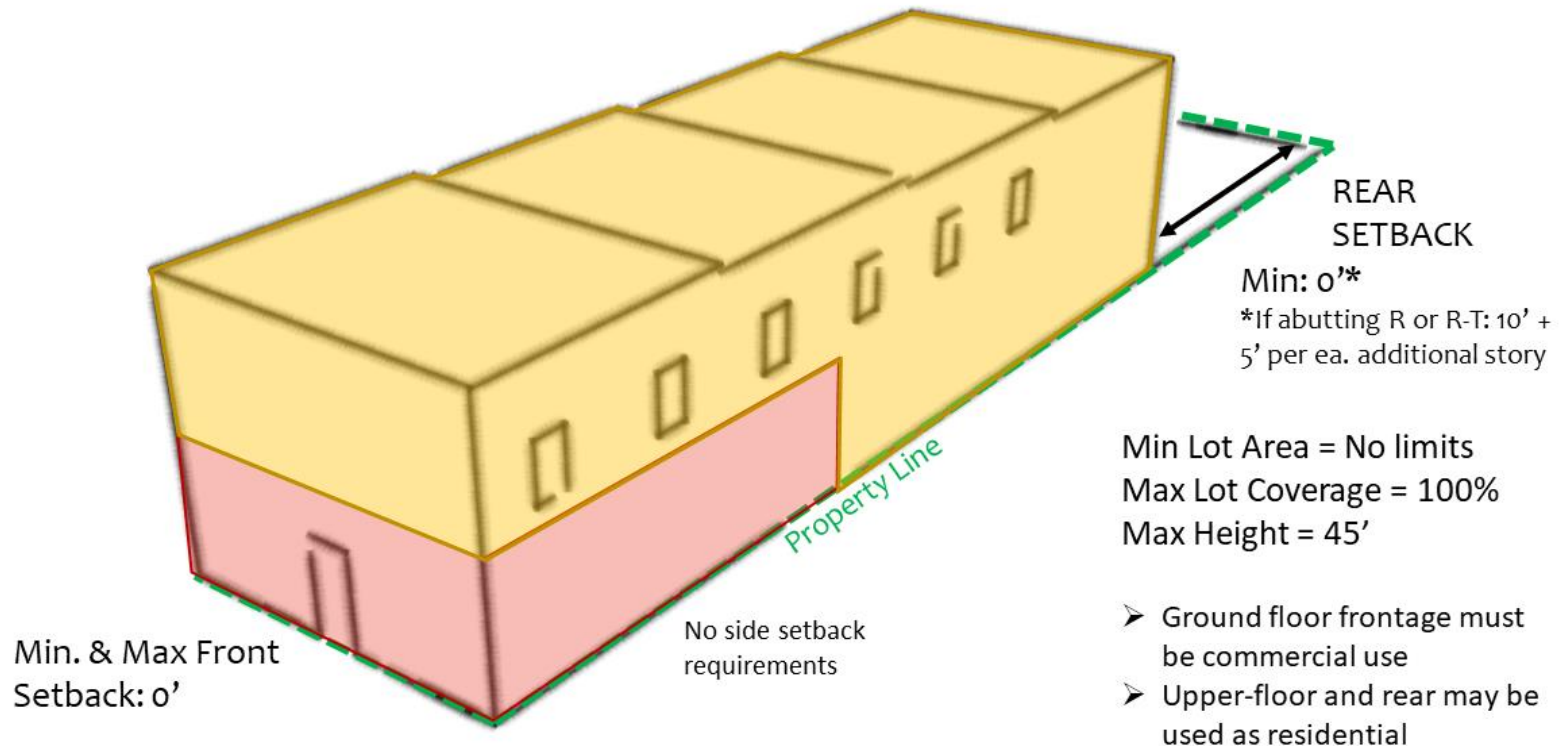


R or R-T: Accessory Dwelling Unit- detached (ADU)



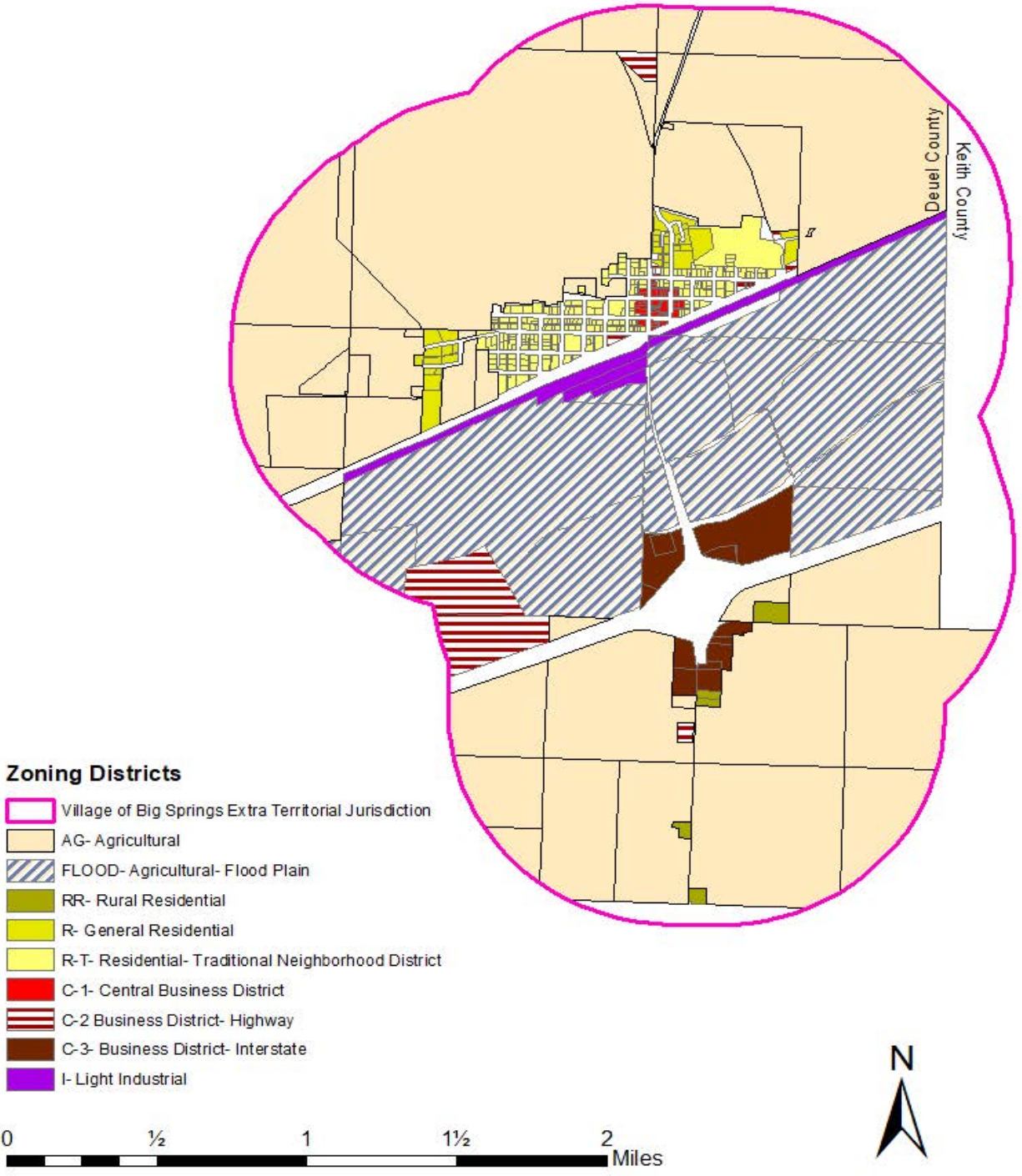
C-1 Central Business District Zone: Commercial Building w/ Residential

### 'C-1' Zone, Central Business District Setbacks and Lot Dimensions



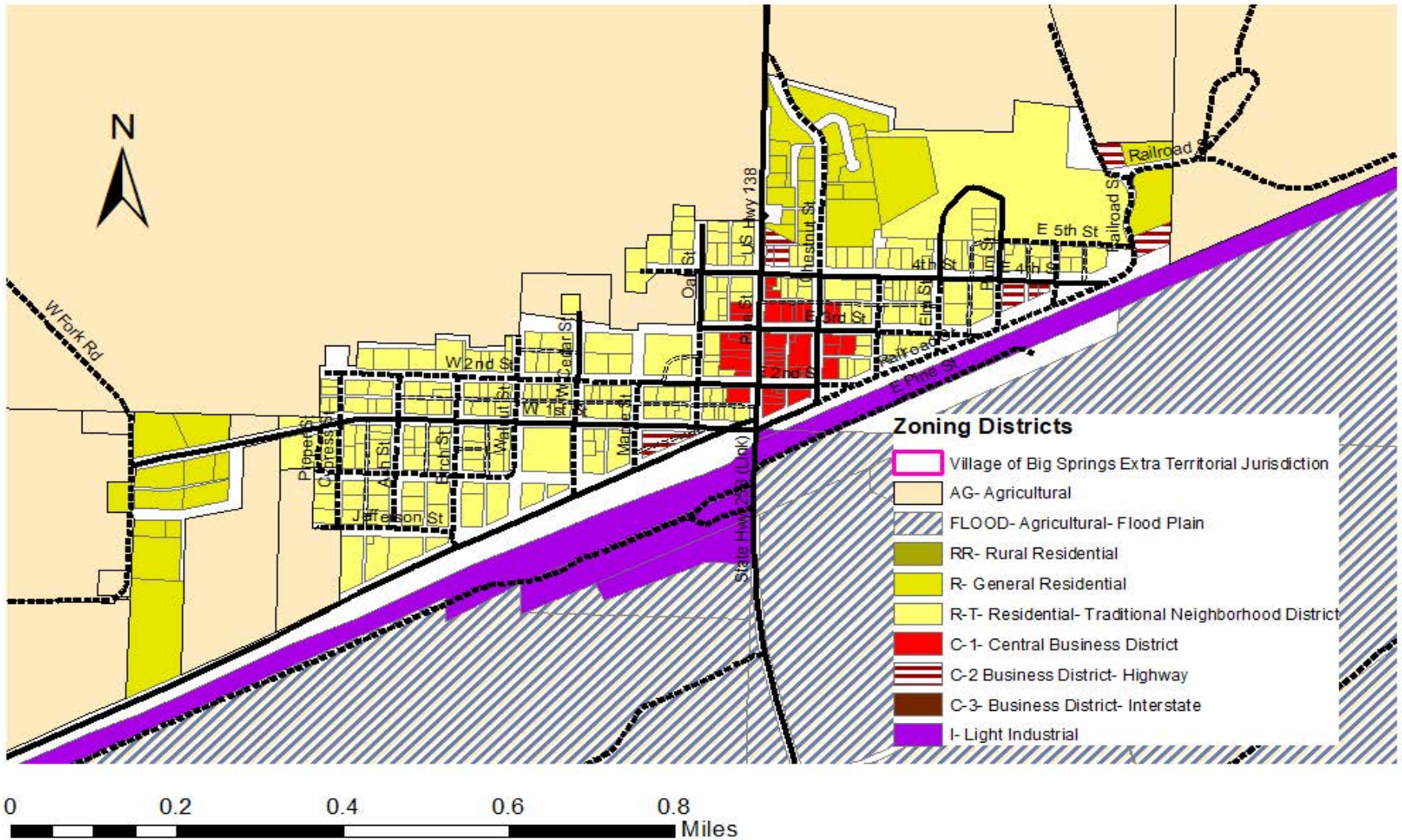
# APPENDIX 4: ZONING MAP

## Village of Big Springs Zoning Extra Territorial Jurisdiction (1 mile)



# Village of Big Springs Zoning

Updated April 2023



# Village of Big Springs Zoning

I-80 Interchange (Updated April 2023)

