

Washington County is in the process of updating the Zoning Resolution No. 2005-19. Zoning Resolution No. 2005-19 will be replaced upon the completion of the update in the near future.

WASHINGTON COUNTY NEBRASKA

ZONING RESOLUTION No. 2005-19

ADOPTED BY
WASHINGTON COUNTY, NEBRASKA
JUNE 14, 2005

Prepared By



WASHINGTON COUNTY, NEBRASKA
ZONING RESOLUTION

A resolution, consistent with the Comprehensive Development Plan, adopted for the purpose of promoting health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Washington County, Nebraska, to regulate and restrict the location, height, bulk, number of stories, size of buildings and other structures, including tents, cabins, house trailers, and automobile trailers; the percentage of lot areas which may be occupied, building setback lines; size of yards, courts, and other open spaces; the density of population; the uses of buildings; and the uses of the land for agriculture, forestry, recreation, residence, industry, and trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses; to divide the County into districts of such number, shape, and area as may be best suited to carry out the purposes of this resolution to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration or use of buildings or structures, and the use, conditions of use or occupancy of land in the unincorporated areas of the County; to provide for the adoption of a zoning map; to provide for a board of zoning adjustment, its members, powers, and duties; to provide for off-street parking and loading area requirements; to provide for conditional uses by conditional use permit; to provide for the proper subdivision and development of land, as provided in the Subdivision Regulations; to provide for non-conforming uses, to provide for the administration and the enforcement of these provisions, and for the violations of its provisions and the prescribed penalties, and including among others such specific purposes as:

- 1) Developing both urban and non-urban areas;
- 2) Lessening congestion in the streets or roads;
- 3) Reducing the waste of excessive amounts of roads;
- 4) Securing safety from fire and other dangers;
- 5) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
- 6) Providing adequate light and air;
- 7) Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
- 8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
- 9) Protecting the tax base;
- 10) Protecting property against blight and depreciation;
- 11) Securing economy in governmental expenditures;
- 12) Fostering the County's agriculture, recreation, and other industries;
- 13) Encouraging the most appropriate use of land in the County; and
- 14) Preserving, protecting, and enhancing historic buildings, places, and districts, all in accordance with the comprehensive plan.

WHEREAS Nebraska Revised Reissued Statutes, 1943, Sections 23-114 through 23-114.05 and 23-164 through 23-174.06 as amended, empowers the County to adopt a zoning and subdivision resolution and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Washington County Board of Supervisors deem it in the interest of the public health, safety, morals, convenience, order, prosperity, and welfare of said County and its present and future residents; and

WHEREAS, the Washington County Board of Supervisors has adopted a Comprehensive Development Plan pursuant to Neb. R. S. 1943, Sections 23-114 through 23-114.03, as amended, and known as Washington County Comprehensive Development Plan, 2005, as amended; and

WHEREAS, the Washington County Planning Commission has recommended the division of the unincorporated areas of the County into districts and recommended regulations pertaining to such districts consistent with the adopted Comprehensive Development Plan based on a future land use plan designed to lessen congestion on roads

and highways, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to conserve agricultural land and values, to facilitate sewerage, schools, parks, and other public needs; and

WHEREAS, the Washington County Planning Commission has given reasonable consideration, among other things, to the prevailing agricultural and rural characteristics now predominant in the County, to the character of the districts and their peculiar suitability for the particular permitted uses, with a reasonable understanding of the objective to conserve the value of lands and improvements while encouraging the development of the most appropriate uses of land throughout the County; and

WHEREAS, the Washington County Planning Commission has made a preliminary report, held public hearings, submitted its recommended final report to the County Board of Supervisors; and the County Board of Supervisors have given due public notice of hearings relating to the Comprehensive Development Plan, to the zoning districts, regulations, subdivision regulations, and restrictions, and has held such public hearings; and

WHEREAS, The County Board of Supervisors have deemed it necessary to adopt the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations, and restrictions for the purpose of providing for the harmonious development and orderly expansion of growth, for the orderly extension and planned arrangements of county roads, utilities, for adequate sanitary facilities, for safe and healthy drinking water, and for reducing flood damage potentials; and

WHEREAS, the requirements of Neb. R.R.S. 1943, Section s 23-114 through 23-124.05, Sections 23-164 through 23-174, and Section 23-174.02, as amended, with regard to the recommendations of the Planning Commission, the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations and restrictions and the subsequent action of the County Board of Supervisors have been met;

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF WASHINGTON COUNTY, NEBRASKA THAT THIS ZONING RESOLUTION BE APPROVED ON THIS 10TH DAY OF MAY, 2005.

DUANE WILCOX, CHAIRMAN
WASHINGTON COUNTY BOARD OF SUPERVISORS
WASHINGTON COUNTY, NEBRASKA

ATTEST:

CHARLOTTE L. PETERSEN, COUNTY CLERK
WASHINGTON COUNTY, NEBRASKA

ARTICLE I: GENERAL PROVISIONS**Section 1.01 Short Title.**

This Resolution shall be known, cited, and referred to as the "Zoning Regulations of Washington County, Nebraska."

Section 1.02 Publication.

This Resolution shall be published in book or pamphlet form together with the zoning district map or maps being a part hereof, and copies shall be filed with the County Clerk of Washington County.

Section 1.03 When Effective.

This Resolution shall be in full force and effect from and after its public hearings, adoption, publications, and filing as provided by the Nebraska R. R. S., 1943, Sections 23-114.03 to 23-114.05 and 23-164 to 23-174.06.

Section 1.04 Conflicts.

All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 1.05 Intent and Purpose.

This Resolution is an updated regulation for Washington County and is consistent with the Washington County Comprehensive Development Plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Washington County, including, among others, such purposes as developing both urban and non-urban areas; lessening congestion on streets, roads, and highways; reducing the waste of excessive amounts of roads; securing safety from fire and other dangers; lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters; providing adequate light and air; preventing excessive concentration of population and excessive and wasteful scattering of population or settlement; promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements; protecting the tax base; protecting property against blight and depreciation; securing economy in governmental expenditures; fostering the County's agriculture, recreation, and other industries; encouraging the most appropriate use of land in the County, preserving, protecting, and enhancing historic buildings, places, and districts. These regulations have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for encouraging the most appropriate use of land throughout the unincorporated portions of Washington County, Nebraska.

Section 1.06 Comprehensive Development Plan Relationship

These zoning regulations are designed to implement various elements of the Comprehensive Development Plan as required by state statutes. Any amendment to the district regulations or map shall conform to the Comprehensive Development Plan adopted by the Washington County Board of Supervisors.

Section 1.07 Jurisdiction

The provisions of this Resolution shall apply to unincorporated areas of Washington County except that portion thereof over which cities or villages have been permitted to extend and are exercising zoning jurisdiction; and furthermore at such time as a city or village adopts an ordinance to exercise zoning or control over an unincorporated area, its regulations shall supersede those of Washington County.

Section 1.08 Highest Standard

Whenever the regulations of this Resolution impose or require higher standards than are required in any other statute, local Regulations, or regulation, the provisions of the regulations made under authority of this Resolution as provided by the cited Nebraska R. R. S., 1943 sections shall govern.

Section 1.09 General

The zoning regulations set forth by this Resolution within each district shall be minimum regulations applicable uniformly to each class or kind of building, structure, or land, except as may hereinafter be provided.

Section 1.10 Interpretations

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, moral, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between the parties, except that if these regulations impose a greater restriction, these regulations shall control.

Section 1.11 Scope of the Regulation

No building, structure, or land in the unincorporated areas, excluding the portion of unincorporated areas over which cities and villages are granted and are exercising zoning jurisdiction in Washington County shall hereafter 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 the provisions of this Resolution herein specified for the district in which it is located and:

- A. Every building hereafter erected shall be located on a lot of record.
- B. Only one principal building will be permitted on one lot of record, except in a Residential or Commercial Mixed Use Development.
- C. After a County road has been classified as a minimum maintenance road, or is an unimproved road, no permits for a residential dwelling, mobile home, or manufactured home shall be issued for construction on any property adjoining such classified road.

ARTICLE 2: CONSTRUCTION AND DEFINITIONS**Section 2.01 Construction and General Terminology.**

For the purpose of carrying out the intent of this Resolution, words, phrases, and terms shall be deemed to have the meaning ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural and those in the plural include the singular; "or" includes "and", and "and" includes "or"; and the masculine gender shall include the feminine.

- 2.01.01. The word "Assessor" shall mean the County Assessor of Washington County.
- 2.01.02. The words "Board" shall mean the Board of Supervisors of Washington County.
- 2.01.03. The words "Board of Supervisors" shall mean the Board of Supervisors of Washington County.
- 2.01.04. The words "Board of Zoning Adjustment" shall mean the Washington County Board of Zoning Adjustment
- 2.01.05. The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
- 2.01.06. The word "Commission" shall mean the Planning Commission of Washington County.
- 2.01.07. The word "County" shall mean Washington County.
- 2.01.08. The words "Register or Deeds" shall mean the Register of Deeds of Washington County.
- 2.01.09. The word "Federal" shall mean the Government of the United States of America.
- 2.01.10 The word "shall" is mandatory; and the word "may" is permissive.
- 2.01.11 The word "State" shall mean the State of Nebraska. The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for."
- 2.01.12 The words "Zoning Map" shall mean the Official Zoning Map of Washington County.
- 2.01.13 The words "Planning and/or Zoning Administrator" shall mean the Planning Administrator for the Washington County Planning Department.
- 2.01.14 The word "Inspector" shall mean the Building Inspector of Washington County.
- 2.01.15 The word "Resolution" shall mean the Zoning Regulation of Washington County.
- 2.01.16 The word "Comprehensive Plan" shall mean the Washington County Comprehensive Development Plan.

Section 2.02 Abbreviations and Acronyms

For purposes of this Resolution this section contains a listing of abbreviations and acronyms used throughout this document.

AU =	Animal Unit
CAFO =	Confined Animal Feeding Operation
FCC =	Federal Communication Commission
kV =	Kilovolt
kW =	Kilowatt
LFO =	Livestock Feeding Operation
NDEQ =	Nebraska Department of Environmental Quality or successor department
R.O.W. =	right-of-way or rights-of-way
USDA =	United States Department of Agriculture

Section 2.03 Definition of Terms

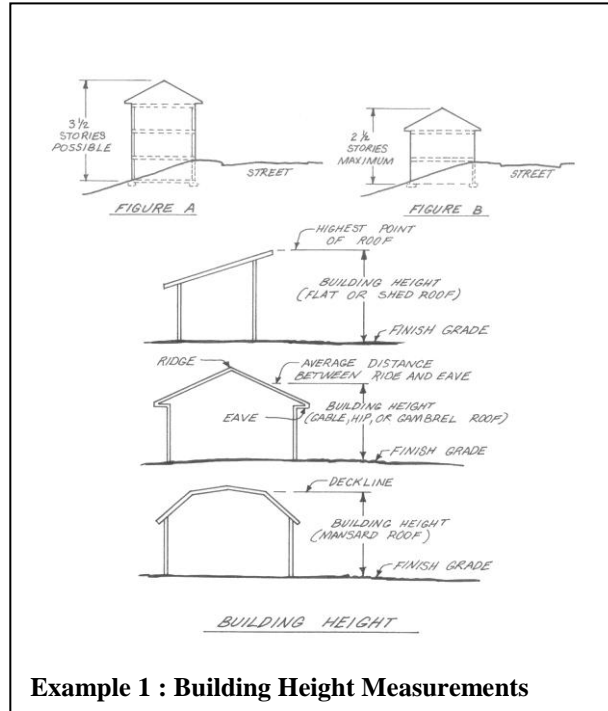
- 2.03.01 **ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short-term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2.03.02 **ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley. The words "adjoin" and "contiguous" shall mean the same as "abut."
- 2.03.03 **ACCESS OR ACCESS WAY** shall mean 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 Regulation.
- 2.03.04 **ACCESSORY BUILDING** shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.
- 2.03.05 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
- 2.03.06 **ACCESSORY USE** shall mean 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.
- 2.03.07 **ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
- 2.03.08 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.03.09 **ADULT CABARET** shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.
- 2.03.10 **ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment that provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.03.11 **ADULT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
- 2.03.12 **ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- 2.03.13 **ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

- 2.03.14 **ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.03.15 **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- 2.03.16 **ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.03.17 **ADULT NOVELTY BUSINESS** shall mean a business that has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.
- 2.03.18 **ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing or relaxation, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.03.19 **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.
- 2.03.20 **AESTHETIC ZONING** shall mean zoning to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.
- 2.03.21 **AGGREGATE** shall mean the mineral materials, such as sand and stone, used in making concrete.
- 2.03.22 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
- 2.03.23 **AGRICULTURAL OPERATIONS** (see Farming)
- 2.03.24 **AGRICULTURE** shall mean the use of land for agricultural purposes, by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.
- 2.03.25 **AIRPORT** shall mean any area used, or is intended to be used, for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
- 2.03.26 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this Regulation related to frontage on a dedicated street.
- 2.03.27 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.

- 2.03.28 **AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, or an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 2.03.29 **ANIMAL HOSPITAL** shall mean a facility where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. The animals\pets shall be under the supervision of a practicing licensed veterinarian. Such facilities may include veterinarian's offices, administrative offices, space for examination, surgery and recovery, and for boarding of animals while under treatment.
- 2.03.30 **ANIMAL UNIT** (see Livestock Feeding Operation)
- 2.03.31 **ANIMALS, DOMESTIC** shall mean an animal that is customarily kept for personal use or enjoyment within a home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds, fish and rodents.
- 2.03.32 **ANIMALS, FARM** shall mean livestock associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.
- 2.03.33 **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves including television, radio and telephone communications.
- 2.03.34 **APPEARANCE** shall mean the outward aspect visible to the public.
- 2.03.35 **APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.
- 2.03.36 **APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.
- 2.03.37 **AQUIFER** shall mean a geological unit in which porous and permeable conditions exist and thus are capable of bearing and producing usable amounts of water.
- 2.03.38 **AQUIFER RECHARGE AREA** shall mean an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.
- 2.03.39 **ARCHITECTURAL CONCEPT, CHARACTER** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.
- 2.03.40 **ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.
- A. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
- B. **MASS** shall pertain to the volume, bulk of a building or structure.
- C. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.
- 2.03.41 **ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.
- 2.03.42 **ARMOR COAT** shall mean a bituminous liquid sprayed on road surfaces to provide a wear surface or dust control. Roads treated with armor coat are not considered as pavement.
- 2.03.43 **ASPHALTIC CONCRETE** shall mean a dark brown to black cementitious material in which the predominating constituents are bitumens, which occur in nature or are obtained in petroleum processing. Asphalt is a constituent in varying proportions of most crude petroleum and used for paving, roofing, industrial and other special purposes.

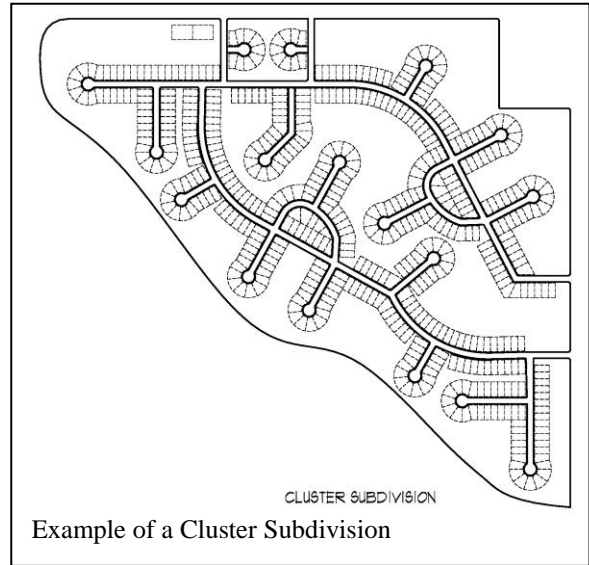
- 2.03.44 **ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
- 2.03.45 **ATTRACTIVE** shall mean having qualities that arouse interest and pleasure in the observer.
- 2.03.46 **AUTOMATIC TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.
- 2.03.47 **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- 2.03.48 **BASEMENT** shall mean a building space partly underground, and having at least one-half of its height, measured from its floor to its ceiling, above the average adjoining finished ground grade line.
- 2.03.49 **BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- 2.03.50 **BED and BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
- 2.03.51 **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.
- 2.03.52 **BEST INTERESTS OF COUNTY** shall mean interests of the County at large and not interest of the immediate neighborhood.
- 2.03.53 **BEST POSSIBLE MANAGEMENT PRACTICES** shall mean livestock management techniques and practices as set forth by various agencies, including the Nebraska Department of Environmental Quality that encourage and protect the environment and public.
- 2.03.54 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.
- 2.03.55 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.
- 2.03.56 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.
- 2.03.57 **BORROW PIT** shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental site grading or building construction.
- 2.03.58 **BROADCASTING TOWER** shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves that exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.
- 2.03.59 **BUFFER** shall mean a 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. (Also, see Screening.)
- 2.03.60 **BUFFER ZONE** shall mean 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.
- 2.03.61 **BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

- 2.03.62 **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- 2.03.63 **BUILDING CODE** shall mean the various codes of the County that regulate construction and requires building permits, zoning permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the adopted codes of the County, and other codes adopted by the County that pertain to building construction.
- 2.03.64 **BUILDING HEIGHT** shall mean 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 foot horizontal distance at the exterior wall of the building.
- 2.03.65 **BUILDING INSPECTOR** shall mean the Building Inspector for Washington County, Nebraska.
- 2.03.66 **BUILDING, PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located.
- 2.03.67 **BUILDING SETBACK LINE** shall mean the minimum distance as prescribed by this Regulation between any property line and the closest point of the building line or face of any building or structure related thereto.
- 2.03.68 **CALCIUM CHLORIDE** shall mean a liquid solution consisting of various percentages of water and calcium chloride. This solution can be applied to the road surface to provide dust control, or mix with the road base material in larger ratios to provide road base stabilization. Roads treated with calcium chloride are not considered as pavement.
- 2.03.69 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.
- 2.03.70 **CAR WASH** shall mean a building or structure or an 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.
- 2.03.71 **CAR WASH, INDUSTRIAL** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.
- 2.03.72 **CAREGIVER** shall mean one that provides care to an immediate family member. Immediate family member shall be defined as applicant's grandparents, parents, siblings, children, grandchildren or spouse.
- 2.03.73 **CARPORT** shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for motor vehicle shelter and storage.
- 2.03.74 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.
- 2.03.75 **CENTERLINE** shall have the same meaning as "Street or Center Line".
- 2.03.76 **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainage way.



2.03.77 **CHARITABLE** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

2.03.78 **CHILD CARE CENTER** shall mean a facility licensed to provide child care for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.



2.03.79 **CHURCH** shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable codes and legal requirements.

2.03.80 **CLUSTER DEVELOPMENT** shall mean 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.

2.03.81 **COMMERCIAL USES** shall mean a business use or activity at a scale greater than home industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

2.03.82 **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development, condominium development, or cluster development.

2.03.83 **COMMON OPEN SPACE** shall mean 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. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

2.03.84 **COMMUNICATION EQUIPMENT BUILDINGS** shall mean buildings housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel.

2.03.85 **COMMUNITY CENTER** shall mean 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 County.

2.03.86 **COMMUNITY WATER SUPPLY SYSTEM** shall mean a public water supply system which serves at least fifteen service connections used by year round residents or uses, or regularly serves 25 or more year round residents or uses.

2.03.87 **COMPATIBLE USES** shall mean a land use that 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.

2.03.88 **COMPOSTING** shall mean the controlled aerobic, thermophilic or microbial degradation of yard waste to a stabilized material resulting from the decomposition of plant matter, forming soil.

2.03.89 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the Comprehensive Development Plan of Washington County, Nebraska, as adopted by the County Board of Supervisors, setting forth policies for the present and foreseeable future, and meeting the purposes and requirements set forth in Section 23-174.05, R.R.S. 1943, as the same may, from time-to-time, be amended.

2.03.90 **CONDITIONAL USE** shall mean a use allowed by the district regulations that would not be appropriate generally throughout the entire zoning district without special restrictions. However, said use if controlled as to number, size, area, location, relation to the neighborhood or other protective characteristics would not be detrimental to the public health, safety, and general welfare.

2.03.91 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Board that authorizes the recipient to make conditional use of property in accordance with the provisions of this Regulation and any additional conditions placed upon, or required by said permit.

2.03.92 **CONDOMINIUM** shall be as defined in the Nebraska State Statues Section 76-824-76-894, the Condominium Law, whereby four or more apartments are separately offered for sale.

2.03.93 **CONFINED ANIMAL FEEDING OPERATION, LARGE** shall mean a farming operation which meets the following minimum numbers:

700 mature dairy cows	125,000 chickens except laying hens (other than liquid manure handling system)
1,000 beef cattle or heifers	82,000 laying hens (other than liquid manure handling system)
2,500 swine (each 55lbs or more)	1,000 veal calves
10,000 swine (each under 55 lb.)	500 horses
30,000 ducks (other than liquid manure handling system)	10,000 sheep
5,000 ducks (liquid manure systems)	55,000 turkeys
30,000 chickens (liquid manure systems)	

Any combination of animals shall follow the definition of Animal Units in order to establish the intensity of Confined Animal Feeding Operation.

2.03.94 **CONFINED ANIMAL FEEDING OPERATION, MEDIUM** shall mean an farming operation which meets the following minimum numbers:

200 mature dairy cows	37,500 chickens except laying hens (other than liquid manure handling system)
300 beef cattle or heifers	25,000 laying hens (other than liquid manure handling system)
750 swine (each 55lbs or more)	300 veal calves
3,000 swine (each under 55 lb.)	150 horses
10,000 ducks (other than liquid manure handling system)	3,000 sheep or lambs
1,500 ducks (liquid manure systems)	16,500 turkeys
9,000 chickens (liquid manure systems)	

Any combination of animals shall follow the definition of Animal Units in order to establish the intensity of Confined Animal Feeding Operation

2.03.95 **CONFINEMENT** shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather.

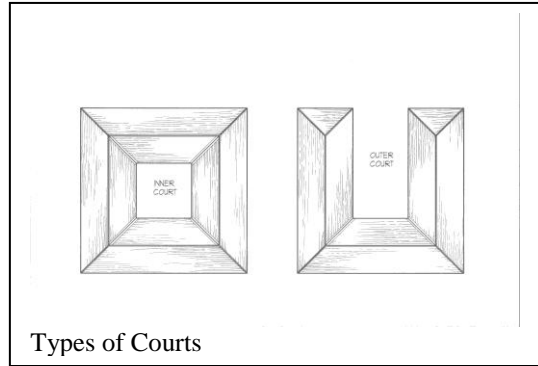
2.03.96 **CONFLICTING LAND USE** shall mean the use of property that transfers over neighboring property lines negative economic or environmental effects. This includes, but is not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

2.03.97 **CONSERVATION AREAS** shall mean 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 limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

2.03.98 **CONSERVATION EASEMENT** shall mean 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.

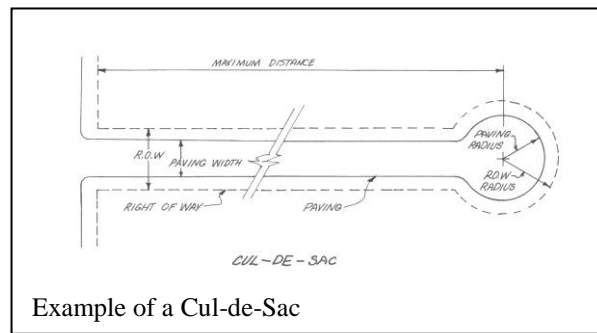
2.03.99 **CONVENIENCE STORE** shall mean a one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic.

2.03.100 **COUNTRY CLUB** shall mean buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes. The affairs and management of such club are conducted by a board of directors, executive committee or similar body chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or corporation. Customary country clubs include, but are not limited to: swimming facilities, tennis courts and golf courses.



2.03.101 **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such buildings.

2.03.102 **CUL-DE-SAC** shall mean a public or private road that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.



2.03.103 **DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.

2.03.104 **DENSITY** shall mean the number of dwelling units per gross acre of land.

2.03.105 **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

2.03.106 **DEVELOPMENT REVIEW** shall mean the review, by the County of subdivision plats, site plans, and rezoning requests, permit review, etc.

2.03.107 **DIRT SURFACE** shall mean (as pertains to roads) roads typically found in non-residential areas as they only provide minimum design characteristics.

2.03.108 **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

2.03.109 **DRAINAGE WAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks. In the event of doubt as to whether a depression is a watercourse or drainage way, it shall be presumed to be a watercourse.

2.03.110 **DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

2.03.111 **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.

2.03.112 **DUMP** shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

- 2.03.113 **DWELLING** shall mean any building or portion thereof that is designed and used exclusively for single-family residential occupancy, excluding mobile\ manufactured homes.
- 2.03.114 **DWELLING, MANUFACTURED HOME** For the purposes of this Regulation, a manufactured home shall bear an appropriate seal which indicates that said home was constructed in accordance with the standards of the Department of Health or the United States Department of Housing and Urban Development. All manufactured homes shall be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage, which would apply to a site-built, single family dwelling on the same lot, plus the following:
- A. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
 - B. The home shall have no less than an 18 foot exterior width;
 - C. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 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, standing seam metal roofing, tile, or rock;
 - F. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
 - G. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
 - H. Permanent foundation: 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 42 inches below the final ground level.
- 2.03.115 **DWELLING, MOBILE HOME** shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids, rollers, 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 camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.
- 2.03.116 **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 Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto. Prefabricated homes that do not meet the above standards shall be considered as either a mobile or manufactured home.
- 2.03.117 **DWELLING, MULTIPLE FAMILY** shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
- 2.03.118 **DWELLING, SINGLE FAMILY (DETACHED)** a building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.
- 2.03.119 **DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean 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.
- 2.03.120 **DWELLING, TWO FAMILY (DUPLEX)** shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

- 2.03.121 **DWELLING UNIT** shall mean one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
- 2.03.122 **EASEMENT** shall mean a space, lot, or parcel of land reserved for or used for public utilities or public or private uses.
- 2.03.123 **ELECTRIC DISTRIBUTION SUBSTATION** shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served there from.
- 2.03.124 **ELECTRIC TRANSMISSION SUBSTATION** shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served there from.
- 2.03.125 **ENCROACHMENT** shall mean advancement or intrusion beyond the lines or limits as designated and established by this Regulation, and to infringe or trespass into or upon the possession or right of others without permission.
- 2.03.126 **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
- 2.03.127 **ENVIRONMENTALLY CONTROLLED HOUSING** shall mean any livestock operation meeting the definition of a Livestock Feeding Operation (LFO) and is contained within a roofed building and may or may not have open sides and contains floors which are hard surfaced, earthen, slatted or other type of floor. The facility is capable of maintaining and regulating the environment in which the livestock are kept.
- 2.03.128 **EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which a city or village has been granted the powers by the state to exercise zoning and building regulations, and is exercising such powers.
- 2.03.129 **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.
- 2.03.130 **FAMILY** shall mean a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on a intentionally structured relationship providing organization and stability.
- 2.03.131 **FAMILY CHILD CARE HOME I** shall mean a child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirements of the State of Nebraska.
- 2.03.132 **FAMILY CHILD CARE HOME II** shall mean a child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirements of the State of Nebraska.
- 2.03.133 **FARM** shall mean a parcel of land used for agricultural activities.
- 2.03.134 **FARM WINERY** Shall mean any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent of the finished products are grown in this state. (added 9/25/12)
- 2.03.135 **FEED LOT** shall mean the confinement of horses, sheep, pigs, and other food animals in buildings, lots, pens, pools or ponds which normally are not used for raising crops or for grazing animals.
- 2.03.136 **FLOOR AREA** whenever the term "floor area" is used in this Regulation 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.

- 2.03.137 **FRONTAGE** shall mean that portion of a parcel of property that abuts a dedicated public street or highway.
- 2.03.138 **FUEL STATION** shall mean a designated facility offering the sale of gasoline, diesel fuel and propane. (2/2015)
- 2.03.139 **GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and bodywork. (Also, see Service Station.)
- 2.03.140 **GARBAGE** shall mean any waste food material of an animal or vegetable nature, including waste that may be used for the fattening of livestock.
- 2.03.141 **GRAVEL AND CRUSHED ROCK** shall mean (as pertains to roads) materials added to the surface of dirt roads to provide all weather travel. This type of road surface is usually found in the rural areas of the County and generally less traveled in nature.
- 2.03.142 **GREENHOUSE, PRIVATE** shall mean a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of flowers or plants for personal enjoyment.
- 2.03.143 **GREENHOUSE, PUBLIC OR RETAIL** shall mean a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of flowers or plants for subsequent sale. Also refer to Nursery.
- 2.03.144 **GROUP CARE HOME** shall mean a home that is operated under the auspices of an organization that is responsible for providing social services, administration, direction, and control for the home that is designed to provide twenty-four hour care for individuals in a residential setting.
- 2.03.145 **GROUP HOME FOR THE HANDICAPPED** shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; (2) A record of having such an impairment.
- 2.03.146 **HOLDING POND** shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes.
- 2.03.147 **HOME OCCUPATION, GENERAL** shall mean a business, occupation, trade or profession conducted for gain and carried on within a residential dwelling by the resident thereof.
- 2.03.148 **HOMEOWNERS ASSOCIATION** shall mean 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.
- 2.03.149 **HOTEL** shall mean 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, motor hotel.
- 2.03.150 **INDIVIDUAL SEPTIC SYSTEM** shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.
- 2.03.151 **INDUSTRIAL PARK** shall mean 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.

- 2.03.152 **INDUSTRY** shall mean 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 thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
- 2.03.153 **JUNK** shall mean any worn-out, cast-off, old, or discarded articles of scrap, 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.
- 2.03.154 **JUNK YARD** shall mean 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 that result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".
- 2.03.155 **KENNEL, COMMERCIAL** shall mean any building, enclosure, other outdoor facilities such as play areas, fenced-in areas and runs, or land upon which four or more dogs are kept for purposes of housing, grooming, breeding, boarding, training or sale, for a fee or compensation. A commercial kennel shall have an occupied on-site residence on the same tract (legal description) as the proposed kennel prior to application to the County for a commercial kennel (kennel, commercial) conditional use permit. (revised 03-25-2008)
- 2.03.156 **LAGOON** shall mean 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.
- 2.03.157 **LANDFILL** shall mean a disposal site employing a method of disposing solid wastes (including junk) in a manner that minimizes environmental hazards in accordance with state and federal requirements.
- 2.03.158 **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.
- 2.03.159 **LIQUID MANURE** shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons.
- 2.03.160 **LIQUID MANURE STORAGE PITS** shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production.
- 2.03.161 **LIVESTOCK FEEDING OPERATION (LFO)** shall mean the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable County, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area or system for the disposal of livestock wastes. Animal Units (A.U.) are defined as follows:
 One A.U.= One (1) Cow/Calf combination
 One A.U.= One (1) Slaughter, Feeder Cattle;
 One A.U.= One-half (1/2) Horse;
 One A.U.= Seven Tenths (.7) Mature Dairy Cattle;
 One A.U.= Two and One Half (2.5) Swine (55 pounds or more);
 One A.U.= Twenty Five (25) Weaned Pigs (less than 55 pounds);
 One A.U.= Two (2) Sows with Litters;
 One A.U.= Ten (10) Sheep;
 One A.U.= One Hundred (100) Chickens;
 One A.U.= Fifty (50) Turkeys;
 One A.U.= Five (5) Ducks.
- 2.03.162 **LIVESTOCK WASTES** shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock

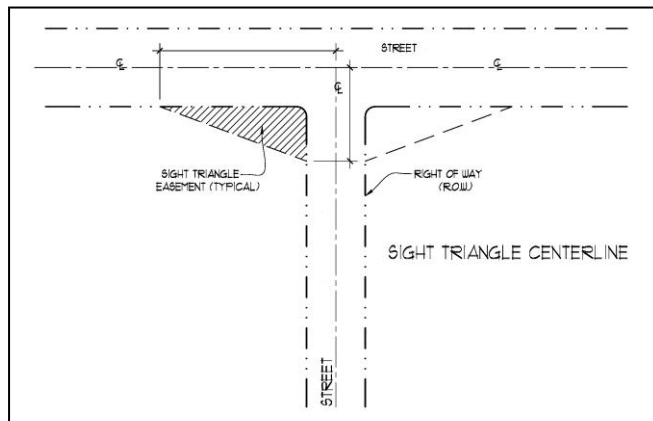
- 2.03.178 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation establishing the zoning district in which the lot is located.
- 2.03.179 **LOT WIDTH** shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- 2.03.180 **MANUFACTURED HOME PARK** shall mean a parcel of land containing spaces for the placement of manufactured housing to be used for dwelling purposes and where manufactured home spaces are not sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection or sale.
- 2.03.181 **MANUFACTURED HOME SUBDIVISION** shall mean ground subdivided to be used for the purpose of selling lots for occupancy by manufactured homes.
- 2.03.182 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts that, along with the zoning text, is officially adopted by the Washington County Board of Supervisors.
- 2.03.183 **MARINA** shall mean a dock or basin providing secure mooring for pleasure boats, motor boats or yachts. (2/2015)
- 2.03.184 **MOTOR VEHICLE** shall mean every self-propelled device used for transportation of people or goods over land surfaces and requiring licensing as a motor vehicle.
- 2.03.185 **NON-CONFORMING BUILDING** shall mean a building, or portion thereof, lawful when established but which does not conform to a subsequently adopted zoning regulation.
- 2.03.186 **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to a subsequently adopted zoning regulation.
- 2.03.187 **NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting and litter.
- 2.03.188 **NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
- 2.03.189 **OFF-STREET PARKING SPACE** shall mean a temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way. Access aisle refers to the traveled way by which motor vehicles enter and depart parking spaces.
- 2.03.190 **OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, concrete, paved or hard surfaces, wherein animals or poultry are exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.
- 2.03.191 **OPEN SPACE** shall mean a parcel 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.
- 2.03.192 **OVERLAY DISTRICT** shall mean a district in which additional requirements will act in conjunction with the underlying zoning district. The original zoning district designation does not change.
- 2.03.193 **OWNER** shall mean an individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.
- 2.03.194 **PARK** shall mean a tract of land, designated and used by the public for active and passive recreation.

- 2.03.195 **PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of motor vehicles capable of moving under their own power and restricted from general public use.
- 2.03.196 **PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of motor vehicles capable of moving under their own power, either free or for remuneration.
- 2.03.197 **PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than eight and one-half feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.
- 2.03.198 **PAVEMENT (PAVED)** shall mean a created surface, such as brick, stone, Portland cement concrete or asphalt placed on the land to facilitate passage of people or vehicles. Asphaltic concrete and Portland cement concrete are considered as pavement and or paved.
- 2.03.199 **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by these Regulations will be completed in compliance with these Regulations as well as with approved plans and specifications of a development.
- 2.03.200 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
- 2.03.201 **PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing upon which a building or structure is permanently attached. Additionally, the foundation must meet the County's building codes.
- 2.03.202 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.03.203 **PERSON** shall mean a corporation, company, association, society, firm, partnership or joint stock company, as well as a individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.
- 2.03.204 **PLANNED DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.
- 2.03.205 **PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties and streets.
- 2.03.206 **PORTABLE TEMPORARY CLASSROOM** shall mean a temporary building, either stick-built or pre-manufactured (built off-site), installed on the grounds of a state approved school to provide additional classroom space where there is a shortage of capacity. The classroom, as it is temporary (not permanent) and portable is subject to a time limitation as determined by the County. It does not need to be on a permanent foundation, but must be properly anchored to the County's building codes. It must also meet any other building code or Zoning Regulation criteria. (added 2/22/11).
- 2.03.207 **PORTLAND CEMENT CONCRETE** shall mean an aggregate with cement binder, characterized by gray/white color. Relatively smooth, uniform concrete surface having few exposed aggregates. Each country has its own standard for Portland cement. The United States, including Washington County, uses the specification prepared by the American Society for Testing and Materials – ASTM C-150 Standard Specification for Portland cement.
- 2.03.208 **POULTRY, COMMERCIAL FEEDING** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.
- 2.03.209 **PRIVATE CLUB** shall mean a building, part of a building, and related facilities owned or operated by a corporation, association, or a group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain qualifications for membership. A private club may include the serving of food and meals on said premises while providing adequate dining room space and kitchen facilities. A private club may include the sale of alcoholic beverages to members and their guests provided the activity is secondary and incidental to the promotion of some common objective by the organization; and, said sale of alcoholic beverages is in complete compliance with all local, state and federal laws.

- 2.03.210 **PRIVATE WATER SUPPLY SYSTEM** shall mean that ground water used as drinking water, which is not included under public drinking water supply (i.e., not operated as a public water supply system).
- 2.03.211 **PRIVATE WELL** shall mean a water well serving a single use such as a single-family residence or permitted use or conditional use within a zoning district. (added 6/23/09).
- 2.03.212 **PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
- 2.03.213 **PROMOTIONAL DEVICE** shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.
- 2.03.214 **PUBLIC UTILITY** shall mean any business that furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.
- 2.03.215 **PUBLIC WATER SUPPLY SYSTEM** shall mean a water supply system designed to provide the public water for human consumption if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Public water supply system includes, but is not limited to: a) any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system; and b) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.
- 2.03.216 **QUARRY** shall mean a place where rock, ore, stone, dirt, gravel and similar materials are excavated for sale or for off-tract use. A quarry includes rock crushing, asphalt plants and similar activities.
- 2.03.217 **RECREATION, ACTIVE** shall mean leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.
- 2.03.218 **RECREATION, PASSIVE** shall mean leisure-time activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games. This includes open space for nature, and areas for nature walks and observation.
- 2.03.219 **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit, 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 vehicles include, but are not limited to, motor coach homes, truck camper, travel trailer, automobile trailer, camping trailer, converted buses and trucks, boats, boat trailers, van conversions and fifth wheel.
- 2.03.220 **RECREATIONAL VEHICLE (RV) PARK** shall mean 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.
- 2.03.221 **RECREATIONAL VEHICLE (RV) PARK COMPLEX** shall mean a tract of land under single ownership developed for recreational use. The complex shall accommodate a minimum of seventy-five or more recreational vehicle sites established and maintained for occupancy by recreational vehicles for the general public as temporary living quarters for recreation or vacation purposes. Recreational vehicles may be on site for not more than 180 consecutive days. The complex may include the following services: restaurant, liquor sales, marina, RV and boat repair, fuel sales and convenience store. Compatible services may be permitted by conditional use after recommendation by Planning Commission to the Board of Superiors for approval. All services and activities shall be approved individually and permitted by a Conditional Use Permit. (2/2015)
- 2.03.222 **RECREATIONAL VEHICLE AND BOAT REPAIR FACILITY** shall mean a business/facility solely for the repair and servicing of Recreational Vehicles and Boats, to include the sale of related parts and supplies. At no time shall RV's or Boats be offered for sale on premises. (2/2015)

- 2.03.223 **RESIDENCE** shall mean a home abode or place where an individual is actually living at a specific point in time.
- 2.03.224 **RESTAURANT** shall mean a public eating establishment in which the primary function is preparation and serving of food and beverages to include consumption within the establishment, fast food and take out. (2/2015)
- 2.03.225 **RETAIL SALES** shall mean establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- 2.03.226 **REZONING** shall mean an amendment to or change in the zoning regulations either to the text, the map, or both.
- 2.03.227 **RIGHT-OF-WAY** shall mean an area or strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.
- 2.03.228 **ROAD, PRIVATE** shall mean access, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties.
- 2.03.229 **ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for street traffic.
- 2.03.230 **ROADSIDE STAND** shall mean a temporary structure or vehicle offering agricultural products, produced on the premises, for sale.
- 2.03.231 **SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age, whether licensed as a day care center or not, approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.
- 2.03.232 **SCREENING** shall mean a method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, beams, densely planted vegetation or other features. (Also, see Buffer.)
- 2.03.233 **SELF-SERVICE STATION** shall mean 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.
- 2.03.234 **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
- 2.03.235 **SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

- 2.03.236 **SETBACK LINE** shall mean the line that is the required minimum distance from any lot line and that establishes the area within which a building \ structure can be placed.
- 2.03.237 **SIGHT TRIANGLE** shall mean an area at a street or road intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to visually impair the view of traffic (pedestrian and motor vehicular) at an intersection as established within these Regulations. (See also visual obstruction).



2.03.238 **SIGN** shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.

2.03.239 **SIGN, ARCHITECTURAL CANOPY** shall mean an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

2.03.240 **SIGN AREA** shall mean the entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. If both sides of a sign structure are used, then the sign area shall include each side.

2.03.241 **SIGN, BILLBOARD** shall mean a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

2.03.242 **SIGN, BUSINESS** shall mean a sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located. A business sign shall mean the same as an on-premise sign.

2.03.243 **SIGN, GROUND** shall mean any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

2.03.244 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

2.03.245 **SIGN, INFLATABLE** shall mean any display capable of being expanded by air or other gas and used to advertise a product or event.

2.03.246 **SIGN, POLE** shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six inches or more above grade.

2.03.247 **SIGN, PORTABLE** shall mean a sign that is not permanent, affixed to a building, structure or the ground.

2.03.248 **SIGN, PROJECTING** shall mean a sign that is wholly or partly dependent upon a building for support and the projects more than 12 inches from such building.

2.03.249 **SIGN, REAL ESTATE** shall mean a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

2.03.250 **SIGN, ROOF** shall mean a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that project above the top walk or edge of a building.

2.03.251 **SIGN, SETBACK** shall mean the horizontal distance from the property line to the nearest projection of a sign.

2.03.252 **SIGN, SUBDIVISION** shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.



**Sign, Billboard
Sign, Off-Premises**



**Sign, Ground
Sign, Electronic Message
Sign, Flashing**



**Sign, Ground
Sign, Changeable Copy**



**Sign,
Projecting**

- 2.03.253 **SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, canvas, plywood or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.
- 2.03.254 **SIGN, WALL** shall mean a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of; the sign and that do not project more than 12 inches from such building or structure.
- 2.03.255 **SIGN, WINDOW** shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.
- 2.03.256 **SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.
- 2.03.257 **SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.
- 2.03.258 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
- 2.03.259 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:
- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 2.03.260 **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:
- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 - B. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
 - C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 - D. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
 - E. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
 - F. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
 - G. Human excretion, urination, menstruation, vaginal, or anal irrigation.
- 2.03.261 **STABLE, PRIVATE** shall mean an accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
- 2.03.262 **STABLE, RIDING** shall mean a structure in which horses used for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire, or sale.
- 2.03.263 **STREET (ROAD)** shall mean 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 Regulation.
- 2.03.264 **STREET, FRONTAGE ACCESS** shall mean a street designed for direct access to abutting residential, commercial or industrial properties with a controlled and separate access to a main thoroughfare.
- 2.03.265 **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

- 2.03.266 **STRUCTURAL, ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
- 2.03.267 **SUBDIVISION** shall mean the division of land into two or more lots, parcels, plats, or sites, 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.
- 2.03.268 **TEMPORARY** shall mean not permanent, subject to time limitation.
- 2.03.269 **TEMPORARY STRUCTURE** shall mean a structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- 2.03.270 **TRANSITIONAL USE** shall mean a permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.
- 2.03.271 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal.)
- 2.03.272 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yard" or "Automobile Wrecking Yards".
- 2.03.273 **VARIANCE** shall mean a relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.
- 2.03.274 **VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet. (See also sight triangle).
- 2.03.275 **WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- 2.03.276 **WASTE HANDLING SYSTEM** shall mean any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems.
- A. **Holding pond** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.
 - B. **Lagoon** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of liquid livestock waste by anaerobic, aerobic or facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.
 - C. **Liquid manure storage pits** shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.
 - D. **Sediment** shall mean a pond constructed for the sole purpose of collecting and containing sediment.
- 2.03.277 **WATER SUPPLY SYSTEM** shall mean all sources of water and their surroundings under the control of one owner, and shall include all structures, conduits, and appurtenances by means of which such water is collected, treated, stored, or delivered, except service pipes between street mains and buildings and the plumbing within or in connection with the buildings served.
- 2.03.278 **WATER WELL** shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, obtaining hydro-geologic information, or extracting water from or injecting water into the underground water reservoir. Water well shall not include any excavation made for obtaining or prospecting for oil or natural gas or for inserting media to re-pressure oil or natural gas bearing formations regulated by the Nebraska Oil and Gas Conservation Commission.

2.03.279 **WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

2.03.280 **WHOLESALE TRADE** shall mean establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

2.03.281 **YARD** shall mean 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 Regulation.

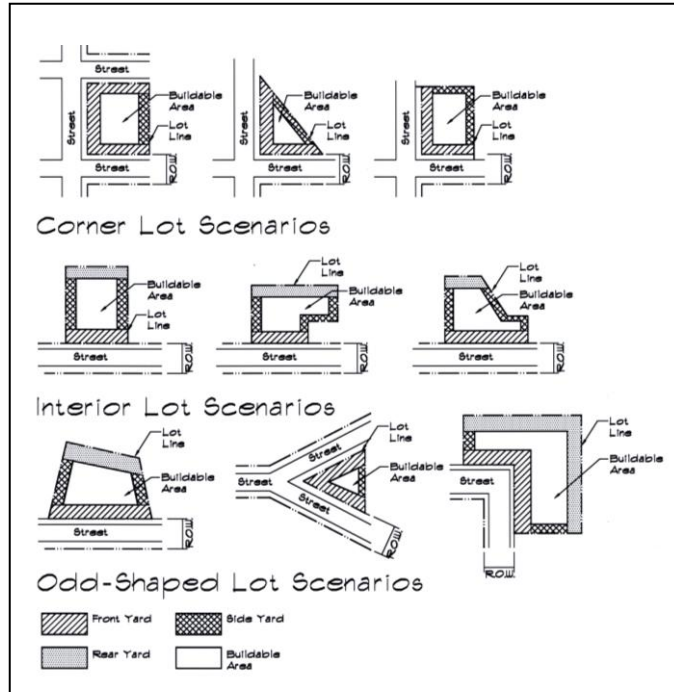
2.03.282 **YARD, FRONT** shall mean a space extending the full width of the lot between any building and the front lot line and measured perpendicularly to the building at the closest point to the front lot line between the front yard setback line and the front lot line and extending the full width of the lot.

2.03.283 **YARD, REAR** shall mean a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

2.03.284 **YARD, SIDE** shall mean a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

2.03.285 **YARD WASTE** shall mean accumulations of grass or shrubbery cuttings, leaves or other organic materials collected as a result of the care of lawns, shrubbery, vines and gardens.

2.03.286 **YARD WASTE COMPOST SITE** shall mean a tract of land, location, area, or premises used for composting yard waste.



ARTICLE 3: GENERAL REGULATIONS**Section 3.01 Principal Uses**

The principal uses of land or building as hereinafter listed in each Zoning District shall be permitted in the Districts indicated under the provisions of this Regulation. No land or buildings shall be devoted to any use other than the use permitted hereinafter in the Zoning District in which the land or building shall be located with the following exceptions:

1. Use lawfully established on the effective date of this Regulation and rendered non-conforming by the provisions thereof shall be subject to the provisions hereinafter set forth.
2. Conditional uses allowed in accordance with procedures or provisions set forth herein.
3. Accessory uses incidental to the principal use and located on the same lot.

Section 3.02 Conditional Uses

The development of this provision is based upon the Zoning Districts, within which Districts, the use of land and buildings in relation to the land are substantially uniform. It is recognized; however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular Zoning District, without consideration, in each case, of the impact or influence of those uses upon neighboring land. Such conditional uses fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest.
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their influence or impact on neighboring property.

Section 3.03 Accessory Uses

Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings, and structures incidental thereto if located on the same site or building plot. However, such accessory uses, buildings, and structures shall not be established or erected prior to the establishment or construction of the principal use or building unless otherwise permitted by this Regulation.

Section 3.04 Nonconforming, General Intent

Within the districts established by this Resolution or amendments that may later be adopted there exist

- a) Lots,
- b) Structures,
- c) Uses of land and structures, and
- d) Characteristics of use

that were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these nonconformities to continue until they are removed but not to encourage their survival. It is further the intent of this Resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Resolution to be incompatible with permitted uses in the districts involved. Nonconforming uses of a structure, nonconforming use of land, or nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, or a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution, and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 3.05 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard

dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Resolution.

Section 3.06 Nonconforming Uses of Land (or Land with Minor Structures Only)

Where at the time of passage of this Resolution, lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- 3.06.01 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
- 3.06.02 No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution;
- 3.06.03 If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified for the district in which such land is located;

Section 3.07 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reasons of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 3.07.01 No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- 3.07.02 Should such nonconforming structure or nonconforming portions of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Resolution.
- 3.07.03 Should such structure be moved for any reasons for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 3.08 Nonconforming Uses of Structures or of Structures and Premises in Combination

If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 3.08.01 No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located;
- 3.08.02 Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
- 3.08.03 If no structural alterations are made, any nonconforming uses of a structure, or structure and premises may as a conditional use be changed to another nonconforming use, provided that the Commission and Board may require appropriate conditions and safeguards in accord with the provisions of this Resolution.
- 3.08.04 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
- 3.08.05 When nonconforming uses of a structure, or structure and premises in combination is discontinued or abandoned for 12 consecutive months (or for 18 months during any three-year period except when government action impedes access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;

3.08.06 Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

Section 3.09 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 10 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located unless approved by the Commission and Board.

Section 3.10 Uses Under Conditional Use Provisions Not Nonconforming Uses

Any use which is permitted as a conditional use in a district under the terms of this Resolution (other than a change through Board of Supervisors action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use.

Section 3.11 Lot

3.11.01 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 principal building on a lot unless otherwise provided.

3.11.02 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances:

- a. Institutional buildings
- b. Public or semi-public buildings
- c. Commercial or industrial buildings
- d. Agricultural accessory buildings

Section 3.12 Reductions in Lot Area Prohibited

No lot, even though it may consist of one 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 Regulation are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 3.13 Yard Requirements

3.13.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

3.13.02 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.

Section 3.14 Permitted Obstructions in Required Yards

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

3.14.01 All Yards:

- a) Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley;
- b) Chimneys projecting 24 inches or less into the yard;
- c) Recreational and laundry-drying equipment;
- d) Approved freestanding signs;
- e) Arbors and trellises;
- f) Flag poles;

- g) Window unit air conditioners projecting not more than 18 inches into the required yard; and
- h) Fences or walls subject to applicable height restrictions are permitted in all yards.

3.14.02 Front Yards:

- a) Bay windows projecting three feet or less into the yard;

3.14.03 Rear and Side Yards:

- a. Open off-street parking spaces,
- b. Balconies or outside elements of central air conditioning systems.

3.14.04 Double Frontage Lots:

The required front yard shall be provided on each street.

3.14.05 Building Groupings:

For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 3.15 Accessory Building and Uses

3.15.01 Detached accessory buildings shall conform to all yard setbacks.

3.15.02 No accessory building shall be constructed upon a lot until the construction of the main building has commenced or unless a conditional use permit has been obtained. The applicant as part of the Conditional Use Permit process shall be required to submit a \$1,000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1,000.00 certified or personal check, or cash, is a security that helps insure the work/conditions will be followed in accordance with the requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulations/requirements will result in the forfeiture of the \$1,000.00 (changed 2/22/11)

3.15.03 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet unless allowed by the County's Building Code.

3.15.04 Regulation of accessory uses shall be as follows:

- a. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- b. Service station pumps and pump islands may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

Section 3.16 Permitted Modifications of Height Regulations.

3.16.01 The height limitations of this Regulation shall not apply to:

- | | |
|------------------------------------|--|
| Belfries | Public Monuments |
| Chimneys | Ornamental Towers and Spires |
| Church Spires | Radio and Television Towers less than 100 feet in height |
| Conveyors | Air-Pollution Prevention Devices |
| Cooling Towers & Ventilators | Grain Elevators and Silos |
| Elevator Bulkheads | Smoke Stacks |
| Fire Towers | Stage Towers or Scenery Lots |
| Water Towers and Standpipes | Tanks |
| Flag Poles | Wind Energy Systems |
| Barns, silos & other Ag structures | Cupolas |
| Derricks | Domes |
| Grain Elevators | Observation Towers |
| Masts & Aerials | |

and any necessary mechanical apparatus usually required to be placed above the roof level and not intended for human occupancy may be erected to any safe height not in conflict with any other existing federal, state or local regulations, or any other County regulations. These structures shall require permits as required by the County.

When permitted in the district, public or semi-public service buildings, hospitals, institutions, churches and other places of interest, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Single-family and two-family dwellings may be increased in height by not more than 10 feet, but not to exceed three stories in height, when the side and rear yards are increased a distance of not less than 10 feet over the minimum yard requirements of the district regulations.

Section 3.17 Repairs and Maintenance

Nothing in this regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the County's Building Inspector, or other County designee.

Section 3.18 Amenities, Fire

Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard, may be permitted by the Planning Administrator, upon review by the County Building Inspector, and where the same are so placed as not to obstruct lights and ventilation.

Section 3.19 Side Yards

No side yards are required where dwelling units are erected above commercial and industrial structures.

Section 3.20 Recreation Equipment, Storage

Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, camping buses or converted trucks, tent trailers, and recreational vehicles shall not be stored or parked within the required front yard of a residentially zoned district and no such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked in a residentially zoned district or in any location not approved for such use.

Section 3.21 Building Setback

The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure.

Section 3.22 Screening

- 3.22.01 Junkyards (salvage or wrecking yards) shall be screened with an eight feet high opaque, solid fence, brick wall, or earth berm so as to provide visual and aural separation between such use and adjacent areas.
- 3.22.02 Junkyards (salvage or wrecking yards) located next to railroad right-of-way shall have a 10 feet high opaque, solid fence, brick wall, or earth berm on the property line common to the railroad right-of-way
- 3.22.03 All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.

Section 3.23 Fences, Walls, Hedges and Trees.

- 3.23.01 On a corner lot in any district, nothing shall be erected, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and eight feet above the grades of the centerline of the intersecting street, from the point of intersection 120 feet in each direction, measured along the centerline of the street.

Section 3.24 Manufactured Homes

- 3.24.01 In no case shall the placement of two (2) manufactured homes on one legal description be allowed in any zoning district.
- 3.24.02 No factory built single-family structures that meet either the HUD Code or the adopted County building code shall be permitted in any zoning district as an accessory building.

ARTICLE 4: INTERPRETATION, DISTRICT BOUNDARIES, AND OFFICIAL ZONING MAP

Section 4.01 Interpretation

This Regulation shall not nullify the more restrictive provisions of covenants, agreements, resolutions, other ordinances or laws but shall prevail notwithstanding such provisions which are less restrictive.

Section 4.02 Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 4.02.01 Boundaries indicated as approximately following the centerlines or right-of-way of streets, highways or alleys shall be construed to follow such center or right-of-way lines unless otherwise noted.
- 4.02.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 4.02.03 Boundaries indicated as following city/village limits shall be construed as following city/village limits.
- 4.02.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 4.02.05 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- 4.02.06 Boundaries indicated as parallel to or extensions of features indicated in subsection 4.02.01 through 4.02.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 4.02.07 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, and the County Surveyor cannot reasonably clarify the boundary lines; or in the case of disagreement; or in other circumstance not covered by subsections 4.02.01 through 4.02.06 above, the Board of Zoning Adjustment shall interpret the district boundaries.
- 4.02.08 Whenever a road, highway, or other thoroughfare between two zoning districts is officially vacated, the abutting zoning district boundaries shall be the centerline of such vacated public thoroughfare.

Section 4.03 Official Zoning Map

The boundaries of these Districts are hereby established as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these Regulations.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Supervisors attested to by the County Clerk, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Washington County, Nebraska Zoning Resolution", together with the date of the adoption of these Regulations.

If, in accordance with the provisions of these Regulations, changes are made in District boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved and adopted by the County Board of Supervisors.

The Official Zoning Map shall be located both in the County Planning Office and the Office of the County Clerk and such map shall be the final authority as the current zoning status of land, water areas, buildings and other structures.

ARTICLE 5: DISTRICTS**Section 5.01 Establishment of Districts**

For the purposes of this Zoning Regulation, that portion of Washington County, Nebraska which is outside the limits of any incorporated city or village or is outside the zoning or extra-territorial jurisdictional limits of any incorporated city or village and over which such city or village is exercising such jurisdiction, is hereby divided into the following Districts:

- A-1 Primary Agriculture District
- TA-1 Transitional Agricultural District
- H-A Homestead Agricultural
- A-2 Agriculture Commercial District
- A-LSR Lot Split Residential District
- RS-1 Rural Subdivision District - 1
- RS-2 Rural Subdivision District – 2
- RA Rural Acreage District
- C-1 Retail Neighborhood Commercial District
- C-2 Business Park Retail District
- I-1 Industrial Center District
- I-2 Agricultural \ General Industrial District
- RMD Residential Mixed Use District
- CMD Commercial \ Industrial Mixed Use District
- WPO Wellhead Protection Overlay District

Any land whose classification is not shown on the Zoning Plan, and land hereafter disconnected from an incorporated municipality shall be classified as in the A-1 District until classified by amendment.

Section 5.02 Previous Districts

- A-2 Agriculture Commercial District
- RRS-1 Rural Residential Subdivision (see Appendix A)
- R-1 Agricultural Residence District (see Appendix A)
- R-2 Estate Residence District (see Appendix A)
- R-3 Suburban District (see Appendix A)
- R-4 Urban Residence District (see Appendix A)
- C-2 General Commercial District
- I-1 Industrial Park District
- I-2 Agricultural/General Industrial District
- I-3 Agricultural/Manufacturing Industrial District
- F-1 Flood Plain District

Washington County recognizes all previously platted lots as of the effective date of this Resolution as "lots of record." Lots of record will be governed by the setback, height, area, and density regulations of the zoning district in which they were located prior to the effective date of this Resolution. The regulations applicable to lots of record are found in Appendix "A" of these Regulations, and shall apply only to the setback, height, area, and density for the development of said lots of record. The regulations found in Appendix "A" applicable to lots of record are for the limited purpose expressed herein and are not to be considered as zoning districts for the purpose of rezoning any land in Washington County after the effective date of this Resolution. Any new subdivisions or platting of lots approved after the effective date of this Resolution shall comply with the setback, height, area, and density regulations established by this Resolution for the zoning district in which said land is located.

SECTION 5.03: A-1 AGRICULTURAL – PRIMARY DISTRICT**5.03.01 Intent**

The A-1 Agricultural District regulations are intended to provide for the lands best suited for agricultural uses of all types, including feedlots, and to protect the value of such land. This District also intends to provide for the location and to govern the establishment and operation of land uses that are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable.

5.03.02 Permitted Principal Uses

The following principal uses are permitted in the Agricultural A-1 District.

1. Livestock feeding operations provided the following provisions are met:
 - A. Any operation containing a total of 40 acres or more within a five-mile radius of a proposed confinement site is permitted the number of animals (at any one time) as defined under “confined animal feeding operation, large.” The confinement site must be a legally described minimum 10-acre tract.
 - B. Any operation containing less than 40 continuous acres of a proposed confinement site is permitted the amount of animals allowed by taking the total acres divided by 40 and then multiplying by the total number of animals allowed for forty acres. The confinement site must be a legally described minimum of two-acre tract (see ratios above).
2. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
3. Temporary limited-time seasonal type uses open to the public, such as a haunted house, Christmas tree farm and accessory uses, provided all other County codes and regulations are followed.
4. All other uses listed as a Permitted Use within the Land Use Matrix.

5.03.03 Conditional Uses (changed 2/2015)

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Any proposed confined feeding operation that exceeds the maximums, and/or the ratios in 5.03.02 (1)(A) above, or does not meet the minimum acres for a confinement site.
2. Any proposed subdivision (excluding lot splits) within one mile of a confinement site previously approved by Conditional Use Permit by the County.
3. Overhead and underground utilities main transmission lines including, but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
4. Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements in the Supplementary Regulations.
5. Radio, cellular and television towers and transmitters and are subject to the requirements in the Supplementary Regulations.
6. Wind Energy devices.
7. Sanitary landfill siting or expansion conducted in a manner and method approved by the Board, provided said landfill is not closer than 1,000 feet to a municipal well and/or within one mile of any village or city limits, or any subdivision or residence. Also refer to the Supplemental Regulations.
8. Disposal of paunch manure.
9. Disposal of sludge.
10. Disposal of corn milling biosolids.
11. The placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only.
12. The temporary allowance for two single-family residences on a property in a situation where a new residence is to be constructed followed by the removal of the existing residence.
13. Yard waste compost site generating more than 100 cubic yards of yard waste per year.
14. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work.

15. Temporary occupancy, of a mobile home for residential purposes may be allowed during the actual construction or reconstruction of a dwelling. Provided:
 - a. The applicant, as part of the Conditional Use Permit process, shall be required to submit a \$1,000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1,000.00 certified or personal check or cash, is a security that helps insure the work\conditions will be followed in accordance with the requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulations/requirements will result in the forfeiture of the \$1,000.00 deposit.
16. Temporary placement of a mobile home for a contractor's office as an incidental use to a construction project, provided:
 - a. Such use shall continue only during the duration of the project and additionally that the mobile home is removed within 30 days after the project is complete.
 - b. The applicant, as part of the Conditional Use Permit process, shall be required to submit a \$1,000.00 deposit with the County at the time of application. Such deposit shall be in the form of either certified or personal check which will be cashed by the County, or by cash. This \$1,000.00 certified or personal check, or cash, is a security that helps insure the work/conditions will be followed in accordance with the requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulation/requirements will result in the forfeiture of the \$1,000.00 deposit.
17. The temporary occupancy of a mobile home, on a minimum 40 acre tract, or an undivided quarter-quarter section, by a person(s) receiving care from a caregiver; provided however, the mobile home shall be located within one-half mile from the existing dwelling occupied by the caregiver; and provided the person receiving care shall be an immediate family member.
18. Permanent on-site non-illuminated business sign per legal description identifying a product grown on the premises, limited to one sign total.
19. Commercial kennels provided all buildings, enclosures, or other facilities such as play areas, fenced-in areas and runs are at least 100 feet from adjacent property owners' property lines and 300 feet from any county, city, or village zoned residential district.
20. Mobile home, for up to one year and at review times set by the County, provided:
 - a. The location of a mobile home for the purpose of providing a dwelling for a person whose employment is agricultural and related to a County agricultural operation, either on the land the mobile home will sit or within one-half mile of the agricultural operation.
 - b. As proof of agricultural employment, the occupant of the mobile home shall provide to the County a copy of the most recent Federal W-2 form showing employer and wages:
 - i. At time of initial Conditional Use Permit application and;
 - ii. At time of Conditional Use Permit review.
 - c. The applicant, as part of the Conditional Use Permit process, shall be required to submit a \$1,000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1,000.00 certified or personal check or cash, is a security that helps insure the work/conditions will be followed in accordance with the requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulations/requirements will result in the forfeiture of the \$1,000.00 deposit.
 - d. The mobile home will be removed when no longer occupied by a hired hand or the home and land upon which it sits is brought into conformance with the Zoning Resolution.
21. A farm winery which would produce and sell wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent of the finished products are grown in this state. Provide to the county before production begins all applicable State and/or Federal approvals. The County may impose any additional conditions as deemed appropriate (including, but not limited to gallons of production).
22. Recreational Vehicle (RV) Park Complex may include the following services; restaurant, liquor sales, marina, RV and boat repair, fuel sales and convenience store. At no time shall RVs or Boats be offered for sale on premises. Recreational Vehicles may be on site for not more than 180 consecutive days. All services and

activities shall be approved individually and permitted by a Conditional Use if compatible to the area. Additional services may be permitted upon recommendation by the Planning Commission to the Board of Supervisors for approval.

23. All other uses listed as a Conditional Use within the Land Use Matrix.

5.03.04. Permitted Accessory Uses

The following accessory buildings and uses are permitted in the A-1 District.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with the principal use.
4. Lighting as defined and regulated under the LZ0 zone.
5. Decks, gazebos, elevated patios either attached or detached.

5.03.05 Lot Requirements and Intensity of Use

1. The following table lists the minimum lot requirements and maximum building requirements in the A-1 District. These requirements shall be followed unless otherwise modified by this Resolution.

Uses	Min Lot Area (acreage)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwellings	3*	200	50	25	15	35
Other Permitted or Conditional Uses	-	100	50	25	15	65
Accessory Buildings	-	-	70	5	5	15
On-Premise Sign ¹	-	-	0	5	5	20

¹ Additionally, an on-premise sign face shall not exceed 150 square feet per side; if used, each side shall reference the same product; and the sign shall not exceed 20 feet in length.

* Minimum lot size can be reduced to 2 acres if property is served by a public water supply system.

No new building erected hereafter or any existing building altered/added to shall have any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

SECTION 5.04: TA-1 TRANSITIONAL AGRICULTURAL DISTRICT**5.04.01 Intent**

The intent of this district is to recognize the transition between agricultural uses of land, the growth areas of the County, and the County's communities; to encourage the continued use of that land which is suitable for agriculture, but limit the land uses that may be a detriment to the efficient pursuit of agricultural production.

5.04.02 Permitted Principal Uses

The following principal uses are permitted in the TA-1 Transitional Agricultural District.

1. Existing Livestock feeding operations.
2. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
3. Temporary limited-time seasonal type uses open to the public, such as a haunted house, Christmas tree farm and accessory uses, provided all other County codes and regulations are followed.
4. All other uses listed as a Permitted Use within the Land Use Matrix.

5.04.03 Conditional Uses (changed 2/2015)

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Expansion of existing Livestock Feeding Operations provided said expansion does not result in more than a 100% increase in animal capacity.
2. Any proposed confined feeding operation that exceeds the ratios in 5.03.03 (1)(A), or does meet the minimum acres for a confinement site.
3. Any proposed subdivision (excluding lot splits) proposed within one mile of a confinement site previously approve by Conditional Use Permit by the County.
4. Overhead and underground utilities main transmission lines including, but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
5. Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements in the Supplementary Regulations.
6. Radio, cellular and television towers and transmitters and are subject to the requirements in the Supplementary Regulations.
7. Wind Energy devices.
8. Sanitary landfill siting or expansion conducted in a manner and method approved by the County Board of Supervisors, provided said landfill is not closer than 1,000 feet to a municipal well and/or one mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution, see Supplemental Regulations.
9. Disposal of paunch manure.
10. Disposal of sludge.
11. Disposal of corn milling biosolids.
12. The placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only.
13. The temporary allowance for two single family residences on a property in a situation where a new residence is to be constructed followed by the removal of the existing residence.
14. Yard waste compost site generating more than 100 cubic yards of yard waste per year.
15. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
16. Temporary occupancy, for a maximum of one year, of a mobile home for residential purposes may be allowed during the actual construction or reconstruction of a dwelling. Provided:
 - a. The applicant, as part of the Conditional Use Permit process, shall be required to submit a \$1,000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1,000.00 certified or personal check, or cash, is a security that helps insure the work/conditions will be followed in accordance with the

- requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulation/requirements will result in the forfeiture of the \$1,000.00 deposit.
17. Temporary placement of a mobile home for a contractor's office as an incidental use to a construction project, provided:
 18. Such use shall continue only during the duration of the project and additionally that the mobile home is removed 30 days after the project is complete.
 19. The applicant, as part of the Conditional Use Permit process, shall be required to submit a \$1,000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1,000.00 certified or personal check, or cash, is a security that helps insure the work/conditions will be followed in accordance with the requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulation/requirements will result in the forfeiture of the \$1,000.00 deposit.
 20. The temporary occupancy of a mobile home, on a minimum 40 acre tract, or an undivided quarter-quarter section, by a person(s) receiving care from a caregiver; provided however, the mobile home shall be located within one-half mile from the existing dwelling occupied by the caregiver; and provided the person receiving care shall be an immediate family member.
 21. Permanent on-site non-illuminated business sign per legal description identifying a product grown on the premises, limited to one sign total, for use listed under the Permitted Principal Use items number 1 and 2.
 22. Commercial kennels provided all buildings, enclosures, or other facilities such as play areas, fenced-in areas and runs are at least 100 feet from adjacent property owners' property lines and 300 feet from any county, city, or village zoned residentially zoned area.
 23. Mobile home for up to one year and at review times set by the County, provided:
 24. the location of a mobile home for the purpose of providing a dwelling for a person whose employment is agricultural and related to a County agricultural operation, either on the land the mobile home will sit or within one-half mile of the agricultural operation.
 25. As proof of agricultural employment, the occupant of the mobile home shall provide the County a copy of the most recent Federal W-2 form showing employer and wages:
 - i. At time of initial Conditional Use Permit application and;
 - ii. At time of Conditional Use Permit review.
 26. The applicant, as part of the Conditional Use Permit process, shall be required to submit a \$1,000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1,000.00 certified or personal check, or cash, is a security that helps insure the work/conditions will be followed in accordance with the requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulations/requirements will result in the forfeiture of the \$1,000.00 deposit.
 27. The mobile home will be removed when it no longer occupied by a hired hand, or the home and land upon which it sits will be brought into conformance with the Zoning Resolution.
 28. A building permit shall be obtained for the mobile home and all applicable County codes shall be followed and approved.
 29. Recreational Vehicle (RV) Park Complex may include the following services; restaurant, liquor sales, marina, RV and boat repair, fuel sales and convenience store. At no time shall RVs or Boats be offered for sale on premises. Recreational Vehicles may be on site for not more than 180 consecutive days. All services and activities shall be approved individually and permitted by a Conditional Use if compatible to the area. Additional services may be permitted upon recommendation by the Planning Commission to the Board of Supervisors for approval.
 30. All other uses listed as a Conditional Use within the Land Use Matrix.

5.04.04 Permitted Accessory Uses

The following accessory buildings and uses are permitted in TA-1 Transitional Agricultural District.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with the principal use.

4. Signs as provided for elsewhere in this Regulation.
5. Parking as provided for elsewhere in this Regulation.
6. Lighting as defined and regulated under the LZ0 zone.
7. Decks, gazeboes, elevated patios either attached or detached.

5.04.05 Lot Requirements and Intensity of Use

1. The following table lists the minimum lot requirements and maximum building requirements in an A-1 District. These requirements shall be followed unless otherwise modified by this Resolution

Uses	Min Lot Area (acreage)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwellings	3*	200	50	25	15	35
Other Permitted or Conditional Uses	-	100	50	25	15	65
Accessory Buildings	-	-	70	5	5	15
On-Premise Sign ¹	-	-	0	5	5	20

¹ Additionally, an on-premise sign face shall not exceed 150 square feet per side; if used, each side shall reference the same product; and the sign shall not exceed 20 feet in length.

* Minimum lot size can be reduced to 2 acres if property is served by a public water supply system.

No new building erected hereafter or any existing building altered/added to shall have any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

SECTION 5.05: H-A HOMESTEAD AGRICULTURAL**5.05.01 Intent**

This district exists solely to recognize pre-existing lots that are less in size than the minimum lot size in this Zoning Regulation. It is recognized that this District will be scattered throughout the County, primarily in the agricultural sectors.

5.05.02 Permitted Principal Uses:

The following principal uses are permitted in the H-A District:

1. Single-family dwellings
2. Transportation and utility easements rights-of-way
3. Wind generator
4. All other uses listed as a Permitted Use within the Land Use Matrix under the RS-1 category

5.05.03 Conditional Uses: (Changed 2/22/11)

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Temporary occupancy, for a maximum of one year, of a mobile home for residential purposes shall be permitted during the actual construction or reconstruction of a dwelling. Provided:
 - a. The applicant, as part of the Conditional Use Permit process, shall be required to submit \$1000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1000.00 certified or personal check, or cash, is a security that helps insure the work/conditions will be followed in accordance with the requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulations/requirements will result in the forfeiture of the \$1000.00 deposit.
2. Temporary placement of a mobile home for contractor's office as an incidental use to a construction project, provided:
 - a. Such use shall continue only during the duration of the project
 - b. That the mobile home is removed 30 days after the project is complete.
 - c. The applicant, as part of the Conditional Use Permit process, shall be required to submit a \$1000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1000.00 certified or personal check, or cash, is a security that helps insure the work/conditions will be followed in accordance with the requirement of the County and is refundable when all County stipulations/requirements have been met/followed.
 - d. Noncompliance with County stipulations/requirements will result in the forfeiture of the \$1000.00 deposit.
3. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work
4. Overhead and underground utilities main transmission lines including, but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
5. The placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only
6. The temporary allowance for two single family residences on a property in a situation where a new residence is to be constructed followed by the removal of the existing residence
7. Commercial kennels provided all buildings, enclosures, or other outdoor facilities such as play areas, fenced-in areas and runs are at least 100 feet from adjacent property owner's property lines and 300 feet from any County, City or Village zoned residential district
8. Ratio of animals per acre exceeding those listed in the Accessory Uses
9. All other uses listed as a Conditional Use within the Land Use Matrix under the RS-1 category

5.05.04 Permitted Accessory Uses:

The following accessory buildings and uses are permitted in the H-A District:

1. Buildings and uses customarily incidental to the permitted and conditional uses.

2. Home occupations.
3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with the principal use.
4. Lighting as defined and regulated under the LZ0 zone.
5. Decks, gazeboes, elevated patios either attached or detached.
6. Residential Animal Keeping Regulations

Ratio of Animals per Acre				
Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way no adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.
- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

5.05.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows, except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (square feet)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwellings	-	200	50	25	15	35
Other Permitted or Conditional Uses	-	100	50	25	15	65
Accessory Buildings	-	-	70	5	5	15

No new non-dwelling structure shall be hereafter erected or any existing non-dwelling structure structurally altered with any portion of said non-dwelling structure nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

There is no minimum lot size or lot width for a pre-existing lot. The front, side and rear setbacks are as established by the existing residence, these may be continued but may not extend further into the setbacks.

SECTION 5.06: A-2 AGRICULTURE COMMERCIAL DISTRICT**5.06.01 Intent:**

The A-2 Agriculture Commercial District has been established for the purpose of allowing specific agri-businesses within an agricultural district.

5.06.02 Permitted Principal Uses:

The following principal uses are permitted in the A-2 District:

1. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
2. Roadside stands offering for sale agriculture products produced on the premises.
3. Sales establishments for seed, feed and fertilizer (except anhydrous ammonia).
4. Milk processing establishments.
5. Farm implement and contractor equipment sales and service.
6. Livestock sale barns.
7. Grain elevators and other storage facilities for farm and agricultural products.
8. Public overhead and underground local distribution utilities.
9. All other uses listed as a Permitted Use within the Land Use Matrix.

5.06.03 Conditional Uses: (Changed 2/2015)

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Any new subdivision (excluding lot splits) proposed within one mile of a County approved Conditional Use Permitted Confinement site.
2. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
3. Sanitary landfill.
4. Radio and television towers and transmitters.
5. Automobile wrecking or junkyards provided the yards are at least 500 feet from a State or U.S. designated highway.
6. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
7. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.
8. Mobile home for up to one year and at review times set by the County, provided:
 - a. The location of a mobile home for the purpose of providing a dwelling for a person whose employment is agricultural and related to a County agricultural operation, either on the land the mobile home will sit or within one-half mile of the agricultural operation.
 - b. As proof of agricultural employment, the occupant of the mobile home shall provide the County a copy of the most recent Federal W-2 form showing employer and wages:
 - i. At time of initial Conditional Use Permit application and;
 - ii. At time of Conditional Use Permit review.
 - c. The applicant, as part of the Conditional Use Permit process, shall be required to submit a \$1000.00 deposit with the County at the time of application. Such deposit shall be in the form of either a certified or personal check which will be cashed by the County, or by cash. This \$1000.00 certified or personal check, or cash, is a security that helps insure the work/conditions will be followed in accordance with the requirements of the County and is refundable when all County stipulations/requirements have been met/followed. Noncompliance with County stipulations/requirements will result in the forfeiture of the \$1000.00 deposit.
 - d. The mobile home will be removed when it no longer occupied by a hired hand, or the home and land upon which it sits will be brought into conformance with the Zoning Resolution.

- e. A building permit shall be obtained for the mobile home and all applicable County codes shall be followed and approved.
- 9. Alfalfa dehydrating plants.
- 10. Anhydrous ammonia storage and processing.
- 11. Bulk fuel and propane storage.
- 12. United States military establishments.
- 13. On-premise sign
- 14. Recreational Vehicle (RV) Park Complex may include the following services; restaurant, liquor sales, marina, RV and boat repair, fuel sales and convenience store. At no time shall RVs or Boats be offered for sale on premises. Recreational Vehicles may be on site for not more than 180 consecutive days. All services and activities shall be approved individually and permitted by a Conditional Use if compatible to the area. Additional services may be permitted upon recommendation by the Planning Commission to the Board of Supervisors for approval.
- 15. All other uses listed as a Conditional Use within the Land Use Matrix.

5.06.04 Permitted Accessory Uses:

The following accessory uses are permitted in the A-2 Agriculture Commercial District:

- 1. Buildings and uses customarily incidental to the permitted and conditional uses.
- 2. Home occupations.
- 3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with the principal use.
- 4. Signs as provided for elsewhere in this Regulation.
- 5. Parking as provided for elsewhere in this Regulation.
- 6. Lighting as defined and regulated under the LZ0 zone.
- 7. Decks, gazeboes, elevated patios either attached or detached.

5.06.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (acreage)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Permitted or Conditional Uses	3*	-	50	50	30	65
Accessory Buildings	3*	-	70	5	5	15
On-Premise Sign¹	-	-	0	5	5	20

¹ Additionally, an on-premise sign face shall not exceed 150 square feet per side; if used, each side shall reference the same product; and the sign shall not exceed 20 feet in length.

* Minimum lot size can be reduced to 2 acres if property is served by a public water supply system. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any County Highway Department maintained road.

SECTION 5.07: A-LSR LOT SPLIT RESIDENTIAL

5.07.01 Intent:

This district is to be assigned only for those lots created through the County’s lot split process.

5.07.02 Permitted Principal Uses:

The following principal uses are permitted in the A-LSR District:

1. Single family dwellings.
2. Public overhead and underground local distribution utilities

5.07.03 Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as regulated elsewhere in these Regulations
2. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
3. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work.
4. Temporary buildings and uses incidental to an emergency, as determined by the Board, which shall be removed upon the completion or abandonment of the construction work.

5.07.04 Permitted Accessory Uses:

The following accessory uses are permitted in the A-LSR District:

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Home occupations
3. Lighting as defined and regulated under the LZ0 zone.
4. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
5. Residential Animal Keeping Regulations

Ratio of Animals per Acre

Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.
- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

5.07.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided elsewhere in this Regulation.

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling	3*	150	50	50	25	35
Other Permitted Uses	-	150	50	50	25	65
Accessory Buildings	-	-	100	15	15	15

* Minimum lot area can be reduced to two acres if lot is served by a public water supply system.

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

SECTION 5.08: RS-1 RURAL SUBDIVISION - 1**5.08.01 Intent:**

This district allows the highest lot density in the County and thereby is to be located where the infrastructure can support such density.

5.08.02 Permitted Principal Uses:

The following principal uses are permitted in the RS-1 District:

1. Single family dwellings
2. Churches, seminaries and convents, including residences for pastors and teachers
3. Public and parochial schools, colleges
4. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums
5. Fire stations
6. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies
7. Public overhead and underground local distribution utilities
8. Railroads
9. Irrigation facilities
10. Hospitals and eleemosynary institutions
11. All other uses listed as a Permitted Use within the Land Use Matrix.

5.08.03 Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as provided for elsewhere in this Regulation
2. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
3. Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots and similar uses
4. Privately owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
5. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work.
6. Temporary buildings and uses incidental to an emergency, as determined by the Board, which shall be removed upon the completion or abandonment of the construction work.
7. Private recreation areas and facilities including lakes, ponds and swimming pools
8. Ratio of animals per acre exceeding those listed in the Accessory Uses.
9. All other uses listed as a Conditional Use within the Land Use Matrix.

5.08.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RS-1 Rural Subdivision District:

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Home occupations
3. Lighting as defined and regulated under the LZ1 zone.
4. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
5. Residential Animal Keeping Regulations

Ratio of Animals per Acre				
Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.
- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

5.08.05 Height and Lot Requirements: (revised 10-09-2007)

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min. Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling	2	150	25	50	15	35
Other Permitted Uses	-	150	50	50	25	65
Accessory Buildings	-	-	100	15	15	15

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

5.08.06 Other

(added 02-12-2008) Accessory buildings are intended to remain secondary in nature to the primary building or structure

on the land or tract of land on which they are located. No accessory building shall be located between the front building

line of the principal building and the front property line, except: In the RS-1 Zoning District upon the approval of a conditional use permit. The County may impose conditions such as, but not be limited to, additional setback, landscaping, screening, height of the building, etc. All accessory buildings must meet the minimum front yard setback

requirements for principal buildings.

Refer to the Subdivision Regulations for specific development requirements for this RS-1 District

SECTION 5.09: RS-2 RURAL SUBDIVISION - 2**5.09.01 Intent:**

This district allows for medium density lots in the County in locations with the infrastructure considered, but not necessarily required. This District serves as a transition from the high-density lots (2 acres) to the lowest density lots (greater than 10 acres).

5.09.02 Permitted Principal Uses:

The following principal uses are permitted in the RS-2 District:

1. Single family dwellings
2. Churches, seminaries and convents, including residences for pastors and teachers
3. Public and parochial schools, colleges
4. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums
5. Fire stations
6. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies
7. Public overhead and underground local distribution utilities
8. Railroads
9. Irrigation facilities
10. Hospitals and eleemosynary institutions
11. All other uses listed as a Permitted Use within the Land Use Matrix.

5.09.03 Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as provided for elsewhere in this Regulation
2. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
3. Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots and similar uses
4. Privately owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
5. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work.
6. Temporary buildings and uses incidental to an emergency, as determined by the Board, which shall be removed upon the completion or abandonment of the construction work.
7. Private recreation areas and facilities including lakes, ponds and swimming pools
8. Ratio of animals per acre exceeding those listed in the Accessory Uses.
9. All other uses listed as a Conditional Use within the Land Use Matrix.

5.09.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RS-2 Rural Subdivision-2 District:

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Home occupations
3. Lighting as defined and regulated under the LZ1 zone.
4. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
5. Residential Animal Keeping Regulations

Ratio of Animals per Acre				
Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.
- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

5.09.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min. Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling	5.01	300	50	50	25	35
Other Permitted Uses	-	300	50	50	25	65
Accessory Buildings	-	-	100	15	15	15

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

5.09.06 Other

Refer to the Subdivision Regulations for specific development requirements for this RS-2 District.

SECTION 5.10: RA RURAL ACREAGE**5.10.01 Intent:**

This district allows for medium density lots in the County in locations with the infrastructure considered, but not necessarily required. This District serves as a transition from the high-density lots (2 acres) to the lowest density lots (greater than 10 acres).

5.10.02 Permitted Principal Uses:

The following principal uses are permitted in the RA District:

1. Single family dwellings
2. Churches, seminaries and convents, including residences for pastors and teachers
3. Public and parochial schools, colleges
4. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums
5. Fire stations
6. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies
7. Public overhead and underground local distribution utilities
8. Railroads
9. Irrigation facilities
10. Hospitals and eleemosynary institutions
11. All other uses listed as a Permitted Use within the Land Use Matrix.

5.10.03 Conditional Uses: (Changed 2/2015)

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as provided for elsewhere in this Regulation
2. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
3. Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots and similar uses
4. Privately owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
5. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work.
6. Temporary buildings and uses incidental to an emergency, as determined by the Board, which shall be removed upon the completion or abandonment of the construction work.
7. Private recreation areas and facilities including lakes, ponds and swimming pools
8. Ratio of animals per acre exceeding those listed in the Accessory Uses.
9. Recreational Vehicle (RV) Park Complex may include the following services; restaurant, liquor sales, marina, RV and boat repair, fuel sales and convenience store. At no time shall RVs or Boats be offered for sale on premises. Recreational Vehicles may be on site for not more than 180 consecutive days. All services and activities shall be approved individually and permitted by a Conditional Use if compatible to the area. Additional services may be permitted upon recommendation by the Planning Commission to the Board of Supervisors for approval.
10. All other uses listed as a Conditional Use within the Land Use Matrix.

5.10.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RA Rural Acreage District:

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Home occupations.
3. Lighting as defined and regulated under the LZ0 zone.
4. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence

5. Residential Animal Keeping Regulations

Ratio of Animals per Acre				
Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.
- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

5.10.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling	10.01	300	50	50	25	35
Other Permitted Uses	-	300	50	50	25	65
Accessory Buildings	-	-	100	15	15	15

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

5.10.06 Other

Refer to the Subdivision Regulations for specific development requirements for this RA District.

SECTION 5.11: C-1 RETAIL NEIGHBORHOOD COMMERCIAL DISTRICT

5.11.01 Intent:

This zoning district shall only be approved with a Commercial Mixed Use District overlay as detailed in these Regulations. This area is intended as a mixed-use center that will provide for the commercial needs of the immediate surrounding area. Development under this designation requires the creation of a long-range master plan concept for the area as opposed to a piece meal approach. As part of the master plan concept, development in this district requires a number of special conditions to be met, including, but not limited to, landscaping, architectural design standards for all buildings, lighting design for the sites, completion of a traffic impact analysis, incorporation of special elements such as ponds, trails, wetlands, and natural interpretive areas, sign guidelines and maximum coverage and density of development. In addition to the special provisions, development in this area will be encouraged to take the natural amenities of the site into account when the concept is laid out. Natural amenities include the existing terrain, existing trees, existing drainage areas, existing view sheds on the site, and more. Finally, the following circumstances shall be observed in the design development: establishment of a scenic landscaping buffer when the development is adjacent to any residential or agricultural area; and abide by all Wellhead Protection Regulations as established by any governmental agency.

5.11.02 Permitted Principal Uses:

The following principal uses are permitted in the C-1 District:

1. Convenience store
2. Retail business establishments, not including uses defined as Adult Establishments
3. Banking facilities
4. Video Stores, not including uses defined as Adult Establishments
5. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, or similar public service uses.
6. Restaurants
7. All other uses listed as a Permitted Use within the Land Use Matrix

5.11.03 Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work
2. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work
3. All other uses listed as a Conditional Use within the Land Use Matrix

5.11.04 Permitted Accessory Uses:

The following accessory uses are permitted in the C-1 District:

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Signs as provided for elsewhere in this Regulation.
3. Parking as provided for elsewhere in this Regulation.
4. Lighting as defined and regulated under the LZ2 zone.

5.11.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
All Permitted or Conditional Uses	*	*	25*	25*	**	45*

* As this area shall be overlaid with the Commercial Mixed Use District, these figures are negotiable.

** No side yard will be required except when the lot abuts a lot used for residential purposes, or is zoned residential, at which case the minimum setback shall be 10 feet.

SECTION 5.12: C-2 BUSINESS PARK RETAIL DISTRICT**5.12.01 Intent:**

The intent of this district is to provide for commercial/business uses in designated areas near the Blair Airport and within the environs of the facility. Height restrictions may enter into development of this area due to the airport and all structures may need to be reviewed by the City of Blair for compliance with FAA and Nebraska Department of Aeronautics (NDA) regulations.

This zoning district shall only be approved with a Commercial \ Industrial Mixed Use District overlay as detailed in these Regulations. This area is intended to be developed as a mixed use center containing land uses that are airport related. Development under this designation requires the creation of a long-range master plan concept for the area as opposed to a piece meal approach. As part of the master plan concept, development in this district requires a number of special conditions to be met, including, but not limited to, landscaping, architectural design standards for all buildings, lighting design for the sites, completion of a traffic impact analysis, incorporation of special elements such as ponds, trails, wetlands, and natural interpretive areas, sign guidelines and maximum coverage and density of development. In addition to the special provisions, development in this area will be encouraged to take the natural amenities of the site into account when the concept is laid out. Natural amenities include the existing terrain, existing trees, existing drainage areas, existing view sheds on the site, and more. Finally, the following circumstances shall be observed in the design development: establishment of a scenic landscaping buffer when the development is adjacent to any residential or agricultural area; and abide by all Wellhead Protection Regulations as established by any governmental agency; and all guidelines as established by the Blair Airport Authority or any Airport Zoning.

5.12.02 Permitted Principal Uses:

The following principal uses are permitted in the C-2 District:

1. Restaurant inside the airport terminal and accessory to the terminal
2. Hotel
3. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures
4. Warehouses
5. Food catering services
6. Public overhead and underground local distribution utilities, substations, pumping stations, water reservoirs, storage, or similar public service uses
7. Aircraft production and maintenance facilities
8. Direct mail services
9. All other uses listed as a Permitted Use within the Land Use Matrix

5.12.03 Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work
2. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.
3. All other uses listed as a Conditional Use within the Land Use Matrix

5.12.04 Permitted Accessory Uses:

The following accessory uses are permitted in the C-2 District.

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Signs as provided for elsewhere in this Regulation.
3. Parking as provided for elsewhere in this Regulation.
4. Lighting as defined and regulated under the LZ2 zone.

5.12.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (square feet)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
All Permitted or Conditional Uses	-	-	25*	25*	**	45*

* As this area shall be overlaid with the Commercial Mixed Use District, these figures are negotiable.

** No side yard will be required except when the lot abuts a lot used for residential purposes, or is zoned residential, at which case the minimum setback shall be 10 feet.

SECTION 5.13: I-1 INDUSTRIAL CENTER DISTRICT**5.13.01 Intent:**

Development in this area is intended to accomplish two goals. The first is to recognize and accommodate the existing businesses in the area and allow them to continue. Secondly, it is to encourage future development in an orderly and aesthetically pleasing manner. Development in this district requires a number of special conditions (through the conditional use permit process) to be met, including, but not limited to, landscaping, architectural design standards for all buildings, lighting design for the sites, completion of a traffic impact analysis, incorporation of special elements such as ponds, trails, wetlands, and natural interpretive areas, sign guidelines and maximum coverage and density of development. In addition to the special provisions, development in this area will be encouraged to take the natural amenities of the site into account when the concept is laid out. Natural amenities include the existing terrain, existing trees, existing drainage areas, existing view sheds on the site, and more. Finally, the following circumstances shall be observed in the design development: establishment of a scenic landscaping buffer when the development is adjacent to any residential or agricultural area; and abide by all Wellhead Protection Regulations as established by any governmental agency.

Adult Businesses are regulated in order to control the Secondary effects associated with such uses and is not intended to prohibit these uses from exercising their rights under the U.S. Constitution.

5.13.02 Permitted Principal Uses:

The following principal uses are permitted in the I-1 District, except those which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety, and general welfare:

1. All uses listed as a Permitted Use within the Land Use Matrix

5.13.03 Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as provided for elsewhere in this Regulation
2. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work
3. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work
4. Adult Entertainment establishments.
 - A. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use.
 - B. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
 - C. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 - D. No adult business shall be open for business between the hours of twelve midnight and six a.m.
 - E. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property,
 - F. Such use shall not impair an adequate supply of light and air to surrounding property,
 - G. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
 - H. Such use shall not diminish or impair established property values in adjoining or surrounding property,
 - I. Such use shall be in accord with the intent, purpose and spirit of this Regulation and the Comprehensive Development Plan of Washington County,

J. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

K. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.

L. Prohibited Activities of Adult Businesses:

- i. No adult business shall employ any person under 18 years of age
- ii. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
- iii. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Regulation or any other laws of the State.
- iv. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5. All other uses listed as a Conditional Use within the Land Use Matrix.

5.13.04 Permitted Accessory Uses:

The following accessory uses are permitted in the I-1 District:

- 1. Buildings and uses customarily incidental to the permitted and conditional uses
- 2. Signs as provided for elsewhere in this Regulation.
- 3. Parking as provided for elsewhere in this Regulation.
- 4. Lighting as defined and regulated under the LZ2 zone.

5.13.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
All Permitted or Conditional Uses	2	300*	25*	25*	25*	45*

* These figures are negotiable through the conditional use permit process.

SECTION 5.14: I-2 AGRICULTURAL/GENERAL INDUSTRIAL DISTRICT**5.14.01 Intent:**

The intent of this District is to provide an area where certain industrial uses can be intermixed with and on agricultural property.

5.14.02 Permitted Principal Uses:

The following principal uses are permitted in the I-2 District, except those which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare. These permitted uses shall include such as:

1. Agricultural and horticultural uses such as crop farming, nurseries, greenhouses, and the usual agricultural buildings, except that those activities or operations involving a concentration of areas and buildings for livestock or other intensive animal or poultry production shall be excluded.
2. Power Plants including steam, coal and nuclear.
3. Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., excluding gas and oil extraction and exploration, and subject to the requirements as provided for elsewhere in this Regulation.
4. All other uses listed as a Permitted Use within the Land Use Matrix.

5.14.03 Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as provided for elsewhere in this Regulation.
2. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
3. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.
4. All other uses listed as a Conditional Use within the Land Use Matrix.

5.14.04 Permitted Accessory Uses:

The following accessory uses are permitted in the I-2 District:

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Signs as provided for elsewhere in this Regulation.
3. Parking as provided for elsewhere in this Regulation.
4. Lighting as defined and regulated under the LZ1 zone.

5.14.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (square feet)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
All Permitted or Conditional Uses	-	-	25	15	-	65

SECTION 5.15: RESIDENTIAL MIXED USE DISTRICT (RMD).**5.15.01 Intent**

The Residential Mixed Use District (RMD) is to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes, in order to permit creative design in buildings and open space, while promoting the health, safety, and general welfare of existing and future residents of surrounding areas. The RMD is an overlay district and is permitted only when the underlying zoning is one of the County's designated residential zoning districts. Property and buildings in the RMD may be planned and organized as a single entity and as one complex land use unit or as a group of individual buildings located on separate lots.

5.15.02 Permitted Principal Uses

The following uses are permitted in the Residential Mixed Use District provided the requirements of this Section are met.

1. Single-family Dwellings
2. Single-family Attached Dwellings containing three or fewer dwellings
3. Townhouses and Condominiums containing three or fewer dwellings

5.15.03 Conditional Uses

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Churches, temples, seminaries, and convents, including residences for pastors and teachers.
2. Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools.
3. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities and reservoirs.
4. Multi-family structures containing more than three dwelling units provided the following are met as a minimum:
 5. Established as part of a mixed use development.
 6. The multi-family density does not exceed the density of the single family density.
 7. The multi-family dwellings provide solid and/or natural buffering when adjacent to single-family lots as required in this Section.
 8. County approved access shall be provided to all multi-family units.
 9. Community centers and/or clubhouses provided the Development Plan required below reflects the location of such use and the structure is compatible with other structures within the development.
 10. Single-family Attached Dwellings containing three or more dwellings.
 11. Townhouses and Condominiums containing three or more dwellings.

5.15.04 Permitted Accessory Uses

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses in accordance with this Section.
2. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.
3. Signs as provided for elsewhere in this Regulation.
4. Parking as provided for elsewhere in this Regulation.
5. Lighting as per primary district.
6. Home Occupations as provided for elsewhere in this Regulation.

5.15.05 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq feet)	Lot Width (feet)	Setbacks			Maximum Height (feet)
			Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	
Single Family	4,000	40	*	*	*	35
Multi-Family	1,500 per unit**	60	25	7 or 10 if over 30' in height	25	40
Townhouses, Condominiums	2,500	25	*	*	*	*
Other Permitted Uses	*	*	*	*	*	40
Accessory Buildings			*	*	*	15

* Lot and yard requirements are dependent upon the development and may vary depending upon areas being conserved or special amenities being used or established and will be reviewed upon submittal of the Development Plan.

** Minimum lot size is 7,500 square feet

5.15.06 Supplemental Requirements

1. a. The minimum size allowed for a RMD District is three acres;
- b. Height, bulk, and yard requirements shall be reflected on the Development Plan and shall promote an efficient and creative use of land.

2. Use Limitations:

In the RMD, no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, unless listed as a permitted or conditional use.

3. Standards and Conditions for development:

A development proposed for RMD shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.

- a. The applicant shall satisfy the Commission and Board that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 12 months following the approval of the final application by the Board.
- b. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the Commission and Board to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
- c. The site shall be accessible from public roads that are designed and engineered to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall also be designed and engineered to serve the residents or occupants of the proposed development.
- d. The development shall not impose an undue burden on public services and facilities, such as fire and law enforcement.
- e. The entire tract or parcel of land to be occupied by the RMD development shall be held in single ownership or control, or if there are two or more owners, the applications for such RMD development shall be filed jointly by all owners. The Commission and Board may not require this provision provided the land contains existing improvements.
- f. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a RMD development not used for structures, parking and loading areas or access ways shall be landscaped or otherwise improved as shown on the Development Plan.
- g. Off-street parking and loading shall be provided in accordance with the parking and loading requirements of the County. The following factors shall also be taken into consideration:

- Probable number of vehicles used by dwelling occupants and guests;
 - Varying time periods of use whenever joint use of a common parking area is proposed.
- h. When a residential use within a RMD District abuts an agriculturally zoned district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any such adjoining agriculturally zoned district.
- i. All residential buildings shall set back not less than 50 feet from the perimeter of the land zoned RMD. Additional setback from a heavily traveled road may be required, when found reasonable by the Commission and Board for protection of health, safety and general welfare.
- j. Building coverage area shall not exceed 60 percent of the net developable area of each individual parcel of the total development.

NOTE: Building coverage area is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements such as, but not limited to, walkways, driveways, patios etc). The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

- k. A minimum of 20 percent of the net area of that part of a RMD development shall be provided for Common Area.

NOTE: The term “net area” shall be the gross area, measured in square feet of the Development Plan devoted to residential use less the area dedicated for public streets.

NOTE: Common Area shall be defined as playgrounds, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other. Common Areas for the leisure and recreation of development residents shall be owned and maintained in common by them, through a homeowner's association.

- l. The RMD District shall include such provisions for the ownership and maintenance of the Common Area as is reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the County if the common area is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the residents of the RMD or the entire County. The applicant shall submit any protective covenants and organizational documents of the homeowner's association with the Development Plan.
- m. No residential use shall have direct access onto a State, County or Township maintained road unless approved by the Commission and Board in the Development Plan.
- n. Sidewalks shall be built to County specifications along all public and private streets; and an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the RMD.

5.15.07 Preliminary Residential Mixed Use Development

1. An application for a RMD (both preliminary and final) shall be handled in the same manner prescribed for a change of zoning with the same requirements for notice, advertisement of public hearing, and adoption.
2. Application forms shall be obtained from the Planning Department. An application shall be accompanied by such site plans or drawings as are necessary for staff, Commission and Board to make a determination on the request. Applications shall be filed with the Planning Department. Application deadlines are as established by the Planning Department. The application shall be signed by the owners of record.
3. The applicant shall submit 20 copies of the development plan (the “Development Plan”) of the proposed development in the RMD District for review by staff, Commission and Board. The Development Plan shall include a site plan showing:
 - Contours at intervals of five feet;
 - Location, size, height, and use of all proposed structures and proposed yards on each lot;
 - All points of ingress and egress, driveways, sidewalks, circulation aisles, parking lots, parking spaces, and service areas;
 - All streets adjoining subject property and the width of the existing right-of-way;

- Areas set aside for Common Areas with the type of use or recreational facilities planned for each;
 - Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - Designation of individual lots if such lots are proposed to be sold to individual owners;
 - Location of required landscaping \ screening;
 - Location of natural features such as extent of tree cover, location and extent of water courses and flood plains, existing drainage patterns, vistas and soil conditions as they affect development, ponds, rock outcroppings, etc;
 - Existing development on adjacent properties within 500 feet;
 - Proposed topographic character of the land;
 - Location and size of existing buildings, structures and improvements;
 - Building setbacks from property lines, road right-of-ways and RMD boundary.
- a. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following:
- Net area in square feet of the development;
 - Density of dwelling units per acre of the total dwelling units for the entire plan;
 - Building coverage of the net area of the development by individual parcel or total development;
 - Percentage of the Development Plan provided as Common Area;
 - If more than one parcel is proposed, a statement relating to the sequence of development;
 - Proposed number of parking spaces and location;
 - All proposed land uses listed by parcel;
 - Total number of dwelling units proposed by type of structure;
 - A table showing the general categories of land use, the acreage devoted to each such use and the percentages of each use to the total site area. Categories of land use shall include, but not be limited to: residential use by type of structure; public, common or private common areas; streets; and off-street parking and loading areas.
- b. A statement and drawings shall be included describing and detailing the manner for the disposition of sanitary waste and storm water (drainage study).
- c. A statement of the present ownership and a full legal description of the boundaries of the property or properties to be included in the RMD.
- d. A vicinity map showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed RMD.
- e. An elevation drawing of the general characteristics of the proposed buildings.
- f. When a RMD includes provisions for Common Area and/or recreational facilities, a statement describing how such open space and/or facility are owned and maintained when not under the ownership of a governmental entity. The County shall be provided with copies of the proposed articles of incorporation and bylaws of such entity (homeowners association, etc.).
- g. A statement of the feasibility of providing a community water system and/or community sewer system.
- h. An explanation of the objectives to be achieved by the RMD including, insofar as applicable, building descriptions, sketches or elevations as may be required to describe the objectives.
- i. A development schedule indicating the approximate date when construction of the RMD, or stages of the RMD construction, can be expected to begin and be completed.

4. The Planning Department may transmit information regarding a proposed RMD to the County Highway Department, Office of the Superintendent of the applicable school district, State Department of Environmental Quality, State and County Health Departments, Natural Resources District, cities, villages and other public agencies that may have an interest. The Commission and Board may consider the comments from these entities.
5. A Preliminary RMD application shall be submitted for consideration to the Commission with their recommendation forwarded to the Board. The Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of an application for a RMD plan, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions:
 - a. Said RMD shall be in general conformity with the provisions of the Washington County Comprehensive Plan.
 - b. Said RMD shall not have a substantially adverse effect on the development of the neighboring area.
6. At their public hearing, the Commission and Board shall either: approve, deny, continue, or approve with conditions. If approved by the Board, (with or without conditions), that shall mean authorization for the applicant to proceed with preparation of the Final Development Plan.
7. The Commission and Board may require specific conditions for approval of a RMD. Such conditions may be more restrictive than the base zoning district regulations and may include, but not be limited to: specified time frame; provision of buffer yards; landscaping and screening; installation of erosion control measures; rearrangement of structures and uses on the site; design character and standards for buildings and structures; location and character of signs; limitations or restrictions upon operations; and other conditions the Commission and Board consider necessary to insure compatibility with the surrounding environment and protect the public health, safety and welfare.
8. Changes in the preliminary plat and RMD design shall only be made after rehearing and re-approval unless the changes were otherwise required by the Commission or Board.

5.15.08 Final Residential Mixed Use Development

1. After approval of a Preliminary Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall submit an application for a Final Development Plan with the County Planning Department. Said final application may include the entire RMD District or may be for a unit or section thereof as set forth in the approval of the Preliminary Development Plan. The application shall be signed by the owners of record. The application shall include 20 copies of such drawings, specifications, covenants, easements, conditions, and any other conditions the Commission, Board or staff may request. The Final Development Plan shall include, but not necessarily be limited to:
 - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown;
 - b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public rights-of-way or easements;
 - c. All easements and appropriate building setback lines;
 - d. All lot lines and lot dimensions including chord distances for curvilinear lot lines;
 - e. Lot and/or parcel numbers;
 - f. Location, size, height, and use of all proposed or present buildings;
 - g. Dedication of all streets, public highways, or other land intended for public use, signed by the owners and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property;
 - h. The location, height and size of proposed signs, lighting and advertising devices;
 - i. Drainage pattern, plan and maps showing disposition of runoff in such a manner as to protect adjacent property and that results in "no change from pre-developed conditions;"
 - j. A detailed landscaping plan, which may include, but not be limited to: general location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing \ screening; and a maintenance arrangement plan;
 - k. Copies of any special agreements, conveyances, restrictions, covenants or improvement districts that shall govern the use, maintenance and continued protection of the RMD and its common areas including streets, drainage areas, parks, common areas, etc;

1. A performance bond, from a surety acceptable to the Board and equal to the cost of the improvements, shall be posted after Board approval and prior to the final plat being filed with the County Clerk;
- m. If a dam (water control structure) is proposed, drawings of the dam and any breach areas.
2. A Final Development Plan shall be deemed to be in substantial compliance with the Preliminary Development Plan given approval, provided any modification of the Development Plan does not:
 - a. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space; nor
 - b. Increase by more than five percent the total ground area covered by buildings; nor
 - c. Substantially change the design of the plan so as to significantly alter:
 - An increase in the density of the development.
 - A change in the mix of dwelling unit types.
 - Change in landscaping \ buffering \ screening.
 - Change in architectural or site design features.
 - Reduction and/or subdivision of common areas.
 - Change in the mixture of land uses.
 - Pedestrian or vehicular traffic flow.
 - The relation of open space to residential development.
 - The proposed phasing of construction.
 - Proposed use of one or more buildings to a more intensive use category as delineated in this Section.
 - Any other change the Planning Administrator finds is a substantial divergence from the approved RMD.
3. In the event the Final Development Plan submitted contains changes in excess of those permitted under Subparagraph (2) above, the applicant shall resubmit the plan, with the same requirements for notice, advertisement of public hearing and adoption as for a Preliminary RMD.
4. The County shall not issue a building permit, zoning permit, certificate of occupancy or other permits for buildings, structures or uses within a RMD until the Final RMD is in compliance with County approvals.
5. If no substantial development has taken place in a RMD for three years following approval of the RMD by the Board, the Commission and Board may reconsider the RMD designation of the property and may, on their own accord, initiate an application for the revocation of the RMD and, if applicable, a rezoning to the most appropriate zoning designation.

5.15.09 Amendments

Any RMD agreement or an approved Development Plan may be amended in the same manner prescribed in this Regulation for approval of a Preliminary and Final Development Plan. Application for an amendment may be made by the homeowner's association or 51 percent of the owners of the property within the RMD.

5.15.10 Platting

For unplatted tracts, or tracts being replatted, the approval of the Preliminary Development Plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the County's Subdivision Regulations.

5.15.11 Fees

For the following applications, fees shall be paid to the County as specified elsewhere in this Regulation:

- a. Preliminary Development Plan
- b. Final Development Plan
- c. Preliminary Plat
- d. Final Plat
- e. Rezoning

SECTION 5.16: COMMERCIAL/INDUSTRIAL MIXED USE DISTRICT (CMD).**5.16.01 Intent**

The Commercial/Industrial Mixed Use District (CMD) is to encourage the creative design of new commercial and industrial areas, as distinguished from standard lot sizes, in order to permit creative design in buildings and open space, while promoting the health, safety, and general welfare of existing and future commercial enterprises of the surrounding areas. The CMD has been established in order to implement the policies developed in the Future Land Use Portion of the County's Comprehensive Plan. These criteria include, but are not limited to, the following: landscaping, building material selection, lighting, signage and interior street development. The purpose for regulating these issues is to provide for a cohesive and properly developed commercial and \ or industrial node. Guiding development in this manner promotes the general health, safety and welfare of the County's residents and the general public by providing quality design and construction that will also aid in the protection of past and future investment in the County.

The CMD is an overlay district and is permitted only when the underlying zoning is one of the County's designated commercial or industrial zoning districts. Property and buildings in the CMD may be planned and organized as a single entity and as one complex land use unit or as a group of individual buildings located on separate lots.

5.16.02 Permitted Principal Uses

The following uses are permitted in the Residential Mixed Use District provided the requirements of this Section are met.

1. Any use permitted in the underlying district

5.16.03 Conditional Uses

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Any use allowed by Conditional Use Permit in the underlying district

5.16.04 Permitted Accessory Uses

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses in accordance with this Section.
2. Signs as provided for elsewhere in this Regulation.
3. Lighting as per primary district.
4. Parking as provided for elsewhere in this Regulation.

5.16.05 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq feet)	Lot Width (feet)	Setbacks			Maximum Height (feet)
			Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	
Permitted or Conditional Uses	*	*	*	*	*	35
Accessory Buildings			*	*	*	15

* Lot and yard requirements are dependent upon the development and may vary depending upon areas being conserved or special amenities being used or established and will be reviewed upon submittal of the Development Plan.

5.16.06 Relationship of buildings to site

1. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
2. Site planning in which setbacks and yards are in excess of standard commercial zoning restrictions is encouraged to provide an interesting relationship between buildings.
3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
4. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

5.16.07 Relationship of Buildings and Site to Adjoining Area (outside of site)

1. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
2. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

5.16.08 Landscape and Site Treatment

1. Landscape elements shall include all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
2. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed.
3. Modification to topography will be permitted where it contributes to good site design and development.
4. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
5. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade.
6. Spectacular effects shall be reserved for special locations only.
7. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
8. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth.
9. Plants shall be indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
10. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
11. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.
12. Exterior lighting, when used, shall enhance the building design and the adjoining landscape.
13. Building fixtures shall be of a design and size compatible with the building and adjacent areas.
14. Lighting shall follow the County's lighting regulations.
15. All fencing within this Overlay shall not exceed six feet in height.
16. Fencing within the District and as part of an Industrial Development may be required to be a solid fence.

5.16.09 Landscaping Standards

1. Landscaping shall be provided as part of a site plan and subdivision design. Said site plan shall be submitted with the Preliminary CMD Development Plan for review by the Planning Administrator, Commission and Board.
2. The site plan or subdivision design shall be conceived in a total pattern throughout the site, integrating the various elements of site design, while preserving key trees, plant materials and other vegetation in order to prevent erosion, siltation, and other harmful effects of land-disturbing activities.
3. Landscaping activities may include plant materials such as trees, shrubs, ground cover, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.
4. The Preliminary CMD Development plan shall include the following landscape elements:
 - a. existing trees, shrubs, and ground cover
 - b. proposed trees, shrubs, and ground cover
 - c. natural features such as rock outcroppings, and
 - d. other landscaping elements
5. The plan shall indicate the location of any new trees or other plant materials and where existing trees and other plant materials are to be preserved. When preserving existing trees and plant materials, the applicant shall provide the method for protecting them during construction.
6. In addition, the site plan shall include a construction limits line and topographic layout of the lot or subdivision. The limit line shall include all building, parking, and vehicular use areas, and all areas of required

cut and fill. Outside this limit line, no tree survey shall be required, and the project developer shall be required to leave undisturbed all areas of native vegetation, including trees, shrubs, and understory vegetation, to a reasonable and feasible extent.

5.16.10 Site Preparation and General Planting Requirements

1. Topsoil Preservation - Topsoil moved during the course of construction shall be redistributed on all re-graded surfaces so as to provide four inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
2. Protection of existing plantings - Maximum effort should be made to save key landscaping elements and specimens, as determined by the County or qualified representative of the County. No material or temporary soil deposits shall be placed within four feet of shrubs or 10 feet of trees designated on the landscape plan to be retained. Protective barriers shall be installed around each plant and/or group of plants being protected and said barrier shall be self-supporting. Said barriers shall be a minimum of four feet high and constructed of a durable material which will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.
3. Slope plantings - Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion.
4. All roadway slopes steeper than one foot vertically to three feet horizontally shall have protective matting and be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.

5.16.11 Building Design

1. Architectural design and style are not restricted; however architectural style should be consistent throughout the commercial \ industrial node
2. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
3. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
4. The primary building material of all portions of the structures shall be negotiated with the County; however, sample materials shall include but not be limited to materials of high quality, such as brick (clay), stucco, wood, glass, split faced concrete masonry units (CMU) with integrated color pigmentation and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development.
5. The County staff and design review architect may allow other primary building designs (of good architectural character i.e. CMU, poured-in-place concrete) for portions of the building not visible from public areas. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
6. Materials shall be selected for suitability to the type of buildings and the design in which they are used.
7. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
8. Materials shall be of durable quality.
9. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
10. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
11. Colors shall be harmonious and shall use only compatible accents. Colors shall be of "low reflectance, subtle, neutral, or earth tones" and shall not be of high-intensity or metallic colors unless the colors are true to the materials beings used.
12. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
13. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
14. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.

15. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
16. Building orientation shall be toward an arterial street, unless it is demonstrated that this would not be feasible.

5.16.12 Supplemental Requirements

1. a. The minimum size allowed for a CMD District by type of use shall be as follows:

- i. Commercial, three acres;
- ii. Industrial, three acres;

b. Height, bulk, and yard requirements shall be reflected on the Development Plan and shall promote an efficient and creative use of land.

2. Use Limitations:

In the CMD, no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, unless listed as a permitted or conditional use.

3. Standards and Conditions for development:

A development proposed for CMD shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.

- a. The applicant shall satisfy the Commission and Board that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 12 months following the approval of the final application by the Board.
- b. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the Commission and Board to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
- c. The site shall be accessible from public roads that are designed and engineered to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall also be designed and engineered to serve the tenants and anticipated traffic generation of the proposed development.
- d. The development shall not impose an undue burden on public services and facilities, such as fire and law enforcement.
- e. The entire tract or parcel of land to be occupied by the CMD development shall be held in single ownership or control, or if there are two or more owners, the applications for such CMD development shall be filed jointly by all owners. The Commission and Board may not require this provision provided the land contains existing improvements.
- f. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a CMD development not used for structures, parking and loading areas or access ways shall be landscaped or otherwise improved as shown on the Development Plan.
- g. Off-street parking and loading shall be provided in accordance with the parking and loading requirements of the County. The following factors shall also be taken into consideration:
 - Varying time periods of use whenever joint use of a common parking area is proposed.
- h. When a commercial or industrial use within a CMD District abuts an agriculturally or residentially zoned district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any such adjoining agriculturally or residentially zoned district.
- i. All commercial or industrial buildings shall set back not less than 50 feet from the perimeter of the land zoned CMD. Additional setback from a heavily traveled road may be required, when found reasonable by the Commission and Board for protection of health, safety and general welfare.
- j. Building coverage area shall not exceed 75 percent of the net developable area of each individual parcel of the total development:

NOTE: Building coverage area is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements as, but not limited to walkways, driveways, etc). The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

- k. A minimum of 10 percent of the net area of that part of a CMD development reserved for commercial or industrial use shall be provided for Common Area.

NOTE: The term “net area” shall be the gross area, measured in square feet, of the Development Plan devoted to commercial and/or industrial use less the area dedicated for public streets.

NOTE: Common Area shall be defined as landscaped green space, or other similar areas of the development in common with each other. Common Areas shall be owned and maintained in common by the owners through a homeowner's association.

- l. The CMD District shall include such provisions for the ownership and maintenance of the Common Area as is reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the County if the common area is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the property owners of the CMD or the entire County. The applicant shall submit any protective covenants and organizational documents of the homeowner’s association with the Development Plan.
- m. Where applicable, individual accesses shall be onto a service road, not directly onto a State, County or Township maintained road, unless approved by the Commission and Board in the Development Plan.
- n. Sidewalks shall be built to County specifications along all public and private streets; and an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the CMD.

5.16.13 Preliminary Commercial/Industrial Mixed Use Development

1. An application for a CMD (both preliminary and final) shall be handled in the same manner prescribed for a change of zoning with the same requirements for notice, advertisement of public hearing, and adoption.
2. Application forms shall be obtained from the Planning Department. An application shall be accompanied by such site plans or drawings as are necessary for staff, Commission and Board to make a determination on the request. Applications shall be filed with the Planning Department. Application deadlines are as established by the Planning Department. The application shall be signed by the owners of record.
3. The applicant shall submit 20 copies of the development plan (the “Development Plan”) of the proposed development in the CMD District for review by staff, Commission and Board. The Development Plan shall include a site plan showing:
 - Contours at intervals of five feet;
 - Location, size, height, and use of all proposed structures and proposed yards on each lot;
 - All points of ingress and egress, driveways, sidewalks, circulation aisles, parking lots, parking spaces, and service areas;
 - All streets adjoining subject property and the width of the existing right-of-way;
 - Areas set aside for Common Areas with the type of use planned for each;
 - Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - Designation of individual lots if such lots are proposed to be sold to individual owners;
 - Location of required landscaping \ screening;
 - Location of natural features such as extent of tree cover, location and extent of water courses and flood plains, existing drainage patterns, vistas and soil conditions as they affect development, ponds, rock outcroppings, etc;
 - Existing development on adjacent properties within 500 feet;
 - Proposed topographic character of the land;

- Location and size of existing buildings, structures and improvements;
 - Building setbacks from property lines, road right-of-ways and CMD boundary.
- a. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following:
 - Net area in square feet of the development;
 - Building coverage of the net area of the development by individual parcel or total development;
 - Percentage of the Development Plan provided as Common Area;
 - If more than one parcel is proposed, a statement relating to the sequence of development;
 - Proposed number of parking spaces and location;
 - All proposed land uses listed by parcel;
 - Total number of commercial \ industrial units proposed by type of structure;
 - A table showing the general categories of land use, the acreage devoted to each such use and the percentages of each use to the total site area. Categories of land use shall include, but not be limited to: commercial and/or industrial use by type of structure; public, common or private common areas; streets; and off-street parking and loading areas.
 - b. A statement and drawings shall be included describing and detailing the manner for the disposition of sanitary waste and storm water (drainage study).
 - c. A statement of the present ownership and a full legal description of the boundaries of the property or properties to be included in the CMD.
 - d. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed CMD.
 - e. An elevation drawing of the general characteristics of the proposed buildings.
 - f. When a CMD includes provisions for Common Area and/or recreational facilities, a statement describing how such open space and/or facility are owned and maintained when not under the ownership of a governmental entity. The County shall be provided with copies of the proposed articles of incorporation and bylaws of such entity (homeowners association, etc.).
 - g. A statement of the feasibility of providing a community water system and\or community sewer system.
 - h. An explanation of the objectives to be achieved by the CMD including, insofar as applicable, building descriptions, sketches or elevations as may be required to describe the objectives.
 - i. A development schedule indicating the approximate date when construction of the CMD, or stages of the CMD construction, can be expected to begin and be completed.
4. The Planning Department may transmit information regarding a proposed CMD to the County Highway Department, Office of the Superintendent of the applicable school district, State Department of Environmental Quality, State and County Health Departments, Natural Resources District, cities, villages and other public agencies that may have an interest. The Commission and Board may consider the comments from these entities.
 5. A Preliminary CMD application shall be submitted for consideration to the Commission with their recommendation forwarded to the Board. The Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of an application for a CMD plan, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions:
 - a. Said CMD shall be in general conformity with the provisions of the Washington County Comprehensive Plan.
 - b. Said CMD shall not have a substantially adverse effect on the development of the neighboring area.
 6. At their public hearing, the Commission and Board shall either: approve, deny, continue, or approve with conditions. If approved by the Board, (with or without conditions), that shall mean authorization for the applicant to proceed with preparation of the Final Development Plan.
 7. The Commission and Board may require specific conditions for approval of a CMD. Such conditions may be more restrictive than the base zoning district regulations and may include, but not be limited to: specified time frame; provision of buffer yards; landscaping and screening; installation of erosion control measures;

rearrangement of structures and uses on the site; design character and standards for buildings and structures; location and character of signs; limitations or restrictions upon operations; and other conditions the Commission and Board consider necessary to insure compatibility with the surrounding environment and protect the public health, safety and welfare.

8. Changes in the preliminary plat and CMD design shall only be made after rehearing and re-approval unless the changes were otherwise required by the Commission or Board.

5.16.14 Final Commercial/Industrial Mixed Use Development

1. After approval of a Preliminary Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall submit an application for a Final Development Plan with the County Planning Department. The application shall be signed by the owners of record. Said final application may include the entire CMD District or may be for a unit or section thereof as set forth in the approval of the Preliminary Development Plan. The application shall include 20 copies of such drawings, specifications, covenants, easements, conditions, and any other conditions the Commission, Board or staff may request. The Final Development Plan shall include, but not necessarily be limited to:
 - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown;
 - b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public rights-of-way or easements;
 - c. All easements and appropriate building setback lines;
 - d. All lot lines and lot dimensions including chord distances for curvilinear lot lines;
 - e. Lot and/or parcel numbers;
 - f. Location, size, height, and use of all proposed or present buildings;
 - g. Dedication of all streets, public highways, or other land intended for public use, signed by the owners and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property;
 - h. The location, height and size of proposed signs, lighting and advertising devices;
 - i. Drainage pattern, plan and maps showing disposition of runoff in such a manner as to protect adjacent property and that results in "no change from pre-developed conditions;"
 - j. A detailed landscaping plan, which may include, but not be limited to: general location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing \ screening; and a maintenance arrangement plan;
 - k. Copies of any special agreements, conveyances, restrictions, covenants or improvement districts that shall govern the use, maintenance and continued protection of the CMD and its common areas including streets, drainage areas, parks, common areas, etc;
 - l. A performance bond, from a surety acceptable to the Board and equal to the cost of the improvements, shall be posted after Board approval and prior to the final plat being filed with the County Clerk.
 - m. If a dam (water control structure) is proposed, drawings of the dam and any breach areas.
2. A Final Development Plan shall be deemed to be in substantial compliance with the Preliminary Development Plan given approval, provided any modification of the Development Plan does not:
 - a. Vary the proposed gross density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space; nor
 - b. Increase by more than five percent the total ground area covered by buildings; nor
 - c. Substantially change the design of the plan so as to significantly alter:
 - An increase in the density of the development.
 - Change in landscaping \ buffering \ screening.
 - Change in architectural or site design features.
 - Reduction and/or subdivision of common areas.
 - Change in the mixture of land uses.
 - Pedestrian or vehicular traffic flow.

- The relation of open space to commercial \ industrial development.
 - The proposed phasing of construction.
 - Proposed use of one or more buildings to a more intensive use category as delineated in this chapter.
 - Any other change the Planning Administrator finds is a major divergence from the approved CMD.
3. In the event the Final Development Plan submitted contains changes in excess of those permitted under Subparagraph (2) above, the applicant shall resubmit the original plan, with the same requirements for notice, advertisement of public hearing and adoption as for a Preliminary CMD.
 4. The County shall not issue a building permit, zoning permit, certificate of occupancy or other permits for buildings, structures or uses within a CMD until the Final CMD is in compliance with County approvals.
 5. If no substantial development has taken place in a CMD for three years following approval of the CMD by the Board, the Commission and Board may reconsider the CMD designation of the property and may, on their own accord, initiate an application for the revocation of the CMD and, if applicable, a rezoning to the most appropriate zoning designation.

5.16.15 Amendments

Any CMD agreement or an approved Development Plan may be amended in the same manner prescribed in this Regulation for approval of a Preliminary and Final Development Plan. Application for amendment may be made by the homeowner's association or 51 percent of the owners of the property within the CMD.

5.16.16 Platting

For unplatted tracts, or tracts being replatted, the approval of the Preliminary Development Plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the County's Subdivision Regulations.

5.16.17 Fees

For the following applications, fees shall be paid to the County as specified elsewhere in this Regulation:

- a. Preliminary Development Plan
- b. Final Development Plan
- c. Preliminary Plat
- d. Final Plat
- e. Rezoning

SECTION 5.17: WPO-WELLHEAD PROTECTION OVERLAY DISTRICT**5.17.01 Intent:**

The intent of this district is to overlay any of the zoning districts herein established in this Resolution in order to assist municipalities and other public water supply systems, as defined in Title 179, Nebraska Department of Health, Chapter 2, within or adjoining Washington County, which may operate water wells in or near the County in providing protection from contamination of such wells through regulation of land uses which have the potential for contamination of the groundwater source(s) from which said wells derive water. The intent of this district is also to protect existing and future agriculture uses, which are in balance with the natural environment, which are compatible with existing agricultural uses and which will not present unacceptable potential for contamination of the public water supply system wells, from over-regulation by said municipalities or public water supply systems with regard to wellhead protection.

5.17.02 Prerequisite Requirements For Application Of This Overlay District:

Prior to the application of this overlay district to any lands in Washington County, the municipality or public water supply system, which maintains and operates water supply wells within or adjoining the County for which the wellhead protection areas include lands within Washington County, shall make application to the Washington County Planning Commission and Washington County Board of Supervisors seeking application of this district to specified lands within the County. Prior to making such application and prior to approval of any application of this overlay district to any lands within the County, the municipality or other public water supply system making such application shall have first complied with all other requirements of the Wellhead Protection Area Act (Neb. Rev. Stat. 46-1501 through 46-1509 and the additional requirements listed as follows:

1. Delineation of the wellhead protection area(s) based upon a 20 year time of travel recharge zone, as defined by the Nebraska Department of Environmental Quality.
2. Approval of such wellhead protection area(s) by the Nebraska Department of Environmental Quality.
3. Completion and mapping of an inventory of potential contamination sources within the wellhead protection area(s).
4. Formulation of emergency / contingency / long-range plans in the event of disruption of the supply of water from wells in the wellhead protection area(s).
5. Formulation and implementation of an on-going public involvement / education program to permit public comment in the establishment of a wellhead protection program and a plan to provide public information regarding the program and voluntary cooperation with the same.
6. Development of a program to install and maintain Wellhead Protection Area signs on roadways around the wellhead protection area(s).
7. The municipality or other public water supply system shall execute an interlocal agreement with Washington County for the administration of the regulations within the land areas to be included in this Wellhead Protection Overlay District. In such agreement, the municipality or other public water supply system shall agree to accept the wellhead protection regulations set forth in this overlay district, agree to pay to the County any fees negotiated between such entity and the County for the administration of these regulations in those land areas under the County's zoning jurisdiction, agree to pay all legal costs associated with any legal challenge to the requirements of this overlay district, and agree to hold the County harmless from any liability related to the requirements of this district, except for proper administration and enforcement of the requirements of this district by the County, together with other terms and conditions which are acceptable to the parties involved in any such interlocal agreement.

5.17.03 Limitation On Application Of This Overlay District:

This district may only be applied to lands within wellhead protection areas based upon a 20 year time of travel recharge zone, as defined by the Nebraska Department of Environmental Quality. In the event the boundaries of any such wellhead protection area(s) do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such areas shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries.

5.17.04 Amendment Of Official County Zoning Map:

Whenever the requirements of Section 5.17.02 of this Resolution have been complied with and the County Planning Commission and County Board of Supervisors have conducted public hearings regarding application of this overlay zoning district in accordance with County's Zoning Regulation and the County Board of Supervisors has acted to approve the application of a wellhead protection overlay district, the boundaries of such wellhead protection area (overlay zoning district), defined in accordance with Section 5.17.03 above, shall be indicated on the Washington

County, Nebraska Official Zoning Map and such map shall be signed in accordance with the requirements of the County's Zoning Regulation.

5.17.05 Permitted, Conditional And Accessory Uses And Structures:

Any use or structure indicated as a permitted use, conditional use or accessory use in the primary zoning district(s) on which this wellhead protection overlay district is overlain, shall be allowed or permitted in accordance with the zoning requirements set forth in such primary zoning district(s), except when specifically prohibited in Section 5.17.06 of this Resolution. All such permitted, conditional and accessory uses shall comply with the additional wellhead protection restrictions set forth in Section 5.17.07 of this Resolution.

5.17.06 Prohibited Uses And Structures:

Uses and structures, which are prohibited in the primary zoning district(s) on which this district is overlain, shall be prohibited and, regardless of whether prohibited in the primary zoning district(s), the following uses and structures shall be specifically prohibited on any land area on which this wellhead protection overlay district is applied:

1. Confined or intensive animal feeding uses and associated waste handling facility uses,
2. Landfills and other types of waste handling facilities
3. Commercial or industrial uses which utilize or generate any materials determined by the US Department of Environmental Protection as hazardous materials.

5.17.07 Wellhead Area Protection Requirements:

1. The following restrictions shall apply to all uses within any land areas on which this Wellhead Protection Overlay District is applied:
2. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or in association with another land use, shall comply with the rules and regulations of Titles 126 and 159, administered by the Nebraska Department of Environmental Quality or other responsible agency or department. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or other land area, in excess of 1,100 gallons shall be prohibited, except when a conditional use for a commercial or industrial use is authorized. In any such authorization, a condition of approval shall be compliance with the rules and regulations of such Titles 126 and 129.
3. Fuel storage associated with any irrigation well engine shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30 and with Title 126, administered by the Nebraska Department of Environmental Quality, in the event of a fuel release.
4. Fuel storage, except when associated with a commercial or industrial use authorized as a conditional use (Item 1 above) and except for any fuel storage associated with any irrigation well engines (Item 2 above) shall not be permitted within 1,000 feet of any well protected under this wellhead protection overlay district.
5. Storage of fertilizers, herbicides, pesticides and other materials, determined by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, except when a conditional use for such use is authorized and such authorization includes a conditional that all such uses shall comply with the applicable rules and regulations of Title 118,121,126,128,159 and 198, administered by the Nebraska Department of Environmental Quality and other agencies.
6. No septic tank, tile field or other on-site sewage disposal system, associated with any residential, commercial, industrial or other type of land use, shall be located within 1,000 feet of any well protected under this wellhead protection overlay district.
7. Domestic, irrigation and any other water wells shall not be located closer than 1,000 feet of any well protected under this wellhead protection overlay district.
8. Any application of fertilizers, pesticides, or herbicides to the land or crops through an irrigation system (chemigation) shall comply with the rules and requirements of Title 195.
9. If any land area contained within a wellhead protection overlay zoning district is also part of a special protection area or ground water management area, established under the Groundwater Management Protection Act, all uses within such areas, including agricultural uses, shall comply with the action plan and best management practices established for such areas by the local Natural Resources District(s)

ARTICLE 6: CONDITIONAL USE PERMITS**Section 6.01 Purpose and Intent**

The conditional use permit procedure provides for extensive public review and discretionary Commission and Board review and approval of uses and projects which have unusual site development or operating characteristics; potentially negative effects on surrounding property; or substantial impact on the County's development objectives or realization of its Comprehensive Plan. This Section is designed to incorporate complete review of such projects and to specify conditions by which such projects may be compatibly and soundly developed.

Section 6.02 Applicability

Within each Zoning District there are certain uses listed as a conditional use. The listed conditional uses are those which the Commission and Board may approve temporarily, permanently or for a specific time interval.

Section 6.03 Authority to Initiate (changed 11/27/12)

A request for a conditional use permit, or modification of a conditional use permit, may be initiated by a property owner, the owners authorized agent, a lessee with the authorization of the land owner, the Planning Commission or the Board of Supervisors.

Section 6.04 Application

Conditional use permit application forms shall be obtained from the Planning Department. An application shall be accompanied by such site plans or drawings as are necessary for staff, Commission and Board to make a determination on the request. Applications shall be filed with the Planning Department. Application deadlines are as established by the Planning Department.

Section 6.05 Notifications

On initial applications, the applicant shall notify all owners of land lying within 200 feet of the outer boundaries of the request. The list of landowners to be notified shall be prepared by the County Planning Department, which also shall provide the applicant with "Notice of Hearing" forms for this purpose. The notices are to be sent by the applicant to all parties on the aforementioned list by certified mail, return receipt requested, no less than 10 days prior to the Commission's public hearing, not including the date mailed or the date of the hearing. The white receipts for certified mail and the green return receipt cards must be returned to the County Planning Department prior to the Planning Commission's hearing, as part of the official record. If such mailing documentation is not submitted by the aforementioned deadline, the application may be continued to the next meeting.

Section 6.06 Sign Posting (change 8/28/07)

On initial applications, a sign shall be posted on the property advertising the request. A \$100.00 refundable sign deposit is required for the sign provided by the Planning Department. The sign must be posted on the property, by the applicant, in such a manner that it is visible from the road that provides access to the property. The sign must be posted no less than 10 days prior to the date of the Commission hearing, not including the date posted and the date of the hearing, and shall be returned to the Planning Department no earlier than the date of the County Board's public hearing. The \$100.00 deposit will be refunded upon return of the sign in the condition in which it was provided.

Section 6.07 Legal Publication

Upon receipt of a completed initial application, and payment of fees as specified by this Regulation, the CUP request shall be advertised. Notice of the time and place of the public hearing before the Commission shall be given by publication thereof in the County's legal newspaper at least 10 days prior to the hearing. Board public hearing notice shall be as prescribed by the Board.

Section 6.08 Coordination with Other Entities

When applicable, the Planning Department shall transmit information regarding a proposed CUP to the County Highway Department, Office of the Superintendent of the applicable school district, State Department of Environmental Quality, State Health Department, cities, villages and other public entities that may have an interest. The Commission and Board may consider the comments from these entities.

Section 6.09 Planning Commission Public Hearing

Upon receipt of a completed initial application, and payment of fees as specified by this Regulation, the Commission will hold a hearing. The Commission recommendation, along with the Planning Department's, shall be transmitted to the Board. Such recommendation on the CUP shall be in the form of approval, disapproval, approval with conditions, or continuance.

Section 6.10 Board of Supervisors Public Hearing

The Board shall hold a public hearing on the CUP to act upon the Commission's recommendation. The Board shall consider the Commission's recommendation and shall approve the CUP without conditions, approve with conditions, refer back to the Commission for further consideration of specified matters, continue the request, or deny the application. If the Commission fails to submit their recommendation within 90 days from the date of application, the Board may hold a public hearing and act on the CUP without the Commission's report.

Section 6.11 Conditions of Approval

The Commission and Board may require specific conditions for approval of a CUP. Such conditions may be more restrictive than the base Zoning District regulations and may include, but not be limited to, specified time frame; provision of buffer yards; landscaping and screening; installation of erosion control measures; requirements for street improvements and dedications; improvement to access and circulation systems; rearrangement of structures and uses on the site; design character and standards for buildings and structures; location and character of signs; limitations or restrictions upon operations; and other conditions the Commission and Board consider necessary to insure compatibility with the surrounding environment and protect the public health, safety and welfare.

Section 6.12 Standards for Review

In reviewing requests for CUP's, the following may be considered by the Commission and Board:

1. That the establishment, maintenance, or operation of the CUP will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the conditional use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the District.
4. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire-fighting suppression equipment and by such safety devices as are normally used in the hauling of any such material.
7. The use shall not include noise that is a public nuisance due to volume, frequency, or beat unless muffled or otherwise controlled.
8. The use shall not include vibration which is discernible without instruments on any adjoining lot or property.
9. The use shall not involve any pollution of the air by fly ash, dust, vapors or other substances which are harmful to health, animals, vegetation or other property or which can cause soiling, discomfort or irritation.
10. The use shall not involve any malodorous gas or matter that is discernible on any adjoining lot or property.
11. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road or highway.
12. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Section 6.13 Issuance of Permits

1. Building permits shall be issued consistent with the terms of the conditional use permit and other applicable ordinances, regulations and resolutions.
2. The Commission may, after publication and public hearing, make a recommendation to the Board to revoke a conditional use permit if it determines the use, building or structure is in violation of the terms and conditions of the conditional use permit or other applicable ordinances, regulations and resolutions.
3. The Board may, after publication and public hearing, revoke a CUP if it determines the use, building or structure is in violation of the terms and conditions of the CUP or other applicable ordinances, regulations and resolutions.
4. The decision to revoke a CUP shall be effective immediately.

Section 6.14 Modification of Conditional Use Permit Requirements

1. The Planning Administrator may approve minor modifications in a CUP if it is determined the modification does not affect the findings related to the conditions for approval as contained in this Section.
2. Other than minor modifications a CUP must be approved by the Board upon review and recommendation by the staff and Commission.

Section 6.15 Scope of Approval (changed 11/27/12)

A CUP granted pursuant to this Section applies to a specific parcel of land. A CUP does not automatically transfer with ownership. It becomes null and void upon the change of ownership unless one of the following procedures is utilized.

Section 6.15.01 Transfer of Ownership or Lease, Existing CUP; An existing conditional use permit will transfer with lease or property ownership as long as all terms, conditions and uses remain exactly as stated in the original permit. The new lessee or property owner must notify the Planning Administrator upon transfer. The new lessee or new owner must sign an affidavit stating that they are aware of all conditions and will comply by those conditions of the existing CUP. The transferred CUP will be reviewed after one year.

Section 6.15.02 Transfer of Ownership, New CUP; In the event that a potential buyer intends or proposes a land use that requires a conditional use permit, the property owner and a potential buyer may apply for a new conditional use permit contingent upon receiving the CUP. The permit will be conditional upon the transfer by deed of the property. Upon transfer, all land use, practices, terms and conditions of the permit will be granted to the buyer as approved.

Section 6.16 Effective Date

Approval of a CUP by the Board shall be effective immediately after Board action.

Section 6.17 Conditional Use Permits Approved Under Previous Regulations \ Resolutions

Any CUP approved under regulations/resolutions in effect before the effective date of this Regulation shall be considered to have a valid CUP, subject to any requirements imposed at the time of approval. A pre-existing CUP shall be subject to the provisions of this Section regarding revocation of the permit. Any modifications of a pre-existing CUP may be made only by the Board and only after review and submittal of recommendation from the staff and Commission.

Section 6.18 Conditional Use Permit Reviews

Review times of CUP's shall be as established by the Board, upon recommendation of the Commission and Planning Department. CUP review application forms shall be obtained from the Planning Department. Reviews of CUP's shall be performed administratively by the Planning Department through the completion of a CUP application form. There shall be no cost for CUP reviews. Advertising of CUP reviews in the County's legal newspaper, or notification of adjacent landowners, is not required. However, should any County imposed conditions be violated, the specific CUP shall be placed on the next Commission agenda for action. Publication shall be as per initial application. Notification of adjacent property owners shall be through regular mail by the Planning Department at least 10 days prior to such hearing, not including the date mailed or the date of the Commission's public hearing. The Planning Department will provide a monthly CUP review report to the Commission. The County can add and delete conditions during the review of conditional use permits.

ARTICLE 7: SUPPLEMENTAL REGULATIONS

The district regulations hereinafter set forth in this section qualify or supplement the district regulations appearing elsewhere in these Regulations.

Section 7.01 Radio, Television and Wireless Communication Towers And Facilities (change 4/26/11)**7.01.01 Purpose**

The general purpose of this Section is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the County.

7.01.02 Intent

The Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. The Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the County to condition or deny, on the basis of RF impacts, the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards.

Specifically, the purposes of this Section are:

1. To regulate the location of towers and telecommunications facilities in the County;
2. To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
6. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and
7. To ensure that towers and telecommunications facilities are compatible with surrounding land uses.

7.01.03 Definitions

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. *Act* means the Telecommunications Act of 1996.
2. *Antenna* means a device designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
3. *Antenna Support Structure* means any building or structure other than a tower that can be used for location of telecommunications facilities.
4. *Applicant* means any person that applies for a tower conditional use permit.
5. *Engineer* means any engineer licensed by the State of Nebraska.
6. *Owner* means any person with fee title or a long-term (exceeding 10 years) leasehold to any parcel of land within the zoning jurisdiction of the County who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.
7. *Person* is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
8. *Satellite Dish Antenna* means an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

9. *Stealth* means any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of un-camouflaged lattice, guyed, or monopole tower designs.
10. *Telecommunications Facilities* means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 - a. Any amateur radio station operator/receive-only antenna. This Section shall not govern the installation of any antenna owned or operated by an amateur radio operator and used exclusively for receive-only antennas and for private noncommercial purposes that may be regulated elsewhere in this Regulation.
 - b. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
11. *Tower* means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities.

7.01.04 Development of Towers

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this Regulation.
2. Towers are exempt from the maximum height restrictions of the districts where located.
3. No new tower shall be built, constructed, or erected within the County unless the tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the tower.
4. An application to develop a tower shall include a narrative containing the following:
 - a. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application.
 - b. The legal description and address of the parcel of land upon which the tower is situated.
 - c. The names, addresses, and telephone numbers of all owners of other towers within a two mile radius of the proposed new tower site, including any government-owned property.
 - d. A description of the design plan proposed by the applicant identifying its utilization of the most recent technological design, including microcell design, as part of the design plan. The applicant must demonstrate the need for towers and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services.
 - e. A written statement attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or co-locate the applicant's telecommunications facilities on any publically or privately owned towers located within a two mile radius of the proposed tower site.
 - f. Written technical evidence from an engineer(s) that the proposed tower or telecommunications facilities cannot be installed or co-located on another person's tower located within a two mile radius of the proposed tower site.
 - g. A written statement from an engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties.
 - h. Written, technical evidence from a engineer(s) acceptable to the State Fire Marshal and the Building Inspector that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
 - i. In order to assist the County Planning Department, Commission and Board in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from adjacent roadways.

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- j. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
5. The Commission may require an applicant to supplement any information the Commission considers inadequate or the applicant has failed to supply as required by this Section. In granting a conditional use permit, conditions may be imposed to the extent that the Commission and Board conclude that such are reasonably necessary to minimize any adverse effect of the proposed tower on adjoining properties. The Commission or Board may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this Section.
 6. The Commission and Board of Supervisors may consider the following factors in determining whether to issue a conditional use permit:
 - a. Height of proposed tower.
 - b. Proximity of the tower to residential structures and residentially zoned district boundaries.
 - c. Nature of uses on adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding tree coverage and foliage.
 - f. Design of tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress.
 - h. Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures.
 7. It is the applicant's responsibility to demonstrate to the reasonable satisfaction of the Commission and Board that no existing tower structure alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed tower. Evidence submitted to demonstrate that no existing tower structure alternative technology can accommodate the applicant's proposed antenna may include any of the following (although nothing should be construed to infer that meeting one, some, or all of the following shall entitle the applicant to approval):
 - a. No existing towers or structures are located within the geographic area that meets applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause interference with the antenna on existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure are commercially unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

7.01.05 Setbacks

1. All towers and support structures (guy wires, etc.) shall be set back on all sides a distance equal to the minimum front yard, rear yard and side yard setback requirement in the applicable zoning district. In addition to the minimum yard setback requirements, all towers (excluding guy wires) shall be set back one additional foot per each foot of tower height.
2. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.

3. Setback requirements may be modified, by the Commission and Board as a condition of approval when placement of a tower in a location will reduce the visual impact. For example, adjacent to trees which may visually hide the tower.

7.01.06 Separation or Buffer Requirements

For the purpose of this Section, tower separation distances from residentially zoned lands shall be measured from the base of a tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land shall be calculated and applied irrespective of County jurisdictional boundaries.

1. Towers shall be separated from all residentially zoned lands by a minimum of 200 feet or 200 percent of the height of the proposed tower, whichever is greater.

7.01.07 Method of Determining Tower Height

Measurement of tower height for the purpose of determining compliance with all requirements of this Section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from grade.

7.01.08 Illumination and Security Fences

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of the tower, in cases where there is residentially zoned land located within a distance which is 300 percent of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA. In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

7.01.09 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Commission and Board.

7.01.10 Landscaping

All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with conditions as applied by the Commission and Board. The landscaping purpose is to enhance compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing.

7.01.11 Stealth Design

Stealth design is encouraged. The issue of stealth design will be considered as an element of the building design criteria considered as part of the issuance of the conditional use permit.

No signs shall be allowed on any antenna, tower or guy wires.

7.01.12 Telecommunications Facilities on Antenna Support Structures

Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure. The owner of such structure shall, by written certification to the planning administrator, establish the following at the time plans are submitted for a building permit:

1. That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than 20 feet;
2. That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna support structures below the primary roof, but which do not protrude more than 18 inches from the side of such an antenna support structure.

7.01.13 Modification of Towers

1. A tower existing prior to the effective date of this Regulation may continue in existence as a nonconforming structure. Additional antennas may be added to such tower (building permit required) provided they do not increase the overall height of the existing tower, otherwise refer to the Nonconforming Structures Section of these Regulations. Additional support buildings (building permit required) shall meet the current setback regulations for accessory buildings from property lines.

7.01.14 Certification and Inspections

1. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the Building Code and all other construction standards set forth by County codes.
2. The County, or its agents, shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the Building Code and all other construction standards of the County.
3. The County reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner.

7.01.15 Maintenance

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the County's electrical code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
3. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
4. All towers shall maintain compliance with current RF emission standards of the FCC.
5. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the County of its intent to discontinue use and the date when the use shall be discontinued.

7.01.16 Abandonment

1. If any tower shall cease to be used for a period of 180 consecutive days, the County Planning Department shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the Commission and Board that such site has been abandoned. The owner shall have 30 days from receipt of said notice to show, by a preponderance of the evidence that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the Planning Department shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within 90 days, dismantle and remove the tower.

7.01.17 Bonding

To secure the obligation set forth in this Section as relates to the abandonment \ anticipated cost of removal of any tower, the applicant (and/or owner) shall post a bond in an amount of \$25,000 to be provided to the County prior to the Board public hearing on the conditional use permit request. The County may change this bonding amount during any reviews of the conditional use permit.

7.01.18 Severability

That if any clause, section, or other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

SECTION 7.02: SAND, GRAVEL, MINERAL, STONE, ROCK, SOIL EXTRACTION AND QUARRIES, INCLUDING STORAGE

A Conditional Use Permit may be granted for the extraction and storage of sand and gravel, mineral, stone, rock, soil extraction and quarries in the designated zoning district; provided the following special conditions shall be considered (among others determined appropriate \ relevant by the County):

- 7.02.01 A grading map showing contours, proposed excavation contours, and proposed final grade contours.
- 7.02.02 Identification of the effect of the extraction \ storing on the groundwater table of the adjoining properties;
- 7.02.03 Identification of proposed vehicle and equipment storage areas;
- 7.02.04 Erosion controls, including retention and sediment basins shall be provided during extraction \ storing to prevent a change in the character of runoff onto adjacent land;
- 7.02.05 The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility;
- 7.02.06 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;
- 7.02.07 Excavation \ storage shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) at a time frame set by the County. Safety screening may be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
- 7.02.08 Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

SECTION 7.03: WIND ENERGY REGULATIONS (revised 09-08-2009)**7.03.01 Purpose**

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems.

7.03.02 Findings

Washington County finds that wind energy is an abundant, renewable and non-polluting energy resource. The County, through this regulation, will permit small wind energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner.

7.03.03 Definitions

1. Small wind energy system: a wind energy conversion system consisting of one or more wind turbines, towers, and associated control or conversion electronics, which each have a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. They may or may not be connected to the electrical transmission or local distribution grid and are for the sole purpose of serving no more than one dwelling and associated accessory structures.
2. Blade: an element of a wind turbine generator which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
3. Wind tower: the support structure, above grade, that supports the nacelle and rotor assembly.
4. Tower foundation: the tower support structure, above and \ or below grade that supports the entire weight \of the wind turbine generator.
5. Total height: the height above grade of the tower and the tip of the blade at its highest point.
6. Tower height: the height above grade of the fixed portion of the tower, excluding the wind turbine itself.
7. Nacelle: the body\shell\casing of a propeller-type wind turbine that covers the gearbox, generator, blade hub and other parts.

7.03.04 Placement of a small wind energy system

1. The placement of a small wind energy system shall comply with the following:
 - a. shall not cause interference to the radio and TV reception on adjoining property. In the event of such interference the owner of the system shall remedy such interference.
 - b. shall not be located closer than a distance equal to the total height of the system to an occupied dwelling.
 - c. setback requirements for the wind tower shall be measured from the base of the wind tower.
 - d. shall be located not less than its total height from any road right-of-way line (public, private, easement, etc.), any overhead utility lines and all property lines, or the zoning district setbacks, whichever is greater. In no case shall any part of a small wind energy system, including any guy wires, be nearer than 90' to the center line of a U.S. or State designated highway or major County collector road, and not nearer than 90' to the center line of any other County Highway Department maintained road.
 - e. guy wire anchors shall meet all zoning district setbacks
 - f. no system shall be constructed in a manner which will interfere with emergency communication transmissions of the County. In the event of such interference the owner of the system shall remedy such interference.
 - g. all systems shall have performed, and provided to the County Planning Department and County Sheriff's Office as part of the permit process, a microwave path study, at the applicant's expense, showing the system will not interfere with the county's E-911 communication system.
 - h. there is no County limitation on tower height, except as may be imposed by local, State or Federal regulations (FAA, FCC, Joint Airport Zoning Board, etc).
 - i. shall not exceed 55 dBA, as measured at the property line. Proof of such shall be provided at the time of application by the applicant. This level may be exceeded during short term events such as severe wind storms
 - j. must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind energy Association.

- k. shall be installed per adopted County codes (building, electrical, etc.). Applications for systems larger than 50 kW shall have installation drawings prepared and stamped by a Nebraska licensed professional engineer.
- l. no system shall be installed until evidence has been given that the electric utility has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- m. the visual appearance of the system shall at a minimum:
 - 1. be a non-obtrusive color such as white, off-white or gray;
 - 2. not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulated air safety;
 - 3. not display advertising (including flags, streamers or decorative items) except for identification of the turbine manufacturer, facility owner and operator and no larger than one square foot in area.
- n. any system that is not operated for a continuous period of 12 months shall be considered abandoned, and the owners of such system shall remove all structures within 90 days of receipt of notice from the County notifying the owner of such abandonment. If such facility is not removed within said 90 days, the matter will be turned over to the County Attorney's Office for further action.

7.03.05 Permits

A small wind energy system is a permitted principal use in any zoning district provided the property is 2 acres or larger in size. To place a small wind energy system on a property of less than 2 acres in size requires a conditional use permit (process as per the Zoning Regulations.)

SECTION 7.04: WASTE DISPOSAL SITES AND LANDFILLS

A Conditional Use Permit may be granted for any waste material disposal, garbage disposal, or land fill operations in the designated zoning district; provided the following special conditions shall be considered (among others determined appropriate \ relevant by the County):

1. The effects on the adjacent property and traffic
2. The public necessity and advantage
3. The maintenance of access routes related to all weather conditions and droppings of rubbish and litter
4. The effects on underground water quality
5. The immediate and long term effects on the environment and the public
6. The concerns for public safety
7. The application shall include documents to indicate conformance to all applicable governmental regulations and standards
8. The application shall include affidavits or permits from the Environmental Protection Agency and/or the Nebraska Department of Environmental Quality, in the event approval is required by these agencies.

SECTION 7.05: HOME OCCUPATIONS**7.05.01 Intent**

It is the intent of this Section to recognize the need for Washington County residents to use their place of residence for limited non-residential activities. However, the County believes that the need to protect the integrity of the area is of paramount concern. In essence, the objective of this Section is to allow a limited commercial-type activity in the County only to an extent that no neighbors or passers-by will be aware, by outward appearance, of the activity. In practice, a home occupation is a lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

7.05.02 Definition

A home occupation is a lawful activity commonly carried on within a dwelling by member \ members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

7.05.03 In all districts:

Home occupations shall comply with the following regulations:

1. No commodities shall be displayed or sold on the premises except that which are produced on the premises.
2. No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes.
3. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
4. No alteration of the principal residential building shall be made which changes the character thereof as a residence.
5. The home occupation shall be carried on entirely within the principal residential structure. No home occupation or any storage of goods, materials or products connected with a home occupation is allowed in accessory buildings or garages, attached or detached.
6. No sign shall be permitted unless authorized by the County's sign regulations.
7. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his/her residence.
8. There shall be no exterior indication of the home occupation from the residential character of the home.
9. No materials that decompose by detonation shall be allowed in conjunction with a home occupation.
10. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any noise, vibration, smoke, electrical interference, dust, odors, or heat detectable beyond the walls of the dwelling unit is not allowed.
11. The area set aside for home occupations shall not exceed 20 percent of the total floor area of the residence.
12. In no case shall a home occupation be open to the public earlier than 8:00 a.m. or later than 10:00 p.m.
13. The use shall not generate pedestrian or vehicular traffic beyond that normal to the Zoning District in which it is located.
14. The use shall not infringe upon the right of neighboring residents to enjoy peaceful and healthful occupancy of their home or the enjoyment of their property.

7.05.04 Particular Home Occupations Permitted

Customary home occupations include; but are not limited to, the following list of occupations; provided, however, that any home occupation is subject to the criteria in this Section.

1. Dressmakers, seamstresses, tailors;
2. The giving of music lessons;
3. Tutoring;
4. Artists, sculptors and authors or 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, when no retail or wholesale transactions are made on the premises;
8. Home crafts, such as model building, 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 care centers, child care homes or babysitters. Said occupation may include the caring for not more than six unrelated children at one time for hire or for compensation in accordance with Nebr. R. R. S. 1943, Sec. 71-1902, wherein caring for seven or more children requires licensing as a Child Care Center;
10. Barber shops and beauty parlors;
11. Telephone answering;
12. Computer programming;
13. Home cooking and preserving;
14. Secretarial service
15. Interior design.

7.05.05 Uses not Permitted

The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of nearby properties for residence purposes and are more suited to zoned commercial areas. Therefore, the uses below (including but not limited to and not specifically listed) are not permitted as home occupations:

1. Minor or major auto repair, painting of motor vehicles;
2. Funeral chapel or home;
3. Gift shops;
4. Medical or dental clinic;
5. Rental businesses;
6. Welding or machine shops.

SECTION 7.06: OFF-STREET AUTOMOBILE STORAGE

- 7.06.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
- 7.06.02 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

SECTION 7.07: REQUIRED PARKING

Uses	Parking Requirements	Loading Requirements
Adult entertainment establishments	1 space per 2 persons of licensed capacity	None required
Bowling Alleys	5 spaces per alley plus 1 space per employee	1 space per establishment
Churches, Synagogues, and Temples	1 space per 2 seats in main worship area; where individual seats are not provided, each 20 inches of bench or similar facility shall constitute 1 seating space	None required
Clubs, including fraternal organizations	1 space per 200 s.f. of floor space	1 space per establishment
College/University	1 space per every 2 students of occupancy plus 1 per employee.	2 spaces per structure
Commercial Uses		
Agricultural Sales / Service	1 space per 500 s.f. of gross floor area	1 per establishment
Automotive Rental / Sales	1 space per 500 s.f. of gross floor area	1 per establishment
Automotive Servicing	3 spaces per repair stall	None required
Bars, Taverns, Nightclubs	2 spaces per 5 seating places plus 1 space per 2 employees	2 spaces per establishment
Body Repair	4 spaces per repair stall	None required
Equipment Rental / Sales	1 space per 500 s.f. of gross floor area	1 Space
Campground	1 space per camping unit	None required
Commercial Recreation	1 space per 4 persons of licensed capacity	1 per establishment
Communication Services	1 space per 500 s.f. of gross floor area	1 per establishment
Construction Sales / Service	1 space per 500 s.f. of gross floor area	1 per establishment
Food Sales (general)	1 space per 200 s.f. of gross floor area	2 per establishment
General Retail Sales establishments	1 space per 200 s.f. of gross floor area	1 per establishment
Laundry Services	1 space per 200 s.f. of gross floor area	None required
Restaurants w/ drive-thru	2 spaces per 5 seating places plus 1 space per 2 employees	2 spaces per establishment
Restaurants	2 spaces per 5 seating places plus 1 space per 2 employees	2 spaces per establishment
Convalescent and Nursing Home Services	1 space per 3 beds plus 1 space per employee on the largest shift	1 space per structure
Day Care	1 space per employee plus 1 space per each 10 persons of licensed capacity	None required
Educational Uses, Primary facilities	20% of the student capacity	2 spaces per structure
Educational Uses, Secondary facilities	40% of the student capacity	2 spaces per structure
Funeral Homes and Chapels	8 spaces per reposeing room	2 spaces per establishment
Group Care Facility	1 space per 3 beds plus 1 space per employee	1 space per structure
Group Home	1 space per 3 beds plus 1 space per employee	1 space per structure
Guidance Services	1 space per 300 s.f. of gross floor area	None required
Hospitals	1 space per 2 licensed beds plus, .75 times the maximum number of employees during the largest shift	3 spaces per structure
Hotels and Motels	1 space per rental unit plus 1 space per employee	1 space per establishment
Housing (Congregate)		
Assisted-living facilities	1 space per dwelling unit plus 1 space per employee on the largest shift	1 per structure
Duplex	2 spaces per dwelling unit	None required
Dormitories, sororities, and fraternities	1 space per 2 beds plus 1 space per 2 employees	None required
Multi-family / Apartments	1 space per sleeping unit (spaces to be sited in the general proximity of where the sleeping units are located) plus 1 additional space per apartment (for 1- and 2-sleeping units), and 1 ½ spaces per apartment (for 3-sleeping units) to accommodate guest parking	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	2 spaces per establishment
Libraries	1 space per 500 s.f. of gross floor area	1 per structure
Boarding Houses / Bed and Breakfasts	2 spaces per 3 guest beds plus 1 space for the managing resident	None required
Medical Clinics	5 spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	2 spaces per dwelling unit	None required
Offices and Office Buildings	1 space per 200 s.f. of gross floor area	None required
Residential (Single-family, attached and detached)	2 spaces per dwelling unit	None required
Roadside stands	4 spaces per establishment	None required
Service Oriented Establishments	1 space per 200 s.f. of gross floor area	1 per establishment
Theaters, Auditoriums, and Places of Assembly	1 space per 2 seats, or 1 space per 2 people in designed capacity, whichever is greater	1 space per establishment
Veterinary Establishments	3 spaces per staff doctor	None required
Wholesaling / Distribution Operations	1 space per employee on the largest shift	1 space per establishment

SECTION 7.08: SIGN REGULATIONS

7.08.01 Purpose

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the County; to maintain and enhance the aesthetic environment and the County’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

7.08.02 Applicability

A sign may be erected, placed, established, painted, created, or maintained within the County zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

7.08.03 Definitions and Interpretation

Principles for computing sign area and sign height are contained in the Definition of Terms Section of this Regulation.

7.08.04 Computations

1. **Computation of Area of Signs**

The area of a sign is calculated by including the entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. In the event a sign has more than one face or advertising surface, the combined area of each face or advertising surface shall be less than or equal to the total allowable area of the sign

2. **Computation of Height**

The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

7.08.05 Permitted Signs and Limitations

1. **Wall Signs**

- a. All wall signs shall be mounted to the primary face of the use.
- b. The following criteria apply to wall signs:

District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
C-1, C-2, I-1, I-2	1.5 square feet per lineal foot of building / storefront to a maximum of 400 sq. ft. plus the sign area shall not exceed 30% of the wall face	25 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
CMD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

2. **Other Permitted Signs**

- a. Business Sign
- b. Ground Sign
- c. Inflatable Sign
- d. Projecting Sign
- e. Real Estate Sign
- f. Subdivision Signs
- g. Wall Sign
- h. Window Sign
- i. Pole Sign (revised 09-22-2009)
- j. Temporary Signs (added 09-22-2009)

3. Sign type, District Permitted

1. Signs shall be permitted in the various districts according to the following schedule:

<u>Zoning District</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>CMD</u>
<u>Sign Type</u>				
Business	+	+	+	+
Subdivision	C	C	C	C
Projecting	+	+	+	+
Window	+	+	+	+
Wall	+	+	+	+
Ground	+	+	+	+
Inflatable	C	C	C	C
Real Estate	+	+	+	+

+: permitted C: Conditional Use

4. Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

<u>Zoning District</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1, I-2, A-2</u>	<u>CMD</u>
<u>Sign Type</u>				
<u>Pole</u>				
Max. Size (Square Ft.)	50	50	50	50
Max. Height (Ft.)	20	20	20	20
Number Allowed per lot	1	1	1	1
<u>Real Estate</u>				
Max. Size (Square Ft.)	32	32	32	32
Max. Height (Ft.)	8	8	8	8
Number Allowed \ Subdivision	1	1	1	1
<u>Subdivision</u>				
Max. Size (Square Ft.)				
Max. Height (Ft.)				
Number Allowed \ Subdivision	2	2	2	2
<u>Ground</u>				
Max. Size (Square Ft.)	50	50	50	50
Max. Height (Ft.)	8	8	8	8
Number Allowed per lot	1	1	1	1
<u>Window</u>				
Max. Size	-	5% ¹	5% ¹	5% ¹
Max. Height (Ft.)	-	NA	NA	NA
Number Allowed per building/storefront	-	2	2	2
<u>Projecting</u>				
Max. Size (Square Ft.)	12	12	12	12
Max. Height (Ft.)	NA	NA	NA	NA
Number Allowed per building	1	1	1	1

-: not permitted NA: Not Applicable

1. percentage of total window area
 - a. No more than 2 signs at each entrance to the subdivision; (added 09-22-2009)
 - b. May be monument style signs; (added 09-22-2009)
 - c. To be of such size and construction that if it should topple, it would not land on a road surface.
 - d. (added 09-22-2009)

Note: All signs shall have a Vertical Clearance of nine feet above any sidewalk, private drive, or parking. All signs shall have a Vertical Clearance of 12 feet above any public street.

5. Special Signage Conditions

The following special conditions apply to stand-alone ATM's, coffee kiosks and other kiosks.

- a. Stand-alone ATM's may have the following:

- One wall sign on each exterior wall provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 20 square feet in size.
- Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 20 square feet.
- Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- All signs are subject to the required permitting process of this Regulation.
- Said signage may be incorporated with a lighting plan and backlit in order to provide for greater security on the premises.

b. Coffee kiosks and other kiosks may have the following:

- One wall sign on each exterior wall not used for drive-up service provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 20 square feet in size.
- Where a canopy is integrated into the coffee kiosks / kiosks, a canopy sign may be placed on each face of the coffee kiosk / kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 20 square feet.
- Directional signage shall be contained on the coffee kiosk / kiosk, painted within a drive lane or in any curbing defining a drive lane
- Window signs limited to menu boards and daily specials shall not require a sign permit.
- All signs are subject to the required permitting process of this Resolution, unless otherwise noted.

7.08.06 Permits Required (revised 09-22-2009)

If a sign requiring a permit under the provision of the Regulation is to be placed, constructed, erected, or modified, a sign permit shall be approved by the County, through the building permit process unless otherwise stated in this section, prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of this Regulation.

7.08.07 Design, Construction, Maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the County's adopted building and electrical codes.
2. Except for flags, real estate signs, political signs, and window signs conforming in all respects with the requirements of this Regulation, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.

SECTION 7.09: SIGNAGE PLANS

7.09.01 General Provisions

1. All applications for sign permits shall be obtained from, and submitted to, the County Planning Department. No permit shall be issued for an individual sign requiring a permit unless and until it has been reviewed and approved by the appropriate County authority as conforming to this Section.
2. All signage plans and permits shall include the following minimum information:
 - a. Color scheme;
 - b. Lettering or graphic style;
 - c. Lighting;
 - d. Location of each sign on the buildings;
 - e. Material;
 - f. Sign proportions; and
 - g. Any other criteria required by the County.
3. Fees are as established by the County.

SECTION 7.10: OTHER SIGNAGE PROVISIONS**Signs in the Public Right-of-Way**

No signs shall be allowed in the public right-of-way, except for the following:

1. **Permanent Signs.** Permanent signs, including:
 - a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, advertise community events, and direct or regulate pedestrian or vehicular traffic;
 - b. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
2. **Home Occupation Signs.** For any County approved home occupation, one unlighted wall sign, placed on the residence with a maximum area of 6 square feet in size is permitted (with a permit)

7.10.01 Emergency Signs (Permitted)

Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

7.10.02 Other Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the County shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

7.10.03 Signs Exempt from Regulation

The following signs shall be exempt from regulation, except no sign in this provision shall create an obstruction to vision, as per this Regulation and / or a collision hazard to the public:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or Resolution;
2. Construction signs when equal to six square feet or less;
3. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
4. Holiday lights and decorations with no commercial message;
5. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
6. A political sign exhibited in conjunction with the election of political candidates. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not be placed in the public right-of-way.

7.10.04 Signs Prohibited under these Regulations (9-22-09)

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous Section are prohibited in the County. Such signs include, but are not limited to:

1. Beacons;
2. Marquee signs;
3. Roof signs;
4. Suspended signs;
5. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
6. Permanent off-premises signs (billboard);
7. Animated signs;
8. Audible signs;

7.10.06 Violations

1. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties provided in the County's Zoning Regulation, and by state law:

- a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign, or the lot on which the sign is located;
- b. To install, create, erect, or maintain any sign requiring a permit without such permit;
- c. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Regulation, or for which the sign permit has lapsed;
- d. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this Regulation;
- e. Each sign installed, created, erected, or maintained in violation of this Regulation shall be considered a separate violation when applying the penalty portions of this Regulation.

SECTION 7.11: PUBLIC UTILITY FACILITIES LOT SIZE REQUIREMENTS

Notwithstanding any other provision of these Regulations, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located:

1. Electric and telephone substations and distribution systems.
2. Gas regulator stations.
3. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the transmission of electricity, gas, or water.
4. Pumping stations.
5. Radio, television, and microwave transmitting or relay stations and towers, except as may be required to meet setback requirements.
6. Transformer station
7. Water tower or standpipes.

SECTION 7.12: LIGHTING STANDARDS**7.12.01 Purpose**

The purpose of these standards is to provide a regulatory strategy for outdoor lighting that will:

1. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce;
2. Curtail and reverse the degradation of the nighttime visual environment and the night sky;
3. Preserve the dark night sky for astronomy;
4. Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
5. Conserve energy and resources to the greatest extent possible; and
6. Help protect the natural environment from the damaging effects of night lighting from man-made sources.

7.12.02 Conformance with applicable codes

All outdoor lighting fixtures (luminaries) shall be installed in conformance with the provisions of this regulation, the building code, the electrical code, and the sign code of Washington County as applicable and under appropriate permit and inspection.

7.12.03 Applicability

Municipal street lighting and other public entity-owned lighting are not covered by this regulation. However, it is recommended that all such lighting conform to all of the aspects of this regulation and that all street lighting be fully shielded.

7.12.04 Definitions

<i>Artificial Sky Glow</i>	The brightening of the night sky attributable to man-made sources of light
<i>Candela</i>	The unit of luminous intensity of a lighting source emitted into a given direction.
<i>Canopy</i>	A roof-like covering over an area, in or under which a lighting fixture is mounted.
<i>Curfew</i>	A time each night after which certain electric illumination must be turned off or reduced in intensity.
<i>Drip Line Area</i>	The area on the ground enclosed by vertical planes extending downward from the outer solid edge of a canopy.
<i>Façade</i>	The exterior wall of a building.
<i>Glare</i>	Light that causes visual discomfort or disability, or a loss of visual performance.
<i>Hardscape Lighting</i>	Lighting associated with architectural features, such as fountains, sculptures, and the like.
<i>Landscape Lighting</i>	Luminaries mounted in or at grade (not to exceed three feet overall above grade) and used solely for landscape rather than area lighting, or fully shielded luminaries mounted in trees and used solely for landscape or façade lighting.
<i>Light Trespass</i>	Spill light that because of quantitative, directional, or spectral content causes annoyance, discomfort, or loss in visual performance and visibility.
<i>Lighting Zone</i>	A type of area defined on the basis of ambient lighting levels, population density, and/or other community considerations. The lighting zones are determined by the County. A description of the lighting zones is given in Table 1 within Section 7.12.
<i>Lumen</i>	The unit of luminous flux: a measure of the amount of light emitted by a lamp.
<i>Luminaire</i>	A complete lighting unit consisting of one or more electric lamps, the lamp holder, reflector, lens, diffuser, ballast, and/or other components and accessories.
<i>Luminance</i>	The amount of light emitted in a given direction from a surface by the light source or by reflection from a surface. The unit is candela per square meter.
<i>Luminous Flux</i>	A measure of the total light output from a source, the unit being the lumen.

<i>Mounting Height</i>	The vertical distance between the lowest part of the luminaire and the ground surface directly below the luminaire.
<i>Nadir</i>	The downward direction; exactly vertical, directly below a luminaire.
<i>Obtrusive Light</i>	Glare and light trespass.
<i>Ornamental/Accent Lighting</i>	Outdoor lighting that is installed mainly or entirely for its decorative effect or to accent an object or a feature, rather than as an aid to visibility.
<i>Photometric Test Report</i>	A report by an independent testing laboratory or one certified by the National Institute of Standards and Technology (NIST) describing the candela distribution, shielding type, luminance, and other optical characteristics of a specific luminaire.
<i>Point of Service Canopy</i>	A canopy under which a business provides some service to a customer, such as food service, a bank transaction, or the like.
<i>Shielding</i>	<p>1a. Fully Shielded – A luminaire emitting no luminous flux above the horizontal plane.</p> <p>1b. Shielded – A luminaire emitting less than 2 percent of its luminous flux above the horizontal plane.</p> <p>1c. Partly Shielded – A luminaire emitting less than 10 percent of its luminous flux above the horizontal plane.</p> <p>1d. Unshielded – A luminaire that may emit its flux in any direction.</p>
<i>Spill Light</i>	Lighting from a lighting installation that falls outside of the boundaries of the property on which the installation is sited.
<i>Temporary Lighting</i>	Lighting installed with temporary wiring and operated for less than 60 days in any calendar year.

Zone	Ambient	Representative locations illumination
LZ0	Very dark	Critical dark environments, such as especially sensitive wildlife preserves, parks, and major astronomical observatories.
LZ1	Dark	Developed areas in state and national parks, recreation areas, wetlands and wildlife preserves; developed areas in natural settings; areas near astronomical observatories; sensitive night environments; zoos; areas where residents have expressed the desire to conserve natural illumination levels.
LZ2	Low	Rural areas, low-density urban neighborhoods and districts, residential historic districts.
LZ3	Medium	Medium- to high-density urban neighborhoods and districts, shopping and commercial districts, industrial parks and districts. This zone is intended to be the default condition for commercial and industrial districts in urban areas.
LZ4	High	Reserved for very limited applications such as major city centers, urban districts with especially high security requirements, thematic attractions and entertainment districts, and major auto sales districts.

¹**Use of lighting zones**

1. Using Table 1 as a guide, the County shall determine and maintain lighting zones within the boundaries of its jurisdiction.
2. The lighting zone shall determine the limitations for lighting of a parcel or project as specified in this regulation.
3. A decrease of one or more lighting zone numbers or an increase of one lighting zone number may be granted to a specific (individual) land parcel or project within a lighting zone upon an approved conditional use permit.

7.12.05 Exempt lighting

The following luminaries and lighting systems are exempt from these requirements.

1. Internally illuminated signs. However, it is strongly encouraged that all such signs should have “dark” backgrounds (opaque or colored) and “light” lettering (white or lighter colored than the background) so as to minimize glare or luminous overload.

2. Externally illuminated signs. However, it is strongly encouraged that all such signs be lit from above, with fully shielded fixtures.
3. Temporary lighting for theatrical, television, and performance areas.
4. Lighting in swimming pools and other water features governed by the County's Electrical Code.
5. Code-required exit signs.
6. Code-required lighting for stairs and ramps
7. Temporary holiday lighting provided that individual amps are 10 watts or less.
8. Lighting required and regulated by the Federal Aviation Administration, or other federal or state agency.
9. Interior lighting.

7.12.06 High-intensity, special-purpose lighting

The following lighting systems are prohibited from being installed or used except by conditional use permit, which shall not be granted for any use in LZ0, LZ1, or LZ2.

1. Aerial lasers.
2. "Searchlight" -style lights
3. Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2 million candelas or more.

7.12.07 Luminaire lamp wattage, shielding, and installation requirements

1. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 2 of Section 7.12.
2. Only luminaries that are allowed to be unshielded in Table 2, of Section 7.12, may employ flexible or adjustable mounting systems. All other luminaries shall be permanently installed so as to maintain the shielding requirements of Table 2 of Section 7.12.
3. The County may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.
4. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture meets or exceeds the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.
5. All canopy lighting must be fully shielded. However, indirect "up-light" is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct "up-light" is emitted beyond the opaque canopy.

7.12.08 Height limits

1. Pole-mounted lighting: Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40 percent of the horizontal distance of the light pole from the property line, or a maximum height according to Table 3, of Section 7.12, whichever is lower.

Exception one: Lighting for residential sports courts and pools shall not exceed 15 feet above court or pool deck surface.

Exception two: Lights specifically for driveways, and then only at the intersection to the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 3 of Section 7.12.

Exception three: Mounting heights greater than 40 percent of the horizontal distance to the property line but no greater than permitted by Table 3, of Section 7.12, may be used provided that the luminaire is side-shielded towards the property line.

Exception four: Landscape lighting installed in a tree.

2. Lights mounted to buildings or structures: Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than four feet higher than the tallest part of the building or structure at the place where the lighting is installed, or higher than 40 percent of the horizontal distance of the light from the property line, whichever is less.

Exception one: Lighting attached to single-family residences shall not exceed the height of the eave.

Exception two: Lighting for facades may be mounted at any height equal to, or less than the total height of the structure being illuminated regardless of horizontal distance to property line.

Exception three: For buildings less than 40 feet to the property line, including canopies or overhangs onto the sidewalk or public right-of-way, luminaries may be mounted to the vertical façade or the underside of canopies at 16 feet or less.

Table 2. Maximum Wattage and the Required Shielding

Lighting Zone	Fully Shielded (watts)	Shielded (watts)	Partly Shielded (watts)	Unshielded (Shielding is highly encouraged)
LZ0	55	None Permitted	None Permitted	None Permitted
LZ1	70	30	None Permitted	None Permitted
LZ2	150	55	None Permitted	Low voltage landscape lighting
LZ3	450	100	55	Landscape and façade lighting 100 watts or less; ornamental lights of 55 watts or less
LZ4	1000	150	90	Lighting and façade lighting 250 watts or less; ornamental lights 70 watts or less; marquee lighting not employing medium-based lamps

Table 3. Maximum Lighting Mounting Height (in feet)

Lighting Zone	Lighting for driveways, parking and transit	Lighting for walkways, plazas, and other pedestrian areas	All other lighting
LZ0	20.0	8.0	4.5
LZ1	25.0	12	4.5
LZ2	37.5	18	8.0
LZ3	37.5	18	15
LZ4	Height limit to be determined by County.	Height limit to be determined by County.	Height limit to be determined by County.

7.12.09 Total site power limits

1. This section applies to all outdoor lighting, whether attached to building, poles, structure, or self-supporting, including, but not limited to, hardscape areas (which include parking lots, lighting for building entrances, sales, and non-sales canopies), lighting for all outdoor sales areas and lighting for building facades.
2. If there is an energy code in place, then the more restrictive provisions of this regulation and that energy code shall apply.
3. The maximum allowed lighting limit shall be determined as follows:
 - a. Following the rules in item four below, multiply the area (square footage) of each of the application types in Table 4, of Section 7.12, by the allowed lamp wattage per square foot for the appropriate lighting zone.
 - b. Add up the total of the lamp wattage for each application type.
 - c. The power allowance for the application type shall not exceed the total allowance in Table 4, of Section 7.12.
4. Rules are as follows:
 - a. Power is not allowed for any use types not listed, except for those items given in Section E (7.12.05) (Exempt lighting) and Section F (7.12.06) (High-intensity, special-purpose lighting).
 - b. Only one application type may be applied to any given area.
 - c. Canopy allowances include only the area within the drip line area of the canopy.
 - d. Areas that are not designed to be illuminated may not be counted towards the total site limit.

7.12.10 Recommended lighting for externally illuminated signs

Externally lighted signs should be lighted from the top of the sign downward and be fully shielded.

Exception: Signs not taller than 10 feet above grade may be illuminated by landscape lighting complying with Table 2, of Section 7.12.

Lighting application	Allowed area	LZ0	LZ1	LZ2	LZ3	LZ4
Parking lots, plazas, hardscape lighting, driveways, on-site private roads	Paved area plus five feet of the perimeter of adjacent unpaved land. Includes planters and landscaped areas less than 10 feet wide enclosed by hardscape on at least three sides	0.010	0.020	0.040	0.080	0.16
Sidewalks, walkways and bikeways	Paved area plus five feet of unpaved land on either side of the path of travel	0.020	0.040	0.080	0.15	0.20
Building entrances (without canopy)	Width of doors plus three feet on either side times a distance outward from the building from the surface of the doors 10 feet	0.010	0.35	0.50	0.70	1.00
Building entry, drive-up sales, and general-use canopies	Drip line area under canopy. Thirteen watts plus the value in the LZ columns	0.00	0.10	0.20	0.40	0.70
Vehicle service station	Drip line area under canopy or 500 square feet per double sided fuel dispenser unit under canopy	NA	0.30	0.60	1.20	2.40
Building facades	-	NA	NA	0.18	0.35	0.50
Outdoor sales lot	Portion of uncovered outdoor sales lot used for display of vehicles or other merchandise for sale. All adjacent access drives, walkway areas, customer parking areas, vehicle service or storage areas not surrounded on at least three sides by sales area shall be considered hardscape.	NA	NA	0.60	1.10	1.80
Outdoor sales frontage (frontage in linear feet, and the allowance is per lineal foot)	Valid only for sections of an outdoor sales area along the frontage. A corner sales lot may include both sides provided that a different principal viewing location exists for each side.	NA	NA	NA	30 w/lf	40 w/lf
Ornamental Lighting	Entire site	NA	By CUP only	0.010	0.02	0.04

*w=wattage
 NA = Not Allowed
 CUP = Conditional Use Permit

7.12.11 Lighting controls

Lighting systems for nonresidential properties shall be turned off or reduced in lighting by at least 50 percent beginning at curfew and continuing until dawn or start of business, whichever is sooner. The reduction shall be determined as an overall average for the site. When possible, the lighting system should be turned off rather than be reduced in lighting level.

Curfew shall be as follows:

- LZ0, the later of 8:00 PM or close of business.
- LZ1, the later of 8:00 PM or close of business.
- LZ2, the later of 10:00 PM or close of business.
- LZ3, the later of midnight or close of business.
- LZ4, the later of midnight or close of business.

Exception one: When there is only one (conforming) luminaire for the site

Exception two: Code required lighting for steps and stairs.

Exception three: When in the opinion of the County, reduced lighting levels at a given location will cause unacceptable increased risk and design levels must be maintained.

7.12.12 Conditional Use

Upon conditional use permit issued by the County, lighting systems not complying with the technical requirements of this regulation but consistent with the intent of the regulation may be installed for the following applications:

1. Sport fields and stadiums;
2. Construction lighting;
3. Industrial lighting for hazardous areas where the heat of the lighting fixture may cause a dangerous situation;
4. Bridges;
5. National and state flag lighting with spotlights greater than 70 watts in LZ3 and LZ4, and greater than 39 watts in LZ0, LZ1, and LZ2;
6. Specialized theme park lighting;
7. Floodlighting of buildings over two stories high;
8. Public monuments, public buildings and houses of worship; and
9. Industrial areas where higher pole heights are required to avoid interference of vehicles with the pole assembly.

The County shall review each such application. A permit may be granted if, upon review, the County believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

SECTION 7.13: STANDARDS FOR OPEN-AIR SALES DISPLAY AND STORAGE

Open-air sales display and storage, including used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or other equipment sales and storage shall require a CUP.

1. The application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:
 - a. The open-air sales, display, and storage area shall be surfaced with granular, aggregate, crushed stone or rock material for a uniform depth of at least 3 inches.
 - b. The sides and rear lot lines, when abutting properties used for residential dwellings, shall be screened with a wall or fence with its surface at least 50 percent solid and at least 6 feet high.
 - c. The County's lighting standards shall be followed
 - d. Aside from following the County's sign regulations, no lighted flashing signs, or revolving beacon lights shall be permitted closer than 75 feet to the street property line or residential properties and less than 15 feet above the ground or more than 35 feet above the ground.
 - e. The open-air area shall be maintained to be free of weeds, debris, trash, and other objectionable materials.

SECTION 7.14: SANITARY LANDFILL REGULATIONS**7.14.01 Purpose**

It is hereby found and declared that unsanitary disposal of garbage and refuse creates health and sanitary hazards, promotes the breeding of rats, flies and other vermin, pollutes water and the atmosphere, produces noxious odors and insults the aesthetic values of the citizens of Washington County. It is hereby further found and declared that the elimination of open dumps and the prevention of health, sanitation and aesthetic nuisances in the future is in the best interests of the citizens of Washington County and the State of Nebraska; and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Regulation. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that the Regulation be liberally construed to effectuate the purposes as stated herein.

7.14.02 Definitions

For the purpose of this Regulation, certain terms and words are herewith defined, as set forth in this Regulation. All words used in the present tense shall include the future tense, all words in the plural number shall include the singular number and all words in the singular number shall include the plural number; unless the natural construction of the wording indicates otherwise.

Applicant: shall mean individuals, firms, corporations or any political subdivisions of the State including any governmental authority created by statute.

Department: shall mean the Nebraska Department of Environmental Quality.

Garbage: shall mean rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and dead animals rejected by rendering plants.

Junk: shall mean old scrap, 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; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.

Person: shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

Rubbish: shall mean nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.

Refuse: shall mean putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and industrial wastes; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.

Sanitary Landfill: shall mean a type of operation in which garbage, rubbish, and refuse or garbage, rubbish, or refuse is deposited by plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to twelve inches over individual cells of garbage and refuse or garbage or refuse, which are closed at the end of each day, and to a depth of at least four feet over the finished landfill.

7.14.03 Permits

It shall be unlawful for any person to use any land, premises or property within Washington County for the disposal of any garbage, rubbish, and refuse, or garbage, rubbish, or refuse without first making application for and securing a conditional use permit (CUP) to do so. The CUP shall be issued by the County Board of Supervisors, as provided in The Washington County Zoning Regulations.

The application for a CUP to operate a sanitary landfill shall be filed with the Washington County Planning Department and shall contain:

1. A description and plat of the land on which the disposal of garbage and refuse or garbage or refuse is proposed
2. A description of the sequence and plan of operation
3. Type and capacity of equipment to used for operations
4. Plans for fire, nuisance and vermin control

5. Existing and proposed roadways and easements
6. Existing topography and water courses
7. A diagram and written statement explaining the proposed location and extent of earthwork and fill operations
8. Proposed measures to control storm drainage and estimated daily or weekly volume of garbage and refuse, or garbage or refuse to be placed in the sanitary landfill
9. Subsoil data including percolation tests, ground water, and soil types.

No CUP to operate a sanitary landfill will be issued, unless the applicant has first complied with the requirements of the Nebraska Department of Environmental Quality and the applicable sections of the Nebraska State Statutes, Sections 13-1701 through 13-1714.

Any CUP to operate a sanitary landfill will become null and void whenever the Nebraska Department of Environmental Quality revokes a license or does not renew a license.

7.14.04 Disposal Conditions

No person shall dump or otherwise dispose of any refuse, garbage, junk, or rubbish at any place except a licensed and permitted sanitary landfill area; however, this does not prohibit a person from disposing of refuse and rubbish from his own household upon his own land as long as such disposal does not create a nuisance or hazard to health or others; and provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP shall be exempt from the requirements of this Section.

The following conditions shall be agreed to by the operator/owner:

1. That the permittee, his agents and servants, will comply with all of the terms, conditions, provisions, requirements and specifications contained in these regulations.
2. That the permittee, his agents and servants, will faithfully operate the sanitary landfill for which the permit is issued in accordance with the provisions of these Regulations.
3. That the permittee, his agents and servants, will save harmless Washington County from any expense incurred through the failure of the permittee, his agents and servants, to operate and maintain the sanitary landfill as required by these Regulations, including any expense Washington County may be put to for correcting any condition or violation of these Regulations by Washington County's own labor and equipment whenever the Washington County Board of Supervisors determines it is necessary for Washington County to correct any unsanitary condition or conditions that violate of these Regulations or from any damages growing out of the negligence of the permittee or his agents or servants.
4. That the permittee and his agents, as further assurance for the operation of the sanitary landfill, shall provide therein, that in the event, the permittee fails to comply and fails to operate the sanitary landfill within the terms, requirements, and conditions of these Regulations for any period of time, the Washington County Board of Supervisors may then, upon resolution, have the right to have hired the necessary equipment and labor to adequately bring the landfill operation to a satisfactory closing.

7.14.05 Physical Improvements

The following physical improvements shall be made before a sanitary landfill site is approved for operation:

1. The property shall be fenced as shown on approved plans for application with an entrance gate that can be locked. A temporary inner fence shall be installed bordering all active areas of landfill areas to reasonably control or to stop blowing paper and other materials.
2. Operating procedures and time schedules shall be clearly listed on signs posted at the site entrance.
3. Where employees or personnel will be on duty for more than four consecutive hours, convenient sheltered toilet facilities shall be provided.

7.14.06 Regulations

The following regulations shall be observed by any person, firm or corporation to whom a permit is granted for the operation of a sanitary landfill. These regulations shall govern the operation of all sanitary landfills in Washington County and any failure to observe these regulations shall be sufficient grounds for suspension or revocation of the permit as hereinafter provided.

1. All garbage and other refuse accepted by the permit holder shall be thoroughly compacted by equipment of a size and weight capable of carrying out all necessary operations. Sufficient auxiliary equipment shall be available on the site or otherwise available to permit operation in case of equipment breakdown.
2. Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two feet prior to its compaction.

3. The area of the landfill shall be policed as necessary to prevent fire and smoke and to collect all scattered materials; shall be neat and orderly at all times and shall be covered at the end of each day's operation, as well as when wind conditions warrant it through the day, with sufficient material to prevent blowing litter, fly and rodent attraction and breeding, release of odor, fire hazard, and unsightly appearance.
4. A minimum depth of 12 inches of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill shall be covered at the end of each day's operation, with cover material.
5. When the fill has been brought up to four feet below the desired finished grade, it shall be covered with compacted cover material for a minimum depth of four feet, graded and seeded in such a manner as to prevent erosion. The finally graded and seeded finished surface of the fill shall be maintained at final grade free from erosion and in a well seeded manner for a period of two years after filling operations have been completed.
6. Where the trench system of sanitary landfill is used, successive parallel trenches must be at least two feet apart.
7. Where the landfill operation is conducted in a ravine, the sides of the ravine shall be terraced prior to landfilling if the slope of the sides of the ravine is 1:1 or greater.
8. In the event that refuse material exists on the site at the time the permit is issued, whether in the form of an open dump or any other form, such refuse material shall be collected, compacted, and covered with cover material at least four feet in depth at the finished grade or with at least six inches of cover material on areas in which landfilling operations will be conducted. This cover operation shall be completed within 15 working days after the issuance of a permit for the sanitary landfill, unless some other period of time is specified in the permit.
9. Access roads to the disposal area shall be maintained and surfaced so as to be negotiable by trucks and other motor vehicles at all reasonable times.
10. The salvage or scavenging of materials from the landfill is prohibited.
11. The burning of garbage and refuse, or garbage or refuse, on the landfill site is prohibited.
12. No landfill operations shall be conducted so that fill will be placed in streambeds or other areas where streams would be obstructed or where erosion by the stream would remove cover material. There shall be no seepage or drainage of any material from the fill of such a nature as would constitute an odor nuisance or health hazard, or pollute any water course or underground water aquifer.
13. The permittee shall provide surface drainage facilities on the landfill site which will permit the drainage of storm water. The existence of standing pools of water on the finished face of the landfill six hours after the last precipitation shall constitute evidence of inadequate surface drainage.
14. The permittee shall take such measures as are necessary to control dust.
15. Deposition of liquids and hazardous material, contaminated or polluted liquids or hazardous substance shall be deposited only after receiving approval from the Nebraska Department of Environmental Quality as to such time and such location with the immediate coverage.
16. Other reasonable measures shall be taken to control insects and rodents.
17. Noncombustible and non-putrescible waste such as cinders, broken paving or materials resulting from construction or demolition work may be deposited in the landfill provided such materials shall be leveled and spread at sufficient intervals to prevent unsightly appearance or rodent harborage and shall be covered as required for a completed sanitary landfill; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.
18. The discharging of firearms is prohibited.
19. Before any site is abandoned, all exposed refuse shall be covered with a layer of suitable cover material, to minimum compacted depth of four feet. The site otherwise shall be left in a reasonably neat condition so as not to offend adjacent property owners and incite opposition to the establishment of new sites.
20. A comment letter from the County Highway Superintendent.

7.14.07 Enforcement - Permit Suspension And Revocation

The officers responsible for the enforcement of the provisions of this Regulation shall be the Planning Administrator, County Sheriff and Building Inspector, or other designees as set by the Board of Supervisors.

The officers will notify in writing any permit holder who is violating the provisions of this Section, or of the Zoning Regulations, of the specific manner in which the Regulations are being violated. Unless said violation is corrected within a reasonable time after notice is received in writing to the permit holder, the officers shall notify the County Board of Supervisors in writing stating the non-compliance or violation. In the event the permit holder refuses to correct the violations within 24 hours after notice in writing by the officers, as directed by the Board of Supervisors, the Board of Supervisors may, in the interest of public health, direct Washington County either with the equipment and employees of the permit holder or with equipment and employees of Washington County to do such work as is necessary to correct any condition in violation of this Regulation, and which, if left uncorrected may be hazardous to the public health. The cost to Washington County of correcting such conditions shall be incurred against the permit holder who shall be required to pay all costs and expenses of Washington County in correcting said conditions or the County may use the cash or performance bond to pay the incurred expenses. The County Board of Supervisors may, after the permit holder is given an opportunity for a hearing, revoke the permit for the violation of any of the provisions of this Regulation.

7.14.08 Permit Reinstatement

Whenever any sanitary landfill permit provided for in this Regulation has been revoked, a request for reinstatement shall be treated the same as the initial CUP application.

7.14.09 Penalty For Violations

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

7.14.10 Severability

If any section, clause, provision, or part of portion of any section, clause or provisions of this Regulation or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part or portion of this Regulation.

SECTION 7.15: PAUNCH MANURE REGULATIONS**7.15.01 Purpose**

It is hereby found and declared that unsanitary disposal of paunch manure creates health and sanitary hazards, promotes the breeding of vermin, flies, and other pests, pollutes water and atmosphere, produces noxious odors and is an affront to the aesthetic values of the citizens of Washington County. It is further found and declared that the elimination of open disposal of paunch manure and the prevention of health, sanitation, and aesthetic nuisances in the future is in the best interests of the citizens of Washington County and the State of Nebraska; and that the accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this Regulation. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that this regulation be liberally construed to effectuate the purposes as stated herein.

7.15.02 Definitions

For the purpose of this Regulation, certain terms and words are defined as set forth in this Regulation. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular shall include the plural; unless the natural construction of the wording indicates otherwise.

Applicant: shall mean any person who owns or is in possession of real property upon which paunch manure is proposed to be disposed.

Application Site: shall mean the property upon which paunch manure is to be disposed.

Dispose: shall mean to apply, dump, leave, place, unload, or otherwise get rid of.

Generator: shall mean any person whose act or process produces paunch manure.

Incorporate into the Soil: shall mean to work a material into the surface of the soil by plowing, disking, or other means.

Paunch Manure: shall mean partially digested material taken from an animal at the time of slaughter.

Person: shall mean any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality, governmental subdivision, or organization of any kind.

Storage: shall mean the temporary holding or leaving of a material in a location or position other than where it will ultimately reside or be used.

7.15.03 Permits

It shall be unlawful for any person to use any land, premises, or property in Washington County for the storage and disposal of any paunch manure without first making application for and securing a conditional use permit (CUP) to do so. The CUP shall be issued by the Washington County Board of Supervisors pursuant to procedures in the Washington County Zoning Regulations.

The application shall include, but not be limited to, the following:

1. The name, address, telephone number, and ownership status of the generator of the paunch manure.
2. The name, address, and telephone number of the person who will be disposing paunch manure.
3. The name, address, and telephone number of the owner of the paunch manure application site.
4. The legal description of the paunch manure application site.
5. The current and future use of the proposed application site.
6. The type of vehicles or facilities used to transport paunch manure to the application site.
7. A description of the method of disposal and storage of paunch manure at the application site. If storage or disposal facilities are to be utilized, engineering plans and specifications must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Washington County Board of Supervisors.
8. A description of the method of application of paunch manure.
9. A description of the method of incorporating paunch manure into the soil.
10. A topographic map of the application and storage site(s) which shall include:
 - a. The locations and names of neighboring home sites or farmsteads and adjacent land owned by others.
 - b. The location of wells within 500 feet of the application site boundary.
 - c. The specific location(s) of proposed storage site(s).

11. Submit a soil analysis of the application site, which analysis shall include:
 - a. pH
 - b. Soil Cation Exchange Capacity
12. Heavy metals
13. Nitrogen
14. Water Table Evaluation
15. Percolation tests

7.15.04 Other Permits

No CUP to dispose of paunch manure shall be issued unless the generator has first applied for and secured a permit, where applicable, from the Nebraska Department of Environmental Control.

7.15.05 Time Frame

No order of the Washington County Board of Supervisors granting a CUP for the disposal of paunch manure shall be valid for a period of longer than six months from the date of such order, unless the Washington County Board of Supervisors specifically grants a longer period of time.

7.15.06 Conditions For Disposal

No person shall permit the unloading, dumping, or other disposal of any paunch manure at any place except a licensed and permitted application site. This shall not prohibit a person from disposing of paunch manure from his own animals or household upon his own land as long as such disposal does not create a nuisance or hazard to health of others.

7.15.07 Regulations

The following regulations shall be observed by any person to whom a permit is granted for the disposal of paunch manure. These regulations shall govern the disposal, storage, and incorporation of paunch manure in Washington County and any failure to fully comply with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.

1. Paunch manure will not be disposed of in Washington County unless it has 65 percent or less moisture content, unless otherwise permitted by the Washington County Board of Supervisors.
2. The disposal of paunch manure shall comply with the guidelines of the Nebraska Department of Environmental Control and the United States Environmental Protection Agency as described in U.S. EPA 430/9-77-004, Construction Grants Requirements, Oct., 1977.
3. Paunch manure shall be applied at a rate as set forth in U.S. EPA 430/9-77-004, Construction Grants Requirements, Oct., 1977.
4. The application to land and storage of paunch manure shall be monitored by the Washington County Board of Supervisors through inspections and laboratory analysis of the paunch manure. The costs of any analysis shall be paid by the permit holder. Non-compliance with any requirements or conditions which may be dangerous to the public health shall be sufficient grounds to revoke the CUP. Revocation of the CUP may be accomplished by the Washington County Board of Supervisors. Upon such revocation, removal or proper disposal of the paunch manure shall be completed within a reasonable period of time, as specified by the Washington County Board of Supervisors.
5. During the months of March through November, all paunch manure that is land applied shall be incorporated into the soil within 24 hours of the application. If the paunch manure cannot be incorporated into the soil within such 24 hour period, it shall not be land applied.
6. Paunch manure shall not be land applied within 500 feet of an inhabited residence, business or facility or land frequented by the public (excluding business, facility, residence or residences of owner or applicator). (9/24/13)
7. Storage of paunch manure shall not be located within 1,280 feet of an incorporated city, village, town, inhabited residence, business, facility, or land frequented by the public, unless permitted by the Washington County Board of Supervisors. The setback requirement excludes business, facility, residence or residences of owner or applicator. (9/24/13)
8. Storage of paunch manure shall comply with recommended Nebraska Department of Environmental Quality guidelines.
9. A comment letter from the County Highway Superintendent.

7.15.08 Penalty

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

7.15.09 Other (added 1/27/2009)

1. For the purposes of this Section, the 200-foot notification for the CUP shall mean 200 feet from the outer boundary of contiguous property (in a legally described section of land) owned by the paunch manure recipient. Road right-of-way shall not be encompassed in the 200-foot determination.
2. For fee purposes, a site is described as a contiguous property in a legally described section of land, under one ownership.
3. A paunch manure conditional use permit is for one year only and shall be reviewed on an annual basis.
4. By 3:00 p.m. of the day prior (weekends and holidays shall be coordinated through the County Highway Superintendent) written permission (emails and faxes are preferred methods) shall be obtained from the County Highway Superintendent, for the next day, for the transportation of paunch manure traveling on Washington County Highway Department maintained roads. Copies of such daily written Permission from the County Highway Superintendent shall be provided to the Washington County Planning and Washington Sheriff's Departments and the requesting party. Penalty for violation of this requirement may include a cease and desist order, payment for damages to County Highway Department maintained roads and monetary fines.
5. A minimum of 15 working days, and a maximum of six months, (Saturday, Sunday and County holidays excluded) prior to start-up of hauling operations to a Washington County approved (with a Conditional Use Permit) application site, the Zoning required soil analysis shall be submitted to the County Planning Department for all fields requested to be applied-upon. Also to be provided shall be the calculated application rates based on the soil analysis. The County will then transfer this information to an independent third party qualified in soil analysis for review. Hauling to the site shall not commence until the County Planning Department has received the results of the independent review and as determined the County Planning Department has received the results of the independent review and as determined the results are in compliance with the County's Zoning Regulations and any other County placed conditions. The County Planning Department will notify the hauler/generator once compliance has been established

SECTION 7.16: SLUDGE REGULATIONS**7.16.01 Purpose**

It is hereby found and declared that unsanitary disposal of sludge creates health and sanitary hazards, promotes the breeding of vermin, flies, and other pests, pollutes water and the atmosphere, produces noxious odors and is an affront to the aesthetic values of the citizens of Washington County. It is further found and declared that the elimination of open disposal of sludge and the prevention of health, sanitation, and aesthetic nuisances in the future is in the best interests of the citizens of Washington County and the State of Nebraska; and that the accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this Regulation. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that this Regulation be liberally construed to effectuate the purposes as stated herein.

7.16.02 Definitions

For the purpose of this Regulation, certain terms and words are defined as set forth in this Regulation. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular include the plural; unless the natural construction of the wording indicates otherwise.

Applicant: shall mean any person who owns or is in possession of real property upon which sludge is proposed to be disposed.

Application Site: shall mean the property upon which sludge is to be disposed.

Dispose: shall mean to apply, dump, leave, place, unload, or otherwise get rid of.

Generator: shall mean any person whose act or process produces sludge.

Incorporate into the Soil: shall mean to work a material into the surface of the soil by plowing, disking, or other means.

Person: shall mean any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality or governmental subdivision, or organization of any kind.

Sludge: shall mean any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects, which has been treated by a process to significantly reduce pathogens by one of the following methods:

1. **Aerobic digestion:** The process is conducted by agitating sludge with air or oxygen to maintain aerobic conditions at residence times ranging from 60 days at 15 degree C to 40 days at 20 degree C, with a volatile solids reduction of at least 38 percent.
2. **Air drying:** Liquid sludge is allowed to drain and/or dry on under-drained sand beds, or paved or unpaved basins in which the sludge is at a depth of nine inches. A minimum of three months is needed, two months of which temperatures average on a daily basis above 0 degree C.
3. **Anaerobic digestion:** The process is conducted in the absence of air at residence times ranging from 60 days at 20 degree C to 15 days at 55 degree C, with a volatile solids reduction of at least 38 percent.
4. **Composting:** Using the within-vessel, static aerated pile or window composting methods, the solid waste is maintained at minimum operating conditions of 40 degree C for five days. For four hours during this period the temperature exceeds 55 degree C.
5. **Lime Stabilization:** Sufficient lime is added to produce a pH of 12 after two hours of contact.
6. **Other Methods:** Other methods or operating conditions may be acceptable if pathogens and vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the above methods.
7. **Storage:** shall mean the temporary holding or leaving of a material in a location or position other than where it will ultimately reside or be used.

7.16.03 Permits

It shall be unlawful for any person to use any land, premises, or property in Washington County for the storage and disposal of any sludge without first making application for and securing a Conditional Use Permit (CUP) to do so. The CUP shall be issued by the Washington County Board of Supervisors pursuant to procedures in the Washington County Zoning Regulations.

The application shall include, but not be limited to, the following:

1. The name, address, telephone number, and ownership status of the generator of the sludge.
2. The name, address, and telephone number of the person who will be disposing sludge.
3. The name, address, and telephone number of the owner of the sludge application site.
4. The legal description of the sludge application site.
5. The current and future use of the proposed application site.
6. The type of vehicles or facilities used to transport sludge to the application site.
7. A description of the method of disposal and storage of sludge at the application site. If storage or disposal facilities are to be utilized, engineering plans and specifications must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Washington County Board of Supervisors.
8. A description of the method of application of sludge.
9. A description of the method of incorporating sludge into the soil.
10. A topographic map of the application and storage site(s), which shall include:
 - a. The locations and names of neighboring home sites or farmsteads and adjacent land owned by others.
 - b. The locations of wells within 500 feet of the application site boundary.
 - c. The specific location(s) of proposed storage site(s).
11. Submit a soil analysis of the application site, which analysis shall include:
 - a. pH
 - b. Soil Cation Exchange Capacity
 - c. Nitrogen
12. Sludge shall be applied at the agronomic rate for nitrogen less the soil nitrate reserves.

7.16.04 Conditions For Disposal

No person shall permit the unloading, dumping, or other disposal of any sludge at any place except a licensed and permitted application site. This shall not prohibit a person from disposing of sludge from his own animals or household upon his own land as long as such disposal does not create a nuisance or hazard to health of others.

7.16.05 Regulations

The following regulations shall be observed by any person to whom a permit is granted for the disposal of sludge. These regulations shall govern the disposal, storage, and incorporation of sludge in Washington County and any failure to fully comply with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.

1. Sludge will not be disposed of in Washington County unless it has 75 percent or less moisture content, unless otherwise permitted by the Washington County Board of Supervisors.
2. The disposal of sludge shall comply with the guidelines of the Nebraska Department of Environmental Quality and the United States Environmental Protection Agency as described in U.S. EPA 40 CFR part 503.
3. Sludge shall be applied at a rate as set forth in U.S.EPA 40 CFR part 503.
4. The application to land and storage of sludge shall be monitored by the Washington County Board of Supervisors through inspections and laboratory analysis of the sludge. The costs of any analysis shall be paid by the permit holder. Non-compliance with any requirements or conditions which may be dangerous to the public health shall be sufficient grounds to revoke the CUP. Revocation of the CUP may be accomplished by the Washington County Board of Supervisors. Upon such revocation, removal or proper disposal of the sludge shall be completed within a reasonable period of time, as specified by the Washington County Board of Supervisors.
5. During the months of March through November, all sludge that is land applied shall be incorporated into the soil within 48 hours of the application. If the sludge cannot be incorporated into the soil within such 48 hour period, it shall not be land applied.
6. Sludge shall not be land applied within 500 feet of an inhabited residence, business or facility, or land frequented by the public (excluding business, facility, residence or residences of owner or applicator). (9/24/13)
7. Storage of sludge shall not be located within 1280 feet of an incorporated city, village, or town, inhabited residence, business, facility or land frequented by the public, or, unless otherwise permitted by the Washington

County Board of Supervisors. The setback requirement excludes business, facility, residence or residences of owner or applicator. (9/24/13)

8. Storage of sludge shall comply with recommended Nebraska Department of Environmental Quality guidelines.
9. Sludge shall be mechanically de-watered or heat dried such that it can be stacked for stockpiling.
10. All sludge to be disposed of in Washington County shall undergo a heavy metals analysis and the results provided to the County as part of the application process.
11. A comment letter from the County Highway Superintendent.

7.16.06 Penalty For Violations

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

7.16.07 Other (added 01-27-2009)

1. For the purposes of this Section, the 200- foot notification for the CUP shall mean 200 feet from the outer boundary of contiguous property (in a legally described section of land) owned by the sludge recipient. Road right-of-way shall not be encompassed in the 200-foot determination.
2. For fee purposes, a site is described as a contiguous property in a legally described section of land, under one ownership.
3. A sludge conditional use permit is for one year only and shall be reviewed on an annual basis.
4. By 3:00 p.m. of the day prior (weekends and holidays shall be coordinated through the County Highway Superintendent) written permission (emails and faxes are preferred methods) shall be obtained from the County Highway Superintendent, for the next day, for the transportation of sludge traveling on Washington County Highway Department maintained roads. Copies of such daily written Permission from the County Highway Superintendent shall be provided to the Washington County Planning and Washington County Sheriff's Departments and the requesting party. Penalty for violation of this requirement may include a cease and desist order, payment for damages to County Highway Department maintained roads and monetary fines.
5. A minimum of 15 working days, and a maximum of six months, (Saturday, Sunday and County holidays excluded) prior to start-up of hauling operations to a Washington County approved (with a Conditional Use Permit) application site, the Zoning required soil analysis shall be submitted to the County Planning Department for all fields requested to be applied-upon. Also to be provided shall be the calculated application rates based on the soil analysis. The County will then transfer this information to an independent third party qualified in soil analysis for review. Hauling to the site shall not commence until the County Planning Department has received the results of the independent review and as determined the results are in compliance with the County's Zoning Regulations and any other County placed conditions. The County Planning Department will notify the hauler \ generator once compliance has been established.

SECTION 7.17: CONSTRUCTION AND DEMOLITION WASTE DISPOSAL AREA REGULATIONS**7.17.01 Purpose**

It is hereby found and declared that uncontrolled disposal of construction and demolition waste may create health and sanitary hazards and may impact the aesthetics of Washington County. It is hereby further found and declared that the proper permitting and siting of a Construction and Demolition Waste Disposal Area is in the best interests of the citizens of Washington County and the State of Nebraska. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that the Regulation be liberally construed to effectuate the purposes as stated herein.

7.17.02 Definitions

For the purpose of this Section, certain terms and words are herewith defined. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular include the plural, unless the natural construction of the wording indicates otherwise.

Applicant: shall mean individuals, firms, corporations or any political subdivisions of the State including any governmental authority created by statute.

Construction and Demolition Waste: shall mean waste which results from land clearing, the demolition of buildings, roads or other structures, including, but not limited to, beneficial fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wall paper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingles and other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. Construction and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums, and fuel tanks.

Construction and Demolition Waste Disposal Area: shall mean any area used for the sole purpose of disposal of construction and demolition waste.

Department: shall mean the Nebraska Department of Environmental Quality.

Disposal: shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air, land or water of the State.

Garbage: shall mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

Hazardous Waste: shall mean any waste designated or defined as a hazardous waste by N.A.C. Title 128, Rules and Regulations Governing Hazardous Waste Management in Nebraska, which, for purposes of general definition is a material which, because of its quantity, concentration or physical, chemical or infectious characteristics may: cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Household Waste: shall mean any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Person: shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

Putrescible Waste: shall mean waste that can be decomposed through the typically anaerobic splitting of proteins by bacteria and fungi with the formation of foul smelling incompletely oxidized products.

Solid Waste: shall mean any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations, and from community activities.

7.17.03 Exceptions

The following activities shall be exempt from the requirements of this Section, provided the materials used in these activities are generated and disposed on the same property, the materials are not contaminated with other wastes and that the manner of handling or disposal does not cause a nuisance or threaten human health or the environment.

1. The use of dirt, stones or brick for fill or disposal if generated and disposed of by an individual on such individual's property.

2. The placement of broken concrete for riprap and fill material for embankment reconstruction and erosion retardation per the requirements of this Zoning Regulation.
3. The disposal or use of trees and brush, or the remaining material resulting from fires set for the purpose of destroying trees and brush.
4. The deposition of on-farm building demolition waste generated by an individual and disposed on location if such location is agricultural in nature.
5. Upon the permission of the Planning Department, the deposit of construction and demolition waste resulting from the clean up from a natural disaster.

7.17.04 Permits

Except as listed under 7.17.02 above, it shall be unlawful for any person to use any land, premises, or property within Washington County for the disposal of any construction and demolition waste without first making application for and securing a Conditional Use Permit (CUP) to do so. The application shall be a part of the operating record permit.

When a facility is owned by one person but is operated by another person, both the owner and operator shall sign the CUP application and the CUP will be issued to all signatories on the application.

Any CUP to operate a Construction and Demolition Waste Disposal Area will become null and void whenever the Nebraska Department of Environmental Quality does not issue a license, revokes a license, or does not renew a license.

1. Application: The application to create a Construction and Demolition Waste Disposal Area shall be obtained from and be filed with the Washington County Planning Department. Required specifications shall be prepared by a Nebraska registered and licensed professional engineer, and shall include:
 - a. Signatures of the owner of record and operator (if different from owner);
 - b. Owner and operators name, address, daytime phone number and ownership status;
 - c. The legal description of the land on which the disposal is proposed;
 - d. A description of the sequence and plan of operation;
 - e. Type and capacity of equipment to be used for operations;
 - f. Plans for dust and blowing trash control;
 - g. Existing and proposed roadways and easements;
 - h. Existing topography and water courses, including floodplain;
 - i. A diagram and written statement explaining the extent of earthwork and fill operations;
 - j. A diagram and written statement of proposed measures to control storm drainage;
 - k. A certification that all information submitted is true, accurate, and complete;
 - l. Information demonstrating that the facility or operation will comply with all applicable requirements of the County.
 - m. The property shall be fenced as shown on approved plans with an entrance gate that can be locked. A temporary inner fence shall be installed bordering the active area of the landfill to reasonably control or stop blowing paper or other materials;
 - n. A plan or drawing shall be provided detailing the screening for neighbors and passers-by within 1000 feet of the Construction and Demolition Waste Disposal Area. Means of doing this may include the planting of trees or shrubs, fencing, or other measures;
 - o. A comment letter from the County Highway Superintendent.
2. Process: The applicant shall notify all owners of land lying within ¼ mile of the outer boundaries of the request. The list of landowners to be notified shall be prepared by the County Planning Department, which also shall provide the applicant with "Notice of Hearing" forms for this purpose. The notices are to be sent by the applicant to all parties on the aforementioned list by certified mail, return receipt requested, no less than 10 days prior to the Commission's public hearing, not including the date mailed or the date of the hearing. The white receipts for certified mail and the green return receipt cards must be returned to the County Planning Department prior to the Planning Commission's hearing, as part of the official record. If such mailing documentation is not submitted by the aforementioned deadline, the application may be continued to the next meeting.

7.17.05 Regulations

The following requirements shall be observed by the applicant to whom a permit is granted for the operation of a Construction and Demolition Waste Disposal Area. These requirements shall govern operation of all Construction and Demolition Waste Disposal Areas in the County, and any failure to observe these requirements shall be sufficient grounds for suspension or revocation of the permit as hereinafter provided.

1. Any increase in size of the construction and demolition waste disposal area shall require a new CUP, following the same procedures as required for original approval.
2. It is the applicants' responsibility to remove any debris, as a result of this Construction and Demolition Waste Disposal Area operation, that is spilled on any public right-of-way.
3. All County Highway requirements shall be complied with, including, but not limited to, road load limits, bridge weight restrictions and speed limits. Any violation of the road load limits and bridge weight restrictions will result in an automatic review of the CUP (with payment of the review fee as listed in this Regulation) at the next available Planning Commission meeting. As a result of a road limit or bridge weight restriction violation, a fine, to be determined by the Planning Commission and County Board, may be assessed.
4. Any abnormal damage to County infrastructure, if determined to be by the applicant, shall be paid for by the applicant, after meeting and consulting with the appropriate County official, such as, but not limited to, the County Highway Superintendent. If an acceptable agreement cannot be reached, a review of this CUP will occur at the next available Planning Commission meeting.

7.17.06 Permit Reinstatement

Whenever any Construction and Demolition Waste Disposal Area permit provided for in this Regulation has been revoked, a request for reinstatement shall be treated the same as the initial CUP application.

**SECTION 7.18: CORN MILLING BIOSOLIDS
(Liquid and or Cake form)**
7.18.01 Purpose

It is found and declared that a safe, efficient and effective method of application of corn milling biosolids is in the best interests of the citizens of Washington County and the residents of the State of Nebraska; provided it is done in such a way as to prevent health, sanitation and aesthetic nuisances. The accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this Section, which is hereby declared to be essential to the public health, safety and welfare.

7.18.02 Definitions

For the purpose of this Section, certain terms and words are defined. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular include the plural; unless the natural construction of the wording indicates otherwise.

Applicant: shall mean any person who owns, or is in possession of real property upon which corn milling biosolids are proposed to be injected or spread.

Applier: shall mean any person responsible for the placement of corn milling biosolids at the application site.

Application Site: shall mean the property upon which corn milling biosolids are to be injected or spread, whichever is appropriate.

Generator: shall mean any person whose act or process produces corn milling biosolids.

Hauler: shall mean any person responsible for the transport of corn milling biosolids.

Injection: shall mean to insert material below the surface of the soil by mechanical means.

Person: shall mean any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality or governmental subdivision, or organization of any kind.

Recipient: shall mean any person who owns, or is in possession of, real property upon which corn milling biosolids are proposed to be applied.

Corn Milling Biosolids: shall mean slurried or low moisture “Cake” residual materials, from the milling, fermentation, extraction and further treatment phases of a corn syrup and grain alcohol production plant. This material shall contain no sanitary or domestic waste water components and shall meet all applicable State and Federal regulations for safe and beneficial reuse as agronomic nitrogen source.

“Cake” Corn Milling Biosolid: shall mean a solid material produced by lowering the moisture content of the slurried biosolid residual material generated from the milling, fermentation, extraction and further treatment phases of a corn syrup and grain alcohol production plant. This material shall contain no sanitary or domestic waste water components and shall meet all applicable State and Federal regulations for safe and beneficial reuse as agronomic nitrogen source.

Long Term Stockpile: shall mean a bulk supply of “Cake” corn milling biosolid stored for a period greater than three weeks and up to 10 months at an approved site for future use.

Stockpile/Field Application Stockpile: shall mean a bulk supply of “Cake” corn milling biosolid temporarily stored for up to three weeks at a field application site.

Longterm Stockpile;

1. Low moisture “Cake” biosolids may be long term stockpiled at an approved site for a total of 10 months. Following the ten months, there shall be two consecutive months where the stockpile is nonexistent. The applicant must determine the allowable ten months at the time of application. The maximum amount stockpiled at any given time is limited to the amount proposed for future land application within Washington County only. Low moisture “Cake” biosolids shall be applied at the agronomic rate recommended by an agronomist. The proposed number of acres times the proposed amount to be applied per acre is used to calculate the total allowable amount to be stockpiled.

2. Runoff must be controlled within 500 feet of a stockpile site and in areas where there is a possibility of contaminating waters of the state exists.
3. Measures must be taken to prevent and eliminate the possibility of pooling.
4. The stockpile shall not be located within 1500 feet of an inhabited residence, business or facility, or land frequented by the public, excluding the residence or business of the land owner or applicator.
5. The Stockpile shall not be located within 500 feet of a well.
6. Non-compliance with any requirements or conditions shall be sufficient grounds to revoke the CUP. Revocation of the CUP is accomplished by the Washington County Board of Supervisors, after recommendation from the Planning Commission.

7.18.03 Permits

It shall be unlawful for any person to use any land, premises, or property in Washington County for the application of any corn milling biosolids without first making application for and securing a conditional use permit (CUP) to do so. The Washington County Board of Supervisors, upon receiving a recommendation from the Planning Commission, has the authority to issue a CUP, pursuant to procedures in the Washington County Zoning Regulations.

The application shall include, but not be limited to, the following:

1. The name, address, telephone number, and ownership status of the generator of the corn milling biosolids.
2. The name, address, and telephone number of the hauler.
3. The name, address and telephone number of the applier.
4. The name, address, and telephone number of the applicant and recipient of the corn milling biosolids application site.
5. The legal description of the corn milling biosolids application site.
6. The current and future use of the proposed application site.
7. The type of vehicles or facilities used to transport corn milling biosolids to the application site.
8. A description of the method of application, (liquid form) by injecting the corn milling biosolids into the soil or (low moisture "Cake") by surface spreading.
9. A topographic map of the application site(s), which shall include:
10. The locations and names of neighboring home sites or farmsteads and adjacent land owned by others.
11. The locations of wells within 500 feet of the application site boundary.
12. Corn milling biosolids shall be applied at the agronomic rate for nitrogen less the soil nitrate reserves.
13. A letter from the County Highway Superintendent stating that routes have been approved for the transportation of the corn milling biosolids to the application site.

7.18.04 Conditions For Land Application

1. No person shall permit the unloading and application of any corn milling biosolids at any place except a County approved site.
2. The CUP is not valid when road and field conditions will cause vehicles to sling, track or deposit mud or soil onto traveled roads.

7.18.05 Regulations

Any person to whom a permit is granted for the application of both liquid and low moisture forms of corn milling biosolids shall observe the following regulations. These regulations shall govern the transportation to, unloading of, injection and spreading of corn milling biosolids in Washington County and any failure to fully comply with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.

1. The application of corn milling biosolids shall comply with the guidelines of the Nebraska Department of Environmental Quality.

2. The application to land of corn milling biosolids shall be monitored by the Washington County Board of Supervisors through inspections. Laboratory analysis of the corn milling biosolids shall be provided quarterly to the County Planning Department. The costs of any analysis shall be paid by the permit holder. The analysis shall be calculated in the following units – level found in mg/kg, lbs./dry ton, and lbs./acre (@ 2 dry tons/acre):
 - a. Kjeldahl Nitrogen
 - b. Phosphorus (total)
 - c. Potassium (total)
 - d. Sulfur (total)
 - e. Calcium (total)
 - f. Magnesium (total)
 - g. Sodium (total)
 - h. Iron (total)
 - i. Manganese (total)
 - j. Copper (total)
 - k. Zinc (total)
 - l. Ammoniacal Nitrogen
 - m. Nitrate Nitrogen
 - n. Arsenic (total)
 - o. Barium (total)
 - p. Cadmium (total)
 - q. Chromium (total)
 - r. Lead (total)
 - s. Mercury (total)
 - t. Molybdenum (total)
 - u. Nickel (total)
 - v. Selenium (total)
 - w. Silver (total)
3. Corn milling biosolids shall be injected immediately into the soil and such that minimal corn milling biosolids are visible on the land’s surface. If immediate injection is not possible, the corn milling biosolids shall not be land applied.
4. Low moisture “Cake” biosolids shall be spread onto the soil surface.
5. Corn milling biosolids shall not be land applied within 500 feet of an inhabited residence, business or facility, or land frequented by the public, *excluding the residence or business of the land owner or applicator*.
6. Non-compliance with any requirements or conditions shall be sufficient grounds to revoke the CUP. Revocation of the CUP is accomplished by the Washington County Board of Supervisors, after recommendation from the Planning Commission.

7.18.06 Penalty for violations

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

7.18.07 Other

1. For the purposes of this Section, the 200-foot notification for the CUP shall mean 200 feet from the outer boundary of contiguous property (in a legally described section of land) owned by the corn milling biosolids recipient. Road right-of-way shall not be encompassed in the 200-foot determination.
2. For fee purposes, a site is described as a contiguous property in a legally described section of land, under one ownership.

SECTION 7.19: CALCIUM SULFATE (Gypsum) (added 2/26/13)**7.19.01 Purpose**

It is found and declared that a safe, efficient and effective method of stockpiling and application of Calcium Sulfate (Gypsum) a corn milling by-product is in the best interests of the citizens of Washington County and the residents of the State of Nebraska. It is found to be beneficial for agricultural use provided it is done in such a way as to prevent health, sanitation and aesthetic nuisances. The accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this Section, which is hereby declared to be essential to the public health, safety and welfare.

7.19.02 Definitions

For the purpose of this Section, certain terms and words are defined. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular include the plural; unless the natural construction of the wording indicates otherwise.

Applicant: shall mean any person who owns, or is in possession of real property upon which Calcium Sulfate (Gypsum) a corn milling by-product are proposed to be stockpiled or applied.

Application: shall mean to mechanically apply the material to the soil surface.

Application Site: shall mean the property upon which Calcium Sulfate (Gypsum) is to be stockpiled or applied.

Applier: shall mean any person responsible for the placement of Calcium Sulfate (Gypsum) at a stockpile or application site.

Calcium Sulfate (Gypsum): shall mean an off white, powdery, solid residual material generated from the milling, fermentation, extraction and further treatment phases of a corn syrup and grain alcohol production plant. This material shall contain no sanitary or domestic waste water components and shall meet all applicable State and Federal regulations for safe and beneficial agricultural use.

Generator: shall mean any person whose act or process produces Calcium Sulfate (Gypsum).

Hauler: shall mean any person responsible for the transport of Calcium Sulfate (Gypsum).

Person: shall mean any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality or governmental subdivision, or organization of any kind.

Recipient: shall mean any person who owns, or is in possession of real property upon which Calcium Sulfate (Gypsum) is proposed to be stockpiled or applied.

Long Term Stockpile: shall mean a bulk supply of Calcium Sulfate, Gypsum stored for a period greater than three weeks and up to 10 months at an approved site for future use.

Stockpile/Field Application Stockpile: shall mean a bulk supply of Calcium Sulfate, Gypsum temporarily stored for up to three weeks at a field application site.

7.19.03 Permits

It shall be unlawful for any person to use any land, premises, or property in Washington County for long term stockpiling and the transport of any corn milling by-product, such as Calcium Sulfate (Gypsum), without first making application for and securing a conditional use permit (CUP) to do so. The Washington County Board of Supervisors, upon receiving a recommendation from the Planning Commission, has the authority to issue a CUP, pursuant to procedures in the Washington County Zoning Regulations.

The application shall include, but not be limited to, the following:

1. The name, address, telephone number, and ownership status of the generator of the Calcium Sulfate (Gypsum) by-product.
2. The name, address, and telephone number of the hauler.
3. The name, address and telephone number of the applier.
4. The name, address, and telephone number of the applicant and recipient of the Calcium Sulfate (Gypsum).
5. The legal description of the Calcium Sulfate (Gypsum) long term stockpile site.
6. The type of vehicles or facilities used to transport Calcium Sulfate (Gypsum) to a long term stockpile site.
7. A topographic map of the long term stockpile site which shall include:
 - a. The locations and names of neighboring home sites or farmsteads and adjacent land owned by others in relationship to the long term stockpile site.

- b. The locations of wells within 500 feet of the long term stockpile site boundary.
8. A letter from the County Highway Superintendent stating that routes have been approved for the transportation of Calcium Sulfate (Gypsum) to a long term stockpile.

7.19.04 Conditions For Land Application

- No person shall permit the transporting, unloading, and stockpiling of any Calcium Sulfate (Gypsum) by-product at any place except a County approved site.
- The CUP is not valid when road and field conditions will cause vehicles to sling, track or deposit mud or soil onto traveled roads.

7.19.05 Regulations

Any person to whom a permit for Calcium Sulfate, Gypsum is granted for the long term stockpiling and transport shall observe the following regulations. These regulations shall govern the transportation to, unloading of and the stockpiling of Calcium Sulfate (Gypsum) in Washington County. Any failure to fully comply with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.

The application, field application stockpiling and long term stockpiling of Calcium Sulfate (Gypsum) shall comply with all guidelines of the Nebraska Department of Environmental Quality.

Field Application Stockpile;

- Field application and a field application stockpile do not require a Conditional Use Permit providing the term of the field application stockpile and required distances are met. Penalties apply for non-compliance.
- Calcium Sulfate (Gypsum) shall be land applied immediately after delivery. If immediate application is not possible, the amount intended for that field only may be stockpiled up to three weeks. The field application stockpile shall be strategically located to eliminate the possibility of runoff.
- The field application stockpile shall not be located within 1000 feet of an inhabited residence, business or facility or land frequented by the public (excluding business, facility, residence or residences of owner or applicator). (9/24/13)

Long-term Stockpile;

- Calcium Sulfate (Gypsum) may be long term stockpiled at an approved site for a total of 10 months. Following the ten months, there shall be two consecutive months where the stockpile is nonexistent. The applicant must determine the allowable ten months at the time of application. The maximum amount stockpiled at any given time is limited to the amount proposed for future land application within Washington County only. Calcium Sulfate (Gypsum) shall be applied at the agronomic rate recommended by an agronomist and not to exceed 4 tons per acre. The proposed number of acres times the proposed amount to be applied per acre is used to calculate the total allowable amount to be stockpiled.
- Runoff must be controlled within 500 feet of a stockpile site and in areas where there is a possibility of contaminating waters of the state exists.
- Measures must be taken to prevent and eliminate the possibility of pooling.
- The stockpile shall not be located within 1500 feet of an inhabited residence, business or facility, or land frequented by the public (excluding business, facility, residence or residences of owner or applicator). (9/24/13)
- The Stockpile shall not be located within 500 feet of a well.
- Non-compliance with any requirements or conditions shall be sufficient grounds to revoke the CUP. Revocation of the CUP is accomplished by the Washington County Board of Supervisors, after recommendation from the Planning Commission.

Penalty for violations

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

7.19.07 Other (9/24/13)

- For the purposes of this Section, the 200-foot notification for the CUP shall mean 200 feet from the outer boundary of contiguous property of the stockpile site (in a legally described section of land) owned by the Calcium Sulfate, Gypsum recipient. Road right-of-way shall not be encompassed in the 200-foot determination.
- For fee purposes, a site is described as a contiguous property in a legally described section of land deeded under the same ownership.

3. A Calcium Sulfate (Gypsum) corn milling by-product conditional use permit is for one year only and shall be reviewed on an annual basis.
4. By 3:00 p.m. of the day prior (weekends and holidays shall be coordinated through the County Highway Superintendent) written permission (emails and faxes are preferred methods) shall be obtained from the County Highway Superintendent, for the next day, for the transportation of Calcium Sulfate, Gypsum traveling on Washington County Highway Department maintained roads. Copies of such daily written permission from the County Highway Superintendent shall be provided to the Washington County Planning and Washington County Sheriff's Departments and the requesting party. Penalty for violation of this requirement may include a cease and desist order; payment for damages to County Highway Department maintained roads and monetary fines.

ARTICLE 8: ADMINISTRATION AND ENFORCEMENT**Section 8.01 Zoning Administrator**

The Planning Administrator of Washington County shall serve as the Zoning Administrator, as appointed by the County Board of Supervisors, and shall administer and enforce these Regulations. The Zoning Administrator may be provided with the assistance of such other persons as the Board may direct.

Section 8.02 Zoning Conformance

It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure or to use or occupy or permit the use or occupancy of any building, land or premises, or construction or connection to water or sewer facilities or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until and unless the proposed use of the building or land conforms to these Regulations.

Section 8.03 Enforcement by the Zoning Administrator

It shall be the duty of the Zoning Administrator to enforce these Regulations in accordance with its provisions. All departments, officials, and public employees of Washington County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of these regulations and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of these Regulations.

Any person, partnership, limited liability company, association, club, or corporation violating these regulations or of erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the Board or the Zoning Administrator, as well as any owner or owners of real estate within the district affected by these regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers in the County may institute proceedings or compel specific performance by the Zoning Administrator, Board or any other responsible officials of the County.

ARTICLE 9: BOARD OF ZONING ADJUSTMENT**Section 9.01 Members, terms and meetings**

The County Board of Supervisors shall appoint a Board of Zoning Adjustment which shall consist of five members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and to be removable for cause by the County Board of Supervisors upon written charges and after a public hearing. Vacancies shall be filled for the un-expired term of any member whose term becomes vacant. One member only of the Board of Zoning Adjustment shall be appointed by the County Board of Supervisors from the county membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in immediate loss of membership on the Board of Zoning Adjustment, and the appointment of another County Planning Commissioner to the Board of Zoning Adjustment.

The Board of Zoning Adjustment shall adopt rules necessary for the conduct of its affairs and in keeping with the provisions of this Resolution. Meetings of the Board of Zoning Adjustment shall be held at the call of the Chairman (with meeting dates and application deadlines as established by the County Planning Department) and at such other times as the Board of Zoning Adjustment may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Adjustment shall be open to the public. The Board of Zoning Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the County Clerk and the County Planning Department and shall be a public record.

Section 9.02 Board of Zoning Adjustment Authority

Under no circumstances shall a variance allow a use not permissible under the use provisions (Permitted Uses, Conditional Uses, and Accessory Uses) from any specific zoning district of these Regulations.

The Board of Zoning Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the County Board of Supervisors, have only the following powers:

9.02.01 To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the County's Zoning Resolution;

9.02.02 Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of the Zoning Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the County's Zoning Resolution would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the County's Zoning Resolution.

No variance shall be authorized unless the Board of Zoning Adjustment finds the condition or situation of the property concerned, or the intended use of the property, is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Resolution.

In exercising the above-mentioned powers, the Board of Zoning Adjustment may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as shall be proper, and to that end shall have the power of the officer or agency from whom the appeal is taken. The concurring votes of four members of the Board of Zoning Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

Section 9.03 Appeals from the Board of Zoning Adjustment

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment or any officer, department, board or bureau of the County may seek review of such decision by the district court for Washington County in the manner provided by Chapter 23, Laws of Nebraska. Specifically, such petition must be presented to the court within 15 days after the filing of the decision in the Office of the Zoning Board of Adjustment (which shall be deemed to be the Office of the County Clerk of Washington County and the County Planning Department), all in accordance with Nebraska Statutes.

Section 9.04 Application

Variance, appeals and map interpretation forms shall be obtained from the County Planning Department. An application shall be accompanied by such site plans or drawings (including a survey by a state licensed surveyor) as are required by the County Planning Administrator and/or the Board of Zoning Adjustment to make a determination on the request. Applications shall be filed with the County Planning Department. Application deadlines are as established by the County Planning Department. (revised 08-28-2007)

Section 9.05 Notifications

On variance applications, the applicant shall notify all owners of land lying within 200 feet of the outer boundaries of the request. The list of landowners to be notified shall be prepared by the County Planning Department, which also shall provide the applicant with "Notice of Hearing" forms for this purpose. The notices are to be sent by the applicant to all parties on the aforementioned list by certified mail, return receipt requested, no less than 10 days prior to the Commission's public hearing, not including the date mailed or the date of the hearing. The white receipts for certified mail and the green return receipt cards must be returned to the County Planning Department prior to the Board of Zoning Adjustment's hearing, as part of the official record. If such mailing documentation is not submitted by the aforementioned deadline, the application may be continued to the next meeting.

Section 9.06 Sign Posting

On variance applications, a refundable sign deposit is required for the sign provided by the County Planning Department that advertises the request. The sign is to be posted on the property in such a manner that it is visible from the road that provides access to the property. The sign must be posted no less than 10 days prior to the date of the Board of Zoning Adjustment public hearing, not including the date posted or the date of the hearing, and shall remain on the property until the day of the Board of Zoning Adjustment's public hearing. The deposit will be refunded upon return of the sign in the condition in which it was provided.

Section 9.07 Legal Publication

Upon receipt of a completed application, and payment of fees as specified by this Regulation, the variance, appeal and map interpretation request shall be publicly advertised. Notice of the time and place of the public hearing before the Board of Zoning Adjustment shall be given by publication thereof in the County's legal newspaper at least 10 days prior to the Board of Zoning Adjustment's public hearing, not including the day published or the day of the hearing. The Board of Zoning Adjustment shall hold the public hearing within 45 days of the completed application being filed with the County Planning Department.

Section 9.08 Coordination with Other Entities

County Highway Department, Office of the Superintendent of the applicable school district, State Department of When applicable, the County Planning Department shall transmit information regarding an application to the Environmental Quality, State Health Department, cities, villages and other public agencies that may have an interest. The Board of Zoning Adjustment shall consider the comments from these agencies.

Section 9.09 Applicant's Responsibility in Applying for Variance or Appeal

The applicant, for variance and appeals, has the burden of showing to the Board of Zoning Adjustment, the following:

- 9.09.01 A statement of the particular requirements of the County's Zoning Resolution that prevents the requested activity;
- 9.09.02 A statement of the characteristics of the subject property which prevents compliance with the specific requirement of the County's Zoning Resolution;
- 9.09.03 A statement of the minimum variance to the requirements of the County's Zoning Resolution that would allow the specific activity;
- 9.09.04 A statement of the unnecessary hardship and practical difficulty that would result if certain specific requirements of the County's Zoning Resolution was applied to the subject property;
- 9.09.05 A statement by the applicant attesting to the truth and correctness of all information and documentation presented with the application.

Section 9.10 Petitioners

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the County Planning Administrator, and that such questions shall be presented to the Board of Zoning Adjustment only on appeal from the decision of the County Planning Administrator, and that recourse from the decision of the Board of Zoning Adjustment shall be to the courts as provided by law and particularly by Chapter 23, Laws of Nebraska.

Appeals to the Board of Zoning Adjustment concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of Washington County affected by any decision of the County Planning Administrator. Such appeals shall be taken within ten days after decision of the County Planning Administrator by filing with the County Planning Department and with the Board of Zoning Adjustment a notice of appeal specifying the grounds thereof. The County Planning Administrator shall forthwith transmit to the Board of Zoning Adjustment all papers constituting the record upon which the action appealed from was taken.

Section 9.11 Decision of the Board

In exercising the powers as detailed in this Section, the Board of Zoning Adjustment, may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination as it believes proper, and to that end shall have the power of the County's Planning Administrator.

- 9.11.01 The Board of Zoning Adjustment may rely on the personal knowledge of its members, on its inspections of the subject property, and on any reports available to it; provided, however, that reliance on such matter shall not be allowed unless the Board of Zoning Adjustment shall have made the particular knowledge, inspection or report a matter of public record at the public hearing and afforded every party reasonable time to respond to it.
- 9.11.02 The concurring vote of at least four members of the Board of Zoning Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Planning Administrator (this includes map interpretation); or to grant a variance from the terms of this Regulation
- 9.11.03 The Board of Zoning Adjustment's decision shall be binding upon the Planning Administrator, who shall incorporate the terms of the decision in any permits or approvals issued to an applicant, if applicable.
- 9.11.04 If an appeal, variance or map interpretation is denied by the Board of Zoning Adjustment, then no new appeal, variance, or map interpretation request for the same relief shall be considered by the Board of Zoning Adjustment, unless the Board of Zoning Adjustment determines that conditions have changed.

Section 9.12 Power/jurisdiction for administrative review (appeal and map interpretation)

The Board of Zoning Adjustment shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision of determination made by the Planning Administrator based on the enforcement of any provision of this Regulation or in the interpretation of the zoning district boundaries as shown on the County's Official Zoning Map.

An appeal stays all proceedings in furtherance of action appealed from, unless the County Planning Administrator, from whom the appeal is taken, certifies to the Board of Zoning Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Adjustment, or by a court of record on application, on notice to the County Planning Administrator from whom the appeal is taken and on due cause shown.

In a case where the notice of appeal is accompanied by an application for a variance, the Board of Zoning Adjustment shall have the authority to approve a variance, but only in strict compliance with the provisions of the Section.

SECTION 9.13 POWER AND JURISDICTION RELATED TO VARIANCES

The Board of Adjustment shall have the power to hear and decide variances from the specific terms of the County's Zoning Resolution which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the Zoning Resolution will, in an individual case, result in unnecessary hardship; provided, however, that the spirit of the Zoning Resolution shall be observed, public safety and welfare secured and substantial justice done. No variance shall be granted unless the Board of Zoning Adjustment specifically finds that:

- 9.13.01 Special conditions and circumstances exist which are unique to the land or structure in question and which are not generally applicable to other lands or structures in the same district or vicinity;
- 9.13.02 The strict application of the Zoning Resolution would produce undue hardship
- 9.13.03 The conditions and circumstances of the specific piece of property for which the variance is sought are not of so general or recurring a nature so as to make reasonably practicable the formulation of a general regulation to be adopted as a Zoning Regulation amendment;
- 9.13.04 Literal interpretation of the provisions of the Zoning Regulation would deprive the applicant of property rights enjoyed by owners of properties in the same district under the terms of the Zoning Resolution;
- 9.13.05 The variance will not be of substantial detriment to adjacent properties;
- 9.13.06 The character of the district will not be changed by approving the variance;
- 9.13.07 The approval of the variance is based upon reasons of exceptional narrowness, shallowness, shape or topographic conditions of a specific piece of property, or other reasons of demonstrable and exceptional hardship as distinguished from purposes of convenience, profit or caprice;
- 9.13.08 The variance will not confer on the applicant any special privilege that is denied by the Zoning Resolution to other lands or structures in the same district;
- 9.13.09 The variance is not opposed to the general spirit and intent on the Zoning Regulation;
- 9.13.10 The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;
- 9.13.11 The nonconforming use of neighboring lands or structures in the same district, and the permitted or nonconforming use of lands or structures in other districts is not grounds for approving a variance.

ARTICLE 10: AMENDMENTS**Section 10.01 Authority to Initiate.**

The Zoning Regulations, the Zoning Map, and the Subdivision Regulations may be amended, supplemented, changed, modified, or repealed from time to time by resolution of the County Board of Supervisors after a public hearing, and after receiving a recommendation from a Planning Commission public hearing. Any proposed amendment, modification, change or repeal may be initiated by the Planning Commission, the County Board of Supervisors, or through written request by an interested party.

Section 10.02 Process.

Application forms shall be obtained from the Planning Department. Applications shall be filed with the Planning Department. Application deadlines are as established by the Planning Department. Upon receipt of a completed application, the Planning Commission will hold a public hearing and recommend their approval, disapproval, or changes to the proposed amendment to the Board. After receiving the Planning Commission's recommendation, the County Board of Supervisors shall hold a public hearing on the proposed amendment.

Section 10.03 Public Hearings.

Notice of the time and place of the public hearing before the Planning Commission shall be given by the publication thereof in the County's legal newspaper one time at least 10 days prior to such hearing, not including the date published or the day of the hearing. If applicable, the staff shall transmit copies of the proposed amendment, together with plans or documents necessary to clearly describe the proposed amendment to the County Highway Superintendent, Superintendent of the relevant School District, Health Department, cities, villages, and any other public agencies that may be concerned. Responses from these persons \ entities shall be presented to the Planning Commission and Supervisors at the public hearings on the proposed amendment.

The Board's public hearing notice shall be as prescribed by the Board.

At the public hearings, the Commission and Board may study the proposals to determine:

1. The need and justification for the change;
2. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and on surrounding properties;
3. When pertaining to a change in the district classification of property, the amount of undeveloped land in the general area and in the County having the same district classification as requested;
4. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purpose of this Resolution and the Comprehensive Plan.

The Commission shall, within 90 days from the date of the application being filed with the County Planning Department, act on the proposed amendment with their recommendation to the Board. If the Planning Commission fails to report their findings or recommendations within this period, the Board may hold a public hearing and act on the amendment without further awaiting the Commission recommendation.

Section 10.04 Notifications.

In case of any proposed amendment, modification or change of the zoning boundaries as shown on the Zoning Map, a refundable sign deposit is required for the sign provided by the Planning Department that advertises the request. The sign is to be posted on the property in such a manner that it is visible from the road that provides access to the property. The sign must be posted no less than 10 days prior to the date of the Commission public hearing, not including the date posted or the date of the hearing, and shall remain on the property until the day of the Board's public hearing. The deposit will be refunded upon return of the sign in the condition in which it was provided.

On rezoning applications, the applicant shall notify all owners of land lying within 200 feet of the outer boundaries of the request. The list of landowners to be notified shall be prepared by the County Planning Department, which also shall provide the applicant with "Notice of Hearing" forms for this purpose. The notices are to be sent by the applicant to all parties on the aforementioned list by certified mail, return receipt requested, no less than 10 days prior to the Commission's public hearing, not including the date mailed or the date of the hearing. The white receipts for certified mail and the green return receipt cards must be returned to the Planning Department prior to the Commission's hearing, as part of the official record. If such mailing documentation is not submitted by the aforementioned deadline, the application may be continued to the next meeting.

ARTICLE 11: FEES AND SIGN DEPOSITS

Section 11.01 Fees

Upon receipt of a completed application form, as provided by the Planning Department, and upon payment of the fees as specified in this Section, the application shall be processed.

All fees pertaining to this Regulation are payable to Washington County and shall be levied and collected by the Planning Department as provided below. All fees are non-refundable and shall be rounded to the nearest whole dollar.

<u>Request</u>	<u>Fee</u>
A. Conditional Use Permits:	\$140
(1) Sanitary Landfill*	\$10,000 or \$500 \ acre, whichever greater*
B. Variance**	\$140**
C. Preliminary Plat:	\$150 + \$15 \ lot
D. Replat:	\$100
E. Final Plat:	\$15 \ lot
F. Lot Split:	\$100
G. Small Tract Subdivision:	\$150 + \$15 \ lot
H. Amendments, Map and Text Changes:	\$140
I. Administrative Adjustments	\$50
J. Flood Plain Development Permits	\$75
K. Approval of Easement Road	\$200
L. Corn Milling Biosolid, Sludge, Paunch Manure and Gypsum stockpiling CUP	\$250 / site (revised 1/27/09) (2/26/13)
M. Preliminary CMD & RMD (PUD)	\$300
N. Final CMD & RMD (PUD)	\$100
O. General Development Plan	\$250
P. C & D Waste Disposal Area CUP	\$300

* These fees shall apply to the initial establishment of a sanitary landfill as well as to any expansion.

** for a variance request for construction that has already started – the application fee shall be \$500.

Section 11.02 Sign Deposit

In addition to the fees listed above, for certain applications, a sign shall be posted on the property advertising the request. A \$100.00 refundable sign deposit is required for the sign provided by the Planning Department. The sign must be posted on the property, by the applicant, in such a manner that it is visible from the road that provides access to the property. The sign must be posted no less than ten (10) days prior to the date of the Commission hearing, not including the date posted and the date of the hearing, and shall be returned to the Planning Department no earlier than the date of the County Board’s public hearing. The \$100 will be refunded upon return of the sign in the condition in which it was provided. (revised 08/28/2007)

ARTICLE 12: LEGAL STATUS PROVISIONS

Section 12.01 Severability

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

Section 12.02 Purpose of Catch Heads

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

Section 12.03 Penalty

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

Section 12.04 Repeal of Conflicting Resolutions

All Resolutions or parts of Resolutions in conflict with this Resolution, or inconsistent with the provisions of this Resolution, are hereby repealed to the extent necessary to give this Resolution full force and effect.

Section 12.05 Effective Date

This Resolution shall take effect and be in force from and after its passage and publication according to law.

APPROVED AND ADOPTED by the Board of Supervisors of Washington County, Nebraska.

This _____ day of _____, 2005

(Seal)

ATTEST:

(COUNTY CLERK)

(CHAIR, COUNTY BOARD OF SUPERVISORS)

APPENDIX "A"

PREVIOUS ZONING DISTRICTS

- A-2 AGRICULTURE COMMERCIAL DISTRICT
- RRS-1 RURAL RESIDENTIAL SUBDIVISION
- R-1 AGRICULTURAL RESIDENCE DISTRICT
- R-2 ESTATE RESIDENCE DISTRICT
- R-3 SUBURBAN DISTRICT
- R-4 URBAN RESIDENCE DISTRICT
- C-2 GENERAL COMMERCIAL DISTRICT
- I-1 INDUSTRIAL PARK DISTRICT
- I-2 AGRICULTURAL/GENERAL INDUSTRIAL DISTRICT
- I-3 AGRICULTURAL/MANUFACTURING INDUSTRIAL DISTRICT
- F-1 FLOOD PLAIN DISTRICT

RRS-1 RURAL RESIDENTIAL SUBDIVISION

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned RRS-1. No lots will be rezoned as RRS-1 after the adoption of this regulation.

Permitted Principal Uses:

The following principal uses are permitted in the RRS-1 Rural Residential Subdivision District:

1. Single family dwellings
2. Churches, seminaries and convents, including residences for pastors and teachers
3. Public and parochial schools, colleges
4. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries,
5. museums
6. Seasonal dwellings
7. Fire stations
8. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial
9. uses and campgrounds under franchise of the County or State government agencies
10. Public overhead and underground local distribution utilities
11. Railroads
12. Irrigation facilities
13. Hospitals and eleemosynary institutions
14. Approved home

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as provided for elsewhere in this Regulation
2. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
3. Airport
4. Extraction and processing of rock, gravel, or sand, clay, and dirt as provided for elsewhere in this Regulation
5. Sanitary landfill
6. Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots and similar uses
7. Privately owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
8. Day care home, group day care home, day care center
9. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work.
10. Temporary buildings and uses incidental to an emergency, as determined by the Board, which shall be removed upon the completion or abandonment of the construction work.
11. Golf courses, country clubs and related buildings and incidental uses
12. Private recreation areas and facilities including lakes, ponds and swimming pools
13. Ratio of animals per acre exceeding those listed in the Accessory Uses.

Permitted Accessory Uses:

The following accessory uses are permitted in the RRS-1 Rural Residential Subdivision District:

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Home occupations
3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
4. Residential Animal Keeping Regulations

Ratio of Animals Per Acre				
Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a. Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.

- b. Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c. Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling	2	150	50	50	25	35
Other Permitted Uses	-	150	50	50	25	65
Accessory Buildings	-	-	100	15	15	15

A lot used for a seasonal dwelling which is connected to a community sanitary sewer system and a community water system approved by the County Board of Supervisors may have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet, except a corner lot which shall be not less than 150 feet in width. No structure may be erected closer than 50 feet to any side street line.

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

R-1 AGRICULTURE RESIDENCE DISTRICT

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned R-1. No lots will be rezoned as R-1 after the adoption of this regulation.

Permitted Principal Uses:

The following principal uses are permitted in the R-1 Agriculture Residence District:

1. Single-family dwellings
2. Churches, seminaries and convents, including residences for pastors and teachers
3. Public and parochial schools, colleges
4. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums
5. Seasonal dwellings
6. Fire stations
7. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies
8. Public overhead and underground local distribution utilities
9. Railroads
10. Irrigation facilities
11. Hospitals and eleemosynary institutions
12. Approved home

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as provided for elsewhere in this Regulation
2. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
3. Airport
4. Extraction and processing of rock, gravel, or sand, clay, and dirt as provided for elsewhere in this Regulation
5. Sanitary landfill
6. Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots and similar uses
7. Privately owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
8. Day care home, group day care home, day care center
9. Temporary buildings and uses incidental to construction work that shall be removed upon the completion or abandonment of the construction work.
10. Temporary buildings and uses incidental to an emergency, as determined by the Board, which shall be removed upon the completion or abandonment of the construction work.
11. Golf courses, country clubs and related buildings and incidental uses
12. Private recreation areas and facilities including lakes, ponds and swimming pools
13. Ratio of animals per acre exceeding those listed in the Accessory Uses.

Accessory Uses:

The follow accessory uses are permitted in the R-1 Agriculture Residence District:

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Home occupations
3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
4. Residential Animal Keeping Regulations

Ratio of Animals Per Acre				
Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.

- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (square feet)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling	40,000	150	50	50	25	35
Seasonal Dwelling	20,000	150	50	35	25	35
Other Permitted Uses	-	150	50	50	25	65
Accessory Buildings	-	-	100	15	15	15

A lot used for a seasonal dwelling which is connected to a community sanitary sewer system and a community water system approved by the County Board of Supervisors may have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet, except a corner lot which shall be not less than 150 feet in width. No structure may be erected closer than 50 feet to any side street line.

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

R-2 ESTATE RESIDENCE DISTRICT

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned R-2. No lots will be rezoned as R-2 after the adoption of this regulation.

Permitted Principal Uses:

The following principal uses are permitted in the R-2 Estate Residence District:

1. Single-family dwellings
2. Public and parochial schools
3. Churches
4. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries and auditoriums
5. Universities, colleges, elementary and high schools, but prohibiting private music, dancing, business and vocational schools
6. Golf courses, country clubs and related buildings and accessory uses
7. Private clubs operated for non-profit
8. Community water works
9. Public overhead and underground local distribution utilities
10. Agricultural and horticultural uses such as crop farming, nurseries, greenhouses, and the usual agricultural buildings, except that those activities or operations involving a concentration of areas and buildings for livestock or other intensive animal or poultry feeding production shall be excluded.
11. Approved home

Conditional Uses

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Radio and television towers and transmitters as provided for elsewhere in this Regulation
2. Airports
3. Commercial recreational areas and camping areas
4. Overhead and underground utilities main transmission lines including power, telephone, fuel, gas, or fertilizer, substations, terminal facilities, and reservoirs
5. Privately owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
6. Day care home, Group day care home, Day care center
7. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work
8. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work
9. Ratio of animals per acre exceeding those listed in the Accessory Uses

Permitted Accessory Uses:

The following accessory uses are permitted in the R-2 Estate Residence District:

1. Buildings and uses customarily incidental to the permitted uses
2. Home occupations
3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
4. Residential Animal Keeping Regulations

Ratio of Animals per Acre				
Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.
- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (square feet)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling	20,000	100	25¹	25	7	35
Other Permitted Uses	-	100	25¹	25	10	65
Accessory Buildings	-	-	50	5	5	15

¹ Where a lot fronts on an interregional national or State highway, or any County Highway Department maintained road, the front yard for all buildings and structures shall not be less than 50 feet.

A lot used for single family dwelling purposes which is connected to an approved public sanitary sewer system and an approved water system shall have a minimum lot area of 10,000 square feet, and a minimum lot width of 75 feet, except corner lots which shall be not less than 100 feet in width.

R-3 SUBURBAN DISTRICT

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned R-3. No lots will be rezoned as R-3 after the adoption of this regulation.

Permitted Principal Uses:

The following principal uses are permitted in the R-3 Suburban Residence District:

1. Single-family dwellings
2. Public and parochial schools
3. Churches
4. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries and auditoriums
5. Public overhead and underground local distribution utilities
6. Universities and colleges
7. Two-family dwellings
8. Approved home

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Nursing homes, rest homes, sanatoriums, convalescent homes, or other similar uses
2. Hospitals
3. Agricultural and horticultural uses such as crop farming, nurseries, greenhouses, and the usual agricultural buildings, except that those activities or operations involving a concentration of areas and buildings for livestock or other intensive animal or poultry production shall be excluded
4. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, or similar public service uses
5. Privately owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
6. Day care home, Group day care home, Day care center
7. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work
8. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work
9. Ratio of animals per acre exceeding those listed in the Accessory Uses

Accessory Uses:

The following accessory uses are permitted in the R-3 Suburban Residence District:

1. Buildings and uses customarily incidental to the permitted uses
2. Home occupations
3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
4. Residential Animal Keeping Regulations

Ratio of Animals per Acre				
Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	0	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.
- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (square feet)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling, Single Family	10,000	70	25	25	7	35
Dwelling, Two Family	12,000	90	25	25	10	35
Other Permitted Uses	10,000	70	25	25	10	65
Accessory Buildings	-	-	50	3	5	15

A lot used for single-family dwelling purposes and that is connected to an approved public sanitary sewer system and an approved water system shall have a minimum lot area of 7,000 square feet.

A lot used for a two-family dwelling and connected to an approved public sanitary sewer system and an approved water system shall have a minimum lot area of 10,000 square feet.

All corner lots in any land subdivision platted after the adoption of this Regulation shall have a lot width of not less than 90 feet.

R-4 URBAN RESIDENCE DISTRICT

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned R-4. No lots will be rezoned as R-4 after the adoption of this regulation.

Permitted Principal Uses:

The following principal uses are permitted in the R-4 Urban Residence District:

1. Single-family dwellings
2. Two-family dwellings
3. Multiple-family dwellings
4. Public and parochial schools
5. Universities and colleges
6. Churches
7. Publicly owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
8. Public overhead and underground local distribution utilities
9. Hospitals, sanatoriums, rest homes, nursing homes, convalescent homes, or other similar institutions
10. Approved home

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses
2. Privately owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums
3. Day care home, Group day care home, Day care center
4. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work
5. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work
6. Ratio of animals per acre exceeding those listed in the Accessory Uses

Permitted Accessory Uses:

The following accessory uses are permitted in the R-4 Urban Residence District:

1. Buildings and uses customarily incidental to the permitted uses
2. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
3. Home occupations
4. Residential Animal Keeping Regulations

Ratio of Animals Per Acre

Rabbits	Domestic/Exotic Birds	Sheep	Goat	Horse
10	10	1	1	1

Additional Requirements:

- a) Fencing shall be adequate to keep the animal(s) from infringing in any way on adjacent property, and selected and maintained for safety according to generally accepted standards, with lockable gates and appropriate to the animal(s) and the conditions under which they are being kept.
- b) Manure, urine and other organic wastes shall be disposed of and sanitized so as to preclude the presence of flies, and to prevent the presence of odors and noises offensive to neighboring residences. Such disposal shall also avoid pollution of ground water or any lake or stream.
- c) Animal housing or stabling shall be safe, humane and generally consistent with the appearance of other structures appurtenant to residences in the same area.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

Uses	Min Lot Area (square feet)	Min. Lot Width (feet)	Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	
Dwelling, Single Family	5,000	50	25	25	5	35
Dwelling, Two Family	7,500	90	25	25	10	35
Dwelling, Three Family	10,000	-	25	25	¹	35
Dwelling, Four Family	12,500	-	25	25	¹	35
Dwelling, more than four families	25,000 plus 750 square feet/family unit	-	25	25	¹	65
Other Permitted Uses	-	70	25	25	10	65
Accessory Buildings	-	-	50	3	2	15

¹ For multi-family units the side yard shall be 10 feet if it is a 3-story structure, and 2 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

C-1 COMMUNITY COMMERCIAL DISTRICT

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned C-1. No lots will be rezoned as **C-1 after the adoption of this Regulation.**

Permitted Principal Uses:

The following principal uses are permitted in the C-1 Community Commercial District:

1. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
2. Gasoline filling stations.
3. Automobile and truck service establishments.
4. Farm implement, machinery, equipment, and supplies establishments.
5. Motels and hotels.
6. Drive-in theaters.
7. Restaurants, including drive-in eating establishments and cafes.
8. Furniture stores.
9. Gift and curio shops.
10. Retail business and service establishments.
11. Animal hospitals.
12. Greenhouses.
13. Nurseries.
14. Professional and business offices.
15. Private music, dancing, business and vocational schools or colleges.
16. Lodge halls.
17. Commercial swimming pools and beaches.
18. Theaters.
19. Bus or truck stations.
20. Temporary carnivals and circuses operating not longer than 10 days.
21. Public utility local distribution lines, substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, or similar public service uses.

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Advertising signs, billboards, and poster panels, but no portion of any advertising signboard or electric display sign, or supporting structure therefore shall be closer than 10 feet from the front or street lot line. The aggregate area for any one display or sign shall not exceed an area equal to the square of the distance from the front or street lot line to the said display or sign. No red or green electric or reflector signs shall be incorporated or included as a part of any signboard or display located within 100 feet of a highway intersection.
2. Automobile, recreational vehicle and manufactured home sales lot.
3. Single family dwellings.
4. Churches.
5. Temporary building and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
6. Temporary buildings and uses incidental to an emergency, as determined by the Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.

Permitted Accessory Uses:

The following accessory uses are permitted in the C-1 Community Commercial District:

1. Buildings and uses customarily incidental to the permitted uses.
2. Home occupations.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	-	-	25'	*	15'	45'

*No side yard will be required except when the lot abuts a lot used for residential purposes. When the lot abuts a lot used for residential purposes within the C-1 Community Commercial District the side yard setback shall be 10 feet.

Density:

The lot area and average width requirements of R-4 District for single family, two-family and multi-family dwellings and row houses shall apply to such uses within the C-1 District. Other permitted structures shall not be restricted as to density.

C-2 GENERAL COMMERCIAL DISTRICT

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned C-2. No lots will be rezoned as C-2 after the adoption of this Regulation.

Permitted Principal Uses:

The following principal uses are permitted in the C-2 General Commercial District:

1. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
2. Gasoline filling stations.
3. Automobile, recreational vehicle and manufactured home sales lot.
4. Automobile and truck service establishments.
5. Automobile laundries.
6. Motels and hotels.
7. Restaurants, including drive-in eating establishments and cafes.
8. Gift and curio shops.
9. Building materials storage and sales yards.
10. Animal hospitals and kennels.
11. Golf driving ranges and miniature golf courses.
12. Bowling alleys.
13. Farm implement display, sales, service and repair establishments.
14. Private music, dancing, business and vocational schools or colleges.
15. Lodge halls.
16. Commercial swimming pools and beaches.
17. Theaters.
18. Bus or truck stations.
19. Taverns.
20. Night clubs.
21. Restaurants serving intoxicating liquors.
22. Dance halls.
23. Public overhead and underground local distribution utilities, substations, pumping stations, water reservoirs, storage, or similar public service uses.

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Drive-in theaters.
2. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
3. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.

Permitted Accessory Uses:

The following accessory uses are permitted in the C-2 General Commercial District:

1. Buildings and uses customarily incidental to the permitted uses.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	-	-	-	-	15'	45'

Density:

The lot area and average width requirements of R-4 District for single family, two-family and multi-family dwellings and row houses shall apply to such uses within the C-2 District. Other permitted structures shall not be restricted as to density

A-2 AGRICULTURE COMMERCIAL DISTRICT**Intent:**

The existence of this district is solely to recognize and accommodate lots presently zoned A-2. No lots will be rezoned as A-2 after the adoption of this Regulation.

Permitted Principal Uses:

The following principal uses are permitted in the A-2 Agriculture Commercial District.

- 1a. Any person owning a total of 40 or more acres within a five (5) mile radius of a proposed confinement site is permitted the number of animals (at any one time) as detailed below. The confinement site must be a legally described minimum ten-(10) acre tract.

Beef Animals (including buffalo)	1,000
Dairy Cattle	700
Swine (hogs and nursery pigs)	2,500
Sheep	3,000
Poultry	10,000
Any Combination of the Above	1,500
Horses	80
- 1b. Any person owning less than 40 contiguous acres of a proposed confinement site is permitted the amount of animals allowed by taking the total acres divided by 40 and then multiplying by the total number of animals allowed for forty acres. The confinement site must be a legally described minimum two (2) acre tract (see above ratios).
2. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
3. Farm dwellings for the owners and their families, tenants and employees.
4. Roadside stands offering for sale agriculture products produced on the premises.
5. Seed, feed and fertilizer, except anhydrous ammonia establishments.
6. Milk processing establishments.
7. Farm implement and contractor equipment sales and service.
8. Livestock sale barns.
9. Grain elevators and other storage facilities for farm and agricultural products.
10. Truck establishments and terminals.
11. Railroads.
12. Living quarters used by watchmen or custodians.
13. Public overhead and underground local distribution utilities.

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Any person who exceeds the above ratios, or does not meet the minimum acres for a confinement site.
2. Any new subdivision (excluding lot splits) proposed within one (1) mile of a County approved Special Use Permitted confinement site.
3. Alfalfa dehydrating plants.
4. Anhydrous ammonia storage and processing.
5. Bulk fuel and propane storage.
6. United States military establishments.
7. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
8. Sanitary landfill.
9. Radio and television towers and transmitters.
10. Automobile wrecking or junkyards provided the yards are at least 500 feet from a State or U.S. designated highway.
11. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
12. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.
13. A mobile/manufactured home, for up to one year and at review times set by the County, for the location of a manufactured/mobile home for the purpose of providing a dwelling for a person whose employment is agricultural and related to a County agricultural operation, either on the land the mobile/manufactured home will sit or within 1/2 mile of the agricultural operation. As proof of agricultural employment, the occupant of the manufactured/mobile home shall provide to the County a copy of the most recent Federal W-2 Form

showing employer and wage: (1) at time of initial SUP application and; (2) at time of each SUP review. Additionally, a performance guarantee in the amount of \$1,000 shall be provided to the County prior to County Board public hearing on the request. The performance guarantee shall either be in the form of a performance bond or certified check. The performance guarantee is a security, which guarantees the conditions, will be followed in accordance with the requirements of the County. The performance guarantee will be returned when all County stipulations have been met or when the mobile/manufactured home has been removed, whichever occurs last. Non-compliance with County stipulations will result in forfeiture of the performance guarantee. The mobile/manufactured home will be removed when no longer occupied by a hired hand, or the home and the land upon which it sits will be made into Zoning Regulation conformity. A building permit shall be obtained for the mobile/manufactured home and all applicable County codes shall be followed, be approved.

Permitted Accessory Uses:

The following accessory uses are permitted in the A-2 Agriculture Commercial District:

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupations.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	50'	30'	50'	65'
Accessory Buildings	70'	5'	5'	15'

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 90 feet to the center line of a U.S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of any other County Highway Department maintained road.

I-1 INDUSTRIAL PARK DISTRICT

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned I-1. No lots will be rezoned as I-1 after the adoption of this Regulation.

Permitted Principal Uses:

The following principal uses are permitted in the I-1 Industrial Park District, except those that by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety, and general welfare. These permitted uses shall include such as,

1. Assembly of metal products.
2. Dyeing and cleaning establishments.
3. Farm and industrial equipment sales establishments.
4. Laboratories.
5. Manufacture and assembly of electrical and electronic appliances.
6. Manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber and paint.
7. Manufacture of light sheet metal products including heating and ventilation equipment.
8. Machine shops or other metal working excluding drop hammers and other noise producing tools.
9. Printing and publishing businesses.
10. Stone and monument works.
11. Storage of farm and agricultural products.
12. Truck and freight terminals.
13. Public local distribution and main transmission utilities.
14. Warehouses and wholesale businesses.
15. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
16. Building materials and fuel yards.
17. Contractors yards.
18. Highway maintenance yards or buildings.
19. Second-hand farm machinery yards.
20. Railroad yards.
21. Distribution yards for gasoline and fuel oil by tank trucks.
22. Waterway terminals.

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Single family dwellings.
2. Gasoline filling stations.
3. Restaurants or cafes.
4. Radio and television towers and transmitter or receiver facilities.
5. Open-air new and used auto, truck, farm implement, and machinery sales and storage.
6. Advertising signs, billboards, and poster panels.
7. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
8. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.

Permitted Accessory Uses:

The following accessory uses are permitted in the I-1 Industrial Park District:

1. Buildings and uses customarily incidental to the permitted uses.
2. Living quarters used by watchmen or custodians of permitted uses.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	25'	*	15'	45'

* If a structure is constructed of masonry or fire-proof materials approved by the County Building Inspector, no side yard shall be required unless located on a corner lot in which case the structure may not be erected closer than 15 feet to the side street line. If a structure is constructed of non-fire proof materials as determined by the County Building Inspector, it cannot be erected closer than 15 feet to its lot lines. Residential structures located in the I-1 District shall have the same side yards as are required in R-3 District.

Density:

A lot on which a single-family dwelling is located shall comply with the requirements for an R-2 District as to density, setback and side yard.

I-2 AGRICULTURAL \ GENERAL INDUSTRIAL DISTRICT**Intent:**

The existence of this district is solely to recognize and accommodate lots presently zoned I-2. No lots will be rezoned as I-2 after the adoption of this Regulation.

Permitted Principal Uses:

The following principal uses are permitted in the I-2 Agricultural \ General Industrial District, except those that by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety, and general welfare. These permitted uses shall include such as,

1. Assembly of metal products.
2. Concrete or cement products manufacture.
3. Dyeing and cleaning establishments.
4. Farm and industrial equipment sales.
5. Laboratories.
6. Manufacture and assembly of electrical and electronic appliances.
7. Manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber and paint.
8. Manufacture of light sheet metal products including heating and ventilation equipment.
9. Machine shops or other metal working excluding drop hammers and other noise producing tools.
10. Printing and publishing businesses.
11. Stone and monument works.
12. Storage of farm and agricultural products.
13. Truck and freight terminals.
14. Public local distribution and main transmission utilities.
15. Warehouses and wholesale businesses.
16. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
17. Restaurants or cafes.
18. Contractors yards.
19. Bus storage yards or terminals.
20. Second-hand farm machinery yards.
21. Railroad yards.
22. Distribution yards for gasoline and fuel oil by tank trucks.
23. Locomotive plants.
24. Fixed plants for processing stone, gravel or clay.
25. Any other industrial, manufacturing or commercial agricultural use, except those uses specifically permitted as a special use in this District.
26. Agricultural uses including the growing of vegetables, fruits and grains, truck gardens, greenhouses, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities and the usual agricultural farm buildings and structures.

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Single family dwellings.
2. Gasoline filling stations.
3. Alfalfa dehydrating plants.
4. Acetylene gas manufacturing or storage.
5. Ammonia, bleaching powder or chlorine manufacture.
6. Asphalt manufacture or refining.
7. Blast furnaces.
8. Boiler works.
9. Burlap manufacture.
10. Cement, lime, gypsum or plaster-of-paris manufacture.
11. Coke ovens.
12. Coal and coke yards.
13. Coal tar products manufacture.
14. Creosote treatment or manufacture.
15. Disinfectants manufacture.

16. Exterminator and insect poison manufacture.
17. Fat rendering.
18. Fertilizer manufacture and bone grinding.
19. Fireworks or explosive manufacture.
20. Forage plant.
21. Glue, size or gelatin manufacture.
22. Gunpowder manufacture or storage.
23. Incinerator or reduction of garbage, dead animals, offal or refuse.
24. Iron, steel, brass or copper foundries.
25. Automobile wrecking and junkyards provided yards are at least 500 feet from any State or U.S. designated highway.
26. Oiled, rubber or leather goods manufacture.
27. Packing houses.
28. Paint, oil, shellac, turpentine or varnish manufacture.
29. Paper and pulp manufacture.
30. Plating works.
31. Printing ink manufacture.
32. Rubber or gutta-percha manufacture.
33. Sanitary landfill.
34. Stockyards.
35. Storage or baling of scrap paper, iron, bottles, rags or junk.
36. Sulfuric, nitric or hydrochloric acid manufacture.
37. Tallow, grease or lard manufacture or refining from animal fat.
38. Tanning, curing or storage of rawhide or skins.
39. Tar distillation or manufacture.
40. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
41. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.
42. Radio and television towers and transmitters, including telecommunication towers.

Permitted Accessory Uses:

The following accessory uses are permitted in the I-2 Agricultural \ General Industrial District:

1. Buildings and uses customarily incidental to the permitted uses.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	25'	*	15'	65'

* If a structure is constructed of masonry or fire-proof materials approved by the County Building Inspector, no side yard shall be required unless located on a corner lot in which case the structure may not be erected closer than 15 feet to the side street line. If a structure is constructed of non-fire-proof materials as determined by the County Building Inspector, it cannot be erected closer than 15 feet to its lot lines. Residential structures located in a I-2 District shall have the same side yards as are required in R-3 District.

I-3 AGRICULTURAL \ MANUFACTURING INDUSTRIAL DISTRICT**Intent:**

The existence of this district is solely to recognize and accommodate lots presently zoned I-3. No lots will be rezoned as I-3 after the adoption of this Regulation.

Permitted Principal Uses:

The following principal uses are permitted in the I-3 Agricultural \ Manufacturing Industrial District, except those uses which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be a nuisance or injurious to the public health, safety, and general welfare.

1. Bakery products manufacturing.
2. Concrete or cement products manufacture.
3. Dairy products manufacture.
4. Dyeing and cleaning industries.
5. Feed and forage plants.
6. Grain mill product manufacture.
7. Manufacture, compounding, processing, packing, or treatment of articles or merchandise from previously prepared material such as bone, cloth, cork, fiber, leather, glass, plastic, paper, stones, rubber and aluminum.
8. Meat products manufacturing.
9. Manufacture, fabrication or treatment of sheet or shaped metal products including such industries as farm machinery, farm equipment, construction materials, and machinery, heating, ventilating, and plumbing equipment, and household appliances.
10. Fabrication, manufacture and treatment of lumber or wood products.
11. Public local distribution and main transmission utilities.
12. Truck and freight terminals.
13. Warehouses.
14. Abattoirs.
15. Alfalfa dehydrating plants.
16. Boiler works.
17. Burlap manufacture.
18. Fertilizer manufacture and bone grinding.
19. Oiled, rubber or leather goods manufacture.
20. Packing houses.
21. Vinegar manufacture.
22. Yeast plants.
23. Agricultural uses including the growing of vegetables, fruits and grains, truck gardens, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Fertilizer, storage or processing.
2. Fuel storage.
3. Acetylene gas manufacturing or storage.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Asphalt manufacture or refining.
6. Blast furnaces.
7. Cement, lime, gypsum or plaster-of-paris manufacture.
8. Coke ovens.
9. Fat rendering.
10. Fireworks or explosives manufacture.
11. Glue, size or gelatin manufacture.
12. Gunpowder manufacture or storage.
13. Incinerator or reduction of garbage, dead animals, offal or refuse.
14. Iron, steel, brass or copper foundries.
15. Smelter.
16. Sulfuric, nitric or hydrochloric acid manufacture.
17. Tanning, curing or storage of rawhides or skins.
18. Tar distillation or manufacture.
19. Sanitary landfill.

20. Automobile wrecking and junk yards.
21. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
22. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.
23. Radio and television towers and transmitters, including telecommunication towers.

Permitted Accessory Uses:

The following accessory uses are permitted in the I-3 Agricultural \ Manufacturing Industrial District:

1. Buildings and uses customarily incidental to the permitted uses.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	25'	25'	25'	65'

F-1 FLOOD PLAIN DISTRICT

Intent:

The existence of this district is solely to recognize and accommodate lots presently zoned F-1. No lots will be rezoned as F-1 after the adoption of this Regulation.

Permitted Principal Uses:

The following principal uses are permitted in the F-1 Flood Plain District:

1. Agricultural farms, truck gardens, plant nurseries, orchards, products produced on the premises.
2. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies.
3. Irrigation facilities.
4. Public local distribution and main transmission utilities.

Conditional Uses:

The following uses are subject to any conditions listed in this Regulation and any other conditions as recommended by the Commission and approved by the Board.

1. Any building or structure.
2. Any earth fills.
3. Extraction of rock, gravel or sand.
4. Sanitary landfill.
5. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
6. Temporary buildings and uses incidental to an emergency, as determined by the County Board of Supervisors, which shall be removed upon the completion or abandonment of the construction work.
7. Golf courses, country clubs and related buildings and incidental uses.
8. Private recreation areas and facilities including lakes, ponds and swimming pools.

Permitted Accessory Uses:

The following accessory uses are permitted in the F-1 Flood Plain District:

1. Buildings and uses customarily incidental to the permitted and special uses.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided for elsewhere in this Regulation.

	Front Yard	Side Yard	Rear Yard	Maximum Height
Conditional Uses	25'	15'	25'	45'