

NANCE COUNTY, NEBRASKA ZONING REGULATIONS



NOVEMBER 2023

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SUMMARY OF DISTRICT REGULATIONS

**NANCE COUNTY, NEBRASKA
ZONING REGULATIONS**

Zoning regulations restricting the use of land and the use and location of buildings and structures: regulating and restricting the height and bulk of buildings and structures and determining the area of yard, courts and other places surrounding them; dividing the county into districts for such purposes; adopting a map of the county showing boundaries of district and the classification of such districts; defining the terms used in said regulations; establishing an appeals board; providing for changes and amendments to the said regulations; prescribing penalties for the violation of its provisions.

Be it resolved by the Nance County Board of Supervisors that:

ARTICLE 1: TITLE

These regulations shall be known and may be cited as the Zoning Regulations for Nance County, Nebraska.

ARTICLE 2: (RESERVED)

ARTICLE 3: SCOPE

In the interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare of Nance County. Where these regulations impose a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, contract or deed, the provisions of this regulation shall control.

ARTICLE 4: PURPOSE AND JURISDICTIONAL AREA

Section 1. Purpose

The purpose of this resolution is to promote health, safety, morals, convenience, order, prosperity, and the general welfare of the county, and to secure safety from fire, flood, and other dangers and was designed to lessen the congestion in the streets, roads, and highways, to provide adequate light and air, to prevent the overcrowding of lands, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation, water, services, schools, parks, and other public requirements.

Section 2. Jurisdictional Area

These zoning regulations shall apply to all unincorporated land and buildings within the limits of Nance County except that unincorporated territory lying outside of but within one (1) mile of the nearest point of all incorporated cities and villages which have exercised the authority to zone in one (1) mile extra-territorial areas.

ARTICLE 5: ESTABLISHMENT OF DISTRICTS; PROVISION FOR OFFICIAL ZONING MAP

Section 1. Districts

For the purpose of these regulations, Nance County, Nebraska, except the jurisdictional limits of any community, is hereby divided into the following districts:

- AG General Agricultural District
- RC Rural Conservation District
- AGR Agricultural Residential District
- HC Highway Commercial District
- I Industrial District

Section 2. Official Zoning Map

The boundaries of these districts are hereby established as shown on the Official Zoning Map of Nance County, Nebraska, which is hereby included and made a part of with all explanatory matter thereon, is hereby adopted by reference and is hereby declared to be a part of these regulations.

The Official Zoning Map shall be identified by the signature of the Nance County Board of 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 Article 5 of a Resolution of Nance County, Nebraska" 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.

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

ARTICLE 6: INTERPRETATION OF DISTRICT BOUNDARIES

Section 1. Boundaries

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

- 1.1 Boundaries indicated as approximately following the center lines or right-of-way of streets, highways or alleys shall be construed to follow such center or right-of-way lines unless otherwise noted.
- 1.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 1.3 Boundaries indicated as following city/village limits shall be construed as following city/village limits.
- 1.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 1.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; 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.
- 1.6 Boundaries indicated as parallel to or extensions of features indicated in subsection 1.1 through 1.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 1.7 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstance not covered by subsections 1.1 through 1.6 above, the Board of Adjustment shall interpret the district boundaries.

ARTICLE 7: APPLICATION OF DISTRICT REGULATIONS

Section 1. Application

The regulations set by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 1.1 No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, relocated, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- 1.2 No building or other structure shall hereafter be erected or altered:
 - A. to exceed the height;
 - B. to accommodate or house a greater number of families;
 - C. to occupy a greater percentage of lot area, if lot area is specifically provided;
 - D. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;than herein required; or in any other manner contrary to the provisions of these regulations.
- 1.3 No part of a yard, or other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with these regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 1.4 No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements established by these regulations.

Section 2. Conflicts

Whenever these regulations require a greater width of size of yard, courts, or other open spaces, or requires a lower height of building or less number of stories or requires a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulation made under authority of said sections shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open space or require a lower height of building or a less number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of said sections, the provisions of such statute or local ordinance or regulation shall govern.

ARTICLE 8: CONDITIONAL USES, PROCEDURES AND STANDARDS

For the purpose of providing the most appropriate use of land throughout a district and giving maximum consideration to the character of the district and its peculiar suitability for particular uses in the areas affected by these regulations, permitted uses and conditional uses are provided for in the various district regulations.

Section 1. Permitted

Permitted uses are those uses permitted outright in the district.

Section 2. Conditional Uses

Conditional uses are those that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, area, location, size or relation to the district and would protect the comfort, convenience, appearance, prosperity or general welfare of abutting properties, citizens and the county.

- 2.1 Procedure. After receiving an application and fee, the amount to be established by the governing body, and after a public hearing, the County Board of Supervisors, after recommendation of the Planning and Zoning Commission, may authorize a conditional use permitted in a zoning district, provided it is found that the location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. An application for a Conditional Use Permit shall include a site plan which shall denote the location of any hazardous materials. Notice for such hearings shall be given in the manner provided by these regulations.
 - A. Public Hearing on a Conditional Use. A proposed conditional use shall be considered by the Planning Commission at a public hearing held within thirty (30) days after filing of the application. The County Zoning Administrator shall give notice of the hearing in the following manner:
 - (1) By publication of a notice in a legal newspaper of general circulation in the county not less than ten (10) days prior to the date of the hearing.
 - (2) By sending notices by mail not less than ten (10) days prior to the date of hearing to the record title holders within the area enclosed by lines parallel to and one thousand (1,000) feet from the exterior boundaries of the operation, structure or use involved, using for this purpose the name and address of owners as shown upon the records of the County Assessor and Register of Deeds. The notification area of property owners may be increased based upon the application of use and the required distances in each district or otherwise specified in these regulations. The Zoning Administrator reserves the right to notify any other person(s) or agency as deemed necessary. Failure to receive such notice shall not invalidate any proceedings in connection with the application for a conditional use.

- B. Recess of the Hearing by Planning Commission. The Planning Commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners or persons whom it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed.
 - C. Action on a Conditional Use. The Planning Commission may recommend approval, approval with specified conditions or disapproval of a conditional use to the County Board of Supervisors. The County Board of Supervisors may then act upon the Conditional Use after considering the Planning Commission's recommendation. A file of all recommendations and actions pertaining to Conditional Uses will be maintained in a manner prescribed by the County Board of Supervisors.
 - D. Notification of Action. The County Zoning Administrator shall notify the applicant for a conditional use in writing of the Supervisors' action within seven (7) days after the decision has been rendered.
- 2.2 Standards. The conditional uses shall conform to the intent and purpose of these regulations, the comprehensive plan and the following requirements:
- A. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
 - B. Ingress and egress shall be so designed as to minimize congestion in the public street, road or highway.
 - C. The use shall be in harmony with the character of the area and most appropriate use of the land. The Planning Commission considering an application for a conditional use may consider, among other things, the most appropriate use of land, the conservation and stabilization of the value of property, adequate open space for light and air, concentration of population, congestion of public streets, and the promotion of public safety, health, convenience, and comfort. The Planning Commission may stipulate and require such conditions and restrictions upon the conditional use and operation as is deemed necessary for the protection of the public interest and to secure compliance with these regulations. All decisions of the Planning Commission may be appealed to the governing body by any person aggrieved by the decision of the planning commission, or any taxpayer, officer, department, board, or bureau of the county. Such appeal must be presented to the Zoning Administrator with fifteen (15) days after the decision is made by the Planning Commission. In the event of an appeal, the governing body, after a public hearing, may reverse, affirm or modify the decision of the Planning Commission.
- 2.3 If an approved conditional use is not begun within a period of twelve (12) months following approval, the Conditional Use Permit shall become null and void.

2.4 Failure to observe and maintain the conditions and restrictions of the Conditional Use Permit shall be considered a violation of these regulations and subject to a penalty as provided herein and shall be grounds for a review of the Conditional Use Permit. Review of a Conditional Use Permit may be requested by the Zoning Administrator, the Planning Commission, or by the governing body. In the event of the review of a Conditional Use Permit as provided herein, a public hearing shall be held by the Planning Commission. Notices of public hearing shall be as provided within these regulations. Following the public hearing, the Planning Commission may leave the Conditional Use Permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions or restrictions. Any decision of the Planning Commission regarding the review may be appealed to the governing body which, after a public hearing, may reverse, affirm or modify the decision of the Commission. Procedures for an appeal shall be as provided for within these regulations.

- A. Any operation or owner who has been granted a Conditional Use Permit (CUP) shall be subject to a review thereof upon a formal complaint being filed with the Zoning Administrator by any person who may be affected by the granting of a CUP. The formal complaint process shall follow the following procedures:
- (1) A complainant shall file a written complaint with the Zoning Administrator. The complaint shall be on a form provided by the Zoning Administrator and shall list the name and address of the complainant, the name and address of the holder of the CUP, the nature of the complaint, and the requested relief the complainant seeks. The complaint shall be accompanied by a filing fee, as set forth in the County Fee Schedule.
 - (2) Within three (3) days of the receipt of a complaint as set forth in subparagraph (1) above, the Zoning Administrator shall send a copy of the complaint to the holder of the CUP by certified mail, return receipt requested, and notify the holder of the CUP that he/she or it has seven (7) days to respond in writing to the Zoning Administrator concerning the allegations contained in the complaint.
 - (3) Upon receipt of the holder of the CUP's response to the complaint, the Zoning Administrator shall send a copy of the response to the complainant by certified mail, return receipt requested. In addition, the Zoning Administrator shall schedule an informal meeting with the complainant and the holder of the CUP within seven (7) days of the Zoning Administrator's receipt of the holder of the CUP's response. Notice of the informal meeting shall be sent to the complainant and the holder of the CUP by certified mail, return receipt requested. The time and date of the meeting may be changed by mutual agreement of the complainant, holder of the CUP, and the Zoning Administrator, but in no event shall the meeting be continued more than seven (7) days beyond the time originally set by the Zoning Administrator.

Either time the complainant or the holder of the CUP may be represented at the informal meeting by his/her or its attorney. The purpose of the meeting is for the complainant and holder of the CUP to attempt to resolve the nature of the complaint, with the assistance of the Zoning Administrator.

If the matter of the complaint is resolved, the Zoning Administrator shall reduce the agreement to writing and the same shall be signed by the complainant and the holder of the CUP. The agreement shall be kept on file with the Zoning Administrator and shall become a part of the holder of the CUP's Conditional Use Permit.

- (4) If the complainant and the holder of the CUP are unable to resolve the nature of the complaint as set forth in subparagraph (3) above, or if the holder of the CUP fails or refuses to either respond in writing to the Zoning Administrator or to attend the informal meeting as provided in subparagraph (3) above, the complaint shall be referred to the Planning Commission for action. The Commission shall give notice as required by law and conduct a public hearing on the complaint. The purpose of the hearing will be to identify and quantify the complaint and to impose solution(s) to the problem or add additional conditions to the holder of the CUP's Conditional Use Permit. If, after the public hearing and the approval and adoption of the solution(s) or additional conditions to the CUP by the Planning Commission, the holder of the CUP fails or refuses to comply with the same or fails or refuses to comply with any regulations set forth by the Nebraska Department of Environment and Energy (NDEE) or appropriate agency, the holder's CUP may be revoked by the Planning Commission after the Commission shall have given notice as required by law and conducted a second public hearing on the revocation of the CUP.
- (5) If the complainant shall fail or refuse to attend the informal meeting with the holder of the CUP and the Zoning Administrator, the complaint shall be dismissed.
- (6) The Zoning Administrator, Planning Commission, or County Board shall retain the right to file complaints on their own behalf as appointed or elected officials for any violation of a holder's CUP or a violation of any rules or regulations of the NDEE or any other state agency having jurisdiction over the subject matter of the CUP. Any complaint filed by the Zoning Administrator, Planning Commission, or County Board shall not be subject to the payment of the complaint filing fee.
- (7) All documentation concerning all complaints filed under this section, whether dismissed or otherwise, and all associated matters shall be kept on file in the office of the Zoning Administrator.

In addition, all such documentation shall constitute a public record and be subject to inspection and review by the public. The filing fee of said complaint shall be retained by the Nance County Planning and Zoning Fund regardless of review outcome.

- 2.5 Conditional Use Permits are issued for the use of the property according to the terms of the permit or until the use of the property is changed to a permitted use or another allowed conditional use in the district. To change to another conditional use allowed within the district, the same procedures of this section for establishing a conditional use shall be followed.
- 2.6 The Zoning Administrator shall cause the Conditional Use Permit, any amendments and all applicable instruments to be filed with the Register of Deeds for recording. The recording costs shall be paid by the applicant for the Conditional Use Permit.

ARTICLE 9: COMPREHENSIVE PLAN RELATIONSHIP

These Zoning Regulations are designed to implement various elements of the Comprehensive Plan as required by state statutes. Any amendment to the district regulations or map shall conform to the Comprehensive Plan adopted by the governing body.

ARTICLE 10: COMPLIANCE WITH NANCE COUNTY FLOODPLAIN MANAGEMENT REGULATIONS

All uses of property within Nance County, in addition to the provisions of this Zoning Regulations, must also be in compliance with the provisions of the Nance County Floodplain Management Regulations.

ARTICLE 11: NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

Section 1. Intent

Within the districts established by these regulations or amendments that may later be adopted there exists lots, structures and uses of land and structures which were lawful and not in violation of any zoning regulation of Nance County before this resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of these regulations or future amendment.

It is the intent of these regulations to permit these non-conformities to continue until they are removed. Such uses are declared by these regulations to be incompatible with permitted uses in the districts involved. It is further the intent of these regulations that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

In those instances where lots, structures, and uses of land and structures were not lawful at the time these regulations were passed or amended, Nance County reserves the right to and intends to take action to require correction of such unlawful practices. Unlawful uses and practices shall not be accepted as non-conforming uses and practices by allowing such to exist for any period of time.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of these regulations 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 of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the construction of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent positions and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Section 2. Non-Conforming Uses of Land

Where at the effective date of adoption or amendment of these regulations, lawful use of land exists that is made no longer permissible under the terms of this resolution as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 2.1 No such non-conforming 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 these regulations, unless such enlargement thereby brings the use into conformity; *(amended 8/10/10)*
- 2.2 No such non-conforming use shall be moved in whole or in part of any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these regulations;
- 2.3 If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.

Section 3. Non-Conforming Structures

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

- 3.1 No such structure may be enlarged or altered in a way which increases its non-conformity.
- 3.2 Should such structure be destroyed by any means, it may be reconstructed only to an extent of no more than 100% of its replacement cost at the time of destruction. Such construction shall be commenced within one (1) year of the time of destruction and completed within three (3) years of the time of destruction.
- 3.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 4. Non-Conforming Uses of Structures

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of these regulations, that would not be allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.1 No existing structure devoted to a use not permitted by these regulations 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.
- 4.2 Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of these regulations, but no such use shall be extended to occupy any land outside such building;

- 4.3 If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of these regulations.
- 4.4 Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- 4.5 When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- 4.6 Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 5. Uses Under Exception Provisions, Not Non-Conforming Uses

Any use for which a conditional permit is issued, as provided, in these regulations, shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district subject to conditions of the permit.

ARTICLE 12: AG GENERAL AGRICULTURAL DISTRICT

INTENT: This district is designated for general agricultural use and is intended to preserve and protect agriculture production from encroachment by incompatible uses.

Section 1. **PERMITTED PRINCIPAL USES AND STRUCTURES:** The following shall be permitted as uses by right:

- 1.1 General farming and ranching activities, excluding any expansion of existing (defined as growing from one class to another) or development of Class I or larger livestock confinement facilities/operations as defined in Article 22 and classified in Article 17 – Section 19.
- 1.2 Public parks and recreation areas, playgrounds, forest and conservation areas, country clubs, swimming pool and golf courses but not including commercial miniature golf, golf driving ranges, motorized cart tracks;
- 1.3 Bulk grain and produce storage, excluding commercial warehouses;
- 1.4 Irrigation, flood, erosion and sediment control projects;
- 1.5 Single family dwellings, including mobile homes, on an improved road, meaning a road above county minimum maintenance road classification or a public street within an approved subdivision; in addition, single family dwellings must be located minimum distances from a livestock feeding operation in conformance with Article 17 - Section 19, when not of the same property and with Sanitary Requirements of Article 17 – Section 11 of these Regulations;
- 1.6 Animal Hospitals;
- 1.7 Private kennels and facilities, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence;
- 1.8 Utility distribution and substations, pumping station, water reservoir and telephone exchange.
- 1.9 Public facilities including fire stations, County, State and Federal road maintenance facilities, community centers, auditoriums, libraries, museums; and
- 1.10 Churches, places of worship and cemeteries.

Section 2. **PERMITTED ACCESSORY USES AND STRUCTURES:** The following accessory uses and structures shall be permitted when in conformance with the provisions of Section 17 – Article 10 of these Regulations:

- 2.1 Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses;
- 2.2 Home occupations in accordance with Article 17 – Section 21;

- 2.3 Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work; and
- 2.4 Roadside stands for the temporary sale of produce.
- 2.5 Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with “Net Metering” per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or “Small/Non-Commercial Wind Energy Systems shall also be in conformance with the provisions of Article 18 – Section 1 of these Regulations;

Section 3. PERMITTED CONDITIONAL USES: A building or premises may be used for the following purposes in the AG General Agricultural District if a conditional permit for such use has been obtained in accordance with Article 8 of these regulations:

- 3.1 Airports and heliports including crop dusting strips;
- 3.2 Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair.
- 3.3 Auction/sale barns and yards;
- 3.4 Commercial/Utility Grade Wind Energy Conversion Systems utilizing a single tower application, multiple tower applications or a “Wind Farm,” held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 18 – Section 9 of these Regulations.
- 3.5 Bed and breakfast residence subject to the following conditions in addition to those imposed by the Planning Commission:
 - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 3.6 Broadcast towers and stations, including but not limited to Amateur Radio, communication towers and cellular towers of more than 100 feet in height which, in addition to any requirements of the conditional use permit, shall comply with all applicable Federal Aviation Administration rules and regulations.
- 3.7 Commercial day-care centers;

- 3.8 Commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least one hundred (100) feet from the property line and one-quarter (1/4) mile from any neighboring residence.
- 3.9 Public and Private schools and colleges;
- 3.10 Privately owned parks, playgrounds, golf courses, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges;
- 3.11 Privately owned cabins and seasonal dwellings subject to the subdivision regulations;
- 3.12 Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil, including gas and oil extraction and exploration, subject to the provisions of Article 17 – Section 14 of these Regulations;
- 3.13 Expansion of existing (from one class to another) or development of a new Class 1 or larger Livestock Feeding Operation (LFO) as defined in Article 21 and in accordance with Article 17 – Section 19;
- 3.14 Hospitals;
- 3.15 The spreading, composting or stockpiling of dead animals, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the county.
- 3.16 The application of livestock manure and effluent in Nance County by livestock feeding operations, as so defined herein, located outside the county, and the pumping of manure and effluent from outside the County to lagoons within Nance County shall require a Conditional Use Permit.
- 3.17 Publically owned sewage treatment plants for primary and secondary treatment;
- 3.18 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 one thousand (1,000) feet to a municipal well and/or one (1) mile to any city or village or any subdivision, addition or residence platted as of the effective date of this resolution.
- 3.19 Vehicle wrecking yards, junkyards, salvage yards, and scrap processing yards subject to the provisions of Article 17 – Section 20;
- 3.20 Facilities for the commercial storage or sale, of fertilizer and toxic or flammable agricultural chemicals;
- 3.21 Riding academies and dude ranches provided that no stable, building or structure in which horses or other animals are kept is closer than 100 feet from the property line;

- 3.22 The spreading, composting or stockpiling of dead animals, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the county when in conformance with the provisions of Article 17 - Section 18 of these Regulations.
 - 3.23 Commercial and/or Industrial operations;
 - 3.24 Concrete batch and/or asphalt plant(s) that uses movable equipment utilized for area road or localized construction.
 - 3.25 Temporary construction material crushing plant that uses movable equipment utilized for area road or localized construction.
 - 3.26 Nursing and care homes for the elderly and disabled persons;
- Section 4. PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or nor permissible as special uses shall be prohibited from the AG General Agricultural District.
- Section 5. LOT REQUIREMENTS AND INTENSITIY OF USE: The minimum lot requirements shall be as follows:
- 5.1 Minimum Lot Area and Density:
 - A. Single family dwellings, including mobile homes – Three (3) acres excluding road R.O.W. and at a density of no more than four (4) residences per U.S. Government surveyed quarter section. However, within ½ mile along State Highways, the density can be increased to no more than eight (8) residences per U.S. Government surveyed quarter section at a minimum of twenty (20) acres per residential development (*amended November 2023*).
 - B. All other permitted and special uses – No minimum except for setbacks and sanitation requirements, or as designated in a Conditional Use Permit.
 - C. Existing farmsteads with single-family dwellings at the time of adoption of these regulations may be located on lots of less than three (3) acres by conditional use, provided that the lot is a lot of record at the time of adoption of these regulations.
 - D. More than one (1) dwelling or mobile home may be permitted by conditional use on an agricultural operation provided the residence is an accessory use to an agricultural operation and under the same ownership as the existing dwelling(s) or mobile home(s). These provisions shall remain with the land and residences even upon a change in ownership. Upon new ownership, both dwellings must remain under single ownership and as part of an agricultural operation, or the accessory residence must be moved, converted, or destroyed (*Amended 8/10/10*).

- 5.3 Minimum Lot Widths, Setbacks, Yards and Height of Buildings:
- A. Minimum lot widths shall be as follows:
 - Single Family Dwellings 200 feet
 - Seasonal Family Dwellings..... 100 feet
 - Other Permitted Uses 200 feet
 - B. Minimum front yards shall be as follows:
 - Single Family Dwellings 30 feet
 - Seasonal Family Dwellings..... 20 feet
 - Other Permitted Uses 30 feet
 - C. Minimum side and rear yards shall be as follows:
 - Single Family Dwellings Side/15 feet, Rear/25 feet
 - Seasonal Family Dwellings..... Side/15 feet, Rear/20 feet
 - Other Permitted Uses Side/15 feet, Rear/25 feet
 - D. Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the center of the road when such yards are contiguous to a county road or state highway. *(amended March 2009 and November 2023)*
 - E. Maximum height for structures intended for human occupancy shall be thirty-five (35) feet; all others are not restricted.

Section 6. **PARKING AND LOADING REQUIREMENTS:** See Article 17 – Section 22.

ARTICLE 13: RC RURAL CONSERVATION DISTRICT

The intent of this district is intended for those areas which, because of limiting environmental characteristics such as scenic status, floodplain/flood prone areas, high water table, soils conditions, or other factors, require the regulation of development in keeping with the conditions imposed by the natural environment.

Section 1. PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

- 1.1 General farming and ranching activities, excluding any expansion of existing (defined as growing from one class to another) or development of Class I or larger livestock feeding operation as defined in Article 22 and classified in Article 17 - Sec. 19.
- 1.2 Public parks and recreation areas, playgrounds, forest and conservation areas, country clubs, swimming pool and golf courses but not including commercial miniature golf, golf driving ranges, motorized cart tracks;
- 1.3 Bulk grain and produce storage, excluding commercial warehouses;
- 1.4 Irrigation, flood, erosion and sediment control projects;
- 1.11 Single family dwellings, including mobile homes, on an improved road, meaning a road above county minimum maintenance road classification or a public street within an approved subdivision; in addition, single family dwellings must be located minimum distances from a livestock feeding operation in conformance with Article 17 - Section 19, when not of the same property and with Sanitary Requirements of Article 17 – Section 11 of these Regulations;

Section 2. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted when in conformance with the provisions of Section 17 – Article 10 of these Regulations:

- 2.1 Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses;
- 2.2 Home occupations in accordance with Article 8;
- 2.3 Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work; and
- 2.4 Roadside stands for the temporary sale of produce.
- 2.5 Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with “Net Metering” per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or “Small/Non-Commercial Wind Energy Systems shall also be in conformance with the provisions of Article 18 – Section 1 of these Regulations;

- Section 3. PERMITTED CONDITIONAL USES: A building or premises may be used for the following purposes in the RC Rural Conservation District if a conditional permit for such use has been obtained in accordance with Article 8 of these regulations:
- 3.1 Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair.
 - 3.2 Commercial/Utility Grade Wind Energy Conversion Systems utilizing a single tower application, multiple tower applications or a “Wind Farm,” held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 18 of these Regulations.
 - 3.3 Churches, places of worship and cemeteries.
 - 3.4 Bed and breakfast residence subject to the following conditions in addition to those imposed by the Planning Commission:
 - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
 - 3.5 Broadcast towers and stations, including but not limited to Amateur Radio, communication towers and cellular towers of more than 100 feet in height which, in addition to any requirements of the conditional use permit, shall comply with all applicable Federal Aviation Administration rules and regulations.
 - 3.6 Expansion of existing (from one class to another) Class I or larger Livestock Feeding Operation (LFO) as defined in Article 22 and in accordance with Article 17 – Section 19;
 - 3.7 Privately owned parks, playgrounds, golf courses, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges;
 - 3.8 Privately owned cabins and seasonal dwellings subject to the subdivision regulations;
 - 3.9 Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil, including gas and oil extraction and exploration, subject to the provisions of Article 17 – Section 14 of these Regulations;

- 3.10 The spreading, composting or stockpiling of dead animals, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the county.
 - 3.11 Commercial and/or Industrial operations;
 - 3.12 Concrete batch and/or asphalt plant(s) that uses movable equipment utilized for area road or localized construction.
 - 3.13 Temporary construction material crushing plant that uses movable equipment utilized for area road or localized construction.
- Section 4. **PROHIBITED USES AND STRUCTURES:** All other uses and structures which are not specially permitted or not permissible as special uses shall be prohibited from the RC Rural Conservation District.
- Section 5. **SPECIAL REGULATION:** Provisions must be made for disposal of wastes in accordance with local and state regulations.
- Section 6. **LOT REQUIREMENTS AND INTENSITY OF USE:** The minimum lot requirements shall be as follows:
- 6.1 **Minimum Lot Area and Density:**
 - A. Single family dwellings, including mobile homes – Three (3) acres excluding road R.O.W. and at a density of no more than four (4) residences per U.S. Government surveyed quarter section. However, within ½ mile along State Highways, the density can be increased to no more than eight (8) residences per U.S. Government surveyed quarter section at a minimum of twenty (20) acres per residential development (*amended November 2023*).
 - B. All other permitted and special uses – No minimum except for setbacks and sanitation requirements, or as designated in a Conditional Use Permit.
 - C. Existing farmsteads with single-family dwellings at the time of adoption of these regulations may be located on lots of less than three (3) acres by conditional use, provided that the lot is a lot of record at the time of adoption of these regulations.
 - D. More than one (1) dwelling or mobile home may be permitted by conditional use on an agricultural operation provided the residence is an accessory use to an agricultural operation and under the same ownership as the existing dwelling(s) or mobile home(s). These provisions shall remain with the land and residences even upon a change in ownership. Upon new ownership, both dwellings must remain under single ownership and as part of an agricultural operation, or the accessory residence must be moved, converted, or destroyed (*Amended 8/10/10*).

- 6.3 Minimum Lot Widths, Setbacks, Yards, and Height of Buildings:
- A. Minimum lot widths shall be as follows:
 - Single Family Dwellings200 feet
 - Seasonal Family Dwellings100 feet
 - Other Permitted Uses.....200 feet

 - B. Minimum front yards shall be as follows:
 - Single Family Dwellings 30 feet
 - Seasonal Family Dwellings 20 feet
 - Other Permitted Uses..... 30 feet

 - C. Minimum side and rear yards shall be as follows:
 - Single Family Dwellings Side/15 feet, Rear/25 feet
 - Seasonal Family Dwellings..... Side/15 feet, Rear/20 feet
 - Other Permitted Uses Side/15 feet, Rear/25 feet

 - D. Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the center of the road when such yards are contiguous to a county road or state highway. *(amended March 2009 and November 2023).*

 - E. Maximum height for structures intended for human occupancy shall be thirty-five (35) feet; all others are not restricted.

Section 7. **PARKING AND LOADING REQUIREMENTS:** See Article 17 – Section 22.

ARTICLE 14: AGR AGRICULTURAL RESIDENTIAL DISTRICT

This district is intended to provide for low-density, acreage residential development in selected areas in close proximity to the communities of Nance County, or in rural areas with reasonable access to major rural roads. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.

Section 1. **PERMITTED PRINCIPAL USES AND STRUCTURES:** The following shall be permitted as uses by right:

- 1.1 General farming and ranching activities, excluding any expansion of existing (defined as growing from one class to another) or development of Class I or larger livestock feeding operation as defined in Article 22 and classified in Article 17 - Sec. 19.
- 1.2 Public parks and recreation areas, playgrounds, forest and conservation areas, country clubs, swimming pool and golf courses but not including commercial miniature golf, golf driving ranges, motorized cart tracks;
- 1.3 Bulk grain and produce storage, excluding commercial warehouses;
- 1.4 Irrigation, flood, erosion and sediment control projects;
- 1.5 Single family agricultural residential dwellings, including mobile homes, on an improved road, meaning a road above county minimum maintenance road classification or a public street within an approved subdivision; in addition, single family dwellings must be located minimum distances from a livestock feeding operation in conformance with Article 17 - Section 19, when not of the same property and with Sanitary Requirements of Article 17 – Section 11 of these Regulations;

Section 2. **PERMITTED ACCESSORY USES AND STRUCTURES:** The following accessory uses and structures shall be permitted when in conformance with the provisions of Section 17 – Article 10 of these Regulations:

- 2.1 Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses;
- 2.2 Home occupations in accordance with Article 17 – Section 21;
- 2.3 Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work; and
- 2.4 Roadside stands for the temporary sale of produce.

- Section 3. PERMITTED CONDITIONAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a conditional permit for such use has been obtained in accordance with Article 8 of these regulations:
- 3.1 Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair.
 - 3.2 Animal Hospital;
 - 3.3 Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with “Net Metering” per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or “Small/Non-Commercial Wind Energy Systems shall also be in conformance with the provisions of Article 18 – Section 1 of these Regulations;
 - 3.4 Commercial/Utility Grade Wind Energy Conversion Systems utilizing a single tower application, multiple tower applications or a “Wind Farm,” held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 18 – Section 9 of these Regulations.
 - 3.5 Bed and breakfast residence subject to the following conditions in addition to those imposed by the Planning Commission:
 - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
 - 3.6 Broadcast towers and stations, including but not limited to Amateur Radio, communication towers and cellular towers of more than 100 feet in height which, in addition to any requirements of the conditional use permit, shall comply with all applicable Federal Aviation Administration rules and regulations.
 - 3.7 Day care center;
 - 3.8 Expansion of existing (from one class to another) Class I or larger Livestock Feeding Operation (LFO) as defined in Article 22 and in accordance with Article 17 – Section 19;
 - 3.9 Greenhouses and nurseries;
 - 3.10 Mini storage facilities with all item(s) enclosed within a building or buildings.
 - 3.11 Mobile home parks.

- 3.12 Privately owned parks, playgrounds, golf courses, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges;
 - 3.13 Privately owned cabins and seasonal dwellings subject to the subdivision regulations;
 - 3.14 Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil, including gas and oil extraction and exploration, subject to the provisions of Article 17 – Section 14 of these Regulations;
 - 3.15 Commercial and/or Industrial operations;
 - 3.16 Subdivisions of more than one dwelling that utilizes a shared or “community” drinking water and sewage system, the minimum lot area of each dwelling may be reduced to one (1) acre subject to review and compliance by the Nebraska Department of Health and Human Services and the Department of Environment and Energy.
 - 3.17 Single family non-agricultural residential dwellings, including mobile homes, on an improved road, meaning a road above county minimum maintenance road classification or a public street within an approved subdivision; in addition, single family dwellings must be located minimum distances from a livestock feeding operation in conformance with Article 17 - Section 19, when not of the same property and with Sanitary Requirements of Article 17 – Section 11 of these Regulations.
- Section 4. PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or not permissible as special uses shall be prohibited from the AGR Agricultural Residential District.
- Section 5. LOT REQUIREMENTS AND INTENSITIY OF USE: The minimum lot requirements shall be as follows:
- 5.1 Minimum Lot Area and Density:
 - A. Single family dwellings, including mobile homes – Two (2) acres excluding road R.O.W., except as herein exempted or on non-conforming lots of record. Lots less than three (3) Acres must also obtain a sewer permit review from the Nebraska Department of Environment and Energy (NDEE).
 - B. All other permitted and special uses – No minimum except for setbacks and sanitation requirements, or as designated in a Conditional Use Permit.
 - 5.2 Exemptions:
 - A. Existing Farmsteads with single-family dwellings at the time of adoption of these regulations may be located on lots of less than three (3) acres by conditional use, provided that the lot is a lot of record at the time of adoption of these regulations.

- B. By Conditional Permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems.

5.3 Minimum Lot Widths, Setbacks, Yards, and Height of Buildings:

- A. Minimum lot widths shall be as follows:
 - Single Family Dwellings 200 feet
 - Seasonal Family Dwellings..... 100 feet
 - Other Permitted Uses 200 feet

- B. Minimum front yards shall be as follows:
 - Single Family Dwellings 30 feet
 - Seasonal Family Dwellings..... 20 feet
 - Other Permitted Uses 30 feet

- C. Minimum side and rear yards shall be as follows:
 - Single Family Dwellings Side/15 feet, Rear/25 feet
 - Seasonal Family Dwellings..... Side/15 feet, Rear/20 feet
 - Other Permitted Uses Side/15 feet, Rear/25 feet

- D. Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the center of the road when such yards are contiguous to a county road or state highway. *(amended March 2009 and November 2023).*

- E. Maximum height for structures intended for human occupancy shall be thirty-five (35) feet; all others are not restricted.

Section 6. PARKING AND LOADING REQUIREMENTS: See Article 17 – Section 22.

ARTICLE 15: HC HIGHWAY COMMERCIAL DISTRICT

The HC Highway Commercial District is intended for the purpose of providing limited commercial services. Off-street parking is required in order to reduce adverse effects on adjacent properties.

Section 1. **PERMITTED PRINCIPLE USES AND STRUCTURES:** The following shall be permitted as uses by right:

- 1.1 Animal Hospitals;
- 1.2 Automobile wash facilities;
- 1.3 Bed and breakfast operations;
- 1.4 Campgrounds;
- 1.5 Churches and other religious institutions;
- 1.6 Construction sales and services;
- 1.7 Convenience store or filling station;
- 1.8 Detached banking facilities (ATM);
- 1.9 Electric and telephone substations;
- 1.10 Farm implement sales and services;
- 1.11 Garden centers and nurseries;
- 1.12 Irrigation equipment sales and services;
- 1.13 Medical clinics;
- 1.14 Mini storage facilities;
- 1.15 Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
- 1.16 Restaurants and cafes;
- 1.17 Service stations;
- 1.18 Stores or shops for sale of goods or services at retail;
- 1.19 Transportation warehousing;
- 1.20 Trucks and freight terminals; and
- 1.21 Public and Private Utilities, including shops and offices;

Section 2. **PERMITTED ACCESSORY USES AND STRUCTURES:** The following accessory uses and structures shall be permitted when in conformance with the provisions of Section 17 – Article 10 of these Regulations:

- 2.1 Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses;
- 2.2 Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work; and
- 2.3 Roadside stands for the temporary sale of produce.

Section 3. PERMITTED CONDITIONAL USES: A building or premises may be used for the following purposes in the HC Highway Commercial District if a conditional use permit for such use has been obtained in accordance with Article 8 of these regulations.

- 3.1 Airports and Heliports;
- 3.2 Facilities for the commercial storage or sale of fertilizer or toxic or flammable agriculture chemicals;
- 3.3 Private clubs and lodges;
- 3.4 Broadcast towers and stations, including but not limited to Amateur Radio, communication towers and cellular towers of more than 100 feet in height which, in addition to any requirements of the conditional use permit, shall comply with all applicable Federal Aviation Administration rules and regulations.
- 3.5 Radio studios, transmitters and antenna;
- 3.6 Recreational facilities or entertainment facilities and/or areas not owned or operated by public agencies;
- 3.7 Recycling centers;
- 3.8 Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with “Net Metering” per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or “Small/Non-Commercial Wind Energy Systems shall also be in conformance with the provisions of Article 18 – Section 1 of these Regulations;
- 3.9 Truck wash services.

Section 4. SCREENING REQUIREMENTS: Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

Section 5. PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or permissible as conditional uses shall be prohibited from the HC Highway Commercial District.

Section 6. HEIGHT AND AREA REGULATIONS: The maximum height, maximum lot coverage and minimum area regulations shall be as follows:

6.1 General Requirements:

	Lot Area*** (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	43,560	100'	Greater of 50'* or 63'*** (Amended November 2023).	15'	25'	none

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way.

*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by Department of Environment and Energy or other agencies with 3 acres being exempt at time of adoption of these regulations.

- Section 7. PUBLIC USE EXCEPTION: By conditional use permit the minimum lot size may be reduced for Public Uses including, but not limited to; fire stations, elementary and high schools, utilities, whether publicly or privately owned, and utility distribution systems.
- Section 8. PARKING AND LOADING REGULATIONS: Parking and loading within the HC Highway Commercial District shall be in conformance with the provisions of Article 17 - Section 22 of these regulations.

ARTICLE 16: I INDUSTRIAL DISTRICT

The intent of the I Industrial District shall be to provide for businesses involved in the manufacturing or handling of any industrial materials.

Section 1. **PERMITTED PRINCIPLE USES AND STRUCTURES:** The following shall be permitted as uses by right, 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:

- 1.1 Assembly of metal products.
- 1.2 Building materials storage and sales yard.
- 1.3 Concrete or cement products manufacture.
- 1.4 Dyeing and cleaning establishment.
- 1.5 Farm and industrial equipment sales.
- 1.6 Laboratory.
- 1.7 Manufacture and assembly of electrical and electronic appliances.
- 1.8 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.
- 1.9 Manufacture of light sheet metal products including heating and ventilation equipment.
- 1.10 Machine shop or other metal working excluding drop hammers and other noise producing tools.
- 1.11 Painting and publishing business.
- 1.12 Stone and monument works.
- 1.13 Storage of farm and agriculture products.
- 1.14 Truck and freight terminal.
- 1.15 Utility substation, pumping station and water reservoir.
- 1.16 Warehouse or storage houses used for the warehousing or storage of non-hazardous products and materials.
- 1.17 Living quarters used by watchmen or custodians of the industrially used property.
- 1.18 Grain elevators and grain warehouses.

Section 2. **PERMITTED ACCESSORY USES AND STRUCTURES:** The following accessory uses and structures shall be permitted when in conformance with the provisions of Section 17 – Article 10 of these Regulations:

- 2.1 Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses;
- 2.2 Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work; and

Section 3. PERMITTED CONDITIONAL USES: A building or premises may be used for the following purposes in the I Industrial District if a conditional permit for such use has been obtained in accordance with Article 8 of these regulations:

- 3.1 Warehouses or storage houses used for the warehousing or storage of hazardous products and materials.
- 3.2 Wholesale merchandise sales and storage houses including the commercial warehousing and storage of hazardous material either in mass or bulk.
- 3.3 Alfalfa dehydrating plant.
- 3.4 Acetylene gas storage.
- 3.5 Asphalt manufacture or refining.
- 3.6 Broadcast towers and stations, including but not limited to Amateur Radio, communication towers and cellular towers of more than 100 feet in height which, in addition to any requirements of the conditional use permit, shall comply with all applicable Federal Aviation Administration rules and regulations.
- 3.7 Burlap manufacture.
- 3.8 Cement, lime, gypsum or plaster-of-paris manufacture.
- 3.8 Fat rendering.
- 3.9 Fertilizer manufacturing and bone grinding.
- 3.10 Forage plant.
- 3.11 Iron, steel, brass or copper foundry.
- 3.12 Packing house.
- 3.13 Plating works.
- 3.14 Sausage manufacture.
- 3.15 Slaughter house.
- 3.16 Smelter.
- 3.17 Stock yards.
- 3.18 Storage or baling of scrap paper, iron, bottles, rages or junk.
- 3.19 Tallow, grease or lard manufacture or refining from animal fat.
- 3.20 Communication towers and transmitters.
- 3.21 Vehicle wrecking yards, junkyards, salvage yards, and scrap processing yards subject to the provisions of Article 17 – Section 20.
- 3.22 Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration or hazardous.
- 3.23 Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with “Net Metering” per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009 as Amended). Individual or “Small/Non-Commercial Wind Energy Systems shall also be in conformance with the provisions of Article 17 of these Regulations.
- 3.24 Commercial/Utility Grade Wind Energy Conversion Systems utilizing a single tower application, multiple tower applications or a “Wind Farm,” held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 18 – Section 9 of these Regulations.

Section 4. PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or permissible as conditional uses shall be prohibited from the I Industrial District.

Section 5. HEIGHT AND AREA REGULATIONS: The maximum height, maximum lot coverage and minimum area regulations shall be as follows:

5.1 General Requirements:

	<u>Lot Area** (Sq. Ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>
Permitted Uses	43,560	150'	35'*	10'	25'	See Item # 6.4 below

* Measured from the abutting road or street right-of-way line.

**Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by Department of Environment and Energy or other agencies with 3 acres being exempt at time of adoption of these regulations

Section 6. LOT REQUIREMENTS: The minimum lot requirements shall be as follows in these regulations.

6.1 All front yards, except for access drives and guest parking, shall be landscaped and maintained with trees, shrubs, flowers and lawns.

6.3 All other yards shall be landscaped and maintained with trees, shrubs, flowers and lawns when they abut or are located across any highway, road or street from an AGR District.

6.4 Height of buildings:

A. Maximum height for principal uses: sixty (60) feet, except that when located within one hundred (100) feet of AGR District buildings or structures shall not exceed thirty-five (35) feet in height.

B. Maximum height for accessory uses: twenty-five (25) feet.

6.5 The total coverage of all buildings shall not occupy more than fifty (50) percent of the lot area.

6.6 Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the center of the road when such yards are contiguous to a county road or state highway. (*amended March 2009 and November 2023*).

Section 7. PARKING AND LOADING REGULATIONS: Parking and loading within the I Industrial District shall be in conformance with the provisions of Article 17 - Section 22 of these regulations.

ARTICLE 17: SUPPLEMENTARY DISTRICT REGULATIONS

The district regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in these regulations.

Section 1. Height Limitations

Chimney, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, except where specifically required, are not subject to the height limitations contained in the district regulations.

Section 2. 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 Zoning Administrator for a distance of not more than three and one-half (3 ½) feet and where the same are so placed as not to obstruct lights and ventilation.

Section 3. Side Yards

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

Section 4. Communication Towers

Communication towers shall be permitted in any district, except Residential Districts, with a Conditional Use Permit provided the height of the radio or television tower does not conflict with any airport approach or landing zone or with any other regulations and strobe lights are eliminated during nighttime use.

Section 5. Corner Lots

On a corner lot in any district, nothing shall be erected, planted or allowed to grow, excluding agricultural row crops, in such a manner as to materially impede vision between a height of two and one-half (2 ½) and eight (8) feet above the grades of the centerline of the intersecting street or road, from the point of intersection one hundred twenty (120) feet in each direction measured along the centerline of the streets or roads.

Section 6. Building Setback

- 6.1 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.
- 6.2 All new non-farm residences and other new residences shall locate no less than the corresponding distances provided in Section 4.2 of Article 12 from an existing Livestock Feeding Operation located in any affected Zoning District unless a Conditional Use Permit application is made and approved and a Waiver of Distance is signed in accordance with Article 12, Section 4.2, Paragraph C.

- 6.3 All uses permitted in an Agricultural or Industrial District, except new residential uses, locating one thousand three hundred twenty (1,320) feet or less from a public park, recreation area, church, cemetery, religious area, school, historical site, and/or AGR Agricultural Residential District shall require a Conditional Use Permit, unless otherwise specified in these regulations.

Section 7. Temporary Structures

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts; however, basements and cellars shall not be occupied for residential purposes until the entire building is completed.

Section 8. Caretaker's Quarters

Caretaker's quarters are permitted in all districts, providing the use is incidental to the principal use.

Section 9. Front Yards

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

- 9.1 In Residential Districts where forty percent (40%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed (with a variation of five [5] feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
- 9.2 In Residential Districts where forty percent (40%) or more of the frontage on one side of the street between two (2) intersecting streets is developed with buildings that have not observed a front yard as described above, then:
- A. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners or the adjacent buildings on the two (2) sides, or
- B. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

Section 10. Accessory Uses

- 10.1 Accessory buildings shall not be used for dwelling purposes.
- 10.2 Yard requirements for accessory buildings are as follows:
- A. Front Yard: No accessory building in residential districts shall be located between the front property line and the front building line of the principle building.
- B. Side Yard: Same as the principle building in which the accessory use is located.
- C. Rear Yard: No accessory building shall be located closer than three (3) feet from the property line or within ten (10) feet of any other building on adjacent properties, and no accessory building shall be located within any easement or right-of-way.

In residential districts, an accessory building requiring direct vehicle access from an alley shall have a minimum setback of twenty (20) feet for parking unless the side of the building providing no access is parallel with the alley.

- 10.3 Attached Accessory Use: Any accessory structure attached to the principle building shall be considered as part of the principle building and shall meet the same requirements as specified for the principle building.
- 10.4 Fire Hazardous Accessory Uses: No accessory use shall be located within ten (10) feet of a residential dwelling that creates a fire hazard or would subject the residential structure to fire, such as a fireplace, barbecue oven, or flammable liquid storage.

Section 11. Sanitary Requirements

- 11.1 All new or improved residential structures shall have an approved waste system as specified by the Nebraska Department of Health and Human Services and/or any other state agency having regulatory authority. Any application submitted to the Zoning Administrator for an improved or new structure shall include evidence indicating compliance to said waste system regulations.
- 11.2 There shall be no waste absorption field located closer than forty (40) feet from any other residential structure and a private residential sewage lagoon shall be located no closer than hundred (200) feet from any other house or residential boundary.
- 11.3 The following minimum lot areas are required in all residential districts and for all seasonal housing, where permitted:
 - A. With private water and private sewer: Same as the Intensity of Use Regulations for each District.
 - B. With public water and private sewer: One and one-half (1 ½) acres.
 - C. With private water and public sewer: One (1) acre.
 - D. With public water and public sewer: One-quarter (¼) acre (10,890 sq. ft.).

Section 12. Lot Splits or Subdivision of Land

No lot, lots, tracts, or parcels of land shall be split nor subdivided which would create a nonconforming lot or tract in the district in which it is located. A minimum of three (3) acres, excluding road R.O.W., is required for future lot splits in all zoning districts. A survey from a certified surveyor is required for each lot split/change of boundary.

Section 13. Existing Lots or Lots-of-Record

In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any lot-of-record even though such lot fails to meet the area requirements. However, in no instance shall a dwelling be constructed upon a lot that has less than five (5) foot side yards nor less than a twenty (20) foot front yard or a lot that is less than thirty (30) feet wide or on a lot with soil conditions which do not permit the use of a septic tank and lateral fields and private water supplies as required within these regulations.

Section 14. Extraction of Raw Materials

It shall be unlawful for any owner or owners of property to extract, mine, quarry or remove soil for commercial purposes without a Conditional Use Permit except soil being sold for use by a municipality, county or state for public roadway purposes.

When soil is sold, removed, and is transported over Nance County roads, to be used for public roadway purposes, it shall be the responsibility of the owner of the land from which the soil is being removed to meet the following conditions:

- 14.1 A Soil Extraction Permit shall be obtained from the Zoning Administrator.
- 14.2 The character of drainage from and onto adjacent land shall not be changed. A map indicating all runoff onto and from proposed site shall accompany the application.
- 14.3 There shall be no excavation closer than one hundred (100) feet of any abutting property not involved in the operation and six hundred sixty (660) feet from any residential district. Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3:1) as soon as possible.
- 14.4 The operation shall provide a plan for any closure or abandonment. The topsoil shall be collected, stockpiled and redistributed over the exposed soil area at the termination of the operation. Within nine (9) months after completion of extraction of any portion of the site, the topography and soils in the excavation area shall then be stabilized, the land graded, seeded or sodded to prevent erosion and siltation, and to protect the health, safety and general welfare of the public. This requirement may be waived by the Zoning Administrator for that portion covered by an approved water impoundment.
- 14.5 The protection of the public health and safety shall be the responsibility of the owner of the property from which the soil is being removed. Public health and safety methods shall be as directed by the Zoning Administrator who, upon observing a problem or verifying a complaint, may order the operation to cease until the problem is resolved. The decisions of the Zoning Administrator may be appealed to the Nance County Board of Supervisors.
- 14.6 Materials excavated shall not be stored within the designated floodway. All extractions of soils within a designated floodway shall conform to the Floodplain Regulations as specified by the State of Nebraska and adopted by Nance County.
- 14.7 All excavation developments shall be required to provide existing and future topographic plans for the area. Plans shall indicate where stockpiling and all existing and future drainages and channels will be closed, altered or maintained.

Section 15. Screening

Screening is required for the uses enumerated in Sections 15.1 - 15.3. Where recommended minimum heights are inadequate to provide actual visual and aural separation between such uses and adjacent areas, the need for and specifications of screening shall be at the discretion of the Zoning Administrator. *(amended 8/10/10)*

- 15.1 Junkyards (salvage or wrecking yards) shall be screened with an eight (8) foot high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.
- 15.2 All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six (6) feet in height to provide visual and aural separation between such use and adjacent areas.
- 15.3 All holding or incineration areas of dead livestock shall be screened by means of plant materials, earth mounding, or solid fencing at least six (6) feet in height to provide visual and aural separation between such use and adjacent areas. No storage or incineration of dead livestock shall be located in road right-of-way or on any other land not owned or leased by the livestock operation.

Section 16. Signs

All signs adjacent to interstate and major highways must comply with the Rules and Regulations of the Department of Roads, in accordance with the provisions of Article 13, Chapter 39 of the Revised Statutes of Nebraska, 1943.

Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device, or in such a manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic. All signs shall be maintained in a neat and presentable condition. Signs shall be of a kind and character not unsightly or unduly conspicuous in the area in which they are erected.

In the event their use shall cease, they shall be removed promptly and the area restored to a condition free from refuse and rubbish. After thirty (30) days notice and failure to do so, the county shall remove the sign and assess the charges to the owner.

A permit must be obtained from the Nebraska Department of Roads prior to erecting any signs along the edge of the right-of-way of the interstate or major highway systems.

16.1 Signs in the AG and RC Districts.

- A. Signs permitted in the AG and RC Districts shall be erected and maintained at least fifteen (15) feet from the property line or road right-of-way, which ever is greater.
- B. One name plate or sign indirectly illuminated or not illuminated less than twelve (12) square feet in area for each dwelling.
- C. One temporary sign, not illuminated, less than six (6) square feet in area, advertising the sale, lease, or rental of the property.

- D. One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots in the tract, and not exceeding forty-eight (48) square feet in area. The sign shall be reduced in size by six (6) square feet for each lot less than eight (8) in the subdivision.
- E. Signs identifying a retailing and service establishment area: one (1) sign not exceeding fifty (50) square feet in area. Signs shall be limited to those identifying the establishment, except that no business sign shall be located within fifty (50) feet of a lot in a residential district, public park, historical site, school, or church and if illuminated shall cast no direct light on adjacent residential property or on streets/roads.

16.2 Signs in the AGR District.

- A. Signs permitted in the AGR District shall be erected and maintained at least fifteen (15) feet from the property line or road right-of-way, which ever is greater.
- B. One name plate or sign indirectly illuminated or not illuminated less than three (3) square feet in area for each dwelling.
- C. One temporary sign, not illuminated, less than six (6) square feet in area, advertising the sale, lease, or rental of the property.
- D. One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots in the tract, and not exceeding forty-eight (48) square feet in area. The sign shall be reduced in size by six (6) square feet for each lot less than eight (8) in the subdivision.

16.3 Signs in the HC and I Districts.

- A. In the HC and I Districts, identification and advertising signs accessory to the allowed use are permitted, except that they shall be limited to one hundred (100) square feet and none shall be located within one hundred (100) feet of a lot in a residential district, public park, historical site, school or church.
- B. Signs permitted in the HC and I Districts shall be erected and maintained at least fifteen (15) feet from the property line or road right-of-way, which ever is greater.

Section 17. 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:

- 17.1 Electric and telephone substations and distribution systems.
- 17.2 Gas regulator stations.
- 17.3 Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the transmission of electricity, gas, or water.
- 17.4 Pumping stations.
- 17.5 Radio, television, and microwave transmitting or relay stations and towers, except as may be required to meet setback requirements.
- 17.6 Transformer stations.
- 17.7 Water tower or standpipes.

Section 18. Disposal Requirements for Dead Animals

As stated in Nebraska Statute, Section 54-725 and Section 54-744, disposing of dead livestock shall be as follows:

- 18.1 The liquefied remains of any dead animal shall not be injected below the surface of the ground nor be spread above the surface of the ground in any manner.
 - A. Except as set out in subsection B of this section, it is the duty of the owner or custodian of any animal which dies from and on account of any infectious, contagious, or otherwise transmissible disease to cause such animal, within thirty-six (36) hours after receiving knowledge of the death of such animal, to be buried at least four (4) feet below the surface of the ground or to be completely burned on the premises where such animal dies unless the animal is disposed of to a duly licensed rendering establishment in this state. Such animal shall not be moved or transported from the premises where such animal has died except by the authorized agents and employees of the rendering establishment to which such carcass is disposed. Any animal which dies of disease or is found dead shall be presumed to have died from an on account of an infectious, contagious, or otherwise transmissible disease.
 - B. Livestock carcasses up to three hundred (300) pounds may be incorporated into a composting facility on the premises by Conditional Use Permit where the livestock died and shall remain in such compost facility until completely composted before spreading on land. Any person incorporating livestock carcasses into a composting facility shall follow the operating procedures as set forth in the Journal of the American Veterinary Medical Association, Volume 210, No. 8, and as the source may be amended.

Section 19. Requirements for Livestock Feeding Operations (LFO)

Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Nance County Comprehensive Plan. The following minimum sanitation and odor practices, and those imposed by the Planning Commission and/or County Board of Supervisors in considering the health, safety, and general welfare of the public, including such items as property values, dust, lighting, disposal of waste and dead livestock. The Conditional Use Permit shall be approved after public notice has been given and public hearing conducted as required by law.

- 19.1 Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one (1) type of feeding operation at one (1) location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall be classified in one of seven classes of an LFO identified in the following table:

TABLE 1
LFO CLASSIFICATIONS (*Amended June 2017*)

Size of Existing and Proposed AFO in Animal Units	Class	Existing and New Non-Farm Residence, Other Residence, park, Church, AGR, etc.
501 – 1,000	I	1,320 ft. (1/4 mile)
1,001 – 2,500	II	2,640 ft. (1/2 mile)
2,501 – 5,000	III	3,960 ft. (3/4 mile)
5,001 – 7,500	IV	2,580 ft. (1 mile)
7,501 – 10,000	V	7,920 ft. (1 ½ mile)
10,001 – 15,000	VI	10,560 ft. (2 miles)
15,001 – 20,000	VII	13,200 (2 ½ miles)

- 19.2 All existing LFOs that have been granted a Conditional Use Permit may expand within their designated Class, (Classes 1 – 7) identified in the above **Table 1**, without applying for another Conditional Use Permit (*amended June 2017*).
- A. All new LFOs and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences, other residences not on an applicant’s property in any affected Zoning District, a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and/or AGR District, as hereafter described:
 - B. The distance requirements for all LFO Classes may be decreased or waived by a Conditional Use Permit and Waiver signed by all of the property owners of non-farm residences or other residence not on the owner’s property within the distances specified, as well as any other conditions deemed necessary and proper at the time of approval. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Nance County Register of Deeds. The waiver, when filed, shall be evidence of the property owner’s consent to the decrease and/or waiver of the required spacing distances as described hereof.

- C. Conditional Use Permits shall be approved by the Planning Commission and County Board of Supervisors based upon a proposed site plan and conditions or requirements pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environment and Energy (NDEE) or any other applicable state agency if an operation and waste disposal plan is required by NDEE or any other applicable state agency for the proposed facility. The applicant shall file a copy of his/her Operation and Maintenance Plan and Manure Management Plan as filed with the NDEE with the Zoning Administrator, and shall also file a copy of all approved NDEE plans and permits with the Zoning Administrator within thirty (30) days after they are issued by the NDEE.
- D. If stockpiling of animal waste is part of the manure management plan, the waste shall be maintained in an area at least one (1) mile from a platted residential area and at the respective distance from a neighbor's dwelling as outlined in Section 2.39, A (1-3) of this Article.
- E. The spreading and/or stockpiling of livestock manure on land in Nance County, when the manure originates from operations located outside the county, shall require a "Livestock Manure Permit" that has been recommended by the Zoning Administrator and approved/issued by the Nance County Board of Supervisors (Planning and Zoning Commission not required to review/approve). *(Amended June 2017 and June 2022)*.
- F. In no event shall any manure storage unit or system be constructed in a floodplain (as delineated on the Federal Emergency Management Agency's floodplain map as adopted by Nance County) or where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in a designated floodway and flooded areas of standing water shall be prohibited.

Section 20. Vehicle wrecking yards, junkyards, salvage yards, and scrap processing yards subject to the following:

- A. The operation shall be located on a tract of land at least six hundred sixty (660) feet from a residential district zone.
- B. The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a solid fence or wall, of uniform height, insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.

- C. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, or within the public right-of-way.
- D. Burning of paper, trash, junk, or waste materials shall be permitted only after approval of the Fire Department. The burning, when permitted, shall be done only during daylight hours.
- E. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.
- F. This use shall not be located on or visible from an arterial or major street or highway.

Section 21 Home Occupations:

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

- 21.1 The following conditions and restrictions shall apply to such customary home occupations:
 - A. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his private residence.
 - B. No equipment or machinery shall be used in such activities that are perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference, or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.

Section 22 Parking and Loading Requirements:

- 22.1 General Provisions:
 - A. All buildings and structures erected and all uses of land in all districts established after the effective date of this Ordinance shall provide accessory parking and loading facilities as required under this section.
 - B. All off-street parking spaces required by this Ordinance shall be located on the same lots as the use it serves.
 - C. Owners of two or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.

- D. All yard area including driveways, except the required front yard for residential uses may be used for off-street parking. Garages and driveways may be considered as off-street parking spaces.
- E. A plan, drawn to scale, indicated how the off-street parking and loading requirements are to be met, shall accompany an application for a zoning permit. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

22.2 Off-Street Parking Requirements:

At the time of construction, alteration or enlargement of a structure or building or change in the use of land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
1. Residential Single family, two-family dwelling	1 per dwelling unit
2. Mobile Home Trailer Park	1 per trailer unit
3. Hotel and Motel	1 per rental unit plus 1 for every 4 employees
4. Hospitals, nursing homes, rest homes, Or similar uses	1 for every 2 ½ patient beds and 1 for each staff and employee on the largest shift
5. Places of public assembly such as auditoriums, theaters, stadiums, community halls, churches, etc.	1 per every four persons
6. Bowling Alley	2 for each alley
7. Retails sales department stores, restaurants, taverns, grocery stores, etc.	1 per 200 square feet of floor area as determined by exterior wall dimensions
8. Professional office establishments	1 per 500 square feet of floor area as determined by exterior wall dimensions
9. Manufacturing, wholesale warehouse and similar uses	1 for every 2 employees on the largest working shift

22.3 Off-Street Loading requirements:

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

<u>Number</u>	<u>Loading Area</u>	<u>Gross Floor Area</u>
One	500 square feet	For every 5,000 to 20,000 square feet
One	500 square feet	For every 20,000 square feet or fraction thereof

ARTICLE 18: WIND ENERGY CONVERSION SYSTEMS

Section 1. SMALL / NON-COMMERCIAL WIND ENERGY SYSTEMS

Purpose

It is the purpose of this regulation to promote safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility-supplied electricity.

Section 2. Definitions

The following are defined for the specific use of this section:

- 2.1 MET Tower shall mean a meteorological tower used for the measurement of wind speed. It is also called an Anemometer Tower.
- 2.2 Small Wind Energy System shall mean a wind conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
- 2.3 Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the small wind energy system.
- 2.4 Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

Section 3. Requirements

Small wind energy systems shall be permitted as an Accessory Use in the AG General Agricultural and RC Rural Conservation Zoning Districts. In the AGR Agricultural Residential, HC Highway Commercial and I Industrial Zoning Districts, a Conditional Use Permit shall be required. Certain requirements are as set forth below:

- 3.1 Tower Height
 - A. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
 - B. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
- 3.2 Setbacks

No part of a wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.

3.3 Noise

- A. Small wind energy systems shall not exceed 60 dBA, as measured at the closest property line.
- B. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

3.4 Approved Wind Turbines

Small wind turbines 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.

3.5 Compliance with Building and Zoning Codes

- A. Application for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base and footings.
- B. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
- C. The manufacturer may supply this analysis.
- D. Wet stamps shall not be required.

3.6 Compliance with FAA Regulations

Small wind energy systems must comply with FAA regulations, including any necessary approvals for installations close to airports.

3.7 Compliance with National Electrical Code

- A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- B. The manufacturer may supply this analysis.
- C. A Nebraska State Electrical Permit shall accompany the application.

3.8 Utility Notification

- A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- B. Off-grid systems shall be exempt from this requirement.

Section 4. Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbines: Small / Non-Commercial WECS	Meteorological (MET) Towers
Property lines	One times the total height	One times the tower height
Neighboring dwelling units*		One times the tower height
Road rights-of-way**	One times the total height	One times the tower height
Other rights-of-way	One times the total height	One times the tower height
Wildlife Management Areas and State Recreational Areas	N/A	600 feet
Wetlands, USFW Types III, IV, and V	N/A	600 feet
Other structures adjacent to the applicant's site(s)	N/A	One times the tower height
Other existing WECS not owned by the applicant	N/A	
River bluffs		

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a MET tower setback unless the owner of the dwelling signs a Waiver of Distance.

** The setback shall be measured from any future rights-of-way if a planned change or expanded right-of-way is known.

Section 5. Safety

The following safety measures, in addition to any requirements by the AWEA and federal and state regulations, shall be employed for all small wind energy systems:

- 5.1 **Climb Prevention:** All project towers and poles must be un-climbable by design or protected by anti-climbing devices.
- 5.2 **Lightning Protection:** All small wind energy towers shall have lightning protection.
- 5.3 **Guy Wire Visibility:** If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.

Section 6. Waste

All solid wastes, whether generated from supplies, equipment, parts, packaging, operation, or maintenance of the small wind energy system, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the wind energy system, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

Section 7. Severability

Should any section, subsection, sentence, clause, or phrase of these regulations be, for any reason, held as unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations.

Section 8. Effective Date

These regulations shall take effect and be in force from and after their approval and adoption according to law on the 22nd day of June 2010 by the Board of Supervisors of Nance County, Nebraska.

Section 9. Commercial / Utility Grade Wind Energy Conversion Systems

Purpose

It is the purpose of this regulation to promote the safe, effective, and efficient use of commercial/utility grade wind energy conversions systems within Nance County.

Section 10. Definitions

The following are defined for the specific use of this section.

- 10.1 Aggregated projects shall mean projects that are developed and operated in a coordinated fashion but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
- 10.2 Commercial WECS shall mean a Wind Energy Conversion System equal to or greater than 100 kW in total name plate generating capacity.
- 10.3 Hub height shall mean the distance from the ground level as measured to the centerline of the rotor.
- 10.4 Fall zone shall mean the area, defined as the farthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.
- 10.5 Feeder line shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system. In the case of interconnection with high voltage transmission systems, the point of interconnection shall be the substation serving the wind energy conversion system.
- 10.6 Meteorological tower (MET tower) shall mean, for the purposes of these regulations, a tower that is erected primarily to measure wind speed and direction plus other data relevant to siting a WECS. Meteorological towers do not include towers and equipment used at airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.
- 10.7 Property line shall mean the boundary line of the area over which the entity applying for a WECS permit has legal control for the purpose of installing, maintaining, and operating a WECS.
- 10.8 Public conservation lands shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, Federal Wildlife Refuges, and Waterfowl Production Areas. For the purposes of these regulations, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

- 10.9 Rotor diameter shall mean the diameter of the circle described by the moving rotor blades.
- 10.10 Substation shall mean any electrical facility whose purpose is to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.
- 10.11 Total height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the WECS.
- 10.12 Tower shall mean the vertical structure, including the foundation, that supports an electrical generator or meteorological equipment.
- 10.13 Tower height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.
- 10.14 Transmission lines shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electrical energy over medium-to-long distances rather than directly interconnecting and supplying electric energy to retail customers.
- 10.15 Wind Energy Conversion System (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
- 10.16 Wind turbine shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

Section 11. Requirements

Commercial/utility grade WECS shall be permitted as a Conditional Use in the AG General Agricultural, RC Rural Conservation and I Industrial zoning districts. For WECS facilities involving multiple towers, just one Conditional Use Permit shall be required, but a Zoning Permit shall also be required for each tower location. Temporary MET towers may be permitted with a Zoning Permit for a maximum of three years.

The following requirements shall be met and information supplied prior to the issuance of any permits:

- 11.1 Name of project applicant(s).
- 11.2 Name of project owner(s).
- 11.3 Legal description and 911/EMS address for each tower involved in the project.
- 11.4 An abstractor's list of all neighboring property owners within 1,000 feet of each tower.

- 11.5 A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines, as well as the means for interconnecting with the electrical grid.
- 11.6 Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
- 11.7 Certification by an engineer competent in disciplines of WECS.
- 11.8 Documentation of land ownership or legal control of property.
- 11.9 The projected latitude and longitude of each individual wind turbine, as well as an area or zone in close proximity (ie. easting, westing, northing, and southing coordinates) that meets all setback requirements.
- 11.10 A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS not owned by applicant within 10 rotor distances of the proposed WECS.
- 11.11 Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed WECS.
- 11.12 An acoustical analysis that certifies that the noise requirements within these regulations will be met.
- 11.13 A shadow flicker projection with accompanying aerial photographs, if necessary.
- 11.14 A basic emergency response plan shall be supplied to the area's emergency management agency and/or fire department(s), which may also require a post-construction tour of the facility.
- 11.15 If permits are required from the FAA, FCC, Nebraska Game & Parks Commission, U.S. Fish and Wildlife, Army Corps of Engineers, Nebraska Department of Roads, and/or the Nebraska State Historical Society, applicant shall submit the permits or evidence that the permits have been filed with the appropriate agency prior to issuance of a Zoning Permit, which shall be conditional and contingent upon such approval.
- 11.16 Evidence that there will be no interference with any commercial and/or public safety communication towers.
- 11.17 A Decommissioning Plan as required by these regulations.

Section 12. Aggregated Projects

Aggregated projects may jointly submit a single application for a Conditional Use Permit and be reviewed under joint proceedings, including notices, public hearings, reviews, and as appropriate, approvals. A Zoning Permit shall be issued separately for each tower location.

Section 13. Setbacks

All towers shall adhere to the setbacks, measured from the outermost edge/side of the tower, established in the following table:

	Wind Turbines: Commercial/Utility WECS	Meteorological (MET) Towers
Property lines	One-half the rotor diameter from property lines, though the setback may be less when two adjoining property owners are within a project involving multiple towers	One times the tower height
Neighboring dwelling units*	1,000 feet	One times the tower height
Road rights-of-way**	One-half the rotor diameter	One times the tower height
Other rights-of-way	One-half the rotor diameter	One times the tower height
Wildlife Management Areas and State Recreational Areas***	600 feet	600 feet
Wetlands, USFW Types III, IV, and V***	300 feet	300 feet
Other structures and cemeteries adjacent to the applicant's site(s)	One-half the rotor diameter	One times the tower height
River bluffs	One-half the rotor diameter	N/A

- * The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility grade WECS unless the owner of the dwelling signs a Waiver of Distance.
- ** The setback shall be measured from any future rights-of-way if a planned change or expanded right-of-way is known. Such rights-of-way shall be verified with the Nebraska Department of Roads and County Road Department. At corners on heavily traveled roads, there shall be a line-of-sight setback measured 120 feet in each direction from the point of intersection along the centerline of the roads.
- *** The setback may be reduced (but shall not be less than 100 feet) if the proposed reduction is based on reports by a certified engineer indicating no effects on the identified areas, and if the reduction is approved by the Nebraska Game & Parks Commission, U.S. Fish and Wildlife, and/or the Army Corps of Engineers. The applicant shall submit the engineer's report and either approval from the appropriate agency or evidence that the request for approval has been submitted to the appropriate agency prior to the issuance of a permit, which shall be conditional and contingent upon such approval.

Section 14. Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:

- 14.1 Clearance: Rotor blades and airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
- 14.2 Signage: All commercial/utility grade WECS shall have a sign or signs posted on the tower, transformer, and substation warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
- 14.3 Tower type: All wind turbines that are part of a commercial/utility grade WECS shall be installed with a tubular, monopole-type tower.
- 14.4 Aviation warnings: Whether or not to paint aviation warnings on towers less than 200 feet shall be considered.
- 14.5 Color and finish: All wind turbines and towers that are part of a commercial/utility grade WECS shall be white, grey, or another unobtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
- 14.6 Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
- 14.7 Other signage: All other signage shall comply with the sign regulations found in the Nance County Zoning Regulations.
- 14.8 Feeder lines: All communications and feeder lines associated with the project distribution system installed as part of the WECS shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
- 14.9 Waste disposal: Solid and hazardous waste, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.

14.10 Discontinuation and decommissioning:

- A. A WECS shall be considered a discontinued use after one year without energy production unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.
- B. Each commercial/utility grade WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.
- C. Within one year after the fifteenth (15th) anniversary of commercial operations of the wind facility, the owner of the facility shall place a surety bond or equivalent financial security in an amount estimated to decommission the facility at the end of its useful life according to the Decommissioning Plan in the easement contract. If the wind facility is repowered or new equipment is added so that decommissioning is not necessary, the security shall be released.

14.11 Noise: No commercial/utility grade WECS shall exceed 60 dBA measured at the nearest structure or use occupied by humans. Such structures or uses shall include, but not be limited to, dwelling units, churches, and daycare facilities. Not included are barns, sheds, and agricultural, commercial, and industrial uses.

14.12 Interference: The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals, caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application for permits.

14.13 Roads: The applicant shall:

- A. Identify all county, municipal, and township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation, and maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- B. Conduct a preconstruction survey with the appropriate jurisdictions to determine existing road conditions.
- C. Be responsible for restoring roads and bridges to preconstruction conditions or better.
- D. Enter into an agreement with the county's Road Department outlining liabilities and a road restoration plan.

14.14 Drainage system: The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of WECS.

ARTICLE 19: SOLAR ENERGY CONVERSION SYSTEMS

Section 1 Purpose.

This ordinance promotes the accommodation of on-site solar energy conversion systems in Nance County, with the intent to reduce energy consumption, regulate necessary equipment and promote adequate access to sunlight. Solar energy conversion systems, excluding solar farms, shall be permitted AG, RC, AGR, HC and I zoning districts as a Permitted use.

Section 2 Definitions.

- 2.1 **Battery Back-Up:** A battery system that stores electrical energy from a solar energy conversion system for use in the future.
- 2.2 **Combiner or Junction Box:** Combines the electrical flows from multiple strings of solar panels into a single-source output circuit.
- 2.3 **Electricity Generation** - The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
- 2.4 **Ground-Mount System** - A solar energy system that is attached to an anchor in the ground and wired to connect to the meter of a home or building.
- 2.5 **Kilowatt (kW)** - Equal to 1,000 Watts; a measure of the use of electrical power.
- 2.6 **Kilowatt-hour (kWh)** - A unit of energy equivalent to one kilowatt (1 kW) of power expended for 1 hour of time.
- 2.7 **Megawatt (MW)** - Equal to 1,000 Kilowatts; a measure of the use of electrical power.
- 2.8 **Megawatt-hour (MWh)** - A unit of energy equivalent to one Megawatt (1 MW) of power expended for one hour of time.
- 2.9 **Net Metering:** A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated on-site and provided to the utility grid.
- 2.10 **Photovoltaic (PV) System:** An energy producing system that utilizes semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight.
- 2.11 **Pole-Mount Systems:** A solar energy system that is directly installed on specialized pole-attached systems, anchored to a concrete foundation in the ground, and wired underground to the meter.

- 2.12 **PV-Direct Systems:** A Solar Energy Conversion System designed to only provide electricity during sunlight.
- 2.13 **Roof-Mount System** - A solar energy system consisting of solar panels installed directly on the roof of a primary or accessory structure.
- 2.14 **Solar Access:** The ability to receive sunlight across property lines without obstruction from another's property.
- 2.15 **Solar Array:** Multiple solar panels combined together to create one system.
- 2.16 **Solar Collector:** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation and transfer of electricity.
- 2.17 **Solar Energy Conversion System:** A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy which is then transferred to a point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation.
- 2.18 **Solar Farm:** An area of land designated use for the sole purpose of deploying photovoltaic power and generating electric energy.
- 2.19 **Solar Panel/Module:** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
- 2.20 **Tilt:** The angle of the solar panels and/or solar collector.
- 2.21 **Watts (W)** - A measure of the use of electrical power (power (Watts) = voltage (volts) X current (Amps)).

Section 3 Personal Scale Solar Energy Conversion System Requirements.

- 3.1 A solar energy system shall provide power, solely, for the principal use and/or accessory use of the property on which the solar energy system is located.
- 3.2 The installation and construction of a *roof-mount solar energy system* shall be subject to the following development and design standards:
 - (a) All personal scale solar energy conversion systems within the AGR Zoning District shall be *roof-mounted solar energy systems*.
 - (b) A roof or building mounted solar energy system may be mounted on a principal or accessory building.
 - (c) Any height limitations of the zoning district within shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.
 - (d) Placement of solar collectors on flat roofs shall be allowed, provided that panels do not extend horizontally past the roofline.

- 3.3 The installation and construction of solar energy conversion systems shall be subject to the following development and design standards:
- (a) The height of the solar collector and any mounts shall not exceed 10 feet when oriented at maximum tilt.
 - (b) The surface area of a ground- or pole-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - (c) The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district
 - (d) All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located in proper accordance with local building/electrical code.
 - (e) The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 - (f) For all roof-mounted systems other than a flat roof, the elevation must show the tilt of the solar collector and the slope of the finished roof surface on which it is mounted.
 - (g) For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
- 3.4 All electrical equipment associated with the operation of solar energy conversion systems shall comply with the setbacks specified for accessory structures in the underlying zoning district.
- 3.5 Solar panel placement should be prioritized to minimize or negate any glare onto nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar system.
- 3.6 A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.
- 3.7 Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
- 3.8 Solar panels used for direct agricultural use, such as for pumping water or powering farming/ranching equipment, shall not be subject to the personal scale solar regulations.
- 3.9 Installation and Design.
- (a) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - (b) Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the building for a roof-mounted system or on the property for a ground-mounted system, including the property lines.

Section 4 Safety and Inspections.

- 4.1 The design of all solar energy systems shall be in conformance with the Nebraska State Fire Marshal and Electrical Division requirements for inspection and licensing. A zoning permit reviewed by the Nance County staff/Planning Commission shall be obtained for a solar energy system.
- 4.2 The solar energy system shall comply with all applicable regulations of the Nance County, so as to ensure the structural integrity of such solar energy system.
- 4.3 Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency, as determined by Nance County staff.
- 4.4 Any connection to the public utility grid must be approved by the local public utility.
- 4.5 If solar storage batteries are included as part of the solar collector system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of Nance County and any other applicable laws and regulations relating to hazardous waste disposal.
- 4.6 Unless otherwise specified, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

Section 5 Appeals.

- 5.1 If the owner of a solar energy system is found to be in violation of the provisions of this Ordinance, appeals should be made in accordance with the established procedures of the Nance County Zoning Regulations.

ARTICLE 20: ADMINISTRATION AND ENFORCEMENT

Section 1. Zoning Administrator

A Zoning Administrator shall be 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 County Board of Supervisors may direct.

Section 2. Zoning Permit Required

It shall be unlawful to commence or do any erecting, enlarging, converting, 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 part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Zoning Permit has been issued therefore by the Zoning Administrator stating that the proposed use of the land or location and use of the building conforms to these regulations. (*amended 8/10/10*)

The Zoning Administrator may issue a temporary Zoning Permit for uses in any district for the purpose of uses and buildings incidental and required in the construction of a principal permitted use in the district in which it is located and highway construction, provided that such use be of a temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than six (6) months subject to conditions as will safeguard the public health, safety and general welfare.

Section 3. Application for Zoning Permit

Written application on forms prescribed and furnished by the Zoning Administrator stating such information as may be required for the enforcement of these regulations shall be submitted and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and proposed use to be made of the lot, existing and proposed water and sanitary sewer facilities, as may be necessary to determine and provide for the enforcement of these regulations. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such Zoning Permits as may be granted. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

The Zoning Administrator shall issue a written permit, or denial, thereof, with reasons in writing within fifteen (15) days from the date of the acceptance of the application. Those proposed uses requiring a Zoning Permit that are affected directly through these regulations by another use currently in the conditional use process must yield until such use is permitted or denied.

Except where an extension has been obtained in writing from the Zoning Administrator, permits issued shall expire within ninety (90) days if the work described in the permit has not begun or the use applied for has not been established and within one (1) year should the work not have been completed.

Section 4. Enforcement by the Zoning Administrator, Violation and Penalty

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 Nance County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of these regulations and shall not issue a 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, enlarging, moving, or converting any structure without having first obtained a Zoning 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 County Board or the Zoning Administrator 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 of the county may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by these regulations.

Section 5. Certification of Occupancy/Zoning Compliance

No structure or land shall be hereafter used or the use changed thereof until a Certificate of Occupancy/Zoning Compliance shall have been issued by the Zoning Administrator. A Certificate of Occupancy/Zoning Compliance for a new building, or for the alteration of an existing structure, shall be applied for coincident with the application for a Zoning Permit and shall be issued within a reasonable time period not to exceed fifteen (15) days after the erection or alteration of such building is completed in conformity with these regulations.

No Certificate of Occupancy/Zoning Compliance shall be issued for residential purposes for a partially completed or portion of a building. No structure shall be used as a temporary residence.

Application for a change of use of land or existing structure shall be made on forms provided by the Zoning Administrator and shall state the proposed use is in conformity with these regulations.

Section 6. Fees

Each applicant for a Zoning Permit shall pay the Zoning Administrator upon the presentation of such application, a fee in accordance with the current Fee Schedule of the county.

Receipt for such fee shall be issued by the Zoning Administrator and a record thereof kept by him/her. When a permit is not granted upon any application, the fee paid by the applicant shall be retained by the county.

Fees associated with an application for a Zoning Permit, Conditional Use Permit, Appeals to the Board of Adjustment, Request for Variance, Change of Zoning, and other applications are established by the county through separate resolution (Fee Schedule) and are available through the office of the Zoning Administrator and/or County Clerk.

Applicant is responsible for filing fees and may be responsible for advertisement costs, postage, and other professional fees and/or services associated with the application process. All fees are to be submitted to the County Zoning Administrator who will then remit payment to the applicable department of county government. When a permit, change, etc. is not granted upon any application, Nance County shall retain the fee paid by the applicant. *(added August 2012).*

ARTICLE 21: BOARD OF ADJUSTMENT

Section 1. Purpose

A Board of Adjustment is hereby created in accordance with state statutes governing such creation. The Board shall be an appeals body and may decide in any matter appropriately brought before it.

Section 2. Appointment

The Nance County Board of Supervisors shall appoint a Board of Adjustment which shall consist of five (5) 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 (3) years and be removable for cause by the appointing authority upon written charges and after public hearing. No member of the Board of Adjustment shall be a member of the County Board of Supervisors. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed by the County Board from the membership of the Planning and Zoning Commission, and the loss of membership on the Commission by such member shall also result in his immediate loss of membership on the Board of Adjustment and the appointment of another Planning and Zoning Commissioner to the Board of Adjustment.

Section 3. Rules and Meetings

The Board of Adjustment shall adopt rules in accordance with the provisions of any resolution adopted pursuant to this act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board 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 shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the County Clerk and shall be a public record.

An appeal to the Board of Adjustment may be taken by any person or persons aggrieved, or by any officer, department, board, or bureau of the county by any decision of an administrative officer, the Planning Commission, and/or the County Board, depending upon the nature of aggrievement. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Board a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent, or by attorney.

Section 4. Powers

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

4.1 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 any zoning regulation or any regulation relating to the location or soundness of structures;

4.2 To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by such regulation to pass; and

4.3 Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional 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 substantially impairing the intent and purpose of any zoning regulations, but no such variance shall be authorized unless the Board of Adjustment finds that: (a) the strict application of the resolution would produce undue hardship; (b) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; (c) the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and (d) the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

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

In exercising the above-mentioned powers, the Board may, in conformity with the provision of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as shall be proper, and to that end shall have the power of the officer or agency from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

Section 5. Appeal of Board Decisions

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, board, or bureau of the county, may present to the District Court for the county a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within fifteen (15) days after the filing of the decision in the office of the Board of Adjustment. Upon the filing of such petition a summons shall be issued and be served upon the Board of Adjustment together with a copy of the petition, and return of service shall be made within four (4) days after the issuance of the summons. Within ten (10) days after the return day of the summons, the Board of Adjustment shall file an answer to the petition which shall admit or deny the substantial averments of the petition and matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition. At the expiration of the time for filing the answer, the court shall proceed to hear and determine the cause without delay and shall render judgment according to law. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought upon for review. Appeal to the District Court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. Any appeal from such judgment of the District Court shall be prosecuted in accordance with the general laws of the state regulating appeals-in actions at law.

ARTICLE 22: AMENDMENT

These Zoning Regulations and Zoning Map, and the restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed by the County Board of Supervisors. No such amendment, restriction or change of zoning shall become effective until after a public hearing and recommendation of the Planning and Zoning Commission and a public hearing by the County Board of Supervisors. Notice of the time and place of such hearings shall be published in a legal newspaper of general circulation in any county which has territory within three (3) miles of the property affected by such action of the County Board, one (1) time at least ten (10) days prior to such hearing. Notice of the time and place of such hearing shall also be given in writing to the chairman of any municipal, county, or joint planning commission which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three (3) miles of the property affected by such action.

In the case of a Change of Zoning request made by any party except the County, the Planning and Zoning Commission shall give written notice by United States mail at least ten (10) days prior to the Commission hearing to those property owners within one thousand (1,000) feet of the property to be rezoned if said neighboring property is located in county zoning authority, and any other person(s) or agency deemed necessary. If said neighboring property is located within municipal zoning authority, notice shall be sent to property owners within three hundred (300) feet of the property to be rezoned.

In order to provide for orderly school planning and development and to protect prospective home owners, their children, and the taxpayer from ill-conceived and poorly planned development of real estate, a planning commission considering the adoption or amendment of a zoning regulation or approval of the platting or replatting of any development of real estate, shall notify the Board of Education of each school district in which the real estate, or some part thereof, to be affected by such a proposal lies, of the next regular meeting of the Planning Commission at which such proposal is to be considered and shall submit a copy of the proposal to the Board of Education at least ten (10) days prior to such meeting.

ARTICLE 23: RULES AND DEFINITIONS

Section 1. Rules

For the purpose of these Zoning Regulations, the following rules shall apply:

- 1.1 Words and numbers used singularly shall include the plural and the plural shall include the singular. Words used in the present tense shall also include the future tense.
- 1.2 The word “person” or “persons” includes: a corporation; members of a partnership, limited liability company, or other business organization; a committee, board, trustee, agent, or other representative.
- 1.3 The word “shall” is mandatory.
- 1.4 The word “use”, “used”, “occupy”, or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied.
- 1.5 The word “structure” shall include the word “building” and “sign”.

Section 2. Definitions

For the purpose of these Zoning Regulations, the following words and terms as used herein are defined as follows, unless the context clearly indicates otherwise. Certain articles or divisions hereof contain definitions which are additional to those listed herein.

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.

Abutting shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.

Access shall mean a way or means of approach or entrance, a means of ingress or egress.

Accessory building (See Building, accessory.)

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.

Accessory use shall mean a subordinate use which serves an incidental function to that of the main use of the premises.

Addition shall mean any construction which increases the size of a building or structure.

Adjacent shall mean near to or in the vicinity without touching or bordering upon.

Agribusiness shall mean a use of which is connected to or supportive of the agricultural operation on which it is located.

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.

Agricultural operations shall mean a farmstead of twenty (20) acres or more which produce one thousand dollars (\$1,000) or more of farm products each year. (Also see Farm.)

Agriculture shall mean the use of a tract of land for the growing of crops, pasturage, nursery, or the raising of poultry, including the structures necessary for carrying out farming operations, the residence or residences of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include livestock feeding operations. The raising and feeding of livestock and poultry shall be an agricultural or farming venture if the area in which the livestock or poultry is kept is twenty (20) acres or more in area and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and not a “livestock feeding operation” as defined herein. (Also see Farm.)

Agriculture Industrial Opportunities (See Livestock Feeding Operation.)

Alteration shall mean any change, addition or modification in construction or occupancy of an existing structure.

Animal Unit (See Livestock Feeding Operation.)

Animals, farm shall mean livestock associated with agricultural operation, commonly kept or raised as a part of a agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

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. (Also see Satellite dish antenna and Tower.)

Apartment shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also see Dwelling unit.)

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.

Automobile wrecking yard shall mean the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. (Also see Junkyard.)

Bar shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises.

Barndominium, also referred to as “Shop House (Shouse),” shall mean a combination of a dwelling unit and machine shed under a common or connect roofing system. For purposes of a barndominium, these structures when on a farm, agricultural operation, or acreage shall not be classified as a farm building. In addition, the residence portion of the facility shall meet the definition of “Dwelling” below.

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.

Best possible management practices shall mean schedules of activities, prohibitions, maintenance procedures, and other management practices found to be the most effective and practicable methods for specific sites to prevent or reduce the discharge of pollutants to waters of the state or control odor where appropriate. Best management practices also includes operating procedures and practices to control site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

Board of adjustment shall mean that board which has been created by the county and which has the statutory authority to hear and determine appeals, interpretations of and variances to the Zoning Regulations.

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 to site grading or building construction.

Broadcasting tower shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located, provided, however, that noncommercial radio towers not exceeding fifty (50) feet in height shall not be considered broadcast towers.

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.)

Building shall mean any structure having a roof and walls, and used or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property. (Also see Structure.)

Building, accessory shall mean any detached subordinate building which 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. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure

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 (5) foot horizontal distance at the exterior wall of the building. (Also see Height.)

Building line shall mean a line parallel to the lot line, beyond which a building or land use cannot extend according to the terms of the applicable district regulations. (Also see Setback and Yard.)

Building, principal shall mean a building within which the main or primary use of the lot or premises is located. (Also see Principal use.)

Business use shall mean all uses of land, buildings or structures other than agricultural, residential, public, semi-public or industrial uses.

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

Cemetery shall mean a tract of land used or intended to be used for the burial of the dead, including columbaria and mausoleums, when in conjunction with and located within the boundaries of the cemetery.

Church shall mean a place where religious worship is conducted including accessory uses as schools, day care centers, bingo parlors and halls.

Clear view zone shall mean the area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Sight triangle.)

Club shall mean a nonprofit organization with limited membership which is controlled by the membership into which admission can only be obtained by invitation, and in which the property is owned in common or held for the benefit of the members.

Commercial feeding operation (See Livestock Feeding Operation.)

Commercial use shall mean an occupation, employment, or enterprise that is carried on for profit by the owner, owners, lessee or licensee.

Commission shall mean the Nance County Planning and Zoning Commission.

Community center shall mean a place, structure or other facility used for and providing either religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

Community sanitary sewer system shall mean an approved central sewer collecting system, meeting state and county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.

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.

Compatible uses shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled, and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference and radiation.

Comprehensive plan shall mean the Comprehensive Plan of Nance County, Nebraska as adopted by the County Board of Supervisors, setting forth policies for the present and foreseeable future community welfare as a whole 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.

Conditional use shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety and general welfare.

Conditional Use Permit shall mean a permit issued by the County Board after recommendation of the Planning and Zoning Commission that authorizes the recipient to make conditional use of property in accordance with the requirements of these regulations as well as additional requirements imposed by the Commission.

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.

Conflicting land use shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to traffic, 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.

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, floodplains, drainage ways, river or stream banks and areas of significant biological productivity or uniqueness.

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.

Country club shall mean buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes, but not operated for a profit. 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, tennis and golf course country clubs.

County shall mean Nance County, Nebraska.

County Board shall mean the County Board of Supervisors of Nance County, Nebraska.

Density shall mean the number of dwelling units per gross acre of land.

Developer shall mean any person, corporation, partnership or entity that is responsible for any undertaking that requires a Building or Zoning Permit, Conditional Use Permit or Sign Permit.

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.

Development review shall mean the review, by the county of subdivision plats, site plans, rezoning requests or permit review.

Dormitory shall mean a building used as group living quarters for a student body, religious order, or other group as accessory use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use where group kitchen facilities may be provided to serve all residents.

Dwelling (non-agricultural-residential) shall mean a building or a portion thereof that provides living facilities for one or more families, but not including hotels, motels, boarding or lodging houses and shall include manufactured dwellings located on a tract of land not less than three (3) acres, has been lawfully occupied within the last twelve (12) month period as a single family residence, and is not necessary or incidental to the normal conduct of a farm or agricultural operation, or generating less than \$1,000 annual income on agricultural-related crops and product.

Dwelling, farmstead (agricultural-residential) shall mean a building or a portion thereof that provides living facilities for one or more families, but not including hotels, motels, boarding or lodging houses and shall include manufactured dwellings located on a tract of land not less than three (3) acres, has been lawfully occupied within the last twelve (12) month period as a single family residence, and is necessary or incidental to the normal conduct of a farm or agricultural operation, or generating \$1,000 or more in annual income on agricultural-related crops and product.

Dwelling, manufactured (See Manufactured home and Mobile home.)

Dwelling, modular shall mean any dwelling whose construction consists entirely of, or the major portions of its construction consist of, a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. Modular dwellings display a seal issued by the Nebraska Department of Health which is displayed for view from the exterior of the unit.

Dwelling, multiple family shall mean a detached residential building containing three (3) or more dwelling units.

Dwelling, seasonal shall mean a dwelling designed and used as a temporary residence and occupied less than six (6) months in each year.

Dwelling, single family shall mean a building having one dwelling unit and accommodations for or occupied by one family, excluding mobile homes, but including manufactured homes which meet all of the standards set forth in §23-114 R.R.S. 1943, as the same may be amended from time to time, and which meet the following standards:

- a) The home shall have no less than nine-hundred (900) square feet of floor area, above grade, for single story construction.
- b) The home shall have no less than an eighteen (18) feet exterior width.
- c) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single family construction.
- d) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, rock, or approved standing seam/ribbed metal roof.
- e) The home shall be placed on a continuous, permanent foundation and have wheels, axles, transporting lights, and removable touring apparatus removed; and,
- f) The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.

Dwelling, single family, attached shall mean a permanent residential structure containing one dwelling unit which is attached by a common vertical wall to one other single family dwelling on an abutting lot.

Dwelling, single family, detached shall mean a permanent residential structure containing one dwelling unit which is located on one lot with no physical or structural connection to any other dwelling unit.

Dwelling, two family shall mean a building containing two dwelling units on the same lot.

Dwelling unit shall mean a single unit consisting of one or a group of rooms providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement shall mean the right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Educational institution shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either (1) offer general academic instruction equivalent to the standards established by the State Board of Education, or (2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research, or (4) give religious instruction. Private schools, academies or institutes, incorporated or otherwise, which operate for a profit, commercial or private trade schools are not included in this definition.

Effective date shall mean the date that this Resolution shall have been adopted, amended or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.

Eleemosynary institution shall mean an institution supported by charity and designed to assist persons such as those recovering from mental or emotional illness.

Encroachment shall mean an intrusion or infringement beyond the lines or limits established by the applicable district regulations, and/or to infringe or trespass into or upon the possession or rights of others without permission.

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.

Environmentally controlled housing (See confinement.)

Erected shall mean constructed upon or moved onto a site.

Extraterritorial Jurisdiction (ETJ) 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. ETJ boundaries are determined by the respective City or Village and are illustrated in each City or Village's Comprehensive Plan and/or Zoning Regulations, or on the Nance County GIS website.

Factory shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

Family shall mean an individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five (5) unrelated persons, living together as a single housekeeping unit in a dwelling unit. A family shall under no circumstances be construed as the occupants of a boarding or rooming house, fraternity or sorority house, club, lodging house, hotel, motel, or commune.

Farm shall mean an area containing at least twenty (20) acres or more which is used for growing of the usual farm products such as vegetable, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals up to 500 animal units as defined in these regulations.

Farming shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals. Anytime the number or combination of Animal Units (A.U.), as defined in "Livestock Feeding Operation" exceeds five hundred (500), the operation shall be considered a LFO and the owner/operator shall be required to obtain a Conditional Use Permit.

Farmstead shall mean, in contrast to a farmstead dwelling, a tract of not less than three (3) acres, upon which a farm dwelling was lawfully occupied within the last twelve (12) month period as a single-family residence and is necessary or incidental to the normal conduct of a farm or agricultural operation.

Farm products shall mean usual products produced on an Agricultural Operation in the county such as hay, vegetables, fruit, grain, and plants as well as raising thereon the usual animal units (A.U.s) as defined within these regulations.

Floodplain (See the Nance County Floodplain Management Regulations, adopted June 28, 2005, for all definitions relating to floodplain regulations and management.)

Forty acre tract shall mean a governmental subdivision forty (40) acre tract also commonly referred to as a quarter/quarter of a section of land.

Funeral home shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation.

Garage, private shall mean an accessory building designed or used for the storage of not more than four (4) motor vehicles without provisions for repairing or servicing such vehicles for profit.

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 body work. (Also see Service station.)

Garbage shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

Glare shall mean a sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and/or visibility.

Governing body (See County Board.)

Greenhouse shall mean a building or premises used for growing plants, preparation of floral arrangements for offsite delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

Ground water shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

Hazardous material shall mean materials, products, or substances that, by reason of their toxic, caustic, corrosive, explosive, abrasive, radioactivity, infectious properties, or other characteristics, that cause or may be detrimental or harmful to the health of any person or to the environment. For specific and more detailed information, current definitions, lists of hazardous material and quantities determined to pose a hazard reference Title 40 Code of Federal Regulations Parts 261 and 302, and/or any subsequent amendments thereto.

Hazardous substances shall mean any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Height shall mean the vertical distance above grade from the base of a structure or building to its highest point.

Historic district shall mean an area containing building or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

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.

Home occupation shall mean an occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit, carried on by a member or members of the family who occupy the dwelling for living purposes, which does not alter the exterior of the property or affect the residential character of the of the dwelling unit.

Hospital shall mean an institution providing health and emergency services of medical or surgical nature to human patients and injured persons and are licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice.

Hospital, animal shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Household pet shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

Impervious surface shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roots, sidewalks, parking lots, and driveways.

Incidental use shall mean a use which is subordinate to the main use of a premise.

Individual septic system shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.

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 in yards, buildings, elevators or in structures, warehouses, wholesale storage and other similar types of enterprises.

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

Junk shall mean dilapidated or worn out scrap or abandoned metal, paper, building material and equipment, bottles, glass, plastics, appliances, furniture, rags, rubber, motor vehicles or parts thereof, or other waste that has been abandoned from its original use.

Junkyard shall mean any area or parcel of land where accumulation of discarded junk, salvaged or salvageable materials are stored, baled, packed, disassembled or handled in any manner. The materials may include, but not be limited to inoperable motor vehicles or vehicle parts, inoperable machinery or equipment or parts, used lumber, or scrap or salvaged metal. An area or parcel of land shall not be considered a junkyard if the material

stored thereon is an accessory use to the main permitted use of the premises. The terms junkyard and salvage yard shall be synonymous. (Also see Automobile wrecking yard.)

Kennel, commercial shall mean an establishment where five (5) or more dogs or cats or any combination thereof, other household pets, or non-farm/non-domestic animals at least four (4) months of age are groomed, bred, boarded, trained or sold as a business.

Kennel, private shall mean any premises used for the keeping of four (4) or less dogs, cats, or a combination thereof, or other non-farm/non-domestic animals by the owner/occupant or occupant of the premises for the purpose of show, hunting, or as pets. The dogs and cats shall belong to the owner/occupant or occupant and their keeping shall be accessory to the main use of the premises.

Lagoon shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of waste by anaerobic, aerobic or facultative digestion.

Landfill shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

Leapfrog development shall mean the development of cheaper land on the urban fringe by jumping over more expensive land located immediately adjacent to an existing development resulting in inadequate or lack of support services such as access to a street system designed to carry high volume traffic, utilities, and other commercial facilities or public services such as police, fire, schools and parks, thus adding to the tax burden of the general public and being an uneconomical growth pattern to the community or county.

Liquid manure shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface; provided however, only liquid manure collected in lagoons may be applied through the use of a center pivot or tow-line irrigation systems. (See definition of Lagoon.)

Liquid manure storage pits shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production.

Livestock (See Animals, farm.)

Livestock Feeding Operation (LFO) shall mean an agricultural industry in which the feeding, farrowing or raising of cattle, swine, sheep, poultry, or other livestock, in a confined area (buildings, lots, or pens) which is not used for the growing of crops or vegetation but does not include the holding of cattle in calving operations for less than ninety (90) days per year, and where the number of animals so maintained exceeds five hundred (500) 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 (2) or more LFOs under common ownership are deemed to be a single LFO if they are adjacent (within 1,320 feet) to each other or if they utilize a common area or system for the disposal of livestock wastes. Animal units (AU) are defined as follows: (*Added April 2015*).

- One (1) A.U. = One (1) Slaughter, Feeder Cattle;
- One (1) A.U. = One Half (.5) Horses;
- One (1) A.U. = Seven Tenths (.7) Mature Dairy Cattle;
- One (1) A.U. = Two and One Half (2.5) Swine (55 pounds or more);
- One (1) A.U. = Twenty Five (25) Weaned Pigs (less than 55 pounds);

- One (1) A.U. = Two (2) Sows with Litters;
- One (1) A.U. = Ten (10) Sheep;
- One (1) A.U. = Ten (10) Goats; *(amended 8/10/10)*
- One (1) A.U. = One Hundred (100) Chickens;
- One (1) A.U. = Fifty (50) Turkeys;
- One (1) A.U. = Five (5) Ducks.

Livestock Manure Permit shall mean a permit that has been recommended by the Zoning Administrator and approved/issued by the Nance County Board of Supervisors that authorizes the recipient to spread and/or stockpile livestock manure on land in Nance County (provided that it contains no paunch manure), when manure originates from operations located outside the county. *(Added June 2022).*

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 cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct products.

Livestock waste control facility shall mean any structure or combination of structures utilized to control livestock waste until it can be used, recycled, or disposed of in an environmentally acceptable manner. Such structures include, but are not limited to, diversion terraces, holding ponds, debris basins, liquid manure storage pits, lagoons, and other such devices utilized to control livestock waste.

Lot shall mean a parcel of land occupied by or suitable for occupation by one main building, or a unit group of buildings where specifically authorized within a zoning districts and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having its principal frontage upon and access to a public street, improved road or approved place. A lot as used herein may consist of one or more platted lots, or tracts, as conveyed, or parts thereof when authorized by these regulations.

Lot, approved shall mean a lot in separate ownership, whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Nance County Register of Deeds on or before the adoption of these regulations. (Also see Lot of record.)

Lot area shall mean the total area within the lot lines of a lot designated either in square feet or acres.

Lot, corner shall mean a lot abutting upon two (2) or more streets or roads at their intersection.

Lot depth shall mean the mean horizontal distance between the front and rear lot lines.

Lot, flag shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

Lot frontage shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

Lot, interior shall mean a lot other than a corner lot bounded only on one side by a street.

Lot line shall mean a line dividing one lot from a street, alley or another lot. (Also see Street line.)

Lot line, front shall mean on an interior lot, the lot line abutting a street; on a corner lot, the street line with the least dimension, unless otherwise specified by the zoning administrative officer or his or her designee; on a through lot, the street line providing the primary access to the lot; and on a flag lot, the street line providing access to the lot. (Also see Yard, front.)

Lot line, rear shall mean a lot line opposite the front lot line. A lot bounded by only three (3) lot lines will have no rear lot line.

Lot line, side shall mean a lot line not a front or rear line. A side lot line may be a party lot line, a line bordering on an alley or place or a street line on a corner lot.

Lot, nonstandard shall mean a lot or parcel of land that has less than the required minimum area or width as established by the zoning district in which it is located as of the effective date of this chapter.

Lot of record shall mean a lot whose existence, location, and dimensions have been legally recorded in a deed or on a plat in the office of the Nance County Register of Deeds prior to the effective date of zoning in the area where the lot is located. (Also see Lot, approved.)

Lot subdivision identification shall mean a privately owned and maintained parcel of ground within the right-of-way of a street upon which is located a sign identifying the name of the subdivision.

Lot width shall mean the horizontal distance between side lines, measured at the minimum front yard setback line.

Machine shop shall mean a work shop, including tool and die shops, that turns, shapes, planes, mills or otherwise reduces or finishes metal by machine-operated tools.

Maintenance guarantee shall mean any security, other than cash, that may be accepted by the county to insure that required improvements will be maintained. (Also see Performance guarantee.)

Major highway shall mean a street or road which provides through traffic movement between and around areas and across the county or city; subject to necessary control of entrances and curb uses. This includes State Highways 14, 22 and 52.

Manufactured home shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with the standards promulgated by the United States Department of Housing and Urban Development. (See also Single Family Dwelling.)

Manufactured home park shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or 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.

Manufactured home space shall mean a plot of ground within a manufactured home park which can accommodate one manufactured home and which provides the necessary utility services.

Manufactured home subdivision shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

Manufacturing shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

Map, official zoning district shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Nance County Board of Supervisors as the Zoning Regulations for Nance County, Nebraska.

Median shall mean the center of a road, street or other thoroughfare which separates the direction of traffic movement either by surface marking or separation of the road surface.

Mining shall mean the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; gases, such as natural gas. Mining also includes quarrying; ground water diversion; soil removal; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site or as part of a mining activity.

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 or roller, jacks, blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

Mobile home park (See Manufactured home park.)

Mobile home space (See Manufactured home space.)

Mobile home subdivision (See Manufactured home subdivision.)

Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

No-fee livestock registration shall mean a no-fee registration for which all existing livestock feeding operations of over 500 animal units shall be required to apply. (See Appendix A.)

Non-community water supply system shall mean any public water supply system that is not a community water supply system.

Non-conforming use shall mean the use of any dwelling, building, lot, land or premises, or part thereof, which was existing and lawful at the time of the effective date of these regulations and which does not conform with the provisions of these regulations and any amendments thereto.

Non-farm buildings shall mean residential dwellings and structures directly accessory to the use of the residence.

Nonstandard use shall mean the category of nonconformance consisting of lots occupied by buildings or structures or uses which lawfully existed at the time of the effective date of these regulations which fail to comply with the minimum lot requirements for area, density, width, front yard, side yard, rear yard, height, unobstructed open space or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of these regulations.

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.

Nursery shall mean the use of a premises for the propagation, cultivation and growth of trees, shrubs, 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.

Office shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

Open lots shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

Overlay district shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.

Owner shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

Parcel shall mean a lot or a contiguous group of lots in single ownership or under single control which may be considered as a unit for purposes of development.

Park shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

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

Performance guarantee shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development. (Also see Maintenance guarantee.)

Permanent foundation shall mean a base constructed from either poured concrete or laid masonry block or brick and placed on a footing located a minimum of forty-two (42) inches below final ground level upon which a building or structure is permanently attached.

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.

Permitted use shall mean any land use allowed without condition within a zoning district.

Personal property shall mean movable property and anything subject to current or transfer of ownership except land (e.g. pivot points, cattle bunks, movable greenhouses/temporary buildings, etc.).

Planning Commission shall mean the Planning and Zoning Commission of Nance County, Nebraska.

Plat shall mean a map showing the location, boundaries, and legal description of individual properties.

Policy shall mean a statement or document of the county, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

Premises shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous and used as a single tract. A building or land within a prescribed area.

Primary use shall mean the primary or predominant use of any lot, parcel or building.

Private well shall mean a well which provides water supply to less than fifteen (15) service connections and regularly serves less than twenty-five (25) individuals.

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.

Public utility shall mean any business which 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.

Public water supply shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals. This definition shall include (1) any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

Real property shall mean a parcel of land and all that is immovable and permanently attached to the land to where the owner has all rights of ownership to possess, sell, lease and use the land or property.

Recreational facility shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming or golf. This shall include country clubs, and athletic clubs but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events.

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

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.

Recycling center shall mean a facility other than a junkyard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building, in preparation for shipment to others for reuse.

Recycling collection point shall mean a drop-off point for temporary storage of recoverable resources such as paper, glass, cans and plastics, and where no processing of such items takes place.

Recycling plant shall mean a facility other than a junkyard where recoverable resources such as paper products, glass, metal cans and other products, are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.

Research laboratory or center shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residence shall mean a building used, designed, or intended to be used as a home or dwelling for one (1) or more families. (Also see Dwelling.)

Residence, non-farm shall mean a dwelling and structures that are not necessary or incidental to the normal conduct of a farm or agricultural operation.

Restaurant shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.

Retail trade shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

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

Rezoning shall mean an amendment to or change in the Zoning Regulations either to the text or map or both.

Rezoning, piecemeal shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

Right-of-way shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

Road, private shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. (Also see Right-of-way and Street.)

Road, public shall mean all public right-of-way reserved or dedicated for street or road traffic. (Also see Right-of-way and Street.)

Roadside stand shall mean a temporary structure or vehicle used solely for the sale of farm products produced on the premises or adjoining premises.

School shall mean a facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools.

School, private shall mean a facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools operated by a nongovernmental organization.

School, trade shall mean an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a nongovernmental organization.

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, berms, or other features.

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.

Self-service storage facility shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

Service station 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, lubrication, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting and body repair. (Also see Garage, repair.)

Setback shall mean the required minimum horizontal distance between the building or structure and the related front, rear or side lot line. (Also see Building line and Yard.)

Sight triangle shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within these regulations.

Sign shall mean any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, logo, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter illumination device, constructed, attached, erected, fastened, manufactured or painted in any manner whatsoever so that the same shall be used for the attraction of the public, performance, article, machine or merchandise whatsoever, and displayed in any manner cut of doors for recognized advertising purposes, or any letter, figure, character, etc. as set forth herein that is permanently painted on or adhered to any doors or windows of building or structures. (Also see Sign, billboard and Promotional device.)

Sign area shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

Sign, billboard shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, illuminated shall mean a sign illuminated in any manner by an artificial light source.

Sign, obsolete shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six (6) months after the termination of the existence of such business or the termination of sale of the product advertised.

Sign setback shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

Sign, subdivision identification shall mean a sign erected on a subdivision identification lot which identifies the platted subdivision where the sign is located.

Sign, temporary shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character and intended for a limited period of display, including displays for holidays or public demonstrations.

Similar use shall mean the use of land, building or 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.

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.

Site, septic shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

Sludge shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial or land application. Sewage sludge includes but is not limited to domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge.

Special use permit (See Conditional Use Permit.)

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

Stable, private shall mean an accessory building or use of land to an existing residential use, that shelters or confines horses for the exclusive use of the occupants of the premises.

Stable, public shall mean a building or land where horses are kept for commercial purposes including boarding, hire, sale, riding, or show.

Stable, riding shall mean a structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

Standard system shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

State shall mean the State of Nebraska.

Stockpiling shall mean the accumulation of manure, sludge, or animal waste or by-products in mounds, piles or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one (1) year.

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

Story shall mean that part of a building included between the surface of a floor and the upper surface of the floor or roof next above.

Street shall mean a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street, arterial shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a city, village or county with controlled access to abutting property.

Street line shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.

Street, local shall mean a street designed for local traffic which provides direct access to abutting residential, commercial or industrial properties.

Street, private shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place".

Structural alteration shall mean any alteration involving a change in or addition to the supporting members of a building, structure, or sign such as bearing walls, columns, beams, girders or poles.

Structure shall mean anything constructed or erected which requires permanent location on the ground or which is attached to something having permanent location on the ground, but not including agricultural fencing, or driveways, sidewalks or other surfacing, or public items such as utility poles, street lights, and street signs, or minor landscape features such as bird fountains, clotheslines, landscape lighting, and sculptures.

Subdivision shall mean the division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

Surface water class A - primary contact recreation shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g., eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.

Surface waters shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Temporary use shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

Tower shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communication. (Also see Antenna.)

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 (2) or more incompatible uses.

Truck repair shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one (1) ton and buses but excluding pickups and other vehicles designed for the transport of under eight (8) passengers.

Truck terminal shall mean a building or an area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi trailers, including tractor and/or trailer units and other trucks, are parked or stored for a short time period.

Use, principal shall mean the main use of land or structures, as distinguished from an accessory use. (Also see Building, principal.)

Variance shall mean a relaxation of the terms of the Zoning Regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

Warehouse shall mean a building used primarily for the storage of goods and materials.

Warehouse and distribution shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waters of the state shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

Wetland shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly know as hydrophytic vegetation.

Yard shall mean the required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this chapter.

Yard, front shall mean a yard that extends along the full width of a front lot line between side lot lines and from the front lot line to the front building line. There shall be a required front yard of each street side of a corner lot and a double frontage lot. (Also see Lot line, front and Lot, corner.)

Yard, rear shall mean a yard that extends across the full width of the rear lot line between side lot lines and from the rear lot line to the rear building line. The depth of the rear yard is measured at right angles to the rear line of the lot. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall be at the opposite end of the lot from the front yard.

Yard, side shall mean a yard between the side lot line and the side building line that lies between the front yard and the rear yard.

Zoning administrative officer or zoning administrator shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of these regulations.

Zoning, districts shall mean areas, as designated on the zoning district map, within the county and within the extraterritorial jurisdiction for which regulations governing the use of buildings, structures and premises, the height of buildings and structures, size of yards, and the intensity of use are uniform.

ARTICLE 24: SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this resolution be, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this resolution.

ARTICLE 25: EFFECTIVE DATE

This Resolution shall take affect and be in force from and after its approval and adoption according to law on this 28th day of November, 2023, by the Board of Supervisors of Nance County, Nebraska.

SUMMARY OF DISTRICT REGULATIONS

	AG	RC	AGR	HC	I
Minimum Lot Area and Density (in acres)	3 A. 4 per Qt. Sect. (increases to 8 per Qt. Sect. along all State Highways)	3 A. 4 per Qt. Sect. (increases to 8 per Qt. Sect. along all State Highways)	2 to 3 A.	1 A.	1 A.
Site Are Per Unit	3 A. 4 per Qt. Sect. (increases to 8 per Qt. Sect. along all State Highways)	3 A. 4 per Qt. Sect. (increases to 8 per Qt. Sect. along all State Highways)	2 to 3 A.	1 A.	1 A.
Minimum Lot With	200 ft.	200 ft.	100 ft.	150 ft.	150 ft.
Front yard	30 ft.	30 ft.	30 ft.	50/63 ft.	35 ft.
Rear Yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Side Yard	15 ft.	15 ft.	15 ft.	15 ft.	10 ft.
Max Height	35 ft. ^	35 ft. ^	35 ft. ^	NONE	60 ft.*
Max Building Coverage	N/A	N/A	N/A	N/A	50%
Min. Dwelling Size	N/A	N/A	N/A	N/A	N/A
Seasonal Dwellings					
Min. Lot Area	3 A.	3 A.	N/A	N/A	N/A
Min. Lot Width	100 ft.	100 ft.	N/A	N/A	N/A
Front yard	20 ft.	20 ft.	N/A	N/A	N/A
Rear Yard	20 ft.	20 ft.	N/A	N/A	N/A
Side Yard	20 ft.	20 ft.	N/A	N/A	N/A

^ Maximum height for structures intended for human occupancy

* Maximum height when located further than 100 ft. from an AGR District

(-) Lot size down to ¼ acre with public water and public sewer

(amended November 2023)