OTOE COUNTY
NEBRASKA

RESOLUTION NO.

ADOPTED BY OTOE COUNTY, NEBRASKA

EFFECTIVE DATE 12-27-2016

Prepared By

The Otoe County Planning Commission

and

MARVIN PLANNING CONSULTANTS

Specializing in Municipal, County and Neighborhood Planning

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COUNTY OF OTOE, NEBRASKA
ZONING RESOLUTION

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

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

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

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

WHEREAS, the County Board of Commissioners of the County of Otoe, Nebraska, has adopted a Comprehensive Development Plan pursuant to Neb. R. R. S. 1943, Sections 23-114 through 23-114.03, as amended, and known as Otoe County Comprehensive Development Plan, 2016, as amended; and
WHEREAS, the Planning Commission of the County of Otoe, Nebraska, has recommended the division of the unincorporated areas of the County into districts and recommended regulations pertaining to such districts consistent with the adopted Comprehensive Development Plan based on a future land use plan designed to lessen congestion on roads and highways, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to conserve agricultural land and values, to facilitate sewerage, schools, parks, and other public needs; and

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

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

WHEREAS, The County Board of Commissioners of the County of Otoe, Nebraska, have deemed it necessary to adopt the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations, and restrictions for the purpose of the conservation of the existing rural agricultural developments and land uses, of providing for the harmonious development and orderly expansion of urban areas radiating outwardly from existing rural communities, for the orderly extension and planned arrangements of county roads, utilities, for adequate sanitary facilities, for safe and healthy drinking water, and for reducing flood damage potentials; and

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

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF OTOE, NEBRASKA.

ARTICLE 1: TITLE, INTENT AND PURPOSE

Section 1.01 Short Title
This Resolution shall be known, cited, and referred to as the "Zoning Regulations of The county of Otoe, Nebraska."

Section1.02 Purpose and Intent
The purpose and intent of these regulations is to provide for the harmonious development of the community; to provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities, drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewers, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure to the proper governing body, the actual construction of such physical improvements.

Section 1.03 Jurisdiction
These regulations shall be known and cited as the regulations approved and adopted in the Zoning Regulations of the county of Otoe, Nebraska. The area of jurisdiction shall be all the area within the limits of the county of Otoe, Nebraska, not including the jurisdiction explicitly granted to a municipality by the Nebraska Reissue Revised Statutes, 1943.

Section 1.04 Highest Standard
Whenever the regulations of this Resolution impose or require higher standards than are required in any other statute, local Regulations, or regulation, the provisions of the regulations made under authority of this Resolution as provided by the cited Nebraska R. R. S., 1943 sections shall govern.

Section 1.05 Comprehensive Development Plan Relationship
These zoning regulations are designed to implement various elements of the Comprehensive Development Plan as required by state statutes. Any amendment to the district regulations or map shall conform to the Comprehensive Development Plan adopted by the governing body.

Section 1.06 Planning Commission Recommendations
Pursuant to Section 23-114.01 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the County Board of Commissioners shall not hold its public hearings or take action until it has received the final report of the Commission.

ARTICLE 2: CONSTRUCTION AND DEFINITIONS

Section 2.01 Construction and General Terminology

1. For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Words or terms not herein defined shall have their ordinary meaning in relation to the context.
2. Unless the context clearly indicates to the contrary:
   A. The phrase "Otoe County" or "Otoe County, NE" shall also be deemed the same as "The county of Otoe, NE".
   B. The word "Assessor" shall mean the County Assessor of Otoe County, NE.
   C. The word "Board" shall mean the Board of Commissioners of Otoe County, NE.
   D. The words "Board of Commissioners" shall mean the Board of Commissioners of Otoe County, NE.
   E. The term Zoning Administrator shall mean the zoning administrator and/or Zoning Administrator for Otoe County, NE.
   F. The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
   G. The word "Commission" shall mean the Planning Commission of Otoe County, NE.
   H. The word "County" shall mean "The county of Otoe, Nebraska".
   I. The words "Register of Deeds" shall mean the County Register of Deeds of Otoe County, NE.
   J. The word "Federal" shall mean the Government of the United States of America
   K. Words used in the present tense include the future tense.
   L. Words used in the singular include the plural and words used in the plural include the singular.
   M. The word "shall" is always mandatory; the word "may" is always permissive.
   N. The word "Regulations" means the Regulations approved and adopted in the Zoning Regulations of The county of Otoe, NE, and all amendments thereto.
   O. "Person" shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
   P. "Used" 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."

Section 2.02 Abbreviations and Acronyms

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

1. ATFE Alcohol, Tobacco, Firearms, and Explosives
2. AU Animal Unit
3. CAFO Confined Animal Feeding Operation
4. FAA Federal Aviation Administration
5. FCC Federal Communication Commission
6. FEMA Federal Emergency Management Agency
7. FT Foot or Feet
8. GIS Geographic Information System
9. kV Kilovolt
10. kW Kilowatt
11. LFO Livestock Feeding Operation
12. NDA Nebraska Department of Aeronautics or successor department
13. NDEQ Nebraska Department of Environmental Quality or successor department
14. NSFM Nebraska State Fire Marshall or successor department
15. NHHS Nebraska Department of Health and Human Services or successor department
16. NDNR Nebraska Department of Natural Resources or successor department
17. NDOR Nebraska Department of Roads or successor department
18. NPDES National Pollutant Discharge Elimination System
19. R.O.W. Right-of-Way or Rights-of-Way
20. SF Square Feet
21. SY Square Yard
22. USDA United States Department of Agriculture
23. YD Yard

Section 2.03 Definitions

A

Abandonment: To cease or discontinue a use or activity without demonstrated 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: To border on, being contiguous with or have property or district lines in common, including properties separated by an alley, but not those separated by a roadway.

Access or Access Way: The means or way pedestrians and/or vehicles have safe, adequate and usable ingress and egress to a property or use as required by these regulations.

Accessory Apartment: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Building Accessory Use

Accessory Building: A detached building which is clearly incidental or subordinate to the principal building or structure which is located on the same premises as the principal building or structure. These shall not include buildings used as part of an agricultural operation.

Accessory Living Quarters: Living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Accessory Structure: 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.

Example of an Accessory Structure

Accessory Use: A use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

Acre: A full acre containing 43,560 square feet of area within the property lines of a lot or parcel.

Acreage: Any tract or parcel of land that does not qualify as a farm or development.

Active Recreation: A recreational activity requiring physical exertion such as swimming, tennis, soccer, baseball, softball, running and playgrounds.

Addition: Any construction which increases the size of a building or structure.

Adjacent: Near, close, or abutting; for example, an industrial district across the street or highway from a residential district shall be considered as "adjacent".

Advertising Structure: Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structure.

Example of an Agricultural Cooperative Production/ Distribution Facility

Agricultural Cooperative Production/Distribution Facility: Any facility owned and operated by a cooperative or other corporation for the purpose of manufacturing, distributing, and storage of fertilizers, herbicides and grain. This includes the offices, scales and parking areas necessary for trucks and other vehicles.

Agricultural and Farm Buildings and Structures: Any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to 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.

Example of Agricultural and Farm Buildings and Structures

Agricultural Irrigation System: An artificial means for the delivery of water-via ditches, pipes, streams, hose, etc. to supply water to dry lands that are used primarily in the production of crops- corn, beans, beets, sorghum, etc., that may include, but not limited to, pivot point systems, center point systems, gravity (furrow) systems, subsurface drip irrigation systems (SDI), and / or irrigation wells.

Agricultural Operations: A farmstead of 20 acres or more which produces $1,000 or more of farm products each year. (Also see "Farming")

Agricultural Preservation District: The Agricultural Preservation District is to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses.

Agriculture: 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, or persons employed thereon, as well as their family, 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 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)

Airport: Any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

Airport Hazard Area District: The Airport Hazard District is to be appended as an overlay to any of the primary zoning districts to protect the safe use of public airports and their Airport Hazard Area by limiting the location and height of structures within the operation, approach, transition and turning zones around airports

All-Terrain Vehicle: Any motorized off-highway vehicle which (i) is fifty inches or less in width, (ii) has a dry weight of nine hundred pounds or less, (iii) travels on three or more low-pressure tires, (iv) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (v) has a seat or saddle designed to be straddled by the operator, and (vi) has handlebars or any other steering assembly for steering control.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alteration: As applied to a building or structure, a change or rearrangement in the structural components, or an enlargement, whether by extending on a side or by increasing in height, or the moving of one location or position to another, shall be considered as an alteration.

Amendment: A change in the wording, context, or substance of these regulations, an addition or deletion or a change in the district boundaries or classifications on the zoning map. "Amendment" does not include correction of typographical errors.

Example of an Animal Confinement Building

Animal Confinement Building: Walled facilities where animals have been, are, or will be stabled or confined, fed and maintained.

Animal Hospital or Clinic: An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine.

Animals, Farm: Livestock commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

Animal Units (A.U.):
One A.U. = One Cow/Calf combination
One A.U. = One Slaughter, Feeder Cattle;
One A.U. = One-half Horse;
One A.U. = Seven Tenths Mature Dairy Cattle;
One A.U. = Two and One-half Swine (55 pounds or more);
One A.U. = 25 Weaned Pigs (less than 55 pounds);
One A.U. = Two Sows with litters;
One A.U. = 10 Sheep;
One A.U. = 11.25 Goats;
One A.U. = 50 Turkeys;
One A.U. = 100 Chickens
One A.U. = Five Ducks if a liquid manure handling system;
One A.U. = 81.3 Geese
One A.U. = 9.4 Alpacas
One A.U. = 3.2 Llamas
One A.U. = 7.5 Emus
One A.U. = 3.7 Ostriches

Animal Waste: Any animal excrement, animal carcass, feed waste, animal water waste, or any other waste associated with animals.

Animal Waste Water: Any liquid, including rainfall, which comes into contact with any animal excrement, manure, litter, bedding or other raw material or intermediate or final material or product used in or resulting from the production of animals or from products directly or indirectly used in the operation of a CAFO, or any spillage or overflow from animal watering systems, or any liquid used in washing, cleaning or flushing pens, barns, or manure pits, or any liquid used in washing or spraying to clean animals, or any liquid used for dust control on the premises of a CAFO.

Antenna: Any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (See satellite dish antenna and tower.)

Antenna Support Structure: Any building or structure other than a tower which can be used for location of telecommunications facilities.

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

Apartment Hotel: A multiple family dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand. when such uses are located entirely within the building with no entrance from the street

nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

Apartment House (see Dwelling, Multiple Family)

Applicant: The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, zoning amendment variance, building permit or certificate of occupancy has been requested.

Application: A process by which the owner of a tract of land within the zoning jurisdiction of the County submits a request to develop, construct, modify, or operate upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the County concerning such request.

Appropriate: The sympathetic, or fitting, to the context of the site and the whole community.

Appurtenances: The visible, functional objects accessory to and part of buildings.

Aquaculture: Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of bearing and producing usable amounts of water.

Aquifer, confined (artesian): Aquifers found between layers of clay, solid rock, or other material of very low permeability. Water in confined aquifers is often under pressure because the aquifer is confined between impermeable layers and is usually recharged at a higher elevation than the top confining layer.

Aquifer, unconfined (or water table): An aquifer where the top of the aquifer is identified by the water table. Above the water table, known as the zone of aeration, interconnected pore spaces are open to the atmosphere. Also known as a water table aquifer.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Archery Range: An outdoor facility that may include buildings or structures used for target practice with bows and arrows.

Architectural Projections: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall or a building but shall not include signs.

Area: A piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained.

Areas of Contribution: The upland recharge area and cone of depression from which well water is drawn.

Areas of Influence: The two-dimensional area (as viewed on a map) of water table drawdown created by a pumping well, also see Cone of Depression.

Artisan Production Shop: A building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

Artist Studio: A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

Attached Permanently: 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 Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires and automotive accessories may be supplied and dispensed at retail, and where, in addition, servicing, repair, and replacement of parts may be done.

Automatic Teller Machine (ATM): An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

An Example of a stand-alone ATM

Automobile Sales-Retail: A retail business housed either in a structure or on a tract of land that sells or leases new or used automobiles, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. Retail automobile sales shall include any operation with three or more vehicles, as stated above, for sale at any time and/or a total of 10 sold during the course of a calendar year.

Automobile Sales – Wholesale: a wholesale business housed either in a structure or on a tract of land that sells new or used automobiles, trucks, vans, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles to automobile sales retail outlets.

Automobile Wrecking Yard: Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

Awnings, Canopy and Marquee Sign: (see sign, architectural canopy)

Attached Permanently: A building or structure attached to real estate in such a way as requiring dismantling, cutting away, unbolting from permanent foundation or structural change structure to relocate it to another site.

B

Ballroom: A place or hall used for dancing, other than those listed under the definition of "Adult Cabaret". Ballrooms shall also be used for reunions, weddings and receptions.

Bar: Any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises.

Basement: That portion of a building which has more than one-half of its interior height, measured from floor to finished ceiling below the average finished grade of the ground adjoining the building.

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The owner/operator of the inn shall live on the premises.

Bedroom: A room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

Berm: A mound or embankment of earth, usually two to six feet in height.

Best Interest of the Community: shall mean interests of the community at large and not of the immediate neighborhood.

Best Possible Management Practices: Livestock management techniques and practices as set forth by various agencies, including the Nebraska Department of Environmental Quality, which encourage and protect the environment and public.

Billboard: (See "Sign, Billboard")

Block: A parcel of land platted into lots and bound by public streets or by waterways, right-of-ways, unplatted land, city-county boundaries, or adjoining property lines.

Block Frontage: That section of a block fronting on a street between two intersecting streets or another block boundary.

Board of Adjustment: That board that 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.

Boarding and Lodging Houses: Any dwelling where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals are provided for more than three but less than 10 persons.

Borrow Pit: 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.

Brew-On Premises Store: A facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

Brew Pub: A restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 20,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.

Brewery: An industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

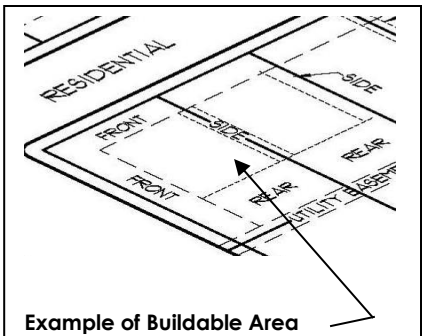
Brewery, Craft: A brew pub or a micro-brewery.

Brewery, Micro: A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 20,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

Buffer: A strip of land established to protect one type of land use from another incompatible land use or to intervene between a land use and a private or public road. (See screening)

Buffer Zone: An area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

Buildable Area: That portion of a lot remaining after required yards have been allocated.



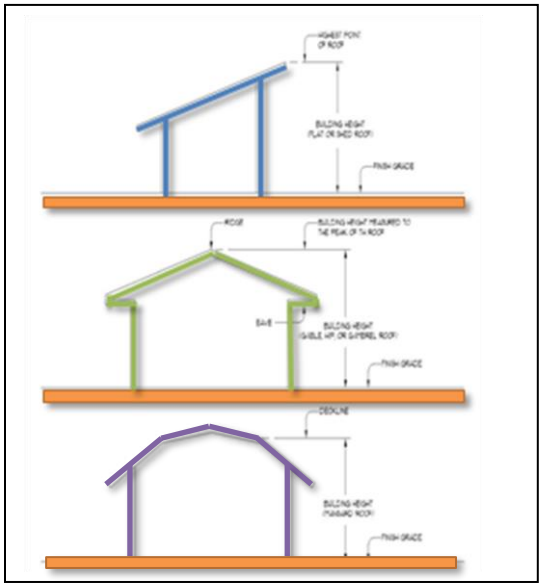
Example of Buildable Area

Buildable Lot: A lot that meets all of the minimum size requirements of a specific zoning district and shall apply to area not submerged under water of any kind (lakes, creeks, river).

Building: Any structure built for the support, shelter or enclosure of: persons, animals, chattels, or movable property of any kind, and including any structure.

Building Area: The sum, in square feet, of the area occupied by all buildings and structures on a lot.

Building Envelope: That area shown on a lot that encompasses all building development including but not limited to storage, structures, decks, roof overhangs, porches, patios and terraces, pools, access ways and parking. Approved plantings of landscape materials on natural grade and approved walkways may occur outside of a building envelope. Otherwise, all areas outside of a building envelope shall remain in pristine and untouched condition unless stated in the conditions of approval the subdivision plat.

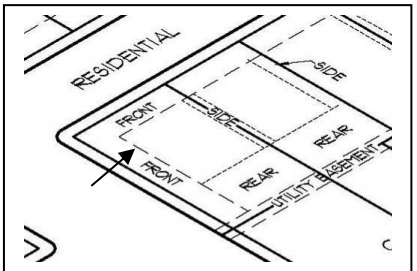


Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building Setback Line: The minimum distance as prescribed by these regulations between any property line and the closest point of the building line or face of any building or structure related thereto.

Bulk: The size and shape of buildings and their physical relationship to lot lines, setback requirements and other buildings, structures and uses on the same lot and on adjoining lots.



Example of Building Setback Line

Bulk regulations: The prescribed requirements for lot area, lot area per dwelling unit, lot frontage, width, depth and height of buildings.

Business Services: Uses providing services to people, groups, businesses, dwellings and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.

C

Cabin, hunting and fishing

Cabin: A small one story house built and designed for temporary use.

Cabin, hunting and fishing: Buildings used only during hunting and fishing season as a base for hunting and fishing, and outdoor recreation.

Campground: Any premises where two or more camping units are parked or placed for camping purposes, or any premises used or set apart for supplying to the public camping spaces, which include any buildings, structures, vehicles or enclosures used or intended for use for the accommodation of transient campers and camping vehicles.

Campground, Leased: (See "Leased Campground")

Camping: Temporary living in a camper, travel trailer, pick-up camper, camping bus, converted truck, tent trailers or camping tent or other non-building shelter or by sleeping in the open.

Caretaker Residence: An accessory dwelling on a nonresidential premise, including an agricultural operation, occupied by the person who oversees and/or works on the nonresidential operation 24 hours a day, and their family.

Car Wash: A building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

Car Wash, Industrial: A mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

Carport: A permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

Cellar: A building space having more than two-thirds of its height below the average adjoining grade lines.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.

Centerline: An imaginary line that is equidistant from the boundaries of the road and/or right-of-way.

Centralized Sewer: A sewer system established by an individual(s), sanitary improvement district or developer for the purpose of serving two or more buildings, structures, and/or uses. Said system shall have a central point of sanitary waste collection and processing.

Centralized Water: A water supply system established by an individual(s), sanitary improvement district or developer for the purpose of serving two or more buildings, structures, and/or uses. Said system shall have a central point(s) of supply with pressurized distribution from said supply points.

Channel: The geographical area within either the natural or artificial banks of a watercourse or surface drain.

Charitable: A public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

Child Care Center: An establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for nine or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

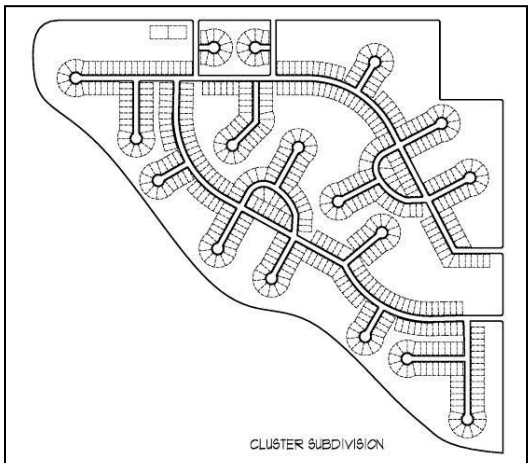
Child Care Home: An operation in the provider's place of residence, which serves at least four, but not more than eight children at any one time from families other than that of the provider. A Family Child Care Home provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

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

Clear View Zone: The area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (See Sight Triangle)

Club: An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

Cluster Development: A development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.



Example of a Cluster Development

Commercial Animal Feeding Operation: (See Livestock Feeding Operation)

Commercial Biodegradable Waste Product (CBW): Animal bi-products not intended for human consumption.

Commercial District: Commercial Districts are intended to provide a blend of residences and a wide range of commercial uses which are compatible with other uses permitted in this district and in adjacent districts.

Commercial Recreational Activities: Activities charging fees, use charges, selling memberships or shares, for example:

a. Golf Courses & Country Clubs, driving ranges, miniature golf courses
b. Go-cart tracks and other motorized vehicle race or obstacle tracks, horse or dog racing tracks
c. Campgrounds, church camps or similar private camps, indoor or outdoor recreational facilities
d. Other similar uses

Commercial Uses: Shall mean a business use or activity at a scale greater than a home business involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

Commission: The Otoe County Planning Commission.

Common Area or Property: A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.

Common Open Space: An area of land or water or combination thereof planned for passive or active recreational use by more than one homeowner or apartment dweller. Such space shall not include areas utilized for streets, parking, loading, alleys or driveways.

Common Sewer System: A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Quality for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

Common Water System: A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.

Community Center: A place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

Community Sanitary Sewer System: 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.

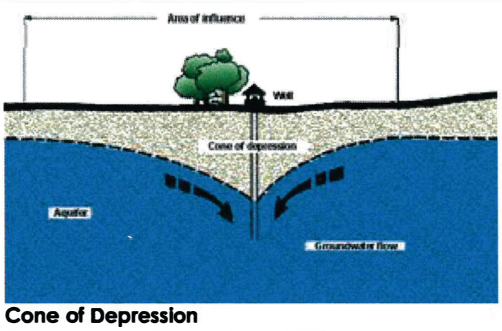
Community Water Supply System: A public water supply system which serves at least 15 service connections used by year round residents or uses, or regularly serves 25 or more year round residents or uses.

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

Composting: Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

Comprehensive Development Plan: The Comprehensive Development Plan of Otoe County, Nebraska, as adopted by the County Board of Commissioners, setting forth policies for the present and foreseeable future community welfare as a whole, and meeting the purposes and requirements set forth in Chapter 23 of the Revised Statutes of Nebraska, as the same, from time-to-time, may be amended.

Conditional Use: A use allowed by the district regulations that would not be appropriate generally throughout the entire zoning district without special restrictions. However, said use if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.



Cone of Depression
Source: groundwater.oregonstate.edu

Conditional Use Permit: A permit, that authorizes the recipient to make use of property in accordance with the provisions of these regulations and in accordance with any additional conditions stipulated in the issued permit.

Condominium: As defined in the Nebraska State Statutes Section 76-824 - 76-894

Cone Of Depression: The three-dimensional area of water table created by a pumping well. The pumping well creates an artificial discharge area by drawing down (lowering) the water table around the well.

Example of an open Confinement

Confinement: 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: The use of property that transfers over neighboring property lines, negative economic or environmental effects. Including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

Congregate Housing: A residential facility for people 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities. Said facilities might include meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room unit in the residential facility. (See Housing for the Elderly)

Conservation Areas: Environmentally sensitive and valuable lands (including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness) protected except for overriding public interest, from any activity that would significantly alter their ecological integrity, balance or character.

Conservation Easement: As defined by Nebraska RRS 76-2,111 a right, whether or not stated in the form of an easement, restriction, covenant, or condition in any deed, will, agreement, or other instrument executed by or on behalf of the owner of an interest in real property imposing a limitation upon the rights of the owner or an affirmative obligation upon the owner appropriate to the purpose of retaining or protecting the property in its natural, scenic, or open condition. Assuring its availability for agricultural, horticultural, forest, recreational, wildlife habitat, or open space use, protecting air quality, water quality, or other natural resources, or for such other conservation purpose as may qualify as a charitable contribution under the Internal Revenue Code

Construction and Demolition Waste: Waste which results from land clearing, the demolition of buildings, roads, or other structures, including but not limited to, beneficial fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wall paper, paneling, and tile), drywall, plaster, non-asbestos insulation, roofing materials, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. Construct and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums, and fuel tanks as described herein or otherwise within NDEQ Title 132.

Construction and Demolition Waste Disposal Area: Any area for the sole purpose of disposal of construction and demolition waste.

Construction Permit: A permit required of a LFO by NDEQ, prior to construction.

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket."), it is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. (See Self-Service Station)

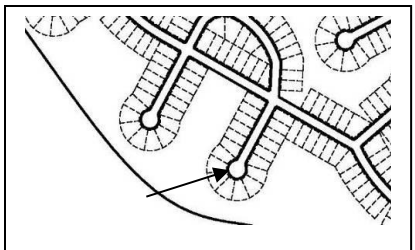
Convenience Store

Contiguous: Property adjoined at the property line and not separated by roads or alleys.

Country Club: 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: The County of Otoe, Nebraska.

County Board: The County Board of Commissioners of Otoe County, Nebraska.



Cul-de-sac

Court: An open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such buildings.

Cul-De-Sac: A short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

Curb Level: The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the higher.

D

Aerial view of Dairy Operation

Dairy Operation: Any place or premises upon which milk is produced for sale or other distribution.

Data Center: Any facility designed and constructed for the purpose of storing, collecting, transmitting of digital data via fiber optics, satellite, or other transmission system.

Dead Animal Disposal: The disposal of dead animals by methods authorized by law such as rendering, composting, burial, and incineration.

Deciduous Screen: Landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at a height of six feet in height or less.

Deck: A flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.

Density: Restrictions on the number of dwelling units or other structures that may be constructed per acre or per square feet of zoning lot area.

Detention Basin: A facility for the temporary storage of stormwater runoff.

Developer: Any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning, conditional use, or sign permit.

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations for which necessary permits may be required.

Development Area: An area of land that may or may not have been subdivided that contains three or more homes per nine acres.

Development Concept Plan: (See Site Plan)

Development Impact Fee: A fee imposed on developers to pay for the costs to the county of providing services to a new development based upon the impact of the development.

Development of Livestock Confinement Operation: Development of a confined livestock operation shall consist of but not be limited to contacting NDEQ, an engineer, a contractor, and/or NRCS, or by doing dirt work, excavation, or construction.

Example of a Dwelling, Manufactured Home
Source: http://transportablehomesspecialist.com/

Development Review: The review, by the county, of subdivision plats, site plans, rezoning requests, or permit review.

District: Any area designated on the zoning map for which detailed regulations are established herein pertaining to the uses permitted, the bulk of buildings and structures, and the size of yards and buildable area.

Dog Kennel: (See Kennel, Commercial; and Kennel, Private)

Domestic Animals: (See Household Pet)

Domestic Well: Well water used for human consumption and/or household purposes.

Dormitory: 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.

Downzoning: A change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

Drainage Way or Surface Drain: Any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks. In the event of doubt as to whether a depression is a watercourse or drainage way, it shall be presumed to be a watercourse.

Drive-in Establishment: A place of business operated for the sale and purchase at retail of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of any food or beverage in automobiles or on the premises but outside of any completely enclosed structure.

Driveway: Any vehicular access to an off-street parking or loading facility.

Dry Waste: Manure (urine or feces), litter, bedding, or feed waste from animal feeding operations.

Dry Waste Management System: A system where animal waste in the lots, pens and/or buildings of a CAFO is not removed by flushing out such waste by water, but is removed by shoveling out such waste by hand and/or machinery.

Dude Ranch: A ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

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

Duplex: The same as "Dwelling, Two Family".

Dwelling: Any building or portion thereof, other than a mobile home, which is permanently affixed to a foundation imbedded in the soil and used exclusively for residential purposes.

Dwelling, Farm: A single-family dwelling that is located on and used in connection with a farm.

Dwelling, Manufactured Home: A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other

than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.

Dwelling, Mobile Home: Any prefabricated structure allowed per housing codes or containing a HUD sticker, 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 motor 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.

1. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.
2. Permanent Foundation: Base on which building rests; to be constructed from either poured concrete or laid masonry block or brick.

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

Dwelling, Multiple Family: A building or portion thereof having accommodations for and intended to be used for occupancy by three or more families living independently from one another.

Dwelling, Seasonal: A dwelling designed and used as a temporary residence and occupied less than six months in each year. (Also, see, Cabin and Cabin, hunting and fishing)

Dwelling, Single Family: A building having accommodations for or occupied exclusively by one family that meets the following standards:

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
2. The home shall have no less than an 18-foot exterior width;
3. The roof, unless covered by at least two feet of earth, shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock. Metal roofs are acceptable only if they are non-reflective;
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
8. Permanent foundation: Base on which building rests; to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

Dwelling, Single Family Attached: A portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

Example of Single-Family Attached

Dwelling, Townhouse: A one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

Dwelling, Two Family: A building having accommodations for and intended for use or occupancy by two independent families.

Dwelling Unit: A building, or part thereof, containing complete housekeeping facilities for a single family.

Dwelling Unit, Special Types: Any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that is not meet the typical construction style of traditional stick framed structures.

1. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping and meeting the definition of dwelling unit above.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of Dwelling Unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A combination of a dwelling unit and machine shed under a common or connect roofing system. For purposes of a Shouse, 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 Unit above.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses can be either portable, on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure of the unit is based on one or more tree clusters.

Cargo Container Apartment	Cargo Container Home	Cargo Container Home	Grain Bin Home	Grain Bin Home
Shouse	Shouse	Grain Elevator Apartment	Tiny House	Tiny House
Tree House	Tree House	Quonset home	Quonset home	Quonset home

E

Example of an Earthen Home

Earthen Home: A home built into a berm or hillside covered by earth on three sides and on the roof.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Educational Institution: A public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, or 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 or 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, and commercial or private trade schools are not included in this definition.

Effective Date: The date that this resolution shall have been adopted, amended, or the date land areas shall have become subject to the regulations contained in this resolution as a result of such adoption or amendment.

Electric Distribution Substation: An electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.

Electric Transmission Substation: An electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.

Eleemosynary Institution: An institution supported by charity and designed to assist persons, for example; those recovering from mental or emotional illness.

Emergency Shelter Mission: A facility which provides temporary housing for one or more individuals who are indigent, needy, homeless or transient.

Encroachment: An advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.

Engineer Any engineer qualified and licensed by any state or territory of the United States of America.

Enlargement: 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: Any livestock operation meeting the definition of an Animal Feeding Operation (AFO) and is contained within a building which is roofed, and may or may not have open sides and contains floors which are hard surfaced, earthen, slatted or other type of floor. The facility is capable of maintaining and regulating the environment in which the livestock are kept.

Environmentally Sensitive Area: Any land area containing one or more of the following; 1) steep slopes, 2) floodplain, 3) soils having high water tables, 4) highly erodible soils, 5) lands incapable of meeting minimum percolation standards, and 6) stream or river corridors.

Equestrian Center: Commercial horse, donkey, and mule facilities including: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations. This includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

Equestrian Paddock: An open, fenced area with a portion of the enclosed area roofed to provide shade, used to house one or more horses.

Erected: Constructed upon or moved onto a site.

Exceptions: Uses that are not appropriate generally in a particular district without restriction, but which, if controlled as to number, area, location, relation to adjoining properties and other factors can be appropriate. Such uses that may be permitted in particular districts as exceptions are allowed only if expressly provided for herein.

Existing And Lawful: The use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

Expressway: A street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

Extraterritorial Jurisdiction: 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.

F

Façade: The exterior wall of a building exposed to public view from the building's exterior.

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

Family: One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit.

Family Child Care Home I: A child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

Family Child Care Home II: A child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

Farm: A tract of 20 or more acres of land or water producing at least $1,000 in annual revenue of plants, animals or their products; which does not meet the criteria of an Animal Feeding Operation.

Farm Operation, General: The current employment of land for the purposes of obtaining a profit in money by the raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honey bees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or combination thereof. Farm use includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with farm use. General farm operations do not include Concentrated Animal Feeding Operations as defined herein.

Farm Products: Usual products produced on an Agricultural Operation or Farm 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.

Example of a Farmer's Market
Copyright American Planning Association

Farmer's Market: The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Farming: 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.

Farmstead: In contrast to a farmstead dwelling, a tract of land of not less than two acres and not more than 20 acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family resident purposes.

Example of a Feedlot

Feed Lot: Feed lot shall mean the confinement of horses, sheep, pigs, and other food animals in buildings, lots, pens, pools or ponds which normally are not used for raising crops or for grazing animals. (Nebr. Dept. Environmental Quality)

Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Fence: A free-standing structure of metal, masonry, composition or wood or any composition thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

Final Plat: The map or plan or record of a subdivision, and accompanying documents and materials, as described and defined in the subdivision regulations.

Fireworks: Any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, firecrackers, torpedoes, sky rockets, Roman candles, Daygo bombs, sparklers, or other fireworks containing any explosive or flammable compound, or any tablet or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to paper caps containing not more than 0.25 of a grain (16.20 milligrams) of explosive composition per cap.

Fireworks Storage: Any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

Flea Market: a building or open area in which stalls or sale areas are set aside, and rented or otherwise provided, and which are intended for the use by various unrelated individuals to sell articles that are either new, old, homemade, homegrown, handcrafted, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.

Flex District: The Flex District is to provide for a wide range of commercial and industrial uses including retail sales and services; warehousing and distribution; and industrial uses which are compatible with other uses

permitted in this district and in adjacent districts. The focus of this district is towards highway-oriented businesses and industry.

Flood: The water of any watercourse or drainage way which is above the banks or outside the channel and banks of such watercourse or drainage way.

Flood Plain: The area adjoining a watercourse which has been or may be covered by flood waters.

Floodway: The channel of a watercourse or drainage way and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse or drainage way.

Floor Area: Whenever the term "floor area" is used in these regulations as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

Forty acre tract: (see Quarter-quarter)

Freestanding Canopy: A permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

Freestanding Canopy

Frontage: That side of a lot abutting on a street and ordinarily regarded as the front of the lot.

Funeral Home: 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.

G

Garage: A building for the storage of motor vehicles.

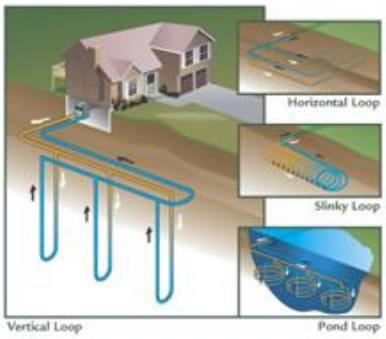
Garage, Private: A detached accessory building up to and including 1,000 s.f., including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling.

Garage, Public: Any garage other than a private garage designed or used for equipment, repairing, hiring, servicing, selling, or storing motor driven vehicles.

Garage, Repair: 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.)

Garage, Storage: A building or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.

Garbage: Any waste food material of an animal or vegetable nature, including waste that may be used for the fattening of livestock.



Examples of Geothermal Heat Pump System
Source: Yahoo Images/daviddarling.info

Geothermal Heat Pump System: A well, constructed for the purpose of utilizing the geothermal properties of the earth.

1. Open Loop Heat Pump well shall mean a well that transfers heat via pumped ground water which is discharged above and/or below ground. For below ground discharge, refer to NDEQ Title 122.
2. Closed Loop Heat Pump well shall mean a well, constructed for the purpose of installing the underground closed loop pipe necessary to recirculate heat transfer fluid.
3. Horizontal Closed Loop means a trench or pit essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of heat transfer.
4. Vertical Closed Loop means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed for heat transfer.

Governing Body: The Board of County Commissioners for Otoe County Nebraska.

Grade: Except for Earthen Homes permitted under the Nebraska State Codes and Regulations, shall mean the following:

1. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be grade.
2. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in A. above) of all walls facing each street.
3. For buildings having no walls facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be grade.
4. Any wall approximately parallel to and not more than 50 feet from a street line is considered as facing a street.

Grain Handling Systems: the moving, transferring, handling, storing, aerating and/or drying of grains by mechanical or natural means, which may include, but not limited to, stationary storage units (i.e. grain bins, hoppers, silos) grain-dump pits, fans, dryers, conveyors, augers, leg systems, and /or catwalks.

Granny Flat: (see "Accessory Apartment")

Greenhouse: A building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers.

Greenhouse, Noncommercial: A building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

Greenway: A parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.

Gross Acres: The total area of a site, inclusive of all street and/or road rights-of-way, plus, any required supporting facilities.

Groundcover: Plant material used in landscaping which remains less than 12 inches in height at maturity.

Groundwater: 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.

Groundwater Recharge: The filling of groundwater aquifers by rain and melting snow percolating into the ground and saturating the pores between rock and soil particles.

Group Care Home: A home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide 24-hour care for individuals in a residential setting.

Group Home for the Handicapped: A dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such impairment.

Group Housing: Two or more separate buildings on a lot, each containing one or more dwelling units.

Guest House: An attached or detached building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

Guest Ranch: A use incorporating two or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational facilities, such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbeque and picnic facilities intended primarily for use by the guests of the guest ranch. Bars and restaurants that cater primarily to those other than guests of the guest ranch are not permitted.

Guest Room: A room which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

Gun Club: Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

Gun Range: An outdoor area designated for the firing of firearms at stationary or mobile targets within the area.

H

Habitable Structure: A building which provides protection from the weather. The structure shall also contain the necessary plumbing facilities found in livable spaces and the structure shall be connected to all utilities.

Half-Story: A story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

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

Hazardous Material: 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: Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise coming into contact with such material or substance.

Hazardous Waste: Waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.

Head Equivalent: (See Animal Feeding Operation)

Health Care Facilities: A facility licensed or approved by the state or an appropriate agency, if required. Health Care Facility may be any of the following:

1. Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital;
2. Convalescent or nursing home;
3. A facility for outpatient physical, occupational, or vocational therapy or rehabilitation;
4. Public health clinics and facilities; and
5. Ambulatory surgical care center which does not allow for overnight stay by patients. Unless an exception is made, health care facilities do not include doctors', or dentists', professional offices and private clinics.

Health Club: Privately-owned for-profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

Health Recreation Facility: An indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

Heliport: Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Helistop: An area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one helicopter, and other facilities as may be required by federal and state regulations,
but not including operation facilities such as maintenance, storage, fueling, or terminal facilities.

Highway, Major Inter-Regional: A "U.S." or "State" designated highway with 100 feet right-of-way or more on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.

Highway Setback Line: The future right-of-way line or plan lines of any highway.

Historic District: An area containing buildings 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: Means an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.

Holding Zone: A zoning district, usually a very low density district, placed on property for the purpose of temporarily holding back the development of land for a more intensive desired use as indicated by the comprehensive plan until such time as community facilities are economically available and thereby avoiding the "leap frogging" of land uses.

Home-based Business: An accessory use of a single-family or two-family residential structure which does not meet the definition of a home occupation. A home-based business would consist of service oriented uses and typically be more intense than a home occupation, due to factors such as intensity of use or clients coming to the residence. A Home-based Business, typically will allow a minimum amount of employment from outside the individuals residing on the property.

Home Occupation: A business, occupation, trade or profession conducted for gain and carried on within a residential dwelling by the resident thereof.

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

Hospital: 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: 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.

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

House Trailer (see Dwelling: Mobile Home)

Household Pet: 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.

Housing for the Elderly: A building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of 55 years of age or more. This does not include developments containing convalescent or nursing facilities. (Also, see Congregate Housing.)

Housing For The Physically Handicapped: A building containing a dwelling or a group of dwellings in which each occupied dwelling unit is occupied by at least one physically handicapped person with a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises.

I

Impact Easement: An easement or deed restriction, recorded in the office of the Otoe County Register of Deeds. Impact easements shall run with the land, and is granted to the owner of a use.

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

Incidental Use: A use that is subordinate to the main use of a premise.

Incompatible Use: A use which is unsuitable for direct association with certain other uses because it is contradictory, incongruous or discordant.

Individual Septic System: A wastewater treatment system for a dwelling that has a septic tank and absorption system.

Industrial District, Heavy: The purpose of this district is to provide for businesses involved in the manufacturing or handling of heavy industrial materials.

Industrial District, Light: The purpose of this district is to provide for businesses involved in the manufacturing or handling of light industrial materials.

Industrial Park: A planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with

special attention to on-site vehicular circulation, parking, utility needs, building design, and orientation and open space.

Industrial Uses: Shall mean a use or activity at a scale greater than home industry involving the manufacture and distribution of materials and/or products generated from raw materials or the assemblage of a product from several pre-manufactured pieces.

Industrial Waste: Any material resulting from a production or manufacturing operation having no net economic value to the source producing it.

Industrial Waste Disposal: the discarding of any Industrial Waste in either a legal or illegal manner.

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

Inoperable Motor Vehicle: Any motor vehicle that:
1. Does not have a current state license plate; or,
2. May or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways.
3. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

Intensity: The degree of concentration or activity with which land is used. Agriculture and residential are considered low intensity uses. Heavy industrial is considered a high intensity use. High intensity uses normally generate high concentrations of vehicular traffic and daytime population.

Intent and Purpose: That the Commission and Board by the adoption of these regulations, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the regulations prescribed therein.

J

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

Junkyard (Salvage Yard): An area of land with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building of used or discarded materials; used building materials, house furnishings, machinery, inoperable vehicles or parts thereof whether with or without the dismantling, processing, salvage, sale or other use or disposition of same.

K

Kennel, Boarding and Training: Any lot or premises on which four or more dogs or cats or any combination thereof, at least four months of age, are boarded, bred, or trained for a fee.

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

Kennel, Private: Any premises used for the keeping of four 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.

Kitchen Facilities: A room or area equipped for the preparation and cooking of food when it has all of the following:
1. Kitchen sink.
2. Burner, cook stove, or microwave oven.
3. Refrigerator.

L

Laboratory, Medical: An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.

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

Lakeside Residential: These areas are intended to provide living areas on lakefront developments.

Landscaping: The improvement of any parcel of land with: grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects and other natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Laundry, Self Service: An establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

Leapfrog Development: New development separated from existing development by substantial vacant land.

Leased Campground: A single tract of land with or without individually leased lots used for camping by the lease holders only. No transient camping is allowed.

Life Care Facility: A facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. (See Congregate Housing and Housing for the Elderly.)

Liquid Manure: That type of livestock waste that is in a liquefied state, collected in manure pits or lagoons in order to be sprayed/applied on the surface or injected beneath the surface.

Liquid Manure Storage Pits: Earthen, concrete or lined pits located wholly or partially beneath a semi or totally housed (ECH) livestock animal feeding operation or at some removed location used to collect waste production.

Liquid Waste Management System: A system where the majority of the animal waste in the lots, pens and/or buildings of a LFO is removed by flushing out such waste with water.

Livestock: Cattle, buffalo, horses, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

Livestock Feeding Operation (LFO): Any farming operation in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other and utilize a common area of system for the disposal of livestock wastes; otherwise the separation distances shall apply as per Table 8.09.01.

Livestock Lagoon: (see "Waste Handling System")

Livestock Pasturing Operation: Any livestock operation that uses pasture, as defined under this regulation, as the primary source of feed for the animals.

Livestock Sales Yard: An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

Livestock Wastes: Animal and poultry manure including 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 product.

Livestock Waste Control Facilities or Facility or Facilities: (see "Waste Handling System")

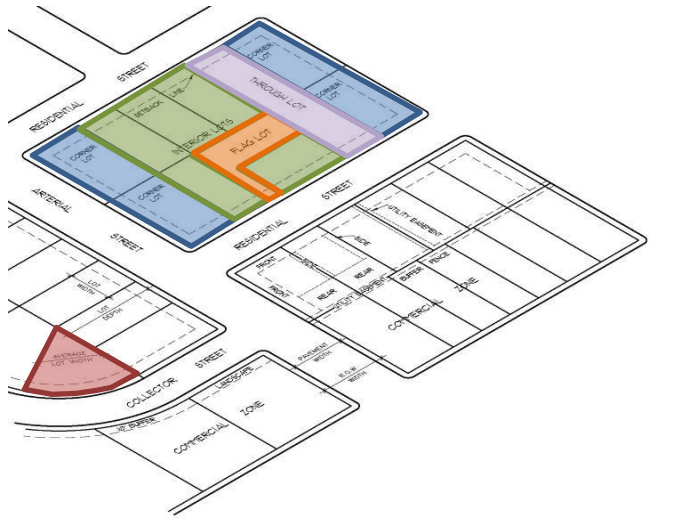
Living Floor Area: The square foot area of a dwelling unit, excluding the garage, attics and areas within a full basement that do not have ground level access to the outside, as measured between the face of the interior walls.

Loading Space: An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

Local Street or Local Highway: A street or road primarily for service to abutting property.

Lot: A parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Register of Deeds and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.

Lot Area: The total area, on a horizontal plane, within the lot lines of a lot.



Examples of Lot Types

Lot, Corner: A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot".

Lot Coverage: The portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

Lot, Curve: A lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.

Lot Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and in the rear of the lot.

Lot, Double Frontage: A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot, Flag: A lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

Lot, Frontage: A 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 Improvement: Any building, structure, or other object or improvement of the land on which they are situated constituting a physical betterment of real property.

Lot, Interior: A lot other than a corner lot, having a single frontage on a street.

Lot, Minimum Size: The minimum area required in a designated zoning district. The minimum lot size shall apply only to ground not covered by a waterway at the time of the application.

Lot Line, Front: A street right-of-way line forming the boundary of a lot.

Lot Line, Rear: The lot line that is most distant from, and is most nearly parallel to the front lot line.

Lot Line, Side: A lot line which is neither a front or rear lot line.

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

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds or a parcel of land the deed to which was recorded prior to adoption of these Regulations.

Lot, Through: A lot other than a corner lot with frontage on more than one street.

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

M

Machine Shop: A work shop, including tool and die shops, that turns, shapes, planes, laser metal cutting, mills or otherwise reduces or finishes metal by machine-operated tools.

Maintenance Guarantee: 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 Recreational Equipment: Boats and boat trailers, travel trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers and the like and recreational vehicles.

Manufactured Home Park: 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 Subdivision: 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: Uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as

lubricating oils, plastics, resins, or 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: A map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Otoe County Board of Commissioners for Otoe County, Nebraska.

Medical or Dental Clinic: Any building or portion thereof, other than a hospital, used or intended to be used as an office for the practice of any type of medicine, including chiropractic, dentistry, or optometry.

Mini-Storage or Mini-Warehouse: (See "Self-service Storage Facility")

Mining and Mineral Extraction: 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; groundwater diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine location or as part of a mining activity.

Mobile Home: (See "Dwelling, Mobile Home")

Mobile Home Park: (See "Manufactured Home Park")

Mobile Home Residential: Mobile Home Residential areas are to provide for mobile home dwellings on leased or owned property in areas where a mobile home court is appropriate.

Mobile Home Subdivision: (See "Manufactured Home Subdivision")

Mobile Home Site: A plot of ground designed for accommodation of a single mobile home dwelling.

Motel: (See "Hotel")

Motor Vehicle: Every self-propelled land vehicle not operated upon rails, except mopeds and self-propelled invalid chairs.

N

Nebraska Revised Reissued Statutes, 1943: and the abbreviated term Nebr. R. R. S., 1943 are one and the same.

Net Acre: Total area exclusive of street or roadway and alley easement (which is 20 feet or less in width).

Nightclub: A commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar.)

Non-community Water Supply System: Any public water supply system that is not a community water supply system.

Non-Conforming Building: A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

Non-Conforming Use: A use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

Non-Farm Buildings: Are all buildings except those buildings utilized for agricultural purposes on a farmstead of 20 acres or more which produces one thousand dollars or more of farm products each year.

Non-Farm Dwelling: Any dwelling that is not a part of a farm regardless of lot size.

Nuisance: A substantial invasion of or interference with another's interest in the private use and enjoyment of their property/land.

Nursery: The use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

Nursery School: (see "Preschool")

Nursing Home: A facility used or occupied by persons recovering from illness or suffering from infirmities of old age required skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.

Nutrient Application Levels: The levels of nutrients applied to the waste utilization area.

O

Occupied Dwelling: Any residence, church, school and/or business, which has been in use at any time during the 12-month period immediately prior to the date upon which an application for a conditional use permit to construct a LFO or expand or modify a LFO.

Off-road Vehicle: Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, swampland, or other natural terrain, except that such terms exclude (a) registered motorboats, (b) military, fire, emergency, and law enforcement vehicles when used for emergency purposes.

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

Office Park: A tract of land that has been planned, developed, and operated as an integrated facility for a number of office buildings and supporting accessory uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Official Map: (See Map, Official Zoning District.)

Off-Street Parking Area or Vehicular Use: To all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

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

Open Space: A parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

Operating Permit: An operating permit as required for a LFO by the NDEQ.

Outdoor Advertising: See the definitions of "Advertising Structure" and "Sign".

Overlay District: A district in which additional requirements will act in conjunction with the underlying zoning district. The original zoning district designation does not change.

Owner: One or more persons, including corporations, who have title to the property, building or structure in question.

P

Parcel: A lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use. For the purposes of establishing a setback for a Livestock Feeding Operation, a Wildlife Management Area (WMA) is not considered a park.

Parking Area, Private: An area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

Parking Area, Public: An area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

Parking Lot: Any open area used for the storage of motor vehicles which contains space rented to the general public.

Parking Space, Automobile: An area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than eight and one-half feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

Parkway: An arterial highway with full or partial control of access, and located within a park or ribbon of park like development.

Pasture: An area where crops, vegetative forage growth, post-harvest residues are sustained for the purpose of grazing animals in that area.

Paunch Manure: Contents of a slaughtered animal's digestive tract.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by these Regulations will be completed in compliance with these regulations as well as with approved plans and specifications of a development (Also, see "Maintenance Guarantee")

Permanent Foundation: A base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

Permanently Attached: Connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

Permit: A document issued by Otoe County authorizing the applicant to undertake certain activities.

Permitted Use: Any land use allowed without condition within a zoning district.

Person: An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Otoe County, Nebraska.

Petroleum Distribution Pipeline: Transportation facilities for the conveyance of: crude petroleum, refined petroleum products such as gasoline and fuel; natural gas; mixed, manufactured, or liquefied petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pumping stations, bulk storage, surge and storage tanks.

Pipeline: A pipe used to transport, transmit, convey, or store liquid or gas for hire in Nebraska interstate commerce other than a major oil pipeline, a gathering pipeline, distribution pipeline, or service line.

Pipeline, Major Oil: A pipeline which is larger than six inches in inside diameter and which is constructed in Nebraska for the transportation of petroleum, or petroleum components, products or wastes, including crude oil or any fraction of crude oil, within, through, or across Otoe County.

Planned Development Overlay District: A zoning district providing flexible land development when planned and designed under the provisions of these regulations as a unit containing one or more land uses.

Planning Commission: The Otoe County Planning Commission as established in accordance with section 23-114 R.R.S. Neb. (1943) and with the powers and authority therein granted.

Plat: A map showing the location, boundaries, and legal description of individual properties.

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

Poultry, Commercial Feeding: A poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

Preliminary Plat: The preliminary drawings and information which indicate the proposed layout of a subdivision, as described and defined in the subdivision regulations.

Premises: 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.

Preschool: An early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

Private Club: A non-profit association of persons who are bona fide members paying dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. A private club may include the serving of food and meals on said premises while providing adequate dining room space and kitchen facilities. A private club may include the sale of alcoholic beverages to members and their guests provided the activity is secondary and incidental to the promotion of some common objective by the organization; and, said sale of alcoholic beverages is in complete compliance with all municipal, state and federal laws.

Private Well: A well that provides water supply to less than 15 service connections and regularly serves less than 25 individuals.

Prohibited Use: Any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

Professional Office: Any building or part thereof used by one or more persons engaged in the practice of law, medicine, accounting, architecture, engineering or other occupation customarily considered as a profession.

Promotional Device: Any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.

Public Conservation Lands: 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 purposes of this Regulation, 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.

Public Improvement: Any drainage facility, roadway, street, sidewalk, sewer or water facility or other improvement for which the government body may ultimately assume the responsibility of maintenance and operation.

Public Use Area: That portion of land owned by the United States, the state, or a political subdivision with facilities which attract the public to congregate and remain in the area for significant periods of time. Facilities include, but are not limited to, picnic grounds, campgrounds, lodges, shelter houses, playground equipment, lakes as listed in Table 2 at the end of this chapter, and swimming beaches.

Public and Private Utility: Any governmental entity or business which furnishes to the general public telephone service, electricity, natural gas, water, sewer and other services so affecting the general public interest as to be subject to the supervision or regulation of a State agency.

Public Water Supply: A water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least twenty-five 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.

Pumping Station: A mechanical point within a pipeline or major oil pipeline used to introduced added force to the material being transported in said pipe.

Q

Quarry: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Quarter Section: That portion of land approximately equal to ¼ of a section of land (160 acres)

Quarter-Quarter Section: That portion of land approximately equal to 1/16 of a section of land (40 acres)

R

Racetrack: A measured course where machines (usually automobiles), dogs, horses or other animal, are entered in competition against one another or against time.

Railroad: The land use including the right-of-way (R.O.W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses or car yards.

Recharge Areas: The places where rain and snow melt percolate into the ground, refilling the groundwater aquifers.

Recharge Rate: The time that is required to add to, or replenish water in an aquifer or water table.

Recreation Equipment: See ("Major Recreational Equipment")

Recreational Facility: 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. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

Recreational Vehicle (RV): A vehicular unit less than 40 feet in overall length, eight feet in width, or 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: 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 Facility: 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: 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: 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.

Remodeling: Any change in a structure (other than incidental repairs and normal maintenance) which may prolong its useful life; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

Research Laboratory or Center: 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: See Dwelling Unit.

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

Restaurant, Drive-In: An establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carry-out, or drive-in; and where foods are/or beverages are usually served in paper, plastic, or other disposable containers.

Retail Trade: 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: 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: An amendment to or change in the zoning regulations either to the text or map or both.

Rezoning, Piecemeal: The zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, road, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other similar use.

River Protection Corridor: The River Protection Corridor allows certain uses while protecting the environmental integrity of river environs.

Road, Improved: A street, county road, and/or State/Federal Highway that are graded, surfaced and maintained on a regular basis with an approved granular material or hard-surfacing material.

Road, Private: 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: All public right-of-way reserved or dedicated for street or road traffic. (Also, see Right-of-Way and Street.)

Road, Unimproved: An officially declared minimum maintenance road as well as any road that is not generally graded, crowned or contain a surfacing material of either a granular or hard-surfaced nature.

Roadside Stand: A temporary structure or vehicle used solely for the sale of farm products produced on the premises or adjoining premises.

Rodeo Grounds: A tract of land used for the public performance featuring ordinary rodeo contests. These grounds are often used for other public benefits and performances when sponsored by clubs and organizations of the community.

Room: An un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

Rooming House: Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals.

Rural Residential: Rural Residential accommodates low-density single-family dwelling as well as certain public facilities.

S

Aerial of a Sand and Gravel Operation

Sand or Gravel Pit: Land used for the extraction of sand and/or gravel for public and/or commercial use.

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

Aerial view of a Sanitary Landfill

Satellite Dish Antenna: An antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

Scenic Easement: An easement for the purpose of limiting land development in order to preserve a view or scenic area.

School, Day: A preschool or nursery school for children.

School, Day, Pre-, or Nursery: A school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

School, Elementary, Junior High, or High: Public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.

School, Private: An institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with the Nebraska R. R. S., 1943, Section 79-1701 through 79-1707.

School, Trade: An institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.

Screening: A method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, beams, or other features. (Also, see Buffer.)

Self-Service Station: An establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Self-Service Storage Facility: A building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

Separate Ownership: Ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

Service Stations: Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

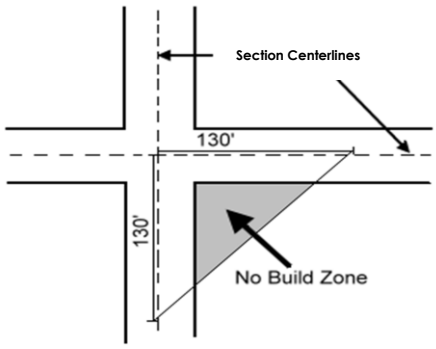
Setback Line, Front Yard: The line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established. (See illustration under "Yards".)

Setback Line, Rear Yard or Side Yard: The line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district. (See illustration under "Yards".)

Shooting Range, Outdoor: The use of land for the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

Shopping Center: A grouping of retail business and service uses on a single site with common parking facilities.

Short-term rental: A residential property, including a single-family dwelling or a unit in a condominium, cooperative, or timeshare, that is rented wholly or partly for a fee for a period not longer than thirty consecutive days.



Example of the Sight Triangle

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

Silo: A structure or storage area to confine livestock feed.

Similar Use: The use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

Site, Septic: The area bounded by the dimensions required for the proper location of the septic tank system.

Sketch Plat: A sketch preparatory to preparation of the preliminary plat to enable a subdivider to reach general agreement with the Planning Commission at the earliest possible time.

Sludge: Solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

Solar Units: A device designed and used for the purpose of collecting solar energy and utilizing the energy to heat space or water, or for some other use, within a structure.

Solid Waste: Waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

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

Stable, Private: A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, Riding: A structure in which horses or ponies, used elusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire, or sale.

State: The State of Nebraska.

Stockpiling: The accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for the storage or holding for a period of not more than one year.

Storage: The keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

Story: A space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

Story, One-Half: The same as "Half-Story".

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

Street Arterial: 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 Collection: A street or highway that is intended to carry traffic from minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

Street, Curvilinear: Local streets that deviate from straight alignment and change direction without sharp corners or bends.

Street, Frontage Access: A street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

Street, Local: A street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

Street, looped: A continuous local street without intersecting streets and having its two outlets connected to the same street.

Street, Major: A street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

Streets, Private: 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."

Street, Side: The street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

Street Centerline: The centerline of a street right-of-way as established by official surveys.

Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street.

Structure: Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

Structure, Advertising: (see "Advertising Structure")

Structure, Temporary: A structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Structural, Alteration: Any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

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

Subdivision Regulations: The official Subdivision Regulations of the County, together with all amendments thereto, adopted pursuant to section 23-372 through 23-377 R.R.S. Neb. (1943).

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either,

1. Before the improvement or repair is started, or

2. If the structure has been damaged, and is being restored before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building or life safety codes or regulations.

Substations: Any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

Surface Water Class A -- Primary Contact Recreation: 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 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: 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.

T

Tavern: (See "Bar")

Temporary Use: A use intended for limited duration to be located in a zoning district not permitting such use.

Tower, Communication: A structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see "Antenna")

Tract: A plot or parcel of land shown by survey, other than a lot in a subdivision which is recorded in the Office of the Register of Deeds.

Trailer: A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo or property.

Transfer Station: A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an infectious waste incineration facility.

Transitional Agriculture: Areas deemed as Transitional Agriculture recognize the transition between agricultural uses of land and communities; to encourage the continued use of land which is suitable for agriculture, but limit the land uses that may be a detriment to the efficient pursuit of agricultural production.

Transient: A person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one year.

Trailer, Automobile: A vehicle without motor power designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

Transitional Use: A permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.

Transmission Line: The electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Transmissivity: The ability of an aquifer to yield a certain output of groundwater over a set period of time.

Tree Cover: The area directly beneath the crown and within the dripline of a tree.

Truck Repair: 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 ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

Truck Terminal: A building or an area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored for a short time period.

U

Unincorporated Village: These areas are intended to accommodate the different uses found in former villages and cities that are now unincorporated and under the jurisdiction of the County.

Upzoning: A change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

Usable Open Space: That part of the ground area of a lot or development devoted to outdoor recreational space, but excluding private or public roadways, accessory off-street parking and loading and other uses and structures.

Use: Any purpose for which a structure or tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Use, Best: The recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes the public health, safety and general welfare.

Use, Highest: An appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

Use, Principal: The main use of land or structure, as distinguished from an accessory use. (Also, see "Building, Principal")

Use Regulations: Regulations identifying permitted and exceptional uses, accessory uses, use limitations and use conditions.

Used Materials Yard: Any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yard" or "Automobile Wrecking Yards".

Utility Easement: (see "Easement")

V

Variance: A relaxation of the literal terms of the zoning regulations where applicable to avoid undue hardship to a property owner and where the public interest will be served.

Vehicle: 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.

Vehicle, Motor: (See "Motor Vehicle")

Visual Obstruction: Any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

W

Warehouse: A building used primarily for the storage of goods and materials.

Warehouse and Distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste Handling System: Any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems.

1. **Holding pond** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.
2. **Lagoon** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of liquid livestock waste by anaerobic, aerobic or facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.
3. **Liquid manure storage pits** shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.
4. **Sediment** shall mean a pond constructed for the sole purpose of collecting and containing sediment.
5. **Human disposal systems** shall comply with the requirements of Title 124 at the Nebraska Department of Environmental Quality or subsequent agencies.

Waste, Industrial: Any material resulting from a production or manufacturing operation having no net economic value to the source producing it.

Wastewater Lagoon: (See Lagoon.)

Waste Utilization Area: Land used or reserved for the application of animal wastes from a CAFO.

Waters of the State: The 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.

Water System, Regional: A water system which has been constructed for the expressed purpose of supplying potable water to densely populated areas. A regional system shall be an extension of an existing municipal system and shall not be dependent upon individual wellfields or other water source other than those serving the municipality.

Water District, Rural: shall mean a water district, as defined by the State of Nebraska, which has been constructed for the expressed purpose of supplying potable water to densely populated areas and/or rural residents. A rural system shall include independent wellfields, pressurization systems, and storage.

Water Table: The upper limit of the portion of the soil that is completely saturated with water. The seasonal high water table is the highest level to which the soil is saturated.

Wellfield: A tract of land that contains a number of wells supplying water.

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

Wholesale Establishment: An establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wholesale Trade: A use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

Wine: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits and vegetables, contain sugar, including such beverages when fortified by the addition of alcohol or spirits.

Winery, Farm: Any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent of the finished product is grown in this state or which meets the requirements of section §53-123.13 R.R.S. Neb. (1943).

X

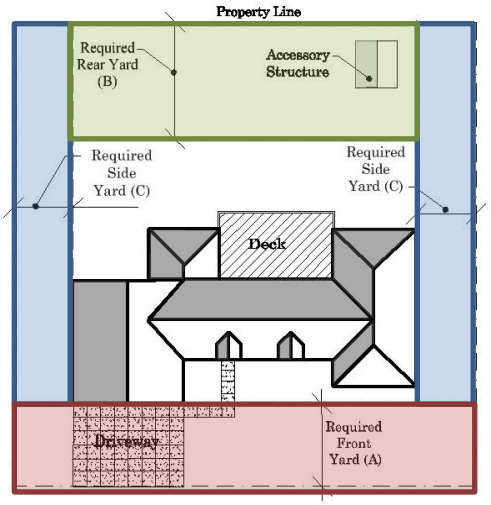
Xeriscaping: Landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

Y

Yard: Open space on a lot which is unoccupied and unobstructed from the ground to the sky, except for permitted obstructions.

Yard, Front: A yard extending along the full length of the front lot line from said line to a line drawn parallel to it equal to the depth of the required front yard. On corner lots, the Zoning Administrator shall determine the front yard requirement subject to the limitation that at least one front yard shall have the required front yard depth and the other shall have no less than one-half of the required front yard depth.

Yard, Rear: A yard extending from the rear lot line to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.



Example of different Yard Requirements

Yard, Side: A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of the required minimum side yard, but excluding any area encompassed within a front yard or rear yard.

Z

Zoning Administrator: Person or persons authorized and empowered by the county to administer and enforce the requirements of these Regulations. Also zoning administrator is often referred to as Zoning Administrator.

Zoning District: The same as "District".

Zoning District, Change of: The legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the County.

Zoning Board of Adjustment: The Board established in accordance with sections 23-168.01 through 23-168.04 R.R.S. Neb. (1943).

Zoning Regulations: The official Regulations as approved and adopted in the Zoning Regulations of The county of Otoe, Nebraska, together with all amendments thereto, adopted pursuant to sections 23-114 through 23-114.05 R.R.S. Neb. (1943).

ARTICLE 3: GENERAL REGULATIONS

Section 3.01 Nonconforming, General Intent

It is the intent of this resolution to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this resolution to be incompatible with permitted uses in the districts involved. It is further the intent of this resolution 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 except as may be authorized in this title.

Section 3.02 Nonconforming Lots of Record

1. In any district where buildings and structures are permitted, notwithstanding limitations imposed by other provisions of this Resolution, use and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district; provided:
   a. The yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located;
   b. Such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and
   c. Has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous Resolution would have prohibited creation of such lot.
2. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

Section 3.03 Nonconforming Structures

1. *Authority to continue:* Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
2. *Enlargement, Repair, Alterations:* Any such structure described in Section 3.03 (1) may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.
3. *Damage or Destruction:* If any structure described in Section 3.03 (1) is damaged or destroyed, by any means, to the extent of more than 75 percent of its structural value:
   a. Such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located, unless otherwise provided herein; if structures located on a lot that does not comply with the applicable lot size requirements in Section 3.02, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within six months after the date of such partial destruction and is diligently pursued to completion.
   b. When a residential structure, the use of which does not conform to the provisions of the Otoe County Zoning Regulation but can continue under said regulations per Section 3.03 (1), is damaged by fire, explosion, act of God, or the public enemy said structure may be rebuilt within 12 months to its previous size. Said destruction shall not be an intentional act by the property owner or resident. Said building may be rebuilt within 500 feet of its previous area as long as it does not cause a violation to the Otoe County Zoning Regulations that the original building was not in violation of. Notwithstanding, an extension to the 12 months may be granted by the Planning Commission not to exceed an additional 12 months.
   c. In the AG-1, TA-1, and RPC districts where the maximum density of residential dwellings has been exceeded at the time of adoption of this Resolution and the residential dwelling has been lived in (not abandoned) during the year prior to the adoption of this Resolution, a residential dwelling may be

enlarged or reconstructed (site cannot be vacant for 12 consecutive months or more). This is allowed provided the residential density at the time of the adoption of this Resolution is exceeded.

4. *Moving:* No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 3.04 Nonconforming Uses

1. *Nonconforming Uses of Land:* Where at the effective date of adoption or amendment of this resolution, 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:
   a. 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 this resolution;
   b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this resolution; and
   c. If any such nonconforming use of land ceases for any reason for a period of more than 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.
2. *Nonconforming 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 this resolution, that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
   a. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
   b. Any nonconforming 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 this resolution but no such use shall be extended to occupy any land outside such building;
   c. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission through the conditional use process either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguard in accord with the provisions of this resolution;
   d. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
   e. When a nonconforming use of a structure or structure and premises in combination is discontinued, or abandoned for 12 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; and
   f. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 3.05 Repairs and Maintenance

1. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing if the cubic area of the building as it existed at the time of passage of amendment of this Resolution shall not be increased.
2. Nothing in this resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 3.06 Uses Under Conditional Use Permit not Nonconforming Uses

Any use for which a Conditional Use Permit has been issued as provided in this Resolution shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

Section 3.07 Interpretation
In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, moral, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between the parties, except that if these regulations impose a greater restriction, these regulations shall control.

Section 3.08 Scope of Regulations
No building, structure, or land in the unincorporated areas, excluding the portion of unincorporated areas over which cities and village are granted and are exercising zoning jurisdiction in Otoe County shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Resolution herein specified for the district in which it is located and except after receiving a zoning permit from the Otoe County Zoning Administrator and:

1. Every building hereafter erected shall be located on a lot of record.
2. Only one principal building will be permitted on one lot of record, unless otherwise stated.
3. In a Planned Unit Development, before a zoning permit can be granted, an application for a Zoning Compliance Certificate shall be submitted for approval.
4. After a county road has been classified as a ***minimum maintenance*** road or is an unimproved road, no zoning permits for residential dwellings, mobile home, or manufactured home shall be issued on any property adjoining such classified road, unless the road meets the requirements of County Resolution No. 98-50.

Section 3.09 Zoning Standards
No nonconforming building, structure, or part thereof shall hereafter be erected or altered if it does not meet the requirements described in section 3.03 and 3.04, unless a variance is granted:

1. To reduce any required yard setbacks
2. To exceed the height or bulk
3. To occupy a greater percentage of lot area
4. To erect or place any building, or structure, or part thereof into any zoning district to be used or occupied
5. To relocate or transport any building, structure, or part thereof into any zoning district to be used or occupied
6. To accommodate or house a greater number of families

No part of a yard or other open space required in connection with any building, occupancy, or use for the purpose of complying with these regulations shall be included in the calculations to determine the size of area necessary to accommodate the off-street parking and loading space requirements.

Section 3.10 District Regulations, Restrictions, Boundary Creation
No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the County at least one time 10 days prior to such hearing.

Section 3.11 Right-of-Way Splits and Minimum Lot Requirements
In circumstances where a parcel of ground owned by one individual or party was split into two or more parcels by action taken by the Nebraska Department of Roads or Otoe County and one or more of the resulting lots has been made a non-conforming tract(s) for development, the required minimum lot size may be less than required and may be approved administratively. However, in all circumstances, the minimum setback requirements shall be observed. In addition, said tract(s) was conforming prior to said action.

Section 3.12 Lot

1. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case, shall there be more than one principal building on a lot unless otherwise provided.
2. More than one principal building of a single permitted use may be located upon a lot or tract in the following instances provided the Planning Commission approves the application through a Conditional Use Permit.

a. Institutional buildings,
b. Public or semi-public buildings,
c. Multiple-family dwellings,
d. Commercial or industrial buildings,
e. Home for the aged, or
f. Agricultural buildings.

Section 3.13 Reductions in Lot Area Prohibited
No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of these Regulations are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 3.14 Yard Requirements
a. Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with these regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
b. All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
c. Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and shall contain landscaping and planting suitable to provide effective screening.
d. Any yard for a commercial or industrial use which is adjacent to any residential use or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening.

Section 3.15 Drainage
No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the County or their designated agent that such changes will not be a detriment to the neighboring lands.

Section 3.16 Permitted Obstructions in Required Yards
The following shall not be considered obstructions when located in the required yards:
1. All Yards:
   a. Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley;
   b. Chimneys projecting 24 inches or less into the yard;
   c. Recreational and laundry-drying equipment;
   d. Approved freestanding signs;
   e. Arbors and trellises;
   f. Flag poles;
   g. Window unit air conditioners projecting not more than 18 inches into the required yard;
   h. Fences or walls subject to applicable height restrictions are permitted in all yards; and
   i. Egress windows and bulkhead enclosure.

2. Front Yards:
   a. Bay windows projecting three feet or less into the yard are permitted;
   b. Open or screened porches, platforms or terraces not over three feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch provided they do not extend or project into the yard more than six feet and has no more than 48 square feet of area; and
   c. Awnings and canopies provided they do not extend or project into the yard more than six feet and has no more than 48 square feet of area.

3. Rear and Side Yards:
   a. Open off-street parking spaces;
   b. Balconies or outside elements of central air conditioning systems; and
   c. Open or screened porches, platforms or terraces not over three feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch.

4. Double Frontage Lots:
   a. The required front yard shall be provided on each street.

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

Section 3.17 Accessory Building and Uses within a Residential District

1. No accessory building shall be constructed upon a lot for more than 18 months prior to beginning construction of the principal building. No accessory building shall be used for more than 12 months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of zoning compliance shall have been issued for such use.
2. No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
3. No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
4. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
5. Garages and outbuildings used for storage and other structures customary and appurtenant to the permitted uses shall be stick built and constructed of materials customarily used in residential construction. The sidewalls of said building shall not exceed 18 feet in height.
6. Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:
   a. The carport shall be anchored to the ground with a permanent footing.
   b. Carport shall not be allowed to have more than two sides covered with a siding material.
   c. Siding material shall match the style of the primary structure on the lot.

Section 3.18 Accessory Building and Uses within other Districts

1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
3. All structures shall have a minimum ten-foot separation, except between grain bins.

Section 3.19 Permitted Modifications of Height Regulations

1. The height limitations of this Regulation shall not apply to:

Air-Pollution Prevention Devices	Flag Poles
Belfries	Ornamental Towers and Spires
Chimneys	Public Monuments
Church Spires	Radio/Television Towers less than 125 feet tall
Conveyors	Silos
Cooling Towers	Smoke Stacks
Elevator Bulkheads	Stage Towers or Scenery Lots
Commercial Elevator Penthouses	Tanks
Fire Towers	Water Towers and Standpipes
Non-commercial wind turbines	Solar Panels

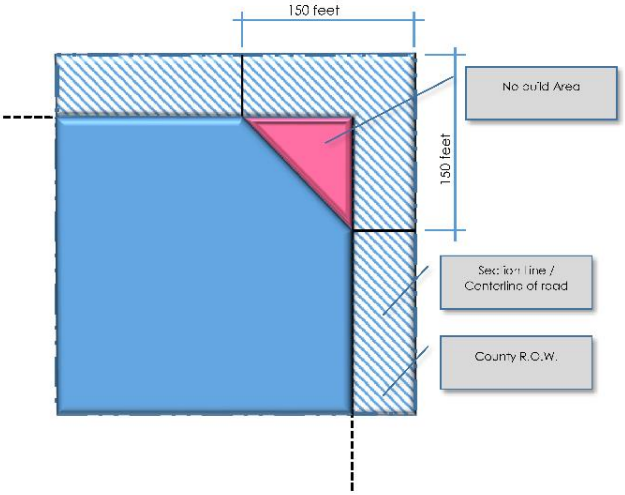
2. When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for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

Section 3.20 Occupancy of Basements and Cellars
No basement or cellar shall be occupied for residential purposes until the remainder of the building has been completed to a point of being habitable.

Section 3.21 Well Fields
No development of any kind shall be located closer than 1,000 feet to any wellhead protection location as defined by the NHHS.

Section 3.22 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 feet and where the same are so placed as not to obstruct lights and ventilation.

Section 3.23 Corner Lots or County Road Intersections
On a corner lot or the intersection of two county roads or a county road and a Federal or State Highway in any district, nothing shall be erected, planted or allowed to grow in such a manner as to materially impede vision between a height of three feet and 10 feet above the grades of the centerline of the intersecting street or road, from the point of intersection 150 feet in each direction measured along the centerline of the streets or roads.



Section 3.24 Recreation Equipment, Storage
For purposes of these regulations, major recreational equipment is defined travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, and tent trailers. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Section 3.25 Parking and Storage of Inoperable or Unlicensed Motor Vehicles
1. It is the intent of these regulations to prevent the repair, remodel, assembly, disassembly or storage or standing of any inoperable vehicle other than in an enclosed garage other than in a district permitting and regulating such occurrence.
2. A motor vehicle shall be determined as inoperable when it does not have a current state license plate or when it has a current state license plate but is disassembled or wrecked in a part or whole and is unable to move under its own power.
3. Inoperable vehicles may be stored or may stand only in a legally conforming automobile wrecking yard or junkyard as defined in these Regulations, or in a fully enclosed storage structure in any district of these regulations where inside storage is permitted.
4. Farm machinery or machinery used for parts on the land owner's farming operation may be stored outside, on parcels over five acres in the AG-1 and TA-1 Agriculture Districts.

Section 3.26 Storage of Goods and Equipment
Goods, equipment, supply materials, machinery and parts thereof, shall not be stored on any residentially zoned property except as provided under Section 3.17 other than in completely enclosed buildings or in spaces screened by fencing and/or evergreen shrubbery.

Section 3.27 Building Setback
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, or
2. Where a county road right-of-way has not been dedicated, said setback shall be from the centerline of the road to a point horizontally located at the required minimum distance.
3. All new non-farm residences shall locate no less than the corresponding distances provided in Section 8.09 from an Existing Agricultural Operation or LFO with more than 300 animal units located in any affected adjacent Zoning District.

4. All uses permitted, except new residential uses, in an Agricultural, Commercial or Industrial district locating 1,320 feet or less from a public park, recreation area, church, cemetery, religious area, school, historical site, RR-1 Residential District, or R-M Mobile Home Residential District shall require a conditional use permit, unless otherwise specified in these Regulations.
5. In a designated floodplain, permanent buildings, including seasonal dwellings, shall not be constructed within 75 feet of a river, stream or creek or of either side of the centerline of any control structure or dike or at least one foot above the base flood elevation, whichever is greater.

Section 3.28 Temporary Structures

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts. This does not include campers.

The following temporary uses of land are permitted subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

1. Christmas tree sales in any district except a residentially zoned area for a period not to exceed 60 days; display of such trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within 30 feet of the intersection of the curb line of any two streets.
2. Contractors office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
3. Real estate offices (containing no sleeping or cooking accommodations) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
4. Seasonal sale of farm produce (including Christmas trees) grown on the premises on districts where permitted, to continue for not more than four months per year; structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
5. Promotional activities of retail merchants involving the display only of goods and merchandise that are for sale within the principal structure conducted outside of such structure for a period of not more than four days in any three-month period provided that:
   a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the County.
   b. No required off-street parking or loading area will be utilized for such display, storage or dispensing.
   c. No food or drink shall be displayed outside the building except in accordance with standards and prior written approval of Nebraska Health and Human Services and the Health Inspector
   d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, trailers and equipment; rental or the sale of used furniture, appliances, plumbing, housewares, building materials or similar display or sale in any business district except as otherwise permitted by these Regulations.
6. A carnival or circus, but only in commercial or industrial districts, for a period not to exceed three weeks. Such use need not comply with the applicable front yard requirements, provided that no structure or equipment shall be located within 30 feet of the intersection of the curb line of any two streets.

Section 3.29 Caretaker's Quarters

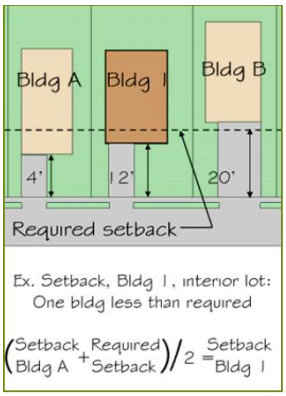
Caretaker's quarters are permitted in all districts, providing the use is incidental to the principal use.

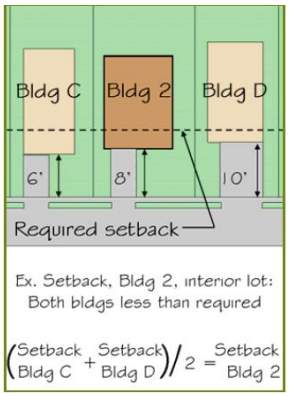
Section 3.30 Front Yards in Residential Districts

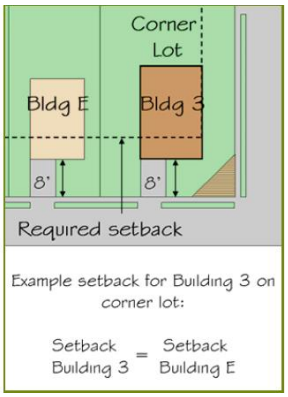
The front yards may be adjusted in the following cases:

1. In Residential Districts where 40% or more of the frontage on one side of a street between two 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.
2. In Residential Districts where 40% or more of the frontage on one side of the street between two 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 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two 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 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 3.31 Screening

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

Section 3.32 Fences, Walls, Hedges and Trees

Fences, walls and hedges may be constructed as follows:

- Said fence shall be started a minimum of four inches above grade,
- The maximum height of a fence, other than in a required front yard shall be 6'-4" above grade.
- Said fences shall be completely constructed inside the individual's property line,
- The maximum height of a fence within a required front yard shall be 48" above grade.
- Fences within Industrial Districts shall be no closer than 25 feet to a county road right-of-way.

No such hedges shall be permitted to encroach onto public right-of-way or across property lines.

- Trees or hedges reaching over six feet in height shall be permitted in any required yard or along the edge of any yard, if such trees or hedges be planted at least 25 feet from a county road right-of-way.
- No such trees and hedges shall be permitted to encroach onto public right-of-way or across property lines. No such trees shall be planted under overhead utility lines.

Section 3.33 Public Utility Facilities Lot Size Requirements

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

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

Section 3.34 Irrigation Equipment Setbacks Requirements

The setback for irrigation wells, affixed irrigation accessory equipment, irrigation re-use pits and livestock pollution control facilities (the road dam structure being excluded) shall be exempt from any setback requirements.

Section 3.35 Sanitary Requirements

1. It shall be unlawful to occupy a residential structure or any building for living purposes that does not have an approved waste system. For purposes of this Article, an approved system shall meet or be equivalent to criteria as defined by "Rules and Regulations for the Design, Operation and Maintenance of On-Site Wastewater Treatment Systems ", as published by the Nebraska State Department of Environmental Quality.
2. No waste absorption field (septic tank, cesspools. etc.) shall be constructed any closer than 25 feet from any adjacent property line.
3. All waste absorption fields shall be located per NDEQ standards and requirements.
4. The minimum distance between all waste absorption fields and water wells shall be located according to NDEQ and NHHS requirements and standards.
5. A private sewage lagoon shall be located no closer than 100 feet of the house it serves and not less than 200 feet from any other house or residential boundary, including a minimum of 50 feet from any property line.
6. Soil percolation tests shall be conducted in the area where the system will be located as required by NDEQ and NHHS.
7. Residential dwellings in a density of three or more shall be required to have a centralized sewer system; unless:
   a. The separation distance for initial individualized sewage systems as required by NDEQ can be met; and
   b. There is enough space, within required NDEQ regulations, to add a backup sewage system.

Section 3.37 Secondary Dwellings on an Agricultural Operation

More than one dwelling 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).

Section 3.38 Acreages not along a Public Roadway

Within the A-1, TA-1, and RPC-1 Districts the following criteria may be applied to acreages when they are not able to be constructed along the frontage of any road or highway, not including a minimum maintenance road.

1. If any lot proposed to be created would not have the minimum frontage on a public roadway is proposed to be served by an access easement or deeded access, such lot and access easement or deeded easement may be created only if proposed subdivision complies with the requirements of this Resolution and the Subdivision Regulations.
2. Such access easement or deeded access shall have a minimum width of 66 feet, and
3. Such access easement or deeded access shall be so located with regard to its intersection with a public roadway that sight distance on said easement or access and the public roadway meets or exceeds the minimum sight distance established by the State Board of Classifications and Standards, and
4. Such easement or access shall not be located in any area which is subject to flooding which would prevent ingress or egress from the property served by said easement or access during periods of flooding, and
5. Such easement or access, if not deeded as part of the lot served, shall be a permanent easement or access, running with the lot served, that is properly granted/deeded and recorded in the office of the Otoe County Registrar of Deeds.

Section 3.39 Prohibited Uses

All uses not specifically listed within a particular zoning district are deemed to be prohibited until some point where this Resolution is amended to include a given use.

Section 3.40 Fees

The payment of all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted by the County Board of Commissioners by separate Resolution.

ARTICLE 4: ZONING DISTRICTS

Section 4.01 Establishment of Districts

1. Purpose: For the purpose of these Regulations, the jurisdictional area defined in Section 1.03 is hereby divided into the following districts, the respective symbol for each district being set forth opposite its title:

AG-1	Agricultural Preservation District
TA-1	Transitional Agricultural District
RPC-1	River Protection Corridor District
RR-1	Rural Residential District
LSR-1	Lakeside Residential District
RM-1	Mobile Home Residential District
UVD-1	Unincorporated Village District
C-1	Highway Commercial District
F-1	Flex District
I-1	Light Industrial District
I-2	Heavy Industrial District
FP-1	Floodplain Overlay District
PDO	Planned Unit Development District
AH	Airport Hazard/Approach Overlay District

2. Designation: Each such district may be designated on the Zoning Map, in the Use and Bulk Tables and elsewhere in the text of these Regulations by symbol only.

Section 4.02 Provision for Official Zoning Map

1. The county is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map shall be identified by the signature of the Chair, attested 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 Section 4.02 of Resolution _____ of "The County of Otoe, Nebraska", together with the date of the adoption of this Resolution. If, in accordance with the provisions of this Resolution, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Commissioners".
2. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Board of Commissioners may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chair, attested by the County Clerk and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ Resolution No. _____ of "The County of Otoe, Nebraska." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 4.03 Zoning Map

1. General: The areas and boundaries of such districts are hereby established as shown on the Official Zoning Map, and said Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these Regulations. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the County Clerk and bear the seal of the County. The Official Zoning Map shall be the final authority as to the current zoning status of land, water areas, buildings and structures.
2. Zoning Map Changes. If, in accordance with the provisions of the Regulations changes are made in the district boundaries or on other matter portrayed on the Official Zoning Map, such changes shall be entered promptly after the amendment has been approved by the legislative body with an entry showing the nature of the change, the date, the signature of the Chairman of the County Board of Commissioners

and the attestation by the County Clerk. No such change shall become effective until entry is made on the Map.

Section 4.04 Rules for Interpretation of District Boundaries on the Official Zoning Map

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits or the extraterritorial jurisdiction shall be construed as following such City limits or the extraterritorial jurisdiction;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
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;
6. 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;
7. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) to (6) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Adjustment shall interpret the district boundaries;
9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

Section 4.05 Land Use Categories Matrix Explanation

The Matrix found in Section 4.07 of this Ordinance is a listing of uses that may be allowed within the variety of Zoning Districts.

1. The different uses are grouped into specific "Land Use Categories".
2. The "Land Use Categories" are listed in each of the Zoning Districts in lieu of specific uses. It is important to note, if a "Land Use Category" is listed within a specific Zoning District, it DOES NOT indicate every use in the "Land Use Category" is allowed within the specific District.

The different uses within Section 4.07 are Permitted (P), Allowed upon approval of a Conditional Use Permit (C), Temporary (T) or not permitted (-).

In order to determine if a specific use is allowed in a Zoning District, the following steps need to be followed:

1. Find the Use Type that matches your application
2. Look across the table and determine which of the Zoning Districts it may be allowed.
3. Determine any special criteria for the use(s) by referring to the specific District.
4. Determine where the specific Zoning Districts are by reviewing the Official Zoning Map.
5. Determine the necessary procedures to receive required permits after the land or property is the control of the applicant.
6. When doubt, please confer with Planning staff.

The Table in Section 4.07 also lists Accessory Uses which may be allowed or not allowed in any specific Zoning District. The Accessory Use listing can be found at the end of the Table.

Section 4.06 - Annexation Rule

Annexation of land to any incorporated municipality within or adjoining the County of Otoe, Nebraska shall remove such land from the jurisdiction of this Resolution and any legal extension of any zoning jurisdictional area boundary by any such municipality shall remove such land from the jurisdiction of this Resolution.

Section 4.07 Land Use Categories/Matrix

P = Permitted
C = Conditional Use Permit
T = Temporary
"-" = not permitted

Use Category	Use Type	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2	Additional Requirements
Agriculture and Horticulture Uses	Agricultural buildings general agricultural or storage uses	P	P	P	P	-	-	-	P	P	C	C	
	Agricultural operations	P	P	P	P	-	-	-	P	P	C	C	
	Application of livestock manure or wastes products from outside Otoe County	P	P	P	-	-	-	-	-	C	-	-	See Section 8.09
	Application of waste products from municipalities and industrial plants based completely outside the County	C	C	C	-	-	-	-	-	C	C	C	See Section 8.17 See Section 8.18
	Application of livestock manure or other wastes products from municipalities and industrial plants based inside Otoe County	P	P	P	-	-	-	-	-	C	P	P	See Section 8.17 See Section 8.18
	Stockpiling/composting of Commercial Biodegradable Waste	C	C	-	-	-	-	-	-	-	-	-	See Section 8.17
	Application of Commercial Biodegradable Waste	C	C	-	-	-	-	-	-	-	-	-	See Section 8.17
	Class I LFO	P	C	C	-	-	-	-	-	-	-	-	See Section 8.09
	Class IIA LFO	P	-	-	-	-	-	-	-	-	-	-	See Section 8.09
	Class IIB LFO	C	-	-	-	-	-	-	-	-	-	-	See Section 8.09
	Class III LFO	C	-	-	-	-	-	-	-	-	-	-	See Section 8.09
	Class IV LFO	C	-	-	-	-	-	-	-	-	-	-	See Section 8.09
	Community Gardens	P	P		P	P	P	P	P	P	-	-	
	Composting of dead livestock from operations within the County WHEN part of an approved waste management plan	P	P	P	-	-	-	-	-	C	P	P	See Section 8.09 See Section 8.17
	Composting of dead livestock from operations within the County NOT part of an approved waste management plan	C	C	C	-	-	-	-	-	-	-	-	See Section 8.09 See Section 8.17
	Composting of dead livestock from operations outside the County	-	-	-	-	-	-	-	-	-	-	-	See Section 8.09
	Composting of manure, sludge from livestock operations within the County, unless part of an approved waste management plan	C	C	C	-	-	-	-	-	-	C	C	See Section 8.17 See Section 8.18
	Composting of manure, sludge from livestock operations outside the County	C	C	C	-	-	-	-	-	-	C	C	See Section 8.17 See Section 8.18
	Composting of sludge or other by-products from municipalities and/or industrial operations outside the County	C	C	C	-	-	-	-	-	-	C	C	See Section 8.17 See Section 8.18
	Composting of sludge or other by-products from municipalities and/or industrial operations inside the County	C	C	C	-	-	-	-	-	-	C	C	See Section 8.17 See Section 8.18
	Cover crops	P	P	P	P	P	P	P	P	P	P	P	
	Crop Production	P	P	P	P	P	-	-	-	P	C	C	
	Greenhouse	P	P	P	P	P	-	-	C	C	C	C	
	Horticulture	P	P	P	-	-	-	-	P	P	P	P	
	Keeping of Livestock for 4-H purposes only as a Secondary use	P	P	P	-	-	-	-	-	P	-	-	
	Livestock sales	C	C	C	-	-	-	-	C	C	C	C	
	Stockpiling of dead livestock from operations within the County, WHEN part of an approved waste management plan	P	P	P	-	-	-	-	-	-	P	P	See Section 8.09

P = Permitted
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Use Category	Use Type	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2	Additional Requirements
	Stockpiling of dead livestock from operations within the County, NOT part of an approved waste management plan	C	C	C	-	-	-	-	-	-	-	-	See Section 8.09
	Stockpiling of dead livestock from operations outside the County	C	C	C	-	-	-	-	-	-	C	C	See Section 8.09
	Stockpiling of manure, sludge from livestock operations within the County, when part of an approved waste management plan	P	P	P	-	-	-	-	-	-	P	P	See Section 8.17 See Section 8.09
	Stockpiling of manure, sludge from livestock operations within the County, when NOT part of an approved waste management plan	C	C	C	-	-	-	-	-	-	C	C	See Section 8.17 See Section 8.09
	Stockpiling of manure, sludge from livestock operations outside the County	C	C	C	-	-	-	-	-	-	C	C	See Section 8.17 See Section 8.09
	Stockpiling of sludge or other by-products from municipalities and/or industrial operations outside the County	C	C	C	-	-	-	-	-	-	C	C	See Section 8.17 See Section 8.18
	Stockpiling of sludge or other by-products from municipalities and/or industrial operations inside the County	C	C	C	-	-	-	-	-	-	C	C	See Section 8.17 See Section 8.18
	Truck farming	P	P	P	T	-	T	T	P	P	P	P	
	Horses and other non-commercial livestock on residential lot	P	P	P	-	-	-	-	-	-	-	-	
	Equestrian centers/stables	C	C	C	-	-	-	-	-	C	-	-	
	Wineries	C	C	C	-	-	-	C	C	C	-	-	
Agricultural Sales and Service	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use.	C	C	-	-	-	-	C	-	C	C	C	See Section 8.14 See Section 8.15
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for personal use.	P	C	C	-	-	-	-	-	C	-	-	
	Agricultural implement & vehicle sales and service	P	P	P	-	-	-	C	P	P	P	P	
	Agricultural research farm	P	P	P	-	-	-	-	-	P	P	P	
	Agricultural processing	P	P		-	-	-	-	-	C	C	C	
	Agriculture feed mixing and blending, seed sales and grain handling operations	P	P	P	-	-	-	C	P	P	P	P	
	Grain storage/Grain Storage System – personal	P	P	P	-	-	-	-	-	P	P	P	See Section 8.19
	Grain storage/Grain Storage System – commercial	C	C	C	-	-	-	C	-	C	C	C	See Section 8.19
Residential Living	Live-work unit	P	-	-	-	-	-	P	P	-	-	-	See Section 3.36
	Multi-family dwelling	-	-	-	P	P	P	P	C	C	-	-	
	Condominiums	-	-	-	P	P	P	P	-	-	-	-	
	Mobile Home Dwelling	-	-	-	-	-	P	-	-	-	-	-	
	Mobile Home Dwelling - worker's quarters	C	C	C	-	-	-	-	-	-	-	-	
	Seasonal dwelling or cabins	P	P	P	-	-	-	-	-	-	-	-	

P = Permitted
C = Conditional Use Permit
T = Temporary
"-" = not permitted

Use Category	Use Type	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2	Additional Requirements
	Single-family attached dwelling	-	-	-	P	P	P	P	-	-	-	-	
	Specialty dwelling, i.e. earthen and Quonset	P	P	P	P	P	P	P	-	C	-	-	
	Single-Family dwelling	P	P	P	P	P	P	P	-	C	-	-	
	Two-family/Duplex	-	-	-	P	P	P	P	-	-	-	-	
Residential/ Commercial Institutions	Adult care homes	P	P	P	P	P	P	P	P	P	P	-	
	Assisted Living Facilities	P	C	C	C	C	P	P	-	C	-	-	
	Bed and Breakfast	C	C	C	C	C	C	C	-	-	-	-	See Section 8.16
	Convents	P	P	P	C	C	C	C	-	-	-	-	
	Emergency Residential Shelters	P	P	P	P	P	P	P	P	P	C	-	
	Group Care Home	P	P	P	P	P	P	P	P	P	P	-	
	Group Home	P	P	P	P	P	P	P	P	P	-	-	
	Hospice	P	P	P	P	P	P	P	P	P	-	-	
	Life Care Facility	P	P	P	-	-	P	P	C	C	C	-	
	Monasteries	P	C	C	C	C	C	C	-	-	-	-	
	Nursing Homes	P	-	-	C	C	P	P	-	-	-	-	
	Retirement Homes	P	C	C	C	C	C	C	-	-	-	-	
	Transitional housing	P	P	P	P	P	P	P	P	P	P	-	
Community Services/ Civic Uses	Cemetery	P	P	P	-	-	-	C	-	P	-	-	
	Churches, synagogues, temples & similar	P	P	P	P	P	P	P	P	P	-	-	
	Community centers & buildings	P	C	C	C	C	P	P	P	P	P	P	
	Fire and Rescue facilities	P	P	P	P	P	P	P	P	P	P	P	
	Fraternal Organization	C	C	C	C	C	C	P	P	P	P	P	
	Governmental offices	P	P	P	P	P	P	P	P	P	P	P	
	Hospitals	P	-	-	-	-	-	-	P	P	P	P	
	Law enforcement centers	P	P	P	P	P	P	P	P	P	P	P	
	Libraries	P	P	P	P	P	P	P	P	P	P	P	
	Philanthropic Organizations	C	C	C	C	C	C	C	P	P	P	P	
	Museums	C	C	C	-	-	-	C	P	P	P	P	
	Planetariums	C	C	C	-	-	-	C	-	P	-	-	
	Senior citizen centers	P	C	C	C	C	C	C	P	P	C	C	
Treatment, Rehabilitation and Incarceration Facilities	Community correction centers	C	C	C	-	-	-	-	-	C	-	-	
	Drug/alcohol rehabilitation ctr.	C	C	C	-	-	-	-	C	C	-	-	
	Halfway houses	P	P	P	P	P	P	P	P	P	P	P	
	Adult Detention Center	C	C	C	-	-	-	-	-	-	C	C	
	Juvenile Detention Center	C	C	C	-	-	-	-	-	-	C	C	
	Private Prisons	C	C	C	-	-	-	-	-	-	C	C	
	Public Prisons	P	P	P	-	-	-	-	P	P	P	P	

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Use Category	Use Type	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2	Additional Requirements
Day-Care, Public and Private Schools	Adult day-care home	P	P	P	P	P	P	P	P	P	-	-	
	Child Care Center	C	C	C	C	C	C	C	C	C	C	C	
	Colleges and Universities	C	C	C	-	-	-	C	-	C	-	-	
	Day care centers	C	C	C	C	C	C	C	C	C	C	C	
	Family Child Care Home I	P	P	P	P	P	P	P	P	P	P	P	
	Family Child Care Home II	C	C	C	C	C	C	C	C	C	C	C	
	Preschools	C	P	P	P	P	P	P	P	P	-	-	
	Public & private schools (K-12)	P	P	P	P	P	P	P	-	P	-	-	
	Trade, career & technical schools	P	P	P	-	-	-	C	P	C	P	P	
Public Parks and Open Space	Arboretums	P	P	P	P	-	P	P	P	P	P	P	
	Athletic fields	C	C	C	C	-	C	C	P	P	P	P	
	Campground	C	C	C	-	-	-	-	-	C	-	-	
	Nature centers	P	C	P	-	-	-	-	C	C	-	-	
	Parks, trails, picnic areas, & playgrounds	P	P	P	P	-	P	P	P	P	P	P	
	State parks	P	P	P	P	-	P	P	P	P	P	P	
	Public pools and/or water parks	P	P	P	P	-	P	P	P	P	-	-	
	Dog Parks (not racing)	P	P	P	C	-	C	C	P	P	P	P	
Public/Private Utilities and Communication Services	Natural gas exploration & pumping	C	C	-	-	-	-	-	-	-	C	C	
	Natural gas depots	C	C	-	-	-	-	-	-	-	C	C	
	Oil or gas pumping stations	C	C	-	-	-	-	-	C	C	C	C	
	Wind Energy Conversion Systems – Commercial/Utility Grade	C	-	-	-	-	-	-	-	-	-	-	See Section 8.08
	Public works facilities	P	P	P	P	P	P	P	P	P	P	P	
	Wireless telecommunication, facilities & equipment, new tower	C	C	C	-	-	-	C	C	C	C	C	See Section 8.03
	Wireless telecommunication facilities & equipment, collocated or maintenance	P	P	P	P	P	P	P	P	P	P	P	See Section 8.03
Animal Care	Animal Shelter	P	P	P	-	-	-	-	-	P	P	P	
	Kennel boarding or training	C	C	C	-	-	-	C	-	C	C	C	
	Kennel, commercial	C	C	C	-	-	-	C	-	C	C	C	
	Kennel, private	P	P	P	-	-	-	C	-	P	-	-	
	Pet cemetery	C	C	C	-	-	-	-	-	C	-	-	
	Pet crematorium	C	C	C	-	-	-	-	-	C	C	C	
	Pet grooming, Pet training	P	P	P	-	-	-	P	P	P	-	-	
	Animal hospital	P	P	P	-	-	-	P	P	P	P	P	

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Use Category	Use Type	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2	Additional Requirements
Business and Household Services	Building maintenance & cleaning services	C	C	C	-	-	-	P	P	P	P	P	
	Copying, printing, mailing, & packaging services	C	C	C	-	-	-	P	P	P	P	P	
	Lawn, garden & yard maintenance services	C	C	C	-	-	-	P	P	P	P	P	
	Locksmiths and key duplication	C	C	C	-	-	-	P	P	P	P	P	
	Pest control services	C	C	C	-	-	-	P	-	C	P	P	
	Small appliances & household equipment repair	C	C	C	-	-	-	P	P	P	P	P	
	Well drilling/septic tank cleaning	C	C	C	-	-	-	P	P	P	P	P	
Financial Services	Banks	-	-	-	-	-	-	P	P	P	-	-	
	Automatic Teller Machine (ATM)	-	-	-	C	-	C	P	P	P	P	P	
	Brokerages	-	-	-	-	-	-	P	P	P	-	-	
	Credit Unions	-	-	-	-	-	-	P	P	P	-	-	
	Insurance offices	-	-	-	-	-	-	P	P	P	-	-	
	Financial advisory services	-	-	-	-	-	-	P	P	P	-	-	
	Specialty loan services	-	-	-	-	-	-	P	P	P	-	-	
Food And Beverage Services	Bakery, Retail	C	C	C	-	-	-	P	P	P	-	-	
	Banquet/reception facility	C	C	C	-	-	-	C	C	P	-	-	
	Brew-on Premises Store	-	-	-	-	-	-	C	P	P	-	-	
	Brewery	C	C	C	-	-	-	C	C	C	C	C	
	Craft Brewery (Commercial)	C	C	C	-	-	-	C	P	C	C	C	
	Catering service	C	C	C	-	-	-	P	C	C	C	-	
	Donut and pastry shops	C	C	C	-	-	-	P	P	C	-	-	
	Mobile Food Units	T	T	T	-	-	-	T	T	T	T	T	
	Restaurants w/o drive-through	-	C	-	-	-	-	P	P	P	-	-	
	Roadside produce stands	T	T	T	T	-	T	T	T	T	T	T	
	Tavern or bar	-	-	-	-	-	-	P	P	P	-	-	
	Drinking establishments	-	-	-	-	-	-	P	P	P	-	-	
	Coffee houses, coffee shops	-	-	-	-	-	-	P	P	P	-	-	
	Brew pub	-	-	-	-	-	-	C	P	P	-	-	
	Micro-brewery (Commercial)	-	-	-	-	-	-	C	P	P	-	-	
	Coffee kiosks	C	C	C	-	-	-	P	P	P	-	-	
General Commercial	Antiques and collectables shop	C	C	C	-	-	-	P	P	P	-	-	
	Art galleries	C	C	C	-	-	-	P	P	P	-	-	
	Artisan production shop	C	C	C	-	-	-	P	P	P	-	-	
	Artist Studio	C	C	C	-	-	-	P	P	P	-	-	
	Arts & crafts stores	C	C	C	-	-	-	P	P	P	-	-	
	Bicycle sales & service	C	C	C	-	-	-	P	P	P	-	-	
	Book store	C	C	C	-	-	-	P	P	P	-	-	
	Bridal sales & services	C	C	C	-	-	-	P	P	P	-	-	
	Business support services	C	C	C	-	-	-	P	P	P	-	-	
	Camping equipment sales	C	C	C	-	-	-	P	P	P	-	-	
	Computer hardware/software sales	C	C	C	-	-	-	P	P	P	P	P	
	Dance studios & schools	C	C	C	-	-	-	P	P	P	-	-	
	Electronic/appliance sales/service	C	C	C	-	-	-	P	P	P	P	P	

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	Equipment sales/storage/rental	C	C	C	-	-	-	P	P	P	-	-	
	Equipment repair services	C	C	C	-	-	-	P	P	P	P	P	
	Exercise equipment sales	C	C	C	-	-	-	P	P	P	-	-	
	Fabric and sewing supply stores	C	C	C	-	-	-	P	P	P	-	-	
	Farmer's Market	P	P	P	-	-	-	P	P	P	-	-	
	Firearms and ammunition sales	C	C	C	-	-	-	P	P	P	C	C	
	Florists	C	C	C	-	-	-	P	P	P	-	-	
	Food store (specialty) incl. bakeries, meat lockers, butchers, delicatessen, not a full-service grocery	-	C	C	-	-	-	P	P	P	-	-	
	Funeral homes, mortuaries, incl. crematoriums	-	C	C	-	-	-	P	P	P	P	P	
	Garden center	-	C	C	-	-	-	C	P	C	-	-	
	Heating/cooling sales and services	-	C	C	-	-	-	P	P	P	P	P	
	Lawn/garden equipment sales/ service	-	C	C	-	-	-	P	P	P	P	P	
	Musical instrument store	-	C	C	-	-	-	P	P	P	-	-	
	Pawn shops	-	C	C	-	-	-	P	P	P	-	-	
	Photographic equipment/supplies	-	C	C	-	-	-	P	P	P	-	-	
	Pottery store	-	C	C	-	-	-	P	P	P	-	-	
	Religious book, card & articles stores	-	C	C	-	-	-	P	P	P	-	-	
	Shoe stores and repair	-	C	C	-	-	-	P	P	P	-	-	
	Tanning Studio	-	C	C	-	-	-	P	P	P	-	-	
	Taxidermy Services	-	C	C	-	-	-	P	P	P	P	P	
	Tobacco store	-	C	C	-	-	-	C	C	C	-	-	
Special Commercial	Billiard halls	-	-	-	-	-	-	P	P	P	-	-	
	Boat dealers	-	-	-	-	-	-	-	-	P	P	P	
	Building materials dealers	-	-	-	-	-	-	-	-	P	P	P	
	Commercial greenhouses	C	C	C	-	-	-	-	-	P	P	P	
	Business Center	-	-	-	-	-	-	P	P	P	-	-	
	Concrete and cinder block sales	-	-	-	-	-	-	-	-	C	P	P	
	Convenience store	C	C	C	-	-	-	P	P	P	C	C	
	Drive-in theater	C	C	-	-	-	-	P	P	P	-	-	
	Equipment rental and leasing	C	C	C	-	-	-	-	-	C	P	P	
	Fencing dealers	C	C	C	-	-	-	C	C	C	P	P	
	Fireworks stands	T	T	T	-	-	-	T	T	T	T	T	
	Gasoline filling stations, incl. Self-Service	C	C	C	-	-	-	P	P	P	C	C	
	Liquor stores	C	C	C	-	-	-	C	C	C	-	-	
	Monument sales	C	C	C	-	-	-	P	P	P	P	P	
	Motels and hotels	-	-	-	-	-	-	C	C	C	-	-	
	Nurseries, retail sales	C	C	C	-	-	-	-	-	C	P	P	

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	Parking Area, stand- alone	-	-	-	-	-	-	P	P	P	P	P	
	Pet Shop	-	-	-	-	-	-	-	P	-	-	-	
	Piercing Studio	-	-	-	-	-	-	P	P	P	P	P	
	Swimming pool sales	C	C	C	-	-	-	P	P	P	P	P	
	Tattoo Parlor	-	-	-	-	-	-	P	P	P	P	P	
	Theaters and auditoriums	-	-	-	-	-	-	P	P	P	-	-	
Medical Uses, not including Home Occupations	Acupuncture offices	-	-	-	-	-	-	P	P	P	-	-	
	Chiropractor offices	-	-	-	-	-	-	P	P	P	-	-	
	Dental offices incl. orthodontics	-	-	-	-	-	-	P	P	P	-	-	
	Massage therapy	-	-	-	-	-	-	P	P	P	-	-	
	Medical offices	-	-	-	-	-	-	P	P	P	-	-	
	Optical sales & services	-	-	-	-	-	-	P	P	P	-	-	
	Rehabilitation facilities incl. out-patient services	-	-	-	-	-	-	P	P	P	-	-	
Office Uses, not including Home Occupations	Accounting services counseling	-	-	-	-	-	-	P	P	P	-	-	
	Attorney offices	-	-	-	-	-	-	P	P	P	-	-	
	Business offices	-	-	-	-	-	-	P	P	P	P	P	
	Consultant offices	-	-	-	-	-	-	P	P	P	P	P	
	Investment counseling	-	-	-	-	-	-	P	P	P	P	P	
	Photographic studios	-	-	-	-	-	-	P	P	P	-	-	
	Real Estate offices	-	-	-	-	-	-	P	P	P	P	P	
	Utility/telephone company offices	C	C	C	-	-	-	P	P	P	P	P	
Recreational Commercial	Bowling alley	-	-	-	-	-	-	P	P	P	P	-	
	Commercial stables	C	C	C	-	-	-	-	-	C	-	-	
	Golf courses, public & private	P	C	C	C	C	C	C	-	C	-	-	
	Golf driving ranges	P	C	C	C	C	C	C	-	C	P	-	
	Gun clubs	C	C	C	-	-	-	C	-	C	C	-	
	Health clubs/spas	C	C	C	-	-	-	P	P	P	C	-	
	Miniature golf courses	-	-	-	-	-	-	P	P	P	-	-	
	Paintball Course	C	C	C	-	-	-	C	C	C	C	-	
	Race Track	C	C	C	-	-	-	-	-	C	C	C	
	Recreational facility, Indoor	C	C	C	-	-	-	C	P	P	C	-	
	Recreational facility, outdoor	C	C	C	-	-	-	C	P	P	C	-	
	Recreational vehicle (RV) Park	C	C	C	-	-	P	-	-	C	-	-	See Section 8.04
	Riding Academies	P	P	P	-	-	P	-	-	C	-	-	
	Roller and ice skating rink	-	-	-	-	-	-	-	P	P	-	-	
	Skate Park	-	-	-	C	-	-	C	P	P	-	-	
	Amusement arcade	-	-	-	-	-	-	C	P	P	-	-	

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Use Category	Use Type	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2	Additional Requirements
Auto Services/ Commercial, not including Home Occupations	Auto body repair	-	-	-	-	-	-	C	C	C	P	P	
	Automotive/machinery repair shop	-	-	-	-	-	-	C	C	C	P	P	
	Automobile/truck sales, rental & leasing	-	C	C	-	-	-	C	C	C	P	P	
	Automobile/truck washes, self-services or automatic	C	C	C	-	-	-	C	C	C	P	P	
	Motor home dealers	-	C	C	-	-	-	C	C	C	P	P	
	Motorcycle dealers, incl. moped and scooters	-	C	C	-	-	-	C	C	C	P	P	
	Muffler sales & services	-	-	-	-	-	-	C	C	C	P	P	
	Recreational vehicle sales/rentals	-	C	C	-	-	-	C	C	C	P	P	
	Transmission repair shops	-	-	-	-	-	-	C	C	C	P	P	
	Travel trailer dealers	C	C	C	-	-	-	C	C	C	P	P	
	Vehicle Storage	C	C	C	-	-	-	C	C	C	P	P	
	Vehicle Storage, Long-term	C	C	C	-	-	-	C	C	C	P	P	
	Trailer, RV, & boat storage	C	C	C	-	-	-	C	C	C	P	P	
Adult Uses	Adult Entertainment	-	-	-	-	-	-	-	-	P	P	P	See Section 8.11
Warehousing and Storage	Bulk materials or machinery storage (fully enclosed)	-	-	-	-	-	-	-	-	C	P	P	
	Commercial Fireworks storage		C	-	-	-	-	-	-	P	P	P	
	Mini-warehouse/self-storage	-	-	-	-	-	-	C	C	C	C	C	
	Motor Freight Terminals	-	-	-	-	-	-	-	C	C	C	P	
	Outdoor Storage	-	-	-	-	-	-	C	C	C	P	P	
	Outdoor Storage Containers	-	-	-	-	-	-	-	P	C	P	P	
	Storage facilities similar to Portable On-demand storage facilities	T	T	T	T	T	T	T	T	T	T	T	
	Storage and warehousing of non-hazardous materials (fully enclosed)	C	-	-	-	-	-	-	-	C	P	P	
	Warehouse and distribution	-	-	-	-	-	-	C	C	C	C	P	
	Warehousing (enclosed)	-	-	-	-	-	-	-	-	C	P	P	
	Warehousing (Open)	-	-	-	-	-	-	-	-	C	C	C	
	Wholesale business and storage	-	-	-	-	-	-	-	-	C	P	P	
Contractors, Contractor Yards, Storage and Supply	Building materials sales/storage yards (excl. asphalt/concrete mixing)	C	-	-	-	-	-	C	C	C	P	P	
	Bulk materials or machinery storage (fully enclosed)	C	-	-	-	-	-	C	P	C	P	P	
	Carpenters	C	C	C	-	-	-	C	C	C	P	P	
	Construction batch plants	C	C	C	-	-	-	C	C	C	P	P	
	Construction yards incl. offices & equipment storage yards excl. heavy machinery	C	C	-	-	-	-	C	C	C	P	P	
	Electricians	C	-	-	-	-	-	C	P	C	P	P	
	Heating & ventilating contractors	C	C	C	-	-	-	C	P	C	P	P	
	Masons & bricklayers	C	C	C	-	-	-	C	P	C	P	P	
	Plumbers	C	C	C	-	-	-	C	P	C	P	P	
	Trade shops (incl. cabinet makers)	C	C	C	-	-	-	C	P	C	P	P	

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Large Contracting/ Materials Manufacturing	Asphalt contractors	-	-	-	-	-	-	C	C	C	P	P	
	Concrete block manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Concrete contractors	C	C	C	-	-	-	C	C	C	P	P	
	Concrete products	-	-	-	-	-	-	-	-	C	P	P	
	Excavating contractors	C	C	C	-	-	-	C	C	C	P	P	
	Heavy construction companies	C	C	C	-	-	-	C	C	C	P	P	
	Highway/street construction co.	C	C	C	-	-	-	C	C	C	P	P	
	Manufactured housing fabrication	-	-	-	-	-	-	-	-	C	P	P	
	Prefabricated buildings & components manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Wrecking & demolition contractors	C	C	C	-	-	-	C	C	C	P	P	
Food Processing and Manufacturing	Bakery Products Manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Beverage Blending and Bottling (Except Breweries)	-	-	-	-	-	-	-	-	C	P	P	
	Coffee, Tea and Spice Processing and Packaging	-	-	-	-	-	-	-	-	C	P	P	
	Creamery and Dairy Operations	C	C	C	-	-	-	-	-	C	P	P	
	Dairy Products Manufacturing	C	C	C	-	-	-	-	-	C	P	P	
	Egg Processing Plants	C	C	C	-	-	-	-	-	C	P	P	
	Flour, Feed and Grain Grinding and Milling	C	C	C	-	-	-	-	-	C	P	P	
	Fruit and Vegetable processing, Canning, preserving, Drying and freezing	C	C	C	-	-	-	-	-	C	P	P	
	Ice Manufacturing (Incl. Dry Ice)	-	-	-	-	-	-	-	-	C	P	P	
Mining and Excavation	Brick, firebrick and clay products mfg.	C	C	C	-	-	-	-	-	-	C	C	
	Monument & architectural stone manufacturing	C	C	C	-	-	-	-	-	C	C	C	
	Soil excavation/mining for commercial purposes	C	C	C	-	-	-	C	C	C	C	C	See Section 8.06
	Soil excavation/mining for a public entity/project	P	P	P	P	P	P	P	P	P	P	P	See Section 8.06
	Quarry	C	C	C	-	C	-	-	-	C	C	C	See Section 8.06
Metal Processing, Stamping	Culvert manufacturing	-	-	-	-	-	-	-	-	C	C	P	
	Fabricated metal products	-	-	-	-	-	-	-	-	C	C	P	
	Welding	-	-	-	-	-	-	-	-	C	C	P	
	Wire Rope and Cable Mfg.	-	-	-	-	-	-	-	-	C	C	P	
Waste Handling	Landfill, Construction Material	C	C		-	-	-	-	-	-	-	-	
	Landfill, Sanitary	C	C		-	-	-	-	-	-	-	-	
	Recycling Center	C	C		-	-	-	-	-	C	C	P	
	Recycling Processing	C	C		-	-	-	-	-	C	C	P	
	Sanitary Transfer Station	C	C		-	-	-	-	-	C	C	P	

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Wood Products Manufacturing	Basket & hamper (wood, reed, rattan, etc.) manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Millwork manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Electronics manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Machinery manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Musical instruments manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Pharmaceutics manufacturing	-	-	-	-	-	-	-	-	C	P	P	
	Printing and publishing plants	-	-	-	-	-	-	-	-	C	P	P	
	Tool, die, gauge and machine shops	-	-	-	-	-	-	-	-	C	P	P	
	Wind turbine manufacturing	-	-	-	-	-	-	-	-	C	P	P	
General Manufacturing (High Hazard)	Automobile Wrecking Yard	-	-	-	-	-	-	C	C	C	C	C	
	Bio-Fuels Manufacturing, including Ethanol production	C	C	C	-	-	-	C	C	C	C	C	
	Grain Elevator and Storage Facilities	C	C	C	-	-	-	C	C	C	C	C	
	Oils, Shortenings, and Fats (edible) Processing and Storage	-	-	-	-	-	-	-	-	-	-	C	
	Oils, Vegetables, and Animal (non-edible) Processing and Storage	-	-	-	-	-	-	-	-	-	-	C	
	Petroleum, Gasoline, or Lubricating Oil Refining, & Wholesale Storage	-	-	-	-	-	-	-	-	-	-	C	
	Salvage Operations	-	-	-	-	-	-	C	-	C	C	C	
	Scrap or Salvage Yards	-	-		-	-	-	C	-	C	-	C	
	Waste Recovery Facilities – Commercial, Industrial & Residential	-	-	-	-	-	-	-	-	-	-	C	
	Wood Preserving Treatment	-	-	-	-	-	-	-	-	-	-	C	
Accessory Uses	Barns	P	P	P	P	P	P	P	-	P	P	P	See Section 3.17; See Section 3.18
	Bins, grain storage	P	P	P	P	-	-	P	-	P	-	-	
	Carports	P	P	P	P	P	P	P	-	P	-	-	See Section 3.17; See Section 3.18
	Decks, gazebos, patios (elevated or on-grade)	P	P	P	P	P	P	P	-	P	-	-	See Section 3.17; See Section 3.18
	Fences	P	P	P	P	P	P	P	P	P	P	P	See Section 3.32
	Freestanding canopy	P	P	P	P	P	P	P	-	P	-	-	See Section 3.17; See Section 3.18
	Fuel storage, does not apply to convenient stores and gas stations	P	P	P	-	-	-	-	-	P	P	P	
	Fuel tanks and dispensing, does not apply to convenient stores and gas stations equipment	P	P	P	-	-	-	C	C	C	P	P	
	Garages, Private	P	P	P	P	P	P	P	-	P	P	P	See Section 3.17; See Section 3.18
	Garage, Storage	P	P	P	P	P	P	P	-	P	P	P	See Section 3.17; See Section 3.18
	Grain Storage Systems	P	P	P	-	-	-	C	-	P	P	P	See Section 8.19
	Greenhouses, Non-commercial	P	P	P	P	P	P	P	-	P	-	-	See Section 3.17; See Section 3.18
	Shortwave and Ham towers and transmitters	P	C	C	C	C	C	C	C	C	C	C	
	Heliports	C	C	C	-	-	-	-	C	C	C	C	
	Home Occupations	P	P	P	P	P	P	P	P	P	-	-	See Section 8.01; 8.02
	Home based Businesses	P	P	P	P	P	P	P	P	P	-	-	See Section 8.01; 8.02
	Outdoor Wood Furnaces	-	-	-	-	-	-	-	-	-	-	-	
	Portable on-demand storage containers	T	T	T	T	T	T	T	T	T	T	T	
	Porch, unenclosed	P	P	P	P	P	P	P	-	C	-	-	See Section 3.17; See Section 3.18
	Private Airstrip	C	C	C	-	-	-	-	-	C	C	C	

P = Permitted
C = Conditional Use Permit
T = Temporary
"-" = not permitted

Use Category	Use Type	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2	Additional Requirements
	Private Wells	P	P	P	P	P	P	P	P	P	P	P	
	Secondary Dwellings	C	C	C	C	C	C	C	-	-	-	-	See Section 3.37
	Silos	P	P	P	-	-	-	C	-	C	-	-	
	Solar Panels	P	P	P	P	P	P	P	P	P	P	P	
	Storage sheds	P	P	P	P	P	P	P	-	P	-	-	See Section 3.17; See Section 3.18
	Storage building using multiple storage containers	-	-	-	-	-	-	-	-	-	-	-	See Section 3.17; See Section 3.18
	Swimming pools	P	P	P	P	P	P	P	-	P	-	-	
	Tennis courts	P	P	P	P	P	P	P	-	P	-	-	
	Vending Machines	P	P	P	-	-	-	P	P	P	P	P	
	Vending Machine, Reverse	P	P	P	-	-	-	P	P	P	P	P	
	Wind Energy Conversion System	C	-	-	-	-	-	-	-	-	-		See Section 8.07

Section 4.08 AG-1 – Agricultural Preservation District

4.08.01 Intent:

The AG-1 Agricultural Preservation District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses. The AG-1 District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect these uses from incompatible land uses.

The district provides for the location and the establishment and operation of land uses compatible with agriculture and such natural resources; while separating these uses from residential, commercial (non-agricultural) and industrial (non-agricultural) areas. To provide for the location and establishment of residential uses which are accessory and necessary for conducting the practice of agriculture; while placing limitations on non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with the intended primary uses of the district.

4.08.02 Permitted Uses

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.08.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the AG-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.08.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.08.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.08.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	3	250	*	**	***	****	10
Other Permitted Uses	3	250	*	**	***	****	10
Grain Bins and other Agricultural structures (not on the same property as a farmstead)	3	30	*	**	***	****	-
Conditional Uses	3	100	*	**	***	****	10
Seasonal dwellings	3	100	*	**	***	****	10
Accessory structures	-	-	*	**	***	****	-

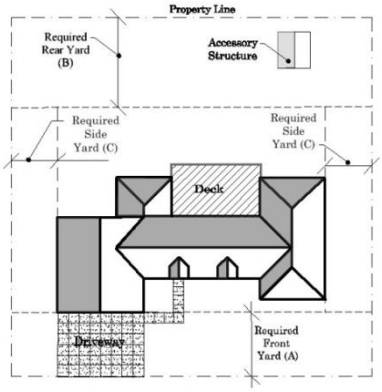
* Front yard setback shall be 68 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway.

** Rear yard setback shall be 68 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway.

*** Side yard setback shall be 53 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway,

**** Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions:

1. When a building or structures is within 150 feet of a Residential district, said building or structure shall not exceed 35 feet in height.
2. When a building or structure is more than 150 feet from a Residential district, said building or structure shall not exceed the maximum height permitted by FAA and FCC regulations in effect at the time the building is erected.



Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone", see Section 3.23. This shall also apply to trees and grain bins being placed within the space.

4.08.07 Supplementary Regulations

1. The maximum density for residential dwellings in the AG-1 District is four dwelling units per ¼ section (160 acres).
2. Any residential acreage shall provide a 20-foot buffer along any shared property line where crops are planted. Said buffer shall be free of trees, shrubs, flowers, gardens and other items that may be damaged due to herbicide drift.
3. All new or expanded LFO's over 1,000 A.U. shall require a Conditional Use Permit.
4. No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened along the operation perimeter from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an opaque fence not less than eight feet in height.
5. Acreage Splits on Agricultural Properties
   The following provisions apply when an applicant requests to subdivide an acreage from the larger farm.
   A. When splitting an acreage off a farm, the residence and/or accessory buildings associated with the residence shall maintain a 20-foot setback from the new property line.
   B. Any remaining farm buildings on the farm portion of the property shall maintain a minimum 30-foot setback from the acreage property line.
6. Accessory Dwellings
   The following provisions apply to any accessory dwellings within the district.
   A. The allowable area for an accessory dwelling shall be limited to 50% of the primary structure.
   B. The accessory dwelling shall meet all applicable setbacks.
   C. The accessory dwelling shall meet all applicable separation distances.

Table 4.08.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowners residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

*Distances shall be measured to dwellings and dwellings to the listed uses
*New dwellings shall observe the same separation distances for a use listed in Table 4.08.01

Section 4.09 TA-1 – Transitional Agricultural District

4.09.01 Intent:

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

4.09.02 Permitted Uses

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.09.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.09.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.09.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.09.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	3	250	*	**	***	****	20
Other Permitted Uses	3	250	*	**	***	****	20
Grain Bins and other Agricultural structures (not on the same property as a farmstead)	3	250	*	**	***	****	-
Conditional Uses	3	250	*	**	***	****	20
Seasonal dwellings	3	100	*	**	***	****	20
Accessory structures	-	-	*	**	***	****	-

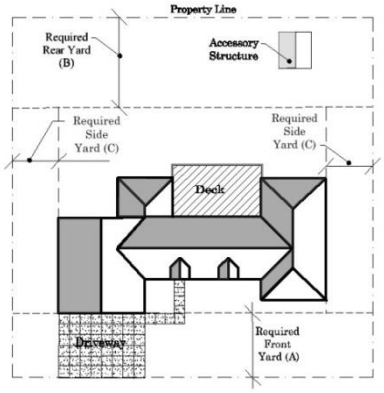
*Front yard setback shall be 68 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway.

** Rear yard setback shall be 68 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway.

*** Side yard setback shall be 53 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway,

**** Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions:

1. When a building or structures is within 150 feet of a Residential district, said building or structure shall not exceed 35 feet in height.
2. When a building or structure is more than 150 feet from a Residential district, said building or structure shall not exceed the maximum height permitted by FAA and FCC regulations in effect at the time the building is erected.



Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone", see Section 3.23 This shall also apply to trees and grain bins being placed within the space.

4.09.07 Supplementary Regulations

1. The maximum density for residential dwellings in the TA-1 District is eight dwelling units per ¼ section (160 acres).
2. Any residential acreage shall provide a 20-foot buffer along any shared property line where crops are planted. Said buffer shall be free of trees, shrubs, flowers, gardens and other items that may be damaged due to herbicide drift.

3. No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened along the operation perimeter from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an oblique fence not less than eight feet in height.
4. Acreage Splits on Agricultural Properties
   The following provisions apply when an applicant requests to subdivide an acreage from the larger farm.
   A. When splitting an acreage off a farm, the residence and/or accessory buildings associated with the residence shall maintain a 20-foot setback from the new property line.
   B. Any remaining farm buildings on the farm portion of the property shall maintain a minimum 30-foot setback from the acreage property line.
5. Accessory Dwellings
   The following provisions apply to any accessory dwellings within the district.
   A. The allowable area for an accessory dwelling shall be limited to 50% of the primary structure.
   B. The accessory dwelling shall meet all applicable setbacks.
   C. The accessory dwelling shall meet all applicable separation distances.

Table 4.09.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowner's residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

*Distances shall be measured to dwellings and dwellings to the listed uses
*New dwellings shall observe the same separation distances for a use listed in Table 4.09.01

Section 4.10 RPC – River Protection Corridor District

4.10.01 Intent:

The intent of this district is to allow certain uses while protecting the environmental integrity of river environs.

4.10.02 Permitted Uses

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.10.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the PRC District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.10.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.10.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.10.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	3	250	*	**	***	****	20
Other Permitted Uses	3	200	*	**	***	****	20
Grain Bins and other Agricultural structures (not on the same property as a farmstead)	2	200	*	**	***	****	-
Conditional Uses	3	200	*	**	***	****	20
Seasonal dwellings	3	100	*	**	***	****	20
Accessory structures	-	-	*	**	***	****	-

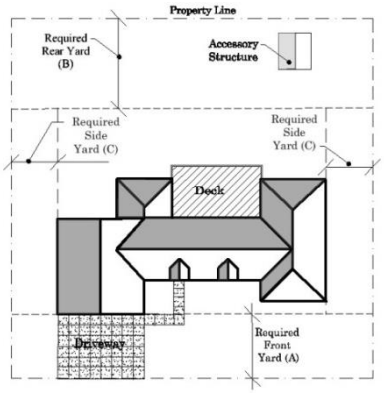
* Front yard setback shall be 68 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway.

** Rear yard setback shall be 68 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway.

*** Side yard setback shall be 53 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road of highway,

**** Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions:

1. When a building or structures is within 150 feet of a Residential district, said building or structure shall not exceed 35 feet in height.
2. When a building or structure is more than 150 feet from a Residential district, said building or structure shall not exceed the maximum height permitted by FAA and FCC regulations in effect at the time the building is erected.



Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone", see Section 3.23. This shall also apply to trees and grain bins being placed within the space.

4.10.07 Supplementary Regulations

1. The maximum density for residential dwellings in the RPC-1 District is four dwelling units per ¼ section (160 acres).
2. Any residential acreage shall provide a 20-foot buffer along any shared property line where crops are planted. Said buffer shall be free of trees, shrubs, flowers, gardens and other items that may be damaged due to herbicide drift.
3. Residential dwelling units on non-agricultural land existing at the time of passage of these regulations, may construct accessory structures, make repairs, replace, remodel, rebuild, or replace the residential

structure in case of damage regardless of the percent of damage or extent of structural change provided the use does not change.

4. Acreage Splits on Agricultural Properties
   The following provisions apply when an applicant requests to subdivide an acreage from the larger farm.
   A. When splitting an acreage off a farm, the residence and/or accessory buildings associated with the residence shall maintain a 20-foot setback from the new property line.
   B. Any remaining farm buildings on the farm portion of the property shall maintain a minimum 30-foot setback from the acreage property line.
5. Accessory Dwellings
   The following provisions apply to any accessory dwellings within the district.
   A. The allowable area for an accessory dwelling shall be limited to 50% of the primary structure.
   B. The accessory dwelling shall meet all applicable setbacks.
   C. The accessory dwelling shall meet all applicable separation distances.

Table 4.10.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowners residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

*Distances shall be measured to dwellings and dwellings to the listed uses
*New dwellings shall observe the same separation distances for a use listed in Table 4.10.01

Section 4.11 RR-1 Rural Residential District

4.11.01 Intent:

The RR-1 district is established for the purpose of low-density single-family dwelling control and to allow certain public facilities. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

4.11.02 Principal Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.11.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RR-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.11.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.11.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.11.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

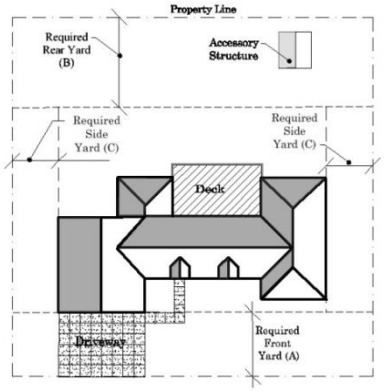
Use	Lot Area	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)****	Max. Coverage (%)
Single-family dwelling	3A/10,000 Sf	100	30*	25**	8***	35	20
Other Permitted Uses	3A/10,000 Sf	100	30*	25**	8***	35	20
Conditional Uses	3A/10,000 Sf	100	30*	25**	8***	35	20
Seasonal dwellings	3A/10,000 Sf	100	30*	25**	8***	35	20
Accessory structures	-	-	30*	25**	8***	25	-

* Front yard setback shall be 63 feet from the centerline of a County Road, or shall 30 feet when abutting any other platted street, road of highway.

** Rear yard setback shall be 58 feet from the centerline of a County Road, or shall 25 feet when abutting any other platted street, road of highway.

*** Side yard setback shall be 41 feet from the centerline of a County Road, or shall eight feet when abutting any other platted street, road of highway.

**** Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions.



Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone", see Section 3.23 This shall also apply to trees being placed within the space.

4.11.07 Supplemental Requirements:

1. All access to said properties shall meet the County Highway Superintendents specifications.
2. Any residential acreage shall provide a 20-foot buffer along any shared property line where crops are planted. Said buffer shall be free of trees, shrubs, flowers, gardens and other items that may be damaged due to herbicide drift.
3. Accessory Dwellings
   The following provisions apply to any accessory dwellings within the district.
   A. The allowable area for an accessory dwelling shall be limited to 50% of the primary structure.
   B. The accessory dwelling shall meet all applicable setbacks.
   C. The accessory dwelling shall meet all applicable separation distances.

Section 4.12 LSR-1 Lakeside Residential District

4.12.01 Intent:

This district is intended to provide living areas on lakefront developments within the County's planning jurisdiction. Single and two-family residential dwellings are allowed in the district to promote and encourage a suitable environment for family life, minimize congestion, and reduce potential environmental hazards in relation to land use and the floodplain. This district shall follow areas designated as Rural Residential on the Land Use.

4.12.02 Principal Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.12.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the LSR-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.12.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.12.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.12.06 Height and Lot Requirements: The minimum area and maximum height regulations are as follows:

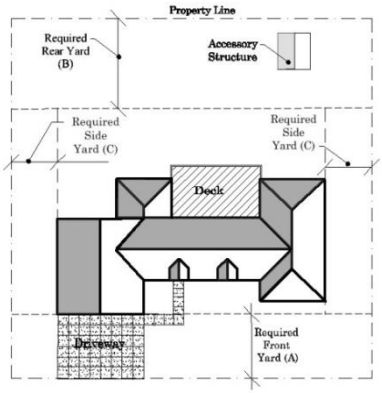
Use	Lot Area	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)****	Max. Coverage (%)
Single-family dwelling	3A/10,000 Sf	100	30*	25**	8***	35	20
Other Permitted Uses	3A/10,000 Sf	100	30*	25**	8***	35	20
Conditional Uses	3A/10,000 Sf	100	30*	25**	8***	35	20
Seasonal dwellings	3A/10,000 Sf	100	30*	25**	8***	35	20
Accessory structures	-	-	30*	25**	8***	25	-

* Front yard setback shall be 63 feet from the centerline of a County Road, or shall 30 feet when abutting any other platted street, road of highway.

** Rear yard setback shall be 58 feet from the centerline of a County Road, or shall 25 feet when abutting any other platted street, road of highway.

*** Side yard setback shall be 41 feet from the centerline of a County Road, or shall eight feet when abutting any other platted street, road of highway.

**** Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions.



4.12.07 Supplemental Requirements:

1. Accessory Dwellings
   The following provisions apply to any accessory dwellings within the district.
   A. The allowable area for an accessory dwelling shall be limited to 50% of the primary structure.
   B. The accessory dwelling shall meet all applicable setbacks.
   C. The accessory dwelling shall meet all applicable separation distances.

Section 4.13 RM-1 Mobile Home Residential District

4.13.01 Intent:

The intent of the Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home court is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of Otoe County.

4.13.02 Principal Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.13.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RM-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.13.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.13.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.13.06 Area and Lot Requirements

1. A mobile home park shall have an area of not less than five acres.
2. No mobile homes or other structures shall be located less than 90 feet from the road centerline when contiguous to or having frontage to a County road and 120 feet from the R.O.W. line when contiguous to or having frontage along a federal or state highway. The setbacks internally are listed below.
3. Open areas along entrances and contiguous to county road, federal highways, or state highways shall be landscaped.
4. Each mobile home leased shall have a minimum 500 square feet of livable floor area.
5. The minimum lot width for a mobile home court shall be 200 feet.
6. Each lot provided for occupancy of a single mobile home shall meet the same requirements as a standard single-family dwelling as well as the following standards:

Use	Lot Area (SF)	Lot Width (feet)*	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling	5,000	70	25	25	8**	35	20
Other Permitted Uses	5,000	70	25	25	8**	35	20
Conditional Uses	5,000	70	25	25	8**	35	20
Seasonal dwellings	5,000	70	25	25	8**	35	20
Accessory structures	-	-	25	25	8**	20	-

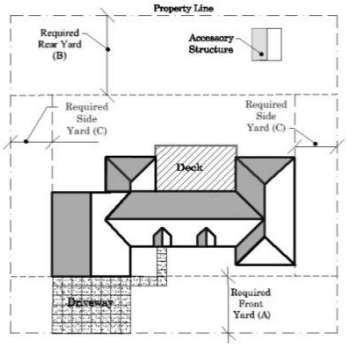
* When a lot is located on a cul-de-sac the minimum frontage shall be 45 feet at the property line.

** When a lot is a corner lot, the side yard setback shall be increased to a minimum of 30 feet.

4.13.07 Community Facilities

The community facilities in the RM-1 District are stated below.

1. Each lot shall have access to a hard-surfaced private interior drive not less than 22 feet in width excluding parking.
2. Community water and community sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.
3. Service buildings including adequate laundry and drying facilities and toilet facilities shall be provided for mobile homes which do not have these facilities within each unit.



4.13.08 Additional Requirements

1. Not less than 8% of the total court area shall be designated and used for park, playground, and recreational purposes.
2. Storm shelters shall be required and shall meet the following criteria:
   a. Shelter space equivalent to two persons per mobile home lot,
   b. Designed in conformance with "National Performance Criteria for Tornado Shelters" by FEMA and any other referenced material by FEMA,
   c. Shelters shall be sited to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
3. All mobile home residential districts shall be a minimum distance of ¼ mile from the edge of an existing residential subdivision.

4.13.09 Plan Requirements

A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The area and dimensions of the park, playground and recreation areas.
5. The location and width of roadways and walkways.
6. The location of service buildings and any other proposed structures.
7. The location of water and sewer lines and sewage disposal facilities.
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

Section 4.14 UVD-1 – Unincorporated Village District

4.14.01 Intent:

This district is intended to accommodate the different uses found in former villages and cities that are now unincorporated and under the jurisdiction of the County.

4.14.02 Principal Uses

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.14.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the UVD-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.14.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

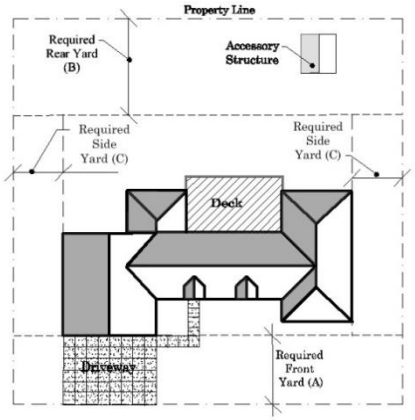
4.14.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.14.06 Height and Lot Requirements The minimum area and maximum height regulations are as follows:

Use	Lot Area (SF or A)	Lot Width (feet)*	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family dwelling w/ on-site treatment	3 A	100	20*	20	10	35	30
Single-family dwelling w/ community waste treatment**	10,000	100	20*	20	10	35	30
Other dwellings with w/ on-site treatment	3A	100	20*	20	10	35	50
Other dwellings with w/ community treatment**	10,000	100	20*	20	10	35	50
Other Permitted Uses w/on-site treatment	3A	100	20*	20	10	35	50
Other Permitted Uses w/community waste treatment**	10,000	100	20*	20	10	35	50
Other Conditional Uses w/on-site treatment	3A	100	20*	20	10	35	50
Other Conditional Uses w/community waste treatment**	10,000	100	20*	20	10	35	50
Accessory structures	-	-	20*	5	5	-	10

* On a corner lot, both street frontages shall be treated as a front yard setback.
** Community waste system shall be approved by NDEQ or Professional Engineer.



Section 4.15 C-1 – Commercial District

4.15.01 Intent

This district is intended to provide a blend of residences and a wide range of commercial uses which are compatible with other uses permitted in this district and in adjacent districts.

4.15.02 Principal Uses

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.15.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.15.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.15.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.15.06 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Coverage (%)
Permitted Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	40
Permitted Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	40
Conditional Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	40
Conditional Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	40
Accessory structures	-	-	35	25	10	20	-

*The setback along a front, rear, and/or side shall be increased to a minimum of 50 feet from the right-of-way line when one or more of the yards is adjacent to a County Road or State/Federal Highway.

** The Maximum Height shall be decreased to 35 feet when a structure is located within 100 feet of a structure within a R-1 or R-M District.

Note:

At county road intersections, the minimum setback for structures shall meet the requirements of Section 3.23. In no case shall any structure or trees be placed within the space at right angles from this point.

Section 4.16 F-1 – Flex District

4.16.01 Intent

The purpose of this district is to provide for a wide range of commercial and industrial uses including retail sales and services; warehousing and distribution; and industrial uses which are compatible with other uses permitted in this district and in adjacent districts. The focus of this district is towards highway oriented businesses and industry.

4.16.02 Principal Uses

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.16.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the Flex District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.16.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.16.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.16.06 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Coverage (%)
Permitted Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	40
Permitted Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	40
Conditional Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	40
Conditional Uses w/ community waste treatment	10,000	150	35	25	10	60**	40
Accessory structures	-	-	35	25	10	20	-

* The setback along a front, rear, and/or side shall be increased to a minimum of 50 feet from the right-of-way line when one or more of the yards is adjacent to a County Road or State/Federal Highway.

** The Maximum Height shall be decreased to 35 feet when a structure is located within 100 feet of a structure within a RR-1 or R-M District.

Note:

At county road intersections, the minimum setback for structures shall meet the requirements of Section 3.23. In no case shall any structure or trees be placed within the space at right angles from this point.

4.16.07 Site Plan Approval

An applicant for a zoning permit and/or a conditional use permit in the Flex District shall submit a site, development plan for review and approval by the Planning Commission which shall include the following information:

1. A topographic map of the area showing contour intervals of two feet and other significant physical features of the land.
2. An area map showing streets, roads, railroads, all public improvements, such as schools and firehouses, utility easements and facilities, parks and recreational areas and other buildings and structures including any existing structure on the applicant's property.
3. An exact site plan of the lot showing:
   A. Building location.
   B. Building Setbacks.
   C. Number of parking spaces including handicapped parking.
   D. Size of parking spaces.

E. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
F. Location and exact sizes of any outdoor sales area.
G. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
H. Signs.

4. The Planning Commission or the Zoning Administrator may ask for any other features to be added to the site plan prior to review.
5. Any changes made to the site plan during construction must be approved by the Zoning Administrator and a Site Plan Amendment must be filed by the developer.

4.16.08 Supplemental Requirements

1. Additional Use Regulations:
   A. Open storage of materials attendant to a permitted use shall be screened on all sides by a solid wall, fence or sight obscuring plant material not less than six feet in height, if no materials or equipment shall be stored to a height greater than the wall or fence.
   B. No use shall be permitted and no process, equipment or materials shall be used which are found to be objectionable to persons living or working in the district or in the vicinity in adjoining districts because of excessive odor, fumes, dust, smoke, cinders, dirt, refuse, wastes, noise, vibration, illumination, glare, heat, unsightliness or other nuisance conditions or because of undue exposure to hazard of fire, explosion or radio-activity.
   C. Any industrial operation serving any of the uses in Table 4.16.1 adjacent to but on a separate lot, is not subject to the setbacks in Table 4.16.1
   D. Any residential development shall follow the same standards as A-1.

Table 4.16.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowners' residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

*Distances shall be measured to dwellings and dwellings to the listed uses
*New dwellings shall observe the same separation distances for a use listed in Table 4.16.01

Section 4.17 I-1 – Light Industrial District

4.17.01 Intent

The purpose of this district is to provide for businesses involved in the manufacturing or handling of light industrial materials.

4.17.02 Principal Uses

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.17.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 Light Industrial District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.17.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.17.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.1706 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Coverage (%)
Permitted Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	50
Permitted Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	50
Conditional Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	50
Conditional Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	50
Accessory structures	-	-	35	25	10	25	-

* The setback along a front, rear, and/or side shall be increased to a minimum of 50 feet from the right-of-way line when one or more of the yards is adjacent to a County Road or State/Federal Highway.

** The Maximum Height shall be decreased to 35 feet when a structure is located within 100 feet of a structure within an RR-1, LSR-1, or RM-1 District.

Note:

At county road intersections, the minimum setback for structures shall meet the requirements of Section 3.23. In no case shall any structure or trees be placed within the space at right angles from this point.

4.17.07 Site Plan Approval

An applicant for a zoning permit and/or a conditional use permit in the I-1 Light Industrial District shall submit a site, development plan for review and approval by the Planning Commission which shall include the following information:

1. A topographic map of the area showing contour intervals of two feet and other significant physical features of the land.
2. An area map showing streets, roads, railroads, all public improvements, such as schools and firehouses, utility easements and facilities, parks and recreational areas and other buildings and structures including any existing structure on the applicant's property.
3. An exact site plan of the lot showing:
   A. Building location.
   B. Building Setbacks.
   C. Number of parking spaces including handicapped parking.
   D. Size of parking spaces.
   E. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
   F. Location and exact sizes of any outdoor sales area.

G. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
H. Signs.

4. The Planning Commission or the Zoning Administrator may ask for any other features to be added to the site plan prior to review.
5. Any changes made to the site plan during construction must be approved by the Zoning Administrator and a Site Plan Amendment must be filed by the developer.

4.17.08 Supplemental Requirements

1. Additional Use Regulations:
   A. Front yards, except for access drives and guest parking, shall be landscaped and maintained with trees, shrubs, plantings, and lawn.
   B. All other yards shall be landscaped and maintained with trees, shrubs, plantings, and lawns when they abut or are located across any street or road from an AG-1, TA-1, RR-1, LSR-1 or RPC-1 district.
   Open storage of materials attendant to a permitted use shall be screened on all sides by a solid wall, fence or sight obscuring plant material not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than the wall or fence.
   C. No use shall be permitted and no process, equipment or materials shall be used which are found to be objectionable to persons living or working in the district or in the vicinity in adjoining districts by reason of excessive odor, fumes, dust, smoke, cinders, dirt, refuse, wastes, noise, vibration, illumination, glare, heat, unsightliness or other nuisance conditions or by reason of undue exposure to hazard of fire, explosion or radio-activity.
   D. Any industrial operation serving any of the uses in Table 4.17.1 adjacent to but on a separate lot, is not subject to the setbacks in Table 4.17.1

Table 4.17.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowners residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

*Distances shall be measured to dwellings and dwellings to the listed uses
*New dwellings shall observe the same separation distances for a use listed in Table 4.17.01

Section 4.18 I-2 – Heavy Industrial District

4.18.01 Intent

The purpose of this district is to provide for businesses involved in the manufacturing or handling of heavy industrial materials.

Adult entertainment facilities are included in this Zoning District. The intent of the Otoe County Zoning Regulations is not to prohibit these uses but to regulate the secondary effects of these uses within the County.

4.18.02 Principal Uses

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 4.07 to determine specific uses allowed as Permitted Uses.

4.18.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-2 Light Industrial District as reviewed by the Planning Commission and approved by the County Board. Refer to Section 4.07 to determine specific uses allowed under a Conditional Use.

4.18.04 Temporary Uses

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 3.28.

4.18.05 Accessory Uses

Refer to the definitions of Accessory Uses and Structures, as well as Table 4.07 and Sections within Article 3 for more detail.

4.18.06 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Coverage (%)
Permitted Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	50
Permitted Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	50
Conditional Uses w/ on-site waste treatment	3 acres	150	35	25	10	60**	50
Conditional Uses w/ community waste treatment	10,000 sf	150	35	25	10	60**	50
Accessory structures	-	-	35	25	10	25	-

* The setback along a front, rear, and/or side shall be increased to a minimum of 50 feet from the right-of-way line when one or more of the yards is adjacent to a County Road or State/Federal Highway.

** The Maximum Height shall be decreased to 35 feet when a structure is located within 100 feet of a structure within an RR-1, LSR-1 or RM-1 District.

Note:

At county road intersections, the minimum setback for structures shall meet the requirements of Section 3.23. In no case shall any structure or trees be placed within the space at right angles from this point.

4.18.07 Site Plan Approval

An applicant for a zoning permit and/or a conditional use permit in the I-2 Heavy Industrial District shall submit a site, development plan for review and approval by the Planning Commission which shall include the following information:

1. A topographic map of the area showing contour intervals of two feet and other significant physical features of the land.
2. An area map showing streets, roads, railroads, all public improvements, such as schools and firehouses, utility easements and facilities, parks and recreational areas and other buildings and structures including any existing structure on the applicant's property.
3. An exact site plan of the lot showing:
   A. Building location.
   B. Building Setbacks.
   C. Number of parking spaces including handicapped parking.
   D. Size of parking spaces.

E. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
F. Location and exact sizes of any outdoor sales area.
G. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
H. Signs.

4. The Planning Commission or the Zoning Administrator may ask for any other features to be added to the site plan prior to review.
5. Any changes made to the site plan during construction must be approved by the Zoning Administrator and a Site Plan Amendment must be filed by the developer.

4.18.08 Supplemental Requirements

1. Additional Use Regulations:
   A. Front yards, except for access drives and guest parking, shall be landscaped and maintained with trees, shrubs, plantings, and lawn.
   B. All other yards shall be landscaped and maintained with trees, shrubs, plantings, and lawns when they abut or are located across any street or road from an AG-1, TA-1, RR-1, LSR-1 or RPC district.
   Open storage of materials attendant to a permitted use shall be screened on all sides by a solid wall, fence or sight obscuring plant material not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than the wall or fence.
   C. No use shall be permitted and no process, equipment or materials shall be used which are found to be objectionable to persons living or working in the district or in the vicinity in adjoining districts by reason of excessive odor, fumes, dust, smoke, cinders, dirt, refuse, wastes, noise, vibration, illumination, glare, heat, unsightliness or other nuisance conditions or by reason of undue exposure to hazard of fire, explosion or radio-activity.
   D. Any industrial operation serving any of the uses in Table 4.18.1 adjacent to but on a separate lot, is not subject to the setbacks in Table 4.18.1

Table 4.18.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowners residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	¾ mile

*Distances shall be measured to dwellings and dwellings to the listed uses
*New dwellings shall observe the same separation distances for a use listed in Table 4.18.01

Section 4.19 PDO – Planned Development Overlay District

4.19.01 Intent:

This district is intended to be applied in instances where tracts of land of considerable size are to be developed as integrated and harmonious units and where physical, economic, design and scale conditions warrant modification of the standards contained in the underlying zone and flexibility that could not otherwise be achieved to a single zoning use district. Public control will be achieved through use of site development standards and site plan approval.

4.19.02 Principal Uses

1. All uses permitted by the district regulations for the underlying (parent) district.

4.19.03 Conditional Uses

1. All uses permitted as conditional uses by the district regulations for the underlying (parent) district and all uses permitted as principal uses or by conditional use in any Residential, Commercial or Industrial Zone are permitted by conditional use subject to the conditions imposed by the underlying district regulations and the County Board.

4.19.04 Designation of the Planned Development Overlay District

1. When a property owner or developer intends to develop a tract of land that meets the minimum area requirements for a planned development, he may apply for an amendment to the Zoning Map for the designation Planned Development Overlay District to supplement and amend the underlying zoning district regulation otherwise applicable to his land. The applicant shall comply with the procedures specified herein.

4.19.05 Submission of Preliminary Development Plan

1. The applicant, upon filing application for zoning amendment, shall submit a preliminary development plan for review and approval by the Planning Commission which shall include:
   a. A statement of the total acreage within the proposed Planned Development; the number of acres to be devoted to residential, commercial, industrial, open space, streets, utilities and other uses; and the overall density of development.
   b. A location map showing the proposed planned development district and the surrounding area; the development and zoning of all property within 200 feet; the general location of streets, public utilities, parks, drainage, sewer and water facilities in the surrounding area.
   c. A plot plan showing the proposed location of roads, buildings, structures, parking areas, accessways and interior drives, open spaces, signs, utilities and other major site improvements, to be placed on the site.
   d. A topographic map showing contour intervals of five feet.
   e. A statement of the method of assuring that open spaces will be permanently preserved including proposed covenants, easements or other restrictions.
   f. A schedule showing the timetable for submittal of plans and development of the tract.

4.19.06 Submission of the Final Development Plan and Approval of the District

1. Approval of the Preliminary Development Plan by the Planning Commission shall constitute permission to file the Final Development Plan. Amendment of the Zoning Map shall not be effective and officially recorded until the final development plan and final subdivision plat has been approved by the Planning Commission and the County Board.
2. The Final Development Plan shall include:
   a. All information required in the preliminary plan plus specific notations as to any changes or alterations requested by the Planning Commission and County Board and any deviations from the preliminary plans, including changes in the schedule for development.
   b. A full legal description of the boundaries of the proposed Planned Development Overlay District.
   c. The proposed location and proposed uses of each building and structure shown on the plot plan and whether they are permitted or condition uses in the underlying zoning district regulations.
   d. The Planning Commission and County Board shall not unreasonably disapprove or change a Final Development Plan, however, it may be disapproved if it varies the area devoted to each use, reduces

the area set aside for open space, increases the overall density or changes the uses or site improvements of land within 300 feet of the outside boundary of the proposed district.

4.19.07 Failure to Begin the Planned Development

1. In the event that within 18 months following approval by the County Board, the applicant does not proceed with construction in accordance with the plan as approved, the Planning Commission shall initiate action to rezone the property to the underlying zoning district alone. A public hearing, as required by law, shall be noticed and held at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall make a recommendation to the County Board who shall take appropriate action.

4.19.08 Submission of Preliminary Development Plan

1. No changes shall be made in the approved Final Development Plan which increase the number of dwelling units or establishments, rearrange lots, blocks or building location, increase the density, alter the number of parking spaces, realign streets or roads, decrease the amount of open space provided or otherwise significantly alter the approved plan for development unless the applicant re-files for a zoning amendment consistent with the procedures authorized by Article 11 and this section and demonstrates that such modifications are necessitated by changes in conditions that have occurred since the Final Development Plan was approved or by changes in the development policies of the community. Notwithstanding the above, minor changes in the location, siting or height of buildings and other minor modifications may be authorized by the Planning Commission if necessitated by engineering or other circumstances not foreseen at the time the Final Development Plan was approved.

4.19.09 Phasing of Development

1. The construction and provision of all open spaces, recreational facilities and public improvements which are shown on the approved Final Development Plan must proceed at the same rate as the construction of dwelling units and/or commercial and industrial structures. The Zoning Administrator shall not issue building permits or shall revoke same if the developer is in violation of the above requirement.

4.19.10 Issuance of Building Permits

1. The Zoning Administrator shall issue zoning permits for buildings and structures that are planned in conformity with the approved Final Development Plan, the final subdivision plat and with all other applicable regulations. No zoning permit shall be issued without an approved Final Development Plan.

4.19.11 Minimum Tract Size

1. The minimum tract area for the AG-1, RPC, TA-1, LSR-1, and RR-1 Districts is five acres.
2. The minimum tract area for the C-1 District is two acres.
3. The minimum tract area for the I-1 and I-2 District is 10 acres.
4. The developer must set aside an area equal to not less than 10 percent of the tract for usable open space.

4.19.12 Density Bonuses

1. The use of the PDO District, in conjunction with Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.
2. Density Bonuses shall be awarded in direct proportion to the amount of the proposed Subdivision that is placed within a Conservation Easement.

For example:

If a developer places 30 percent of the proposed Subdivision into a Conservation Easement, then the required Lot Area may be reduced by 30 percent in order to maintain the same number of lots that would have been allowed by the Subdivision lot area and the minimum lot size of the Zoning District.

<u>Normal Development</u>

A developer has 10 acres of land to develop = 435,600 square feet
Minimum lot area of the Zoning District = 10,000 square feet
Total lots (not including streets) = 43.56

<u>Development with Conservation Easements</u>

Same site of 10 acres = 435,600 square feet
30% of site is placed in a Conservation Easement = 130,680 square feet

Density Bonus allows total lots of 43.56
New minimum lot area for Subdivision = 7,000 square feet

3. Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic as regulated by the Nebraska Department of Environmental Quality.

Section 4.20 AAA Airport Hazard Area District

4.20.01 Intent:

The intent of this district is be appended and to overlay any of the primary zoning districts as described in this Resolution to protect the safe use of public airports and their Airport Hazard Area, in Otoe County, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are registered with the Nebraska Department of Aeronautics, as designated on the Official Zoning Map of Otoe County, Nebraska.

Designated Public Airport

The designated public airport for which these regulations have been prepared is the Nebraska City Municipal Airport located more or less in Section 5 Township 7N Range 14E and Section 32 Township 8N Range 14E.

Airport Hazard Area Description

In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted a comprehensive plan and zoning regulations, and has an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce the regulations in this section for such airport hazard area.

4.20.02 Definitions

Airport: An area of land or water designed and set aside that is used or intended to be used for the landing and taking off takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes; includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.

Airport hazard: Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; that penetrates any approach, operation, transition, or turning zone.

Airport hazard area: Any area of land or water upon which an airport hazard might be established if not prevented as provided in the act, but such area shall not extend in any direction a distance in excess of three miles from the adjacent boundary of an airport; the limits provided for approach, operation, transition, and turning zones.

Airport layout plan: A scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

Approach zone: A zone that extends from the end of each operation zone and is centered along the extended runway centerlines.

Electric facility: An overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in section 70-1001.01, for the transmission or distribution of electrical power to the electric supplier's customers.

Existing runway: An instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

Instrument runway: An existing runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After the effective date of this act, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

Operation zone: A zone that is longitudinally centered on each existing or proposed runway.

Person: Any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

Political subdivision: Any municipality, city, village, or county.

Proposed runway: An instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

Runway: A defined area at an airport that is prepared for the landing and takeoff of aircraft along its length;

Structure: Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

Transition zone: A zone that extends outward at a right angle to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally. The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty feet above the highest elevation on the existing or proposed runway.

Tree: Any object of natural growth.

Turning zone's outer limit: The area located at a distance of three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

4.20.03 Airport Zones

The following are intended for use with this specific overlay zoning district.

Airport Hazard Area consists of Operation Zones, Approach Zones, Turning Zones, and Transition Zones.

Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:

1. Instrument Runways:
   a. Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 1,000 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline 10 miles from the operation zone where it is 16,840 feet wide.
   b. Height Limit: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the 10-mile limit.

2. Visual Runways:
   a. Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 500 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide.

b. Height: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.

Operation Zones are longitudinally centered on each existing or proposed runway:

1. Length:
   a. For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway.
   b. For existing and proposed turf runways, the operation zones begin and end at the runway ends.
   c. For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 hundred feet on either side of the runway centerline.
   d. For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline;
2. Height: The height limit of the operation zones is the same as the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.

Transition Zones extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.

Turning Zones extend three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

4.20.04 Height Restrictions:

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired, or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in subsection 4.20.03 above.

4.20.05 Airport Zoning Map and Location

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Airport Zoning Map, which is attached hereto and made a part hereof by reference. A copy of the Airport Zoning Regulations and Airport Zoning Map shall at all times be on file in the office of the Zoning Administrator and County Clerk.

4.20.06 Permit Requirements, Exceptions, Application Forms, And Fees

1. Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would not violate the requirements of Section 4.20.03 above, within the Airport Hazard Area must first obtain a permit from Zoning Administrator.
2. Exception:
   Within the Turning Zones, no permit shall be required for any construction, reconstruction, repair, or planting of anything which, when completed, or, in the case of natural growth, when mature, does not exceed seventy-five 75 feet above the nearest existing or proposed runway end.
3. Application Form:
   Application for a permit as required under these regulations shall be made on a form to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)
4. Permit Fee:
   The fee for each permit issued shall be established by the County Board as a separate Resolution to the Zoning Resolution, and all fees so paid shall be deposited into the airport's revenue fund.

4.20.07 Non-Conforming Structures

1. Within the Airport Hazard Area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth; and no such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 50% or more of their original condition, or abandoned for a period of 12 months or more; shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow, as the case may be, to a height above the heights permitted by these regulations. Transmission lines and other communication lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.
2. Except as provided in subsection (3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. A permit shall be granted under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use would not result in an increase in height or a greater hazard to air navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.
3. An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

4.20.08 Marking of Non-Conforming Structures

Whenever the Zoning Administrator determines that a specific structure or object in the Airport Hazard Area exceeds the height restrictions and existed prior to the promulgation of these regulations, the owner(s) and/or the lessor(s) of the premises on which the structure or object is located shall be notified in writing by the Zoning Administrator. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The Zoning Administrator shall specify the required marking and lighting, consistent with these regulations entitled "Marking and Lighting of Structures". The cost of marking or lighting shall not be assessed against the owner or lessor of said premises.

4.20.09 Administrative Agency; Enforcement

The Zoning Administrator shall administer and enforce these regulations and shall be the administrative agency provided for in Neb. Rev. Stat. § 3-319, and shall have all the powers and perform all the duties of the administrative agency as provided in the Airport Zoning Act.

4.20.10 Variance from Regulations

1. Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in a manner inconsistent with the airport zoning regulations adopted under this regulation may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed only if the board of adjustment makes the same findings for the granting of variances generally as set forth in subsection section 23-168.03, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance

without such findings. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this regulation.

2. In granting any permit under or variance from any airport zoning regulation adopted under this regulation, the administrative agency or board of adjustment may, if it deems such action is advisable to effectuate the purposes of the regulation and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

4.20.11 Zoning Board of Adjustment

The Otoe County Board of Adjustment shall be the board of adjustment with respect to these regulations. Said board shall have and exercise the powers conferred by Neb. Rev. Stat. §3-320 *et. seq.* and such other powers and duties as are conferred and imposed by law.

4.20.12 Permitted Principal Uses and Structures:

Any use or structure that is permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 4.20.03 above.

4.20.13 Conditional Uses:

Any conditional use that is permitted in the primary zoning district where this district is overlain where such conditional use has been duly authorized by the County Board in accordance with the requirements and procedures specified in this Resolution, provided all buildings, structures and other obstacles comply with the height restrictions set forth in Section 4.20.03 above.

4.20.14 Accessory Structures:

Any accessory use or structure that is permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 4.20.03 above.

4.20.15 Conflicting Regulations:

In the event of any conflict between any airport zoning regulations adopted under this regulation and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern.

Section 4.21 FP Floodplain Overlay District

This is an overlay district which is placed over any zoning district in designated flood areas.

4.21.01 Statutory Authorization, Findings of Fact and Purpose

1. Statutory Authorization: The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Sections 31-1001 to 311022, R.R.S. 1943, has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county with zoning jurisdiction over the flood-prone area.

2. Findings of Fact:
   A. Flood Losses Resulting from Periodic Inundation: The flood hazard areas of Otoe County, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
   B. General Causes of the Flood Losses: These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.
   C. Methods Used to Analyze Flood Hazards: These regulations use a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.
      (1) Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this ordinance. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated June 3, 1988 as amended, and any future revisions thereto.
      (2) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
      (3) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
      (4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.
      (5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

3. Statement of Purpose: It is the purpose of these regulations is to promote the public health, safety, and general welfare and to minimize those losses described in Section 4.21.01 (2)(A) by applying the provisions of these regulations to:
   A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
   B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
   C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
   D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

4.20.02 General Provisions

1. Lands to Which Regulations Apply: These Regulations shall apply to all lands within the jurisdiction of the Otoe County identified on the Flood Insurance Rate Map (FIRM), and any revisions thereto, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FF and FW established in Section 4.21.04 of these regulations. In all areas covered by these regulations no development shall be permitted except upon the issuance of a floodplain permit to develop,

granted by the Otoe County Board of Commissioners or its duly designated representative under such safeguards and restrictions as the Otoe County Board of Commissioners or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the county and where specifically noted in Sections 4.21.05, 4.21.06, and 4.21.07.

2. The Enforcement Officer: The Zoning Administration of Otoe County is designated as the County's duly designated Enforcement Officer.
3. Rules for Interpretation of District Boundaries: The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Otoe County Board of Commissioners will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Otoe County Board of Commissioners and to submit his own technical evidence, if it is so desired.
4. Compliance: Within identified special flood hazard areas of this County, no development shall be located, extended, converted or structurally altered without full compliance with the terms of these Regulations and other applicable regulations.
5. Abrogation and Greater Restrictions: It is not intended by these regulations to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where these regulations impose greater restrictions, the provision of these regulations shall prevail. All other regulations inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.
6. Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
7. Warning and Disclaimer of Liability: The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This regulation does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. These regulations shall not create liability on the part of Otoe County or any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.
8. Severability: If any section, clause, provision, or portion of this regulation is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.
9. Appeal: Where a request for a permit to develop or a variance is denied by the Otoe County Highway Superintendent, the applicant may apply for such permit or variance to the Otoe County Board of Commissioners.

4.21.03 Development Permit

1. Permit Required: No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 4.21.12.
2. Administration:
   A. The Otoe County Zoning Administrator is hereby appointed to administer and implement the provisions of these regulations.
   B. Duties of the Otoe County Zoning Administrator shall include, but not be limited to:
      (1) Review all development permit applications, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
      (2) Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.

(3) Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
(5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
(6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.
(7) When flood proofing is utilized for a particular structure the Otoe County Zoning Administrator shall be presented certification from a registered professional engineer or architect.

3. Application for Permit: To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
   A. Identify and describe the development to be covered by the floodplain development permit.
   B. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
   C. Indicate the use or occupancy for which the proposed development is intended.
   D. Be accompanied by plans and specifications for proposed construction.
   E. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
   F. Give such other information as reasonably may be required by the Otoe County Highway Superintendent.

4.21.04 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain (FP) areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts all uses not meeting the standards of these regulations and those standards of the underlying zoning district shall be prohibited.

4.21.05 Standards for Floodplain Development

1. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this section and these Regulations are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered "A" zones shall be subject to all development provisions of Section 4.21.06. If Flood Insurance Study data is not available, the County shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
3. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.
4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
   A. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
   B. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
   C. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be required to assure that:

(1) all such proposals are consistent with the need to minimize flood damage,
(2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage,
(3) adequate drainage is provided so as to reduce exposure to flood hazards, and
(4) proposals for development (including proposals for manufactured home parks and subdivisions) of five acres or 50 lots, whichever is lesser, include within such proposals the base flood elevation.

5. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
6. Storage of Material and Equipment
   A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
   B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

4.21.06 Flood Fringe Overlay District - (Including AO and AH Zones)

1. Permitted Uses: Any use permitted in Section 4.21.07 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 4.21.05 are met.
2. Standards for the Flood Fringe Overlay District
   A. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the base flood elevation.
   B. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Otoe County Highway Superintendent as set forth in Section 4.21.03(2) (B) (7).
   C. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   D. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
   E. Manufactured Homes:
      (1) All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
         (a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
         (b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
         (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
         (d) Any additions to the manufactured home be similarly anchored.

(2) Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the County's FIRM on sites:
   (a) Outside of a manufactured home park or subdivision,
   (b) In a new manufactured home park or subdivision,
   (c) In an expansion to an existing manufactured home park or subdivision, or
   (d) In an existing manufactured home park or subdivision on which a manufactured home is at or above **one (1) foot** above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 4.21.06 (3) (E) (1).

(3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the County's FIRM that are not subject to the provisions of Section 4.21.06 (3) (E) (2) be elevated so that either:
   (a) The lowest floor of the manufactured home is at or above **one (1) foot** above the base flood elevation, or
   (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 4.21.06 (3) (E) (1).

F. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of these regulations. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

G. Located within the areas of special flood hazard established in Section 4.21.02 (1) are areas designated as AO *Zones*. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the County's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures shall:
   (a) Have the lowest floor elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the County's FIRM (at least two feet if no depth number is specified), or
   (b) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 4.103 (2)(B)(7).

(3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

H. Appurtenant Structures may be exempt from flood plain development permits and may have their lowest floor below one foot above the base flood elevation provided:

(1) Cannot be used for human habitation.

(2) Use of the structure must be limited to the storage of motor vehicles or other items readily removable in the event of a flood warning.

(3) The structure must be built using unfinished and flood damage resistant materials.

(4) The structure must be adequately anchored to prevent floatation, collapse, or other later movement which may result in damage to other structures.

(5) No utilities shall be installed except any electrical fixture in the structure must he elevated or floodproofed **one (1) foot** above the base flood elevation.

(6) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(7) The structure shall he capable of withstanding hydrostatic and hydrodynamic forces caused by the base flood.

(8) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.
(9) The structure must comply with the floodway provisions of the County's Regulations and address floodway encroachment provisions in 44 CFR 60.3 (c) (10) or (d) (3).

4.21.07 Floodway Overlay District

1. Permitted Uses: Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other regulation. The following are recommended uses for the Floodway District:
   A. Agricultural uses such as general fanning, pasture, nurseries, forestry.
   B. Residential uses such as lawns, gardens, parking and play areas.
   C. Non-residential areas such as loading areas, parking and airport landing strips.
   D. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
2. Standards for the Floodway Overlay District: New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Sections 4.21.05 and 4.21.06. In Zone "A" unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section 4.21.05 (6)(d) of these regulations, in meeting the standards of this Section.

4.21.08 Variance Procedures

1. The Otoe County Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of these regulations.
2. The Otoe County Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Otoe County Zoning Administrator in the enforcement or administration of these regulations.
3. Any person aggrieved by the decision of the Otoe County Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Section 25-1901 Et Seq R.R.S. Neb.
4. In passing upon such applications, the Otoe County Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and:
   A. The danger that materials may be swept onto other lands to the injury of others;
   B. The danger to life and property due to flooding or erosion damage;
   C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   D. The importance of the services provided by the proposed facility to the community;
   E. The necessity to the facility of a waterfront location, where applicable;
   F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
   G. The compatibility of the proposed use with existing and anticipated development;
   H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
   I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   J. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
   K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Conditions for Variances
   A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (4.21.08 (5) A-F below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
C. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
E. Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws 1or regulations.
F. The applicant shall be given a written notice over the signature of the County Official that (1) the issuance of a variance to construct below the base flood level will result in increased flood insurance up to amounts as high as $25 for $100 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these regulations.

4.21.09 Non-Conforming Use

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the regulation, but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:
   A. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to these regulations. The Utility Department shall notify the Highway Superintendent in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
   B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of these regulations. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

4.21.10 Penalties for Violation

Violation of the provisions of these regulations or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars ($100), and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the Otoe County Board of Commissioners or other appropriate authority from taking such other lawful action is as necessary to prevent or remedy any violation.

4.21.11 Amendments

The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Otoe County. At least fifteen (15) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations

as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

4.21.12 Definitions

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give this regulation it's most reasonable application:

"Appeal" means a request for a review of the Otoe County Highway Superintendent's interpretation of any provision of these regulations or a request for a variance.

"Appurtenant Structure" shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principle structure.

"Area of Shallow Flooding" means a designated AO or AH zone on a County's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Base Flood" means the flood having one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Development" means any man-made 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 or storage of equipment or materials.

"Existing Construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a County.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.
B. The usual and rapid accumulation of runoff of surface waters from any source.

"Flood Fringe" is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

"Flood Insurance Rate Map (FIRM)" means an official map of a County, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the County.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodplain" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities/counties with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New Construction" For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a county and includes any subsequent improvements to such structures.

"Overlay District" is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure is above ground.

"Recreational Vehicle" means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Special Flood Hazard Area" is the land in the floodplain within a County subject to one percent or greater chance of flooding in any given year.

"Start of Construction" [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variances" is a grant of relief to a person from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

ARTICLE 5: CONDITIONAL USES

Section 5.01 General Provisions.
The County Board of Commissioners may, by conditional use permit after a Public Hearing and recommendation from the Planning Commission (with specific findings of fact), authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this resolution. The County Board may grant or deny a conditional use permit in accordance with the intent and purpose of this resolution. In granting a conditional use permit, the County Board will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the County. The application shall be accompanied by any necessary drawing(s) or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted.

Any approval or denial of a conditional use permit shall be accompanied by specific findings of fact.

Section 5.02 Public Hearing
Before issuance of any conditional use permit, the County Board will consider the application together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in Otoe County, one time at least 10 days prior to such hearing.

Any notification and signing of property shall be per State Statutes and by specific procedures established by Otoe County.

Section 5.03 Decisions
A majority vote of the County Board shall be necessary to grant a conditional use permit. In the case of no action on the permit by the applicant, unless a longer period was specifically granted, the conditional use permit shall become invalid after a period of 12 months from the date of such order.

Section 5.04 Standards
No conditional use permit shall be granted unless the Planning Commission and County Board has found:
1. The use shall in all other respects conform to the applicable regulations of the district in which it is located, unless specifically authorized by the Board.
2. The use shall have adequate water, sewer, and drainage facilities.
3. The use shall be in harmony with the character of the area and the most appropriate use of the land.
4. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the county.
5. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
6. That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. That adequate utilities, access roads, and drainage facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
9. The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

10. The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
11. The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
12. The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any Public Street, road, or highway.
13. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
14. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Section 5.05 Conditions

In addition to the Standards listed in Section 5.04, the Planning Commission may recommend, and the County Board may adopt such other conditions as may be necessary or desirable to address specific concerns regarding the proposed use on a specific piece of property, including the most appropriate use of the land, the conservation and stabilization of the value of property, the provision of adequate open space for light and air, concentration of populations, congestion of public streets, and the promotion of the general health, safety, welfare, convenience, and comfort of the public. The County Board may require such conditions and restrictions upon the Conditional Use Permit as may be deemed necessary for the protection of the public interest and to secure compliance with this resolution.

ARTICLE 6: OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 6.01 Applicability

In any zoning district, all structures built and all uses established hereafter shall provide accessory off-street parking and loading spaces as indicated in the requirements set forth in this section. Where an existing structure or use is expanded, accessory off-street parking and loading spaces shall be provided in accordance with the requirements for the area, capacity or additional employees in such expanded area.

Section 6.02 Off-Street Automobile Storage

1. Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
2. In all districts except residential districts, if vehicle storage space or standing space required in section 6.02 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning Commission and County Board, the Planning Commission and County Board may permit such space to be provided on other off-street property, provided such property lies within the same zoning district and lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. In Districts residential districts, required off-street parking for residential use shall be provided on the lot on which is located the use to which the parking pertains.
3. Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
4. Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
5. Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require tabulation for classrooms and assembly areas).
6. Requirements for types of buildings and uses not specifically listed herein shall be determined by the County Board, after receiving a report and recommendation from the Planning Commission, based upon comparable uses listed.
7. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side yard or rear yard.

Section 6.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Commercial and Office including but not limited to:		
Agricultural Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Auditoriums/Stadiums/arenas	1 space/4 seats in main assembly area	None required
Automotive Rental/Sales	1 space/500 s.f. of gross floor area	1 space/establishment
Automotive Servicing	4 spaces/repair stall	None required
Boarding Houses/Bed and Breakfasts	1 space/rental units	None required
Body Repair	5 spaces/repair stall	None required
Bowling Alleys	4 spaces/alley plus 1 space per 2 employees	1 space/establishment
Campground	1 space/camping unit	None required
Child Care Centers	1 space/employee + 1 space or loading stall/each 5 persons of licensed capacity	None required
Churches, Synagogues, and Temples	1 space/4 seats in main worship area	None required
Clubs, including fraternal organizations	1 space/500 s.f. of gross floor area	None required
Commercial Recreation	1 space/2 persons of licensed capacity	1 space/establishment
Communication Services	1 space/500 s.f. of gross floor area	1 space/establishment
Construction Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Dance Hall, skating rink	1 space/100 square feet of floor area + 1 space/2 employees	None required
Educational Uses, Primary facilities	2 spaces/classroom	2 spaces/structure
Educational Uses, Secondary facilities	8 spaces/classroom + 1 space/employee on largest shift	2 spaces/structure
Equipment Rental/Sales	1 space/500 s.f. of gross floor area	1 Space/establishment
Food sales (limited)	1 space/300 s.f. of gross floor area	1 space/establishment
Food sales (general)	1 space/200 s.f. of gross floor area	2 spaces/establishment
Funeral homes, Mortuaries and Chapels	8 spaces/reposing room	2 spaces/establishment
General retail sales establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Guidance Services	1 space/300 s.f. of gross floor area	None required
Hospitals	1 space/2 licensed beds	3 spaces/structure
Hotels and Motels	1 space/rental unit + 1 space/each 200 s.f. of public meeting area	1 space/establishment
Laundry Services	1 space/200 s.f. of gross floor area	None required
Libraries	1 space/400 s.f. of gross floor area + 1 space/ 2 employees	1 space/structure
Medical Clinics	5 spaces/staff doctor, dentist, chiropractor	None required
Offices and Office Buildings	1 space/300 s.f. of gross floor area + 1 space/2 employees	None required
Restaurants w/ drive-thru	Greater of the two: 1 space/40 s.f. of dining area, or 1 space/150 s.f. of gross floor area	1 space/establishment
Restaurants (General)	Parking equal to 30% of licensed capacity	2 spaces/establishment
Roadside stands	4 spaces/establishment	None required
Service Oriented Establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Theaters, Auditoriums, & Places of Assembly	1 space/4 persons of licensed capacity	1 space/establishment
Veterinary Establishments	1 spaces/500 square feet/staff doctor	None required
Residential/Housing including but not limited to:		
Assisted-living facilities	.5 space/dwelling unit	1 space/structure
Convalescent & Nursing Home Services	1 space/4 beds + 1/employee on the largest shift	2 space/structure
Duplex	2 spaces per dwelling unit	None required
Group Care Facility	1 space/4 persons of licensed capacity	2 space/structure
Group Home	1 space/4 persons of licensed capacity	2 space/structure
Multi-family / Apartments	1 space/sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Mobile Home Park	2/dwelling unit	None required
Residential (Single-family, attached and detached)	2 spaces/dwelling unit (1 may be enclosed or semi-enclosed)	None required
Industrial Uses including but not limited to:		
Adult entertainment establishments	1 space/2 persons of licensed capacity	None required
General Manufacturing	.75 times the maximum number of employees during the largest shift	2 spaces/establishment
Wholesaling / Distribution Operations	1 space/2 employees on the largest shift	2 spaces/establishment

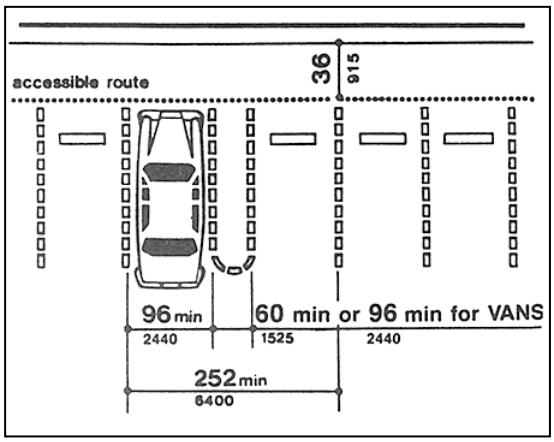
Section 6.04 Off-Street Parking: Shared Parking Requirements

Notwithstanding the provisions of Section 6.03, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the Planning Commission and County Board.

Section 6.05 Off-Street Parking: Parking for Individuals with Disabilities

1. In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000



Source: http://www.ada.gov/adastd94.pdf

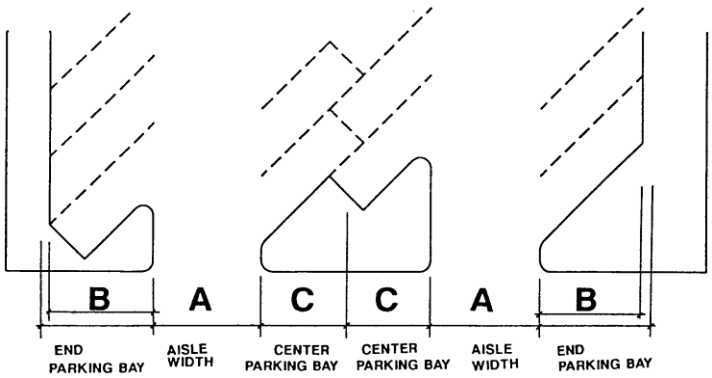
2. Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.
   a. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 6.05 (1) of this Regulation. The vertical clearance at such spaces shall comply with 6.05 (1) of this Regulation. All such spaces may be grouped on one level of a parking structure.
   b. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
   c. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
   d. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
   e. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 6.05 (1) of this Regulation.
   f. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 6.05 of this Regulation shall be provided in accordance with 6.05 of this Regulation; except as follows:
      1) Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;
      2) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
   g. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 6.05 of this Regulation located on an accessible route to the entrance of the facility.
3. Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
   a. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
   b. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
      1) Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 6.05 (2) (a) shall have an additional sign stating the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
      2) Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 6.05 (2) (a), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

3) Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

Section 6.06 Off-Street Parking Design Criteria

1. Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



2. Minimum dimensions for a parallel parking space shall be 10 feet by 23 feet.
3. Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and County Board.

ARTICLE 7: SIGN REGULATIONS

Section 7.01 Compliance with Sign Regulations
All signs constructed, erected, modified or moved after the effective date of this Regulation shall comply with the requirements herein, unless expressly exempted.

Section 7.02 Sign Definitions
The following are the definitions relating to signs within the Otoe County zoning jurisdiction.

ADVERTISING SIGN shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

ANIMATED SIGN shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

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

AWNING OR CANOPY SIGN shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

BANNER SIGN shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.

BILLBOARD SIGN 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.

BUILDING SIGN shall mean any sign supported by, painted on or otherwise attached to any building or structure.

BUILDING MARKER SIGN shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

CHANGEABLE COPY SIGN shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

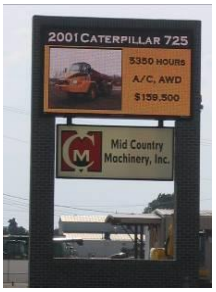
CLOSED SIGN shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

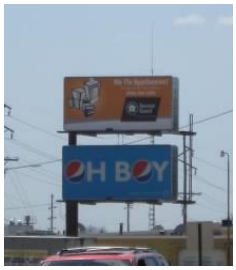
COMMUNITY OR CIVIC SIGN shall mean a sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the motoring public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local chamber of commerce or other civic organization or non-profit entity.

DESTINATION SIGN shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

ELECTRONIC MESSAGE BOARD SIGN shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

FLASHING SIGN shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

 **Animated Sign**	**Awning Sign**	**Banner/Flag Sign**	**Banner Sign - Temporary**	**Blade Sign - Temporary**
Building Marker Sign	**Canopy Sign**	**Changeable Copy Sign**	**Commemorative Sign**	**Double-faced Sign**
Electronic Message Sign	**Freestanding Sign**	**Ground Monument Sign**	**Off-Premises Sign**	**Painted Wall Sign**
Parapet Sign	**Pole Sign**	**Projecting Sign**	**Public/Traffic Information Sign**	

Roof Sign	**Roof (integrated) Sign**	 **Sign Stacking**	**Subdivision Identification**	**Suspended Sign**
Wall Sign	**Warning Sign**	**Window Sign**		

FREESTANDING SIGN shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

GROUND SIGN shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

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

INCIDENTAL SIGN shall mean a sign, generally informational, that has a purpose secondary to the use on the lot which it is located.

MARQUEE SIGN shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

NAMEPLATE SIGN shall mean a sign not exceeding 2 square feet for each dwelling.

NON-CONFORMING SIGN shall mean any sign that does not conform to the requirements of this ordinance.

OBSOLETE SIGN 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 months after the termination of the existence of such business or the termination of sale of the product advertised.

OFF-PREMISES SIGN shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

ON-PREMISE SIGN shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

OPEN SIGN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

PENNANT SIGN shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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

PORTABLE SIGN 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.

PROJECTING SIGN shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.

ROOF SIGN shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

ROOF (INTEGRAL) SIGN shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

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

SIGN SURFACE shall mean the entire area of a sign.

SUSPENDED SIGN shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

WALL SIGN shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes of glass and is visible from the exterior of the window.

Section 7.03 Sign Area Computation

7.03.01 Computation of Area of Individual Signs

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

7.03.02 Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

Section 7.05 Sign Schedules

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

	Zoning District										
	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM	UVD-1	C-1	F-1	I-1	I-2
Animated	-	-	-	-	-	-	-	-	-	-	-
Architectural Canopy	+	+	+	-	-	-	+	+	+	+	+
Banner	+	+	+	-	-	-	+	+	+	+	+
Changeable Copy	+	+	+	-	-	-	+	+	+	+	+
Destination	+	+	+	+	+	+	+	+	+	+	+
Electronic Message Board	+	+	+	-	-	-	+	+	+	+	+
Flashing	-	-	-	-	-	-	+	-	-	-	-
Freestanding	T	T	T	T	T	T	T	T	T	T	T
Ground	+	+	+	+	+	+	+	+	+	+	+
Illuminated	+	+	+	+	+	+	+	+	+	+	+
Incidental	+	+	+	+	+	+	+	+	+	+	+
Marquee	-	-	-	-	-	-	+	+	+	+	+
Nameplate	+	+	+	+	+	+	+	+	+	+	+
Off-Premises (Billboard)	+	+	+	-	-	-	+	+	+	+	+
On-Premise (Billboard)	+	+	+	-	-	-	+	+	+	+	+
Pennant	+	+	+	-	-	-	+	+	+	+	+
Pole	+	+	+	-	-	-	+	+	+	+	+
Projecting	+	+	+	-	-	-	+	+	+	+	+
Portable	T	T	T	T	T	T	T	T	T	T	T
Roof	-	-	-	-	-	-	-	-	-	-	-
Roof-Integrated	+	+	+	-	-	-	+	+	+	+	+
Subdivision	+	+	+	+	+	+	+	+	+	+	+
Suspended	+	+	+	-	-	-	+	+	+	+	+
Temporary	T	T	T	T	T	T	T	T	T	T	T
Wall	+	+	+	-	-	-	+	+	+	+	+
Window	+	+	+	-	-	-	+	+	+	+	+

+: permitted -: not permitted T: Temporary

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

	Zoning District										
	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2
Animated											
Max. Square Ft.	200	200	200	-	-	-	200	200	200	200	200
Max. Height Ft.	45	45	45	-	-	-	45	45	45	45	45
Max. Number	1	1	1	-	-	-	1	1	1	1	1
Architectural Canopy											
Max. Square Ft.	250	250	250	-	-	-	250	250	250	250	250
Max. Height Ft.	45	45	45	-	-	-	45	45	45	45	45
Max. Number	1[6]	1[6]	1[6]	-	-	-	1[6]	1[6]	1[6]	1[6]	1[6]
Banner											
Max. Square Ft.	32	32	32	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	NA	NA	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	NA	NA	-	-	-	NA	NA	NA	NA	NA
Changeable Copy											
Max. Square Ft.	32	32	32	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	NA	NA	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	NA	NA	-	-	-	NA	NA	NA	NA	NA
Destination											
Max. Square Ft.											
Max. Height Ft.	16	16	16	16	16	16	16	16	16	16	16
Max. Number	8	8	8	8	8	8	8	8	8	8	8
	1	1	1	1	1	1	1	1	1	1	1
Electronic Message Board											
Max. Square Ft.	100	100	100	-	-	-	100	100	100	100	100
Max. Height Ft.	20	20	20	-	-	-	20	20	20	20	20
Max. Number	1	1	1	-	-	-	1	1	1	1	1
Flashing											
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-
Freestanding											
Max. Square Ft.	32	32	32	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Ground											
Max. Square Ft.	50	50	50	-	-	-	32[2]	32[2]	32[2]	32[2]	50[3]
Max. Height Ft.	10	10	10	-	-	-	10	10	10	10	10
Max. Number	1	1	1	-	-	-	1	1	1	1	1
Illuminated											
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.											
Max. Number											
Marquee											
Max. Square Ft.	-	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	-	-	-	-	-	-	45	45	45	45	45
Max. Number	-	-	-	-	-	-	1	1	1	1	1
Nameplate											
Max. Square Ft.	2	2	2	2	2	2	2	2	2	2	2
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Off-Premises											
Max. Square Ft.	640	-	-	-	-	-	640	640	640	640	640
Max. Height Ft.	30	-	-	-	-	-	30	30	30	30	30
Max. Number	1	-	-	-	-	-	1	1	1	1	1
On-Premises											
Max. Square Ft.	640	-	-	-	-	-	640	640	640	640	640
Max. Height Ft.	30	-	-	-	-	-	30	30	30	30	30
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Pennant											
Max. Square Ft.	32	32	32	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	NA	NA	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	NA	NA	-	-	-	NA	NA	NA	NA	NA
Pole											
Max. Square Ft.	100[4]	100[4]	100[4]	-	-	-	100[4]	100[4]	100[4]	100[4]	200[4]
Max. Height Ft.	40	40	40	-	-	-	40	40	40	40	40
Max. Number	1	1	1	-	-	-	1	1	1	1	1
Projecting											
Max. Square Ft.	16	16	16	-	-	-	16	16	16	16	16
Max. Height Ft.	45	45	45	-	-	-	45	45	45	45	45
Max. Number	1	1	1	-	-	-	1	1	1	1	1
Portable											
Max. Square Ft.	32	32	32	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1	1	1

	Zoning District										
	AG-1	TA-1	RPC-1	RR-1	LSR-1	RM-1	UVD-1	C-1	F-1	I-1	I-2
Roof											
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-
Roof-Integrated											
Max. Square Ft.	250	250	250	-	-	-	250	250	250	250	250
Max. Height Ft.	45	45	45	-	-	-	45	45	45	45	45
Max. Number	1	1	1	-	-	-	1	1	1	1	1
Subdivision											
Max. Square Ft.	500	500	500	500	500	500	500	500	500	500	500
Max. Height Ft.	35	35	35	35	35	35	35	35	35	35	35
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Max. Lot area s.f.	5,000	5,000	5,000	5,000	5000	5,000	5,000	5,000	5,000	5,000	5,000
Suspended											
Max. Square Ft.	20	20	20	-	-	-	20	20	20	20	20
Max. Height Ft.	10	10	10	-	-	-	10	10	10	10	10
Max. Number	1	1	1	-	-	-	1	1	1	1	1
Temporary											
Max. Square Ft.											
Max. Height Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Number											
Wall											
Max. Square Ft.	200[1]	200[1]	200[1]	-	-	-	200[1]	200[1]	200[1]	200[1]	200[1]
Max. Height Ft.	15	15	15	-	-	-	45	45	45	45	45
Max. Number	1	1	1	-	-	-	1	1	1	1	1
Window											
Max. Square Ft.	200[1]	200[1]	200[1]	-	-	-	200[1]	200[1]	200[1]	200[1]	200[1]
Max. Height Ft.	15	15	15	-	-	-	15	15	15	15	15
Max. Number	1	1	1	-	-	-	1	1	1	1	1

1 Wall/Window signs shall not exceed 10 percent of the total wall area or the number indicated whichever is greater.
2 Ground signs may be increased from 32 square feet in area to 50 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
3 Ground signs may be increased from 50 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
4 Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
5 Pole signs may be increased from 200 square feet in area to 300 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
6 One Canopy per window – canopy shall meet all minimum height requirements for accessibility.
NA = Not Applicable – Refer to specific structural sign types

3. A building or use having frontage on a second street may install a sign on the second street side no greater in size than 20 percent of the total allowed on one facade.

Section 7.05 Signs, Special Conditions

7.05.01 Billboard Signs.

Billboards, signboards, and other similar advertising signs shall be subject to the same height and location requirements as other structures in the district and shall also be subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

7.05.02 Stand-alone ATM's may have the following:

1. One wall sign on each exterior wall provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
4. All signs are subject to the required permitting process of these Regulations.
5. Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

7.05.03 Coffee Kiosks and other Kiosks

Coffee Kiosks and other Kiosks may have the following:

1. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the Coffee Kiosks/Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk/Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk/Kiosk, painted within a drive lane or in any curbing defining a drive lane
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
5. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.

7.05.04 Signs hung from canopies and awnings

Signs hung from canopies and awnings shall maintain 80 inches of clear space, as measured from the bottom edge of the sign to the grade below.

7.05.05 Temporary Signs

Temporary signs for which a permit has been issued shall be issued only for signs meeting the following criteria:

1. Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
2. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off-premises business and/or organization.

7.05.06 Emergency Signs

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

7.05.07 Other Signs Forfeited

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

7.05.08 Signs Exempt from Regulation Under this Ordinance

The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, as per Section 3.23 of this Ordinance and/or a collision hazard to the public:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- Any religious symbol;
- Construction signs when equal to six square feet or less;
- Any sign identifying a public facility or public/civic event;
- Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
- Holiday lights and decorations with no commercial message;
- Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
- A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

7.05.09 Signs Prohibited Under These Regulations

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

1. Beacons;
2. Marquee signs;
3. Roof signs;
4. Suspended signs;
5. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
6. Audible Signs

7.05.10 Signs and Rights-of- Way

All signs shall be required to be setback 20 feet from any right-of-way line in the county. This shall include all county roads, state highways and federal highways.

ARTICLE 8: SUPPLEMENTAL REGULATIONS

Section 8.01 Home Occupations and Home Based Businesses in Residential Districts

8.01.01 Intent

A home occupation or home based business shall be permitted when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

8.01.02 Permitted home occupations

Listed below are permitted home occupations.

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care
4. Personal services, including Barber and Beauty Shops (limited to one station), manicure and pedicure shops, masseuse services, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

8.01.03 Prohibited home occupations

Listed below are prohibited home occupations.

1. Kennels, stables, veterinarian clinics/hospitals.
2. Medical and dental clinics, hospitals.
3. Restaurants, clubs, drinking establishments.
4. Motor vehicle / small engine repair.
5. Undertaking and funeral parlors.
6. Adult Entertainment Uses.

8.01.04 Performance Standards for Home Occupations

Listed below are the performance standards for home occupations.

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
8. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
9. No retail sales are permitted from the site other than incidental sales related to services provided.

10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

8.01.05 Permitted home based businesses

Listed below are permitted home based businesses.

1. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to one stations), manicure and pedicure shops, masseuse services, pet grooming, catering, and chauffeuring services.
4. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
5. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
6. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
7. Child Nurseries or Child Care

8.01.06 Prohibited home based businesses

Listed below are prohibited home based businesses.

1. Kennels, stables, veterinarian clinics/hospitals.
2. Medical and dental clinics, hospitals.
3. Restaurants, clubs, drinking establishments.
4. Motor vehicle / small engine repair.
5. Undertaking and funeral parlors.
6. Adult Entertainment Uses.

8.01.07 Performance Standards for Home Based Businesses

Listed below are the performance standards for home based businesses.

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.
2. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Otoe County.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
6. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.
7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
8. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.

9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.
13. No permit for a Home Occupation or Home-based Business shall supersede any State or Federal requirements for permits and licenses.

8.01.08 Revocation

1. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
   A. That any condition of the home occupation or home based business permit has been violated;
   B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
   C. That the permit was obtained by misrepresentation or fraud;
   D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; or
   E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Otoe County Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Otoe County Board of Adjustment. The Otoe County Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 8.02 Home Occupations and Home Based Businesses within the Agricultural Districts

8.02.01 Intent

A home occupation or home based business shall be permitted when said occupation or business is conducted on agriculturally used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

8.02.02 Permitted home occupations

Listed below are permitted home occupations.

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one station), manicure and pedicure shops, masseuse services, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying

with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations). All fertilizer, herbicide and pesticide sales shall be through a Conditional Use Permit.
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

8.02.03 Prohibited home occupations

Listed below are prohibited home occupations.
1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

8.02.04 Performance Standards for Home Occupations

Listed below are the performance standards for home occupations.
1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure.
5. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
10. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
11. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

8.02.05 Permitted home based businesses

Listed below are permitted home based businesses.
1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters,

photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one stations), manicure and pedicure shops, masseuse services, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations). All fertilizer, herbicide and pesticide sales shall be through a Conditional Use Permit.
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
11. Equestrian Center/Stable when connected to a residence.

8.02.06 Prohibited home based businesses

Listed below are prohibited home based businesses.
1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

8.02.07 Performance Standards for Home Based Businesses

Listed below are the performance standards for home based businesses.
1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.
2. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Otoe County.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.
5. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
10. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the

name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.

11. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
12. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
13. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.
14. No permit for a Home Occupation or Home-based Business shall supersede any State or Federal requirements for permits and licenses.

8.02.08 Revocation

1. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
   A. That any condition of the home occupation or home based business permit has been violated;
   B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
   C. That the permit was obtained by misrepresentation or fraud;
   D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
   E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Otoe County Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Otoe County Board of Adjustment. The Otoe County Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 8.03 Radio, Television and Wireless Communication Towers

8.03.01 Intent

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and the Spectrum Act of 2012 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

8.03.02 Definitions

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996, the Spectrum Act of 2012 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

Base Station: A structure that supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time of the application is filed.

Broadcasting Tower: A structure for the transmission or broadcast of radio, television, radar, microwaves or other electromagnetic frequencies which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial towers not exceeding 50 feet in height shall not be considered broadcast towers.

Collocation The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Conforming commercial earth station: A satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

Eligible facilities request is defined as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

In Writing: Refers to the means in which an applicant for a telecommunications tower is notified. The "in writing" clause has been defined to include the minutes of the governing body's proceedings including findings of fact.

Owner: Any person with a fee simple title or a leasehold exceeding ten years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.

Replacement: The removal and upgrade of transmission equipment and not the structure on which it is located.

Security fence: For purposes of this Section, a security fence shall be any fencing required to protect any tower, appurtenant structure, guy wires, or other delineated part of a project.

Specific and absolute timeframe: this refers to the timeframe allowed for processing a telecommunication applications under Section 6409 (a) of the Spectrum Act of 2012.

Stealth: Any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

Telecommunications Facilities: Any cables, wires, lines, waive guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include: a. Any Conforming Commercial Earth Station antenna two meters or less in diameter. b. Any earth station antenna or satellite dish antenna of one meter or less in diameter.

Tower: Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities.

Tower owner: Any person with an ownership interest of any nature in a proposed or existing tower.

Transmission Equipment: Any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

8.03.03 Tower Construction Standards

Listed below are tower construction standards.

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.

2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the County prior to approval of its application for a Conditional Use Permit by the County Board and issuance of the permit by the County.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the County after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

8.03.04 Application to develop a Tower

1. Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Administrator for a Conditional Use Permit and shall include the following:
   A. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
   B. The legal description and address of the tract of land on which the tower is to be located.
   C. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.
   D. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
   E. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the County Board and federal and state and ANSI standards.
   F. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
   G. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
   H. The application, based upon the specific and absolute timeframe established by the FCC, shall be processed and decided within 60 days of the application becoming completed. However, the 60 application processing period may be extended only:
      i. By mutual agreement between the Otoe County and the applicant, or
      ii. By Otoe County's determination that the application is incomplete.
         1. If Otoe County deems the application to be incomplete, the County shall notify the applicant of the incompleteness within 30 days of the initial filing.
         2. The County shall clearly and specifically delineate writing the missing information
         3. The clock shall resume when the information is provided, but may tolled again if Otoe County notifies the applicant within 10 days that the application remains incomplete.
         4. The County shall not request new information beyond what is already required.
      iii. If the application is not acted upon within 60 days, the application shall be deemed to be approved by the governing body.

8.03.05 Setbacks and Separation or Buffer Requirements

Listed below are setbacks and separation requirements for towers and exception to height restrictions of towers.

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or

antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

2. Freestanding and guyed towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 percent of the tower height. The Planning Commission and County Board of Commissioners may reduce the setback with a conditional use permit if it determines that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
3. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
4. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the tower.
5. Towers must meet the following minimum separation requirements from other towers:
   A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
   B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 750 feet.
6. Towers shall be held to all height requirements as prescribed in the Airport Hazard Area District.
7. As part of its conditional use approval process, the Planning Commission and County Board of Commissioners may, after public notice and hearing, permit the tower to exceed the height restrictions otherwise allowable in the district.

8.03.06 Structural Standards for Towers Adopted

The Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

8.03.07 Illumination and Security Fences

1. Towers shall not be artificially lighted except as required by the FAA. Any tower subject to this Section that is required to be lit under FAA requirements and using a strobe light shall be equipped with dual mode lighting. In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure. Said security fences shall be a minimum six feet in height with barbed wire on top.

8.03.08 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission and County Board as part of the application approval process. All towers that must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

8.03.09 Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the County.

8.03.10 Prohibitions

According to the FCC, "[A] state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

8.03.11 Substantial Change

Otoe County may only require an amended conditional use permit for changes/modifications on a telecommunication tower/system that are defined by the FCC as substantial.

1. **Substantial Change** shall mean any of the following:
   A. Towers outside the public right-of-way, a "substantial change"
      - increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, or
      - Protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

   B. Towers in the right-of-way, and all base stations, a "substantial change"
      - increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater, or
      - protrudes from the edge of the structure more than 6 feet

   C. All Towers and base stations, a substantial change:
      - involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
      - entails any excavation or deployment outside the current site of the tower or base station;
      - defeats the existing concealment elements of the tower or base station; or
      - does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to any of the "substantial change" thresholds identified above.

2. **Changes in Height**
   A. Changes in height are to be measured from the original support structure in cases where the deployments are or will be separated horizontally.
   B. In other circumstances, changes in height are to be measured from the dimensions of the original tower or base station and all originally approved appurtenances, and any modifications approved prior to the passage of the Spectrum Act.
   C. Note, the changes are measured cumulatively; otherwise a series of small changes could add up to a cumulative change that exceeds the "substantial change" threshold.

8.03.12 Inspections

The County reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the County's Zoning Codes and any other construction standards set forth by the County, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of Otoe County's Zoning Office, or a duly appointed independent representative of the County.

8.03.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

8.03.14 Abandonment

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

Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and Otoe County codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

8.03.15 Approval Denial Procedures for Tower Development Permit

1. Any decision to deny an application to place, construct or modify a wireless facility must be "in writing" and supported by substantial evidence contained in a written record.
2. The regulation of placement, construction, and modification of personal wireless services facilities by Otoe County shall not unreasonably discriminate among providers of functionally equivalent services;
3. The regulation of the placement, construction, and modification of personal wireless service facilities by Otoe County shall not prohibit or have the effect of prohibiting the provision of personal wireless services;
4. Otoe County shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations;

Section 8.04 Recreational Vehicle Parks

No Recreational Vehicle Park shall be constructed within the zoning jurisdiction of Otoe County unless a Conditional Use permit is approved and issued by the County and is constructed in conformance with the following requirements:

1. The tract to be used as a recreational vehicle park or campground shall not be less than two acres in area. Under no circumstances shall a manufactured home be parked in a recreational vehicle park or campground.
2. The maximum number of recreational vehicles, trailers, or camp sites shall be 15 per acre.
3. Each recreational vehicle, trailer, camp site shall be plainly marked.
4. The minimum dimensions of a recreational vehicle, trailer or camp site shall be 30 feet wide by 60 feet long.
5. Each recreational vehicle, trailer, camp site shall be separated from other recreational vehicles, trailers, or camp sites by at least 15 feet.
6. All recreational vehicle, trailer, camp sites shall meet the required setbacks from roads and from the ordinary high water mark and shall be located at least 50 feet from exterior lot lines.
   A. The exterior lot line setback shall be maintained in open space; except that landscaping for the purpose of screening the Park from visual views from adjacent properties.
   B. Screening at least six feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.
7. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided:
   A. No one space shall be designed for direct access to a county road or highway outside the boundaries of the recreational vehicle park or campground;
   B. All interior access drives shall be at least 20 feet in width; and
   C. All interior access drives and parking areas shall be surfaced with gravel, asphalt or other material to free the site of mud.
8. There shall be two off-street parking spaces per each individual recreational vehicle, trailer, camp site.
9. Each pad location shall be equipped with the following:
   A. Electrical outlet.
   B. A sanitary sewer connection per Nebraska DEQ requirements.
   C. A potable water connection per Nebraska HHS requirements.
   D. If pad sites are not supplied with individual sanitary sewer and water connections then a "Community Building" shall be constructed to the following requirements;
      1) Pads shall not be located more than 300 feet from the "Community Building".
      2) Separate toilet, lavatory and shower facilities for each sex, in the following ratio: one flush-type toilet, one lavatory and one shower or bathtub for females and one flush-type toilet, one lavatory, and one shower or bathtub for males.
      3) The pervious toilet sanitary standards shall be for every 30 pad sites.
      4) Have an accessible, adequate, safe and potable supply of cold water.
      5) Comply with all Nebraska Building, Electrical and life safety codes.
      6) Be maintained in a clean, sanitary condition and kept free of any condition that is considered a health hazard.

10. Other criteria that shall be met include:
    A. No more than one wheeled recreational vehicle or trailer shall be allowed on any individual pad site. In addition to these units, a tent may be erected to serve as an auxiliary shelter, but shall not be erected for more than 14 consecutive days.
    B. These Parks are considered as a seasonal business and site and individual recreational vehicles or trailers are considered seasonal dwelling and shall not be occupied for more than four continuous months in a 12 month period. However, a recreational vehicle or trailer may remain on site for the remaining portion of the year in a stored state.
    C. Wheels and tires shall remain in the in-transit position.
    D. No porches, lean-tos, or additions shall be constructed onto any of these recreational dwellings. Canvas screen rooms or awnings shall be allowed.
    E. A recreational dwelling may only be skirted with lattice, solid skirting may be installed immediately adjacent to the tires.
    F. A shelter unit may be located on an individual pad site provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.

One permanent dwelling unit may be constructed within the Recreational Vehicle Park and is to be used strictly by the Park owner and family or the resident superintendent.

Section 8.05 Screening

1. Junkyards (salvage or wrecking yards) shall be screened with an eight foot high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.
2. All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.
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 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 8.06 Sand and Gravel Mineral, Stone, Rock, and Soil Extraction and Quarries.

It shall be unlawful for any owner or owners or property to extract, mine, quarry, or remove soil for commercial purposes without the proper permits except soil donated for use by a municipality, county, or state for public roadway purposes.

1. When soil is sold, removed, and transported on Otoe County roads, to be used for public roadway purposes, it shall be the responsibility of the property owner to meet the following conditions:
    A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours;
    B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
    C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
    D. The application shall identify proposed vehicle and equipment storage areas;
    E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility;
    F. Topsoil shall be collected and stored for redistribution on the site at termination of the operation;
    G. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than 3:1 as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
    H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public;
    I. Costs for any damage to the county roads or bridges used for access to the site which requires additional maintenance or repair for the normal county maintenance or repair as a result of additional traffic generated, shall be the responsibility of the owner of the property from which the soil is being removed. The determination of the costs and the method of repair and maintenance shall be prescribed by the Otoe County Highway Superintendent. The property owner may appeal

the Superintendent's decision to the Otoe County Board of Commissioners within 30 days after receiving the Superintendent's decision;

J. The owner of the property shall obtain adequate insurance to cover any of the damages, which may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Zoning Administrator's office prior to issuing a Conditional Use Permit; and

K. To assure that all of these conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the County.

Section 8.07 Small Wind Energy Systems

8.07.01 Purpose

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

8.07.02 Definitions

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

1. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.

2. **Small Wind Energy System** shall mean a wind energy 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.

3. **Structurally mounted System** shall mean a Small Wind Energy System that is designed to be mounted on a building including residential dwellings.

4. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

5. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

8.07.03 Requirements

Certain requirements as set forth below shall be met:

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.
2. Setbacks
   No part of the wind system structure, including guy-wire anchors, may extend closer than accessory building setbacks of the appropriate zoning district to the property lines of the installation site.

3. Noise
   A. Small wind energy systems shall not exceed 50 dBA, as measured at the closest neighboring inhabited dwelling unit; however,
   B. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

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.

5. Compliance with Building and Zoning Codes
   A. Applications 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 certified by a professional engineer licensed and certified in Nebraska shall also be submitted.
C. The manufacturer frequently supplies this analysis.
D. Wet stamps shall not be required.

6. Compliance with FAA and NDA Regulations
Small wind energy systems must comply with applicable FAA and NDA regulations, including any necessary approvals for installations close to airports.

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 frequently supplies this analysis

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.

	Wind Turbine – Non- Commercial	Meteorological Towers
Property Lines (other than right angle corners)	One times the total height	One times the total height
Neighboring Dwelling Units*	One times the total height	One times the total height
Road Rights-of-Way**	One times the total height	One times the total height
Other Rights-of-Way	One times the total height	One times the total height
Public Conservation Lands including Wildlife Management Areas and State Recreation Areas	NA	600 ft
Wetlands, USFW Types III, IV, and V	NA	600 ft.
Other structures not on the applicant's site	NA	One times the total height
River Bluffs of over 15 feet	NA	One times the total height

Section 8.08 Commercial/Utility Grade Wind Energy Systems

8.08.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy systems while protecting natural resources and habitats within Otoe County.

8.08.02 Definitions

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

Aggregate Project: 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.

Ambient Noise Level: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise.

Anemometer: An instrument for measuring and recording the speed of the wind for

wind turbine construction.

CHURCH: A building that is the regular meeting place of a religious organization or congregation.

Clustering: The grouping of two or more WECS sited within one-half mile of one another.

Commercial WECS: A wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

Daytime Hours shall mean a time period from 8:00 a.m. local time to 8:00 p.m. local time.

Fall Zone: The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Habitable Structure: See Article 2

Hub: The mechanical area sitting atop of a WECS structure containing the generation equipment and the point where the blades are connected to the system.

Hub Height: The overall height measured from grade of a WECS to the center point of the hub of the turbine.

Impact Easement: An easement or deeds restriction, recorded in the Office of the Otoe County Register of Deeds, which runs with the land and is granted to the owner of a WECS for the period of time that such use shall exist, by the owners of the adjoining property in which it is mutually agreed between the grantor and grantee that the grantor shall hold the grantee harmless from noise, visual or other legal impacts associated with such use on the grantor's property when such use is operated in accordance with the terms of such easement or deed restriction. This impact easement only relates to wind energy systems over 100 KW. One kilowatt (KW) is equal to 1000 watts.

Landowner, Non-participating: An individual or group of individuals not involved in the overall project via land leases and other such means that may or may not be directly impacted by the WECS project.

Landowner, participating: An individual or group of individuals involved, directly or indirectly, in the overall project via land leases, easement, release, authorization, or other such means.

Meteorological Tower: A tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the NDOR, or other applications to monitor weather conditions.

Property Line: defined points that mark the end of one owner's property and the beginning of a neighbor's

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 purposes of this regulation, 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.

Rotor Diameter: The diameter of the circle described by the moving rotor blades.

Shadow Flicker: The shadow cast from the rotating blades of a WECS system which moves with the blades. Strobe effect that occurs when sun is horizontal to wind turbine blades which causes repetitive intermittent shadows that can affect people on nearby properties.

Small Wind Energy System shall mean a wind energy 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.

School Definitions: shall mean any public school, Private school, or exempt school, as provided in Nebraska Department of Education, Title 192, Nebraska Administrative Code Chapter 13.

Substations shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35 kV) for interconnection with high voltage transmission lines.

Total Height: The highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

Tower: The vertical structures that support the electrical, rotor blades, or meteorological equipment.

Tower Height: The height above grade of the hub portion of the tower, excluding the wind turbine itself.

Transmission Line: An electrical power line carrying voltages of at least 69,000 volts (V) and used to carry electricity over medium to long distances rather than directly supplying electric energy to retail customers.

Wind Energy Conversion System (WECS): 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

Wind Turbines: 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.

Wind Turbine Generator: A tower, pylon, or other structure, including all accessory facilities, upon which any of the following are mounted:

1. A wind vane, blade, or series of wind blades or other devices mounted on a rotor for the purpose of converting wind kinetic energy into electrical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical devices.
3. A generator, alternator, or other device used to convert the mechanical energy by the rotation of the rotor into electrical energy.

8.08.03 Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a **Conditional Use Within the AG-1 District, only**. Permanent Meteorological towers shall be considered part of the system. Temporary meteorological towers may be permitted in the AG-1 District by a Zoning (Building) Permit and limited to two years or less. When requesting a conditional use permit for a commercial/utility grade wind energy conversion system (also known as a WECS), and/or a zoning permit for a temporary meteorological tower; the following requirements and information shall be met and supplied:

1. The name(s) and address of project applicant.
2. The name of the project owner and address.
3. The legal description and address of the project.
4. A description of the project including; Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines.
5. A site layout signed by a Professional Surveyor including the location of property lines, wind turbines, electrical grid, and all related accessory structures.
6. A soils report must also be presented based on soil borings, and a description of the proposed foundation size, materials, and depth. The layout must show latitude and longitude of individual wind turbines.
7. The Otoe County Road Department shall receive a set of the detailed plans as described above. The roads and bridges affected by the construction of the wind project must be addressed and any improvements needed will be paid by the owner/developer. All roads and bridges shall be in good working order before, during, and after the project is completed, as determined by the Otoe County Road Department or Board of Commissioners.
8. Engineer / Land Surveyor Certification. A registered engineer / land surveyor licensed in the State of Nebraska shall be required for the design/survey at the expense of the landowner/developer.
9. Documentation of land ownership or legal control of the property.
10. The latitude and longitude of individual wind turbines.
11. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS not owned by the applicant, within 10 rotor distances of the proposed WECS.
12. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed WECS.
13. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met.
14. FAA and NDA review and permit
15. Location of all known Communication Towers within two miles of the proposed WECS.
16. Decommissioning Plan including the financial means to implement the plan.
17. Description of potential impacts on nearby WECS and wind resources on adjacent properties not owned by the applicant.

8.08.04 Aggregated Projects

The following concerns an aggregated project(s).

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals. A detailed layout which includes the location of the property lines, wind turbines, electrical grid, and all related accessory structures designed and stamped by a registered licensed professional engineer or surveyor in the State of Nebraska. Permits may be issued and recorded separately.
2. Joint projects will be assessed fees as one project.
3. Setbacks to property lines, not road rights-of way, may be less when adjoining property owners are within the same aggregate project.
4. WECS turbines shall be limited to no more than two WECS per participating landowner within one a one (1) mile radius of the participating property line
5. Approval of an aggregated project shall give the applicant the approval necessary to begin final site locations within any variations allowed by the Planning Commission and County Board.
6. Approval of an aggregated project shall provide authorization to the developer to commence on the project unless specific conditions are applied during the review and approval process.

8.08.05 Setbacks

All towers shall adhere to the setbacks as measured from the hub established in the following table:

	WECS Wind Turbine – Commercial/Utility WECS	**Meteorological Towers**
Property Lines	1.5 times the hub height + the rotor diameter	One times the total height
Non-Participating property lines will be 1 mile from closest wind turbine	1 mile	One times the total height
Road Rights-of-Way**	1.5 times the hub height + the rotor diameter	One times the total height
Other Rights-of-Way	1.5 times the hub height + the rotor diameter	One times the total height
Public Conservation Lands including Wildlife Management Areas and State Recreation Areas	600 ft. or a distance established by any state or Federal agency.	600 ft. or a distance established by any state or Federal agency.
Wetlands, USFW Types III, IV, and V	600 ft. or a distance established by any state or Federal agency.	600 ft. or a distance established by any state or Federal agency.
Village and city limits will be 2 miles from any wind turbine.	2 miles	One times the total height
Churches and Schools	1 mile	One times the total height

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

8.08.06 Special Safety and Design Standards and Additional Requirements

Special safety and design standards for all towers and additional listed requirements are stated below, which shall be adhered to and are specifically written for this Section:

1. Clearance of rotor blades or airfoils must maintain a minimum of 30 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted at the entrance to the site with the 911 address and emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.

4. Painted aviation warnings on all towers taller than 200 feet

5. **Controls and Brakes:** Each WECS shall be equipped with a redundant braking system, which may include aerodynamic over speed controls (variable pitch, tip, and/or other similar system and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection. The manufacturer shall provide certification of compliance with this requirement.

6. **Color and finish**
   All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Finishes shall be matte or non-reflective.

7. **Lighting**
   Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA and NDA 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. Air detection lighting systems (ADLS) shall be required when permitted by the FAA.

8. **Shadow Flicker**
   A WECS shall be situated in a manner that will minimize shadow flicker on neighboring residential sites or adjacent land uses.
   Shadow flicker on any participating or non-participating landowner shall not exceed 30 hours per year. The applicant shall provide the appropriate modeling as part of the application.

9. **Other signage**
   All other signage shall comply with the sign regulations found in these regulations.

10. **Feeder Lines**
    All communications and feeder lines installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.

11. **Waste Disposal**
    Solid and Hazardous wastes, 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 rules and regulations.

12. **Removal of Abandoned Wind Turbine Generators or Anemometer Towers.**
    A. Applicants shall submit a decommissioning plan to the Otoe County Zoning Administrator, and the applicant or owner of the WECS shall be solely responsible for decommissioning and removal of the tower and all equipment. At such time that an on-site WECS is scheduled to be abandoned or discontinued, the owner of said WECS shall notify the Otoe County Zoning Administrator of the proposed date of abandonment or discontinuance of said operation. 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.

    B. Upon abandonment or discontinuation of use, the owner of the on-site WECS shall physically dismantle all above ground components of the WECS within twelve months from the date of abandonment or discontinuation of use.

C. In the event that an owner of an on-site WECS fails to give Notice of abandonment or discontinuation of use, the WECS shall be considered abandoned and discontinued if the system is out-of-service for a period of three years. The Otoe County Zoning Administrator shall issue a written Notice of Abandonment by certified mail to the owner of the WECS at the address indicated for the site in the County Treasurer's Office. The owner shall have 30 days to reply to such notice. The owner will then have twelve months to remove the WECS or anemometer tower. The owner shall restore the site to its original condition and will be required to remove the foundation to a depth of 10 feet from existing grade. Any of the transmission equipment, buildings, or fences shall also be removed. If the owner does not comply with such order; the owner will be in violation of this regulation and the removal of the WECS or anemometer tower will be paid for as stated in #12 and #13 of this section.

D. All WECS and accessory facilities shall be removed to ten feet below ground level within 180 days of the discontinuation of use.

13. Damages

If such structures are not removed within the required time limits, Otoe County may have them removed at the owners of the WECS expense, and Otoe County may sell any salvageable material subject to the requirements of items #11 and #13.

14. Irrevocable Letter of Credit or Escrow Account

Otoe County shall require the applicant to ascertain an irrevocable line of credit or an escrow bearing account equal to at least 10% of the original cost of the WECS to ensure sufficient funding is available for removal of same as described in #11 and #12 of this section. Inflationary cost shall be added yearly in in accordance with the Consumer Price Index or set by the Otoe County Board of Commissioners. In the event that a surety bond is to be substituted for a cash bond, it shall be prepaid for a period of three years at 10% of the original cost of the WECS, with the insurance carrier instructed to notify Otoe County Board of Commissioners of any delinquency in payment within 30 days of the occurrence of such delinquency, and to be renewed in (three)year increments at 3% yearly increases or per the Consumer Price Index, whichever is the greater of the two to cover the cost of inflationary effects or set by the Otoe County Board of Commissioners, until the project is decommissioned. Such delinquency shall be considered abandonment and full and sufficient grounds for Otoe County to dispose of the equipment as stated above.

If the applicant or any subsequent owner of the WECS intends to transfer ownership of the WECS, the proposed new owner shall provide Otoe County Board of Commissioners with adequate evidence demonstrating that substitute decommissioning security has been made as provided above prior to the transfer of ownership.

All WECS and accessory facilities shall be removed to ten feet below ground level within 180 days of the discontinuation of use. This period may be extended by the Zoning Administrator following a written request by an agent of the owner of the WECS.

Each WECS project under this section shall have a Decommissioning Plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being 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.

15. Noise

No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure occupied by humans. Exception: A Commercial/Utility WECS may exceed 50 dBA during periods of severe weather as defined by the US Weather Service. No WECS shall exceed 40 dba during daytime and 37 dba at night (night hours are 8:00 P.M. to 8:00 A.M.) at the nearest residence of a non-non-participating property or: Three (3) dba maximum 10- minute equivalent continuous sound level allowed above ambient noise level.

16. Interference

The applicant shall minimize or mitigate interference with 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 to the county for permits.

17. Drainage System

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

18. Emergency Services:

The applicant shall provide a copy of the project description and site plan to the local fire department, rescue services, and County Emergency Management Office having jurisdiction over the project area and shall coordinate with such local entities in the development of an emergency response plan.

19. Permit Fees

Applicant shall remit an application or conditional use fee set by the Board of Commissioners. The building permit fee will be $3000.00 per site (or other fee as set by the Board of Commissioners for each turbine site). The Board of Commissioners may, at their, discretion, request an independent Third-party commissioning report be provided to the County to assure that all components of the aggregate CWECS project have been installed and perform
In accordance with all local, State, and federal jurisdictions and regulatory code requirements. All commissioning reports expenses will be paid by the developer. Said report shall be furnished to the County by the landowner / developer at no cost to the County. The report shall verify that the CWECS complies with all submitted drawings and specifications provided to the Board of Commissioners at the time the conditional use permit was approved.

Section 8.09 Livestock Regulations

This Section is written specifically for Livestock regulations and therefore the contents in this Section shall be strictly adhered to in regards to livestock regulations:

1. The following setbacks and design standards are the minimum sanitation and odor practices for Otoe County. In addition, the Otoe County Board of Commissioners, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:
   - property values,
   - dust,
   - lighting,
   - waste disposal and
   - Dead livestock.
2. A Conditional Use Permit may be approved after public notice has been given and public hearing is conducted as required by law.
3. Agricultural Operations of 1,000 A.U. and under do not require a Conditional Use Permit.
4. All existing LFO's that have been granted a conditional use permit may expand within their designated level; except for the 10,000 and above which requires a new Conditional Use Permit for each expansion beyond 10,000 A.U.'s, as outlined in Table 8.09.01, without applying for another conditional use permit. All new LFO's and those expanding to the next level shall require the appropriate Permits as required by these regulations, and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:
   A. A LFO will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one 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 four levels according to total number of A.U. in the operation at any one time. Levels will include:
      Class I Facility = 301-1,000 animal units;
      Class II Facility = 1,001-2,500 animal units;
      Class III Facility = 2,501-5,000 animal units;
      Class IV Facility = 5,001-10,000 animal units; and
      Class V Facility = 10,001-20,000 animal units.

      LFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

TABLE 8.09.01: LFO SPACING AND DISTANCE

Size of Proposed LFO in Animal Units.		Single-family Dwelling* and Other LFOs (miles)	
		North-South	East-West
Class I	ECH	½	¼
301-1000	OPEN	½	¼
Class II	ECH	1	½
1001-2500	OPEN	1	½
Class III	ECH	1 ½	1
2501-5,000	OPEN	1 ¼	¾
Class IV	ECH	1 ¾	1 ¼
5001-10,000	OPEN	1 ½	1 ¼
Class IV	ECH	2 ½	1 ½
10,001-20,000	OPEN	3	1 ½

'*' Single-family dwelling not part of the LFO

ECH = Environmentally Controlled Housing
OPEN = Open Lot Operations

   B. LFOs shall also locate at a distance as specified under the ECH or Open Lots, in Table 8.09.01 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.

C. All LFO's over 20,000 Animal Units shall be required to obtain a new Conditional Use Permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section.

D. The producer shall have a Pre-submission meeting with the Otoe County Planning and Zoning Administrator to discuss tentative plans and layouts prior to formal submission of the Conditional Use Permit for the LFO.

1) A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the NDEQ or any other applicable State Agency.
2) The applicant shall submit all pertinent materials and designs, as per these Regulations for the LFO.
3) The applicant shall discuss the proposed Operation and Maintenance Plan and proposed Manure Management Plan. The approved plans shall be submitted to the Otoe County Planning and Zoning offices after NDEQ approval.
4) Shall also file a copy of all approved NDEQ plans and permits with the Otoe County Planning and Zoning Administrator within 30 days after they are issued by the NDEQ.
5) An annual manure management plan shall be submitted to the Otoe County Planning and Zoning Administrator which shall follow "best possible management practices" as specified by NDEQ in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
6) If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 8.09.01 of this Section. Said area shall also be located on the proposed site plan indicated in number (1) above.
7) All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
8) In no event shall any manure storage unit or system be constructed 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 flooded areas of standing water shall be prohibited.
9) All runoff or waste generated by an LFO facility shall be contained within the associated farming operation, or, on the premises upon which the LFO is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution, and avoid surface and groundwater contamination as regulated by the State of Nebraska.
10) The setbacks from a new single-family dwelling, not part of the LFO to an existing LFO are as follows in Table 8.09.02:

TABLE 8.09.02: SINGLE-FAMILY DWELLING* SPACING AND DISTANCE (Distances given in miles)

Size of Existing LFO in Animal Units.		Proposed Single-family Dwelling* (miles)	
		North-South	East-West
Class I	ECH	½	¼
301-1000	OPEN	½	¼
Class II	ECH	1	¾
1001-2500	OPEN	1	½
Class III	ECH	1 ½	1
2501-5,000	OPEN	1 ¼	¾
Class IV	ECH	1 ¾	1 ¼
5001-10,000	OPEN	1 ½	1 ¼
Class IV	ECH	2 ½	1 ½
10,001-20,000	OPEN	3	1 ½

'*' Single-family dwelling not part of the LFO

Exceptions:

1. Any Class I and Class II Livestock Feeding Operation use in existence as of the effective date of this Resolution, and which is located within the minimum spacing distance in Table 8.09.01 to any church,

school, public use, other LFO or single-family dwelling within the current class or to the next class (in the case of a Class I facility), may expand in animal units and/or land area, provided the proposed expansion complies with **all** of the following limitations:

A. Such expansion will not decrease the distance from the LFO use to any church, school, public use, other LFO or single-family dwelling not of the same ownership and not on the same premises with said LFO which is less than the minimum prescribed spacing distance.
B. Any physical expansion of the existing LFO shall be immediately contiguous with the facilities of the existing LFO.
C. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a LFO that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a Conditional Use Permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the County Board of Commissioners.
D. If such expansion results in such LFO being required to obtain a new construction permit from NDEQ, introduction of additional animals shall be prohibited until said permit is issued by NDEQ or other applicable or successor agency has been issued and such LFO shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this Resolution.
E. Any waste application areas identified on a Livestock Facility Waste Management Plan shall be protected by an area of ¼ mile from the edge of the field. The separation distance shall not apply on locations where said waste is injected or incorporated.

Impact Easements

1. The owner of a proposed LFO that requests to build closer than allowed in Table 8.09.01 shall be required to obtain an Impact Easement from any owner of a single-family dwelling, or other use identified within the required separation distance, and shall be held to the minimum conditions, as well as any others agreed upon by both parties;
   A. Such minimum distance shall be measured from the nearest point of the area used or approved under this Resolution for the animal feeding or waste handling use, to such dwelling.
   B. Application of waste which in solid form to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.

B. The owner of a proposed dwelling unit that requests to build closer than allowed in Table 8.09.02 shall be required to obtain an Impact Easement from any operations within the required separation distance, and shall be held to the minimum conditions, as well as any others agreed upon by both parties;
   A. An owner or owners of an existing LFO and associated facilities that will be encroached upon may be allowed to expand the operation and facilities in the future even though the expansion may encroach into their required separation distances.
   B. Such minimum distance shall be measured from the nearest point of the area used or approved under this Resolution for the animal feeding or waste handling use, to such dwelling.
   C. Application of waste which in solid form to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.

Section 8.10 Special Events

8.10.01 Intent

These requirements are focused on special events that typically do not fall into specific criteria and are temporary in nature. These events may include large numbers of people as well as vehicular traffic (including recreational vehicles). These events are limited uses in the nature of an amusement or attraction. Contemplated uses of this nature are:

1. Tractor pulls; races
2. Festivals; concerts;
3. Motorcycle or similar rallies;
4. Fireworks displays
5. Sports events

8.10.02 Procedure

1. The Zoning Administrator, if he/she determines that the use is a one time, occasional, or annual event, under the control of a reliable sponsor, may issue a letter of **"Special Events Permit"** and allow the activity to proceed.
2. Any Special Event where alcoholic beverages will be sold, allowed and/or consumed shall require an additional approval, liquor license, by the County Board of Commissioners, following all prescribed procedures for said permit.
3. If the Zoning Administrator determines that the use will be conducted occasionally (as opposed to a single event), or that the activity is likely to be associated with site impacts (traffic, dust, noise and activity), he/she may refer the matter to the Planning Commission and County Board of Commissioners.
4. The Planning Commission and County Board of Commissioners, after an examination of all facts and circumstances, and the imposition of appropriate conditions, may allow the use on an occasional basis, as a Conditional Use Permit or a Temporary Permit.

8.10.03 Permit Requirements

1. Special Events Permit requirements shall include, but are not limited to:
   A. Establish appropriate time limits for operation, if necessary.
   B. Establish necessary mitigation procedures that will need to be undertaken to minimize traffic impacts.
   C. Establish the number of times the activity may operate.
   D. Establish the beginning and ending dates of said Special Event.
   E. Assess
   F. Set conditions as operating principles, including the advice and approval of the Otoe County Emergency Manager.
   G. Incorporate rules and conditions established by the Nebraska State Fire Marshal, the Nebraska Liquor Commission, Nebraska State Patrol or other Nebraska state agency and any resolutions established by Otoe County.
2. The Special Permit is a license to operate an activity. It may be revoked for failure to operate within the established conditions, and shall not run from operator to operator.
3. The Special Permit shall be signed by both the property owner and the operator.
4. Any Special Permit approved by the Planning Commission and County Board of Commissioners shall also be countersigned by the Zoning Administrator.

Section 8.11 Adult Entertainment

8.11.01 Purpose; Findings and Rationale

1. *Purpose*. It is the purpose of this resolution to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the County. The provisions of this resolution have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this resolution to condone or legitimize the distribution of obscene material.

2. *Findings and Rationale*. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Commissioners, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

   Farkas v. Miller, 151 F.3d 900 (8th Cir. 1998); *Jakes, Ltd. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8th Cir. 2003); *Scope Pictures v. City of Kansas City*, 140 F.3d 1201 (8th Cir. 1998); *ILQ Invs. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *City of Lincoln v. ABC Books, Inc.*, 470 N.W.2d 760 (Neb. 1991); *Xiong v. City of*

Moorhead, 2009 WL 322217 (D. Minn. Feb. 2, 2009); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Major Liquors, Inc. v. City of Omaha*, 188 Neb. 628 (1972); *DLH Inc.v Nebraska Liquor Control Commission*, 266 Neb. 361(2003); *Village of Winslow v Sheets*, 261 Neb.203 (2001),

and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), McLeary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), Adult Business Study: Town and Village of Ellicottville, Cattaraugus County, New York (January 1998),

the Board of Commissioners finds:

A. Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

B. Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.

C. Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating. Additionally, the County's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the County. The County finds that the cases and documentation relied on in this resolution are reasonably believed to be relevant to said secondary effects.

The Board hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

8.11.02 Geography:

These uses shall be permitted, provided they meet all setback requirements and the regulations stated in Section 8.11.04 of this Resolution, the following Zoning Districts:

1. The F-1 District, provided the establishments are confined to within ¼ mile of any State or Federal Highway within Otoe County.
2. The I-1 and I-2 Industrial Districts

8.11.03 Definitions

Adult Bookstore Or Adult Video Store shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment's displayed merchandise consists of said items, or
2. At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
3. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
4. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor area" maintained for the display, sale, or rental of said items); or
5. The establishment maintains at least 500 square feet of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor area" maintained for the display, sale, or rental of said items); or
6. The establishment regularly offers for sale or rental at least 2,000 of said items; or
7. The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

Adult Cabaret shall mean a nightclub, bar, juice bar, restaurant, bottle club, lounge, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

Adult Establishment shall mean an "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," or an "adult paraphernalia store."

Adult Motion Picture Theater shall mean a commercial establishment to which the public is permitted or invited wherein an image-producing device is regularly maintained to show images to more than five persons at any one time, and where the images so displayed are characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas."

Adult Paraphernalia Store shall mean a commercial establishment that regularly offers 100 or more sexual devices for sale. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall. For purposes of this definition, "sexual device" means any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. "Sexual device" shall not be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Employee of an Adult Establishment shall mean any person who performs any service on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Enclosed Regional Shopping Mall means a group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large anchor stores, such as department stores. The common walkway or mall is enclosed, climate controlled and lighted, usually with an inward orientation of the stores facing the walkway.

Nudity means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operator of Adult Establishment means any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.

Semi-Nude or Semi-Nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Specified Anatomical Areas shall mean less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

Specified Sexual Activities shall mean intercourse, oral copulation, masturbation or sodomy.

8.11.04 Performance Standards

1. No person shall establish, operate, or cause to be operated an adult establishment in Otoe County within:
   A. 1,000 feet of another adult establishment;
   B. 500 feet of a business licensed to sell alcohol at the premises; or
   C. 1,300 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.
   D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the adult establishment to the closest point on a property boundary of another adult establishment, a business licensed to sell alcohol at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.

2. No adult establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.
3. No patron, employee of an adult establishment, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.
4. No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee of an adult establishment who, while semi-nude, remains at least six feet from all patrons and on a stage at least 18 inches from the floor in a room of at least 600 square feet.
5. No employee of an adult establishment who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult establishment. No customer shall knowingly or intentionally touch such an employee of an adult establishment or the clothing of such an employee of an adult establishment on the premises of an adult establishment.
6. No person shall possess alcoholic beverages on the premises of an adult establishment.
7. No person shall knowingly or recklessly allow a person under the age of 18 years to be or remain on the premises of an adult establishment.
8. No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any employee of an adult establishment who is semi-nude or who appears semi-nude on the premises of the adult establishment, unless an operator of the adult establishment is present in the same room.
9. A person who operates or causes to be operated an adult establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
   A. The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the County Zoning Administrator a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.
   B. It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
   C. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
   D. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.
   E. It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
      1) That the occupancy of viewing rooms less than 150 square feet is limited to one person.
      2) That specified sexual activity on the premises is prohibited.
      3) That the making of openings between viewing rooms is prohibited.
      4) That violators will be required to leave the premises.
      5) That violations of these regulations are unlawful.
   F. It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in 8.11.04 (9)(E)(1). though 8.11.04 (9)(E)(5)) above.
   G. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the

interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises have two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

H. It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.

I. It shall be unlawful for a person having a duty under subsections 8.11.04 (9)(A) through 8.11.04 (9)(H) above to knowingly or recklessly fail to fulfill that duty.

J. No patron shall knowingly or recklessly enter or remain in a viewing room less than 150 square feet in area that is occupied by any other patron.

K. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.

L. No person shall knowingly or recklessly make any hole or opening between viewing rooms.

10. It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
11. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state shall be sufficient to establish a violation of a provision of this section 8.11.04.

Section 8.12 Solar Energy

No solar panel shall be constructed within the residential zoning jurisdiction of Otoe County unless a Zoning Certificate therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the state building codes and the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

8.12.01 Lot and Height Requirements:

Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

8.12.02 Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable state building codes.

8.12.03 Plot Plan:

The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

8.12.04 Permit Fees:

Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning permit.

8.12.05 Preexisting Solar Panels:
Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid building permit issued by the County, may continue to be utilized so long as it is maintained in operational condition.

Section 8.13 Solar Farms:

8.13.01 Applicability
The purpose of this subsection is to provide standards tor fixed-panel photovoltaic solar farms consisting of ground-mounted solar panels that capture energy from the sun and convert it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels that support the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, Otoe County finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in non-urbanized, low-density areas with other agricultural and scattered industrial uses.

8.13.01 Definitions
The following definitions pertain specifically to this section of the Resolution.

Solar Access: A property owner's right to have sunlight shine on his land.

Solar Collector: An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

Solar Energy: Radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

Solar Energy System: A system that uses the power of the sun to capture and store energy and reduce on site consumption of utility power.

Solar Energy System, Freestanding: A solar energy system that is not attached to another structure and is ground mounted.

Solar Energy System, Joint: A solar energy collector or storage mechanism that supplies energy for structures or processes on more than one lot or in more than one dwelling unit or leasehold, but not to the general public and involves at least two owners or users.

Solar Skyspace: The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

(A) Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.

(B) Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock **(8:00) A.M. and four o'clock (4:00) P.M. local** apparent time from March 23 through September 21 of each year.

Solar Skyspace Easement: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other

activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

Solar Storage Mechanism: Equipment or elements such as piping and transfer mechanisms, containers, heat exchangers or controls thereof and gases, solids, liquids or combinations thereof that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

8.13.03 Site Development Standards:

1. Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.
2. Setbacks: A thirty-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district or the two districts are separated by a public right-of-way.
3. Height: The average height of the solar panel arrays shall not exceed 12 feet.
4. Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered agricultural for the purposes of buffer requirements. There is no requirement for screening from public streets.
5. Stormwater Management: Fixed panel solar arrays shall be considered pervious and any fee in lieu of detention shall be considered based on impervious cover. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.
6. Subdivision: A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required.
7. Signage: Signage shall conform to Article 7 of this Resolution as well as any sign limitations of the zoning district.
8. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
9. Fencing: Due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to eight (8) feet in height is permitted provided the fencing material is predominantly open as defined in Appendix A.
10. All State and Federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

8.13.04 Districts

Ground-mounted fixed-panel photovoltaic solar farms may be allowed upon the approval of a Conditional Use Permit as established in Article 5 of this Resolution.

8.13.05 Submittal Requirements:

Conditional Use Permits are required for solar farms. Plans shall contain the following:

1. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines;
2. The plot plan shall include any roads, electric lines and/ or overhead utility lines;
3. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District;
4. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;
5. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant;
6. Structural engineering analysis for a solar panel, array and its foundation, as applicable.
7. Manufacturer's recommended installations, if any; and
8. Documentation of land ownership and/or legal authority to construct on the property.
9. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully

decommission the site. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

8.13.06 Compliance with Other Regulations:

1. Zoning permit applications for solar farms shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State's adopted electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines; and
2. This subsection does not waive any requirements of any state or Federal codes, electrical codes or other technical codes as applicable.

8.13.07 Discontinuation.

A solar farm shall be considered abandoned after one year without energy production. The property owner shall remove all solar farm equipment and appurtenances within 90 days of abandonment.

Section 8.14 Performance Standards for Industrial Uses

8.14.01 Physical Appearance:

All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

8.14.02 Fire hazard:

No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of Otoe County.

8.14.03 Noise:

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

8.14.04 Sewage and Liquid Wastes:

No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

8.14.05 Air Contaminants:

1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the

public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

4. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
5. **Gasses:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million (5ppm), carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
6. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandth of an inch (0.003") measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
7. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 8.15 Above ground Storage Tanks (AST)

All above ground storage tanks shall comply with the following requirements.

1. All Commercial AST's shall be on a minimum site of 10 acres of land.
2. All Commercial AST's shall comply with all requirement of the Nebraska State Fire Marshal's office. Proof of said compliance is required prior to operating said location.
3. All Commercial AST's shall have the proper containment cells as required by NDEQ and EPA. Proof of said compliance is required prior to operating said location.
4. All Commercial AST's shall be set back a minimum of 100 feet from any right-of-way.
5. All Commercial AST's shall have a minimum separation distance of 300 feet from any structure not on the applicant's property or development.
6. All Commercial AST's shall have their own separate and distinct ingress and egress points to the site.
7. A Commercial AST that is established as a fuel or fertilizer depot may be required to have more than one point of ingress and egress.
8. All entry points shall be reviewed and signed off on, as to location, by the County Highway Superintendent in the case of a county road or NDOR in the case of a state or federal highway. Proof of said compliance is required prior to operating said location.
9. All Commercial AST's shall provide specific list and data to the county and the local fire departments regarding the materials stored on the site.
10. A Commercial AST that is established as a fuel or fertilizer depot may be required to conduct a traffic study to determine traffic impacts of the site on the surrounding transportation system.

Section 8.16 Bed and Breakfast

Bed and Breakfasts shall meet the following requirements:

1. Maintain a residential exterior appearance
2. Rooms may not be rented for more than seven consecutive days and no more than 14 days per person in any 30-day period.
3. Breakfast must be served on premises and included within the room charge for guest of the facility and shall be the only meal provided.
4. Owner must reside on the premises
5. Off-street parking shall be provided at one space per occupant room.

Section 8.17 Paunch Manure and Commercial Biodegradable Waste Product

8.17.01 Paunch manure or CBW application permit

Paunch manure or CBW application permit information shall include:

1. Legal description of the application location.
2. Name and address of the owner or owners of the paunch manure or CBW application site.
3. Information showing the routes to be used by the trucks to ensure that roads and bridges will be adequate.
4. Current soil sample test results of application location.

5. The name of the authorized agent and his or her address and telephone number of the company producing the paunch manure or CBW.
6. Names, addresses, and signatures of neighboring home sites or farmsteads and adjacent land owners within one (1) mile of proposed site. Attempts to contact dwelling owners will be done in person for 1st and 2nd attempts with the farmer/farm manager of the ground receiving the application and a representative of the product company. A final attempt will be made by certified letter.

8.17.02 Paunch Manure and CBW shall not be applied:

1. Within 1000 feet of an inhabited dwelling.
2. Within 1000 feet of a municipal water supply well.
3. Within 500 feet of a livestock well, stream or pond.
4. Within 50 feet of an irrigation well.
5. Within 1000 feet of a domestic water supply.
6. Paunch manure or CBW shall not be applied to wetland area.

8.17.03 CBW and paunch manure incorporated

CBW and paunch manure will be incorporated into the ground within 48 hours of application. (Incorporated shall mean to work a material into the surface of the soil by plowing, disking, or other means.) Stockpiling of the product will be limited to what can be applied within a 48-hour period.

8.17.04 Delivery Company

Delivery Company must carry liability insurance of not less than $1,000,000 limit.

8.17.05 Application of paunch manure and CBW

Application of paunch manure and CBW will comply with all state and federal laws and regulations.

8.17.06 Application of material

Application of material shall be to land property selected and managed in such a manner so that:

1. Flied and odors are controlled. Techniques and procedures may be required to reduce the potential for flies and odors.
2. If there is one or more inches of rain no application will be done for 24 hours after rainfall.
3. The product company will immediately notify the Planning and Zoning Administrator if a spill occurs, inability to knife product into ground, or other problems having to do with damaged roadways.

8.17.07 Residents within one-mile

Residents within one-mile of the application area will be notified 10 days prior to when the application will start.

8.17.08 Suspending, revoking, and denying permits

Suspending, revoking, and denying permits shall occur upon any of the following and may not reapply for three months:

1. Violation of any terms or conditions of the permit.
2. Obtaining a permit by misrepresentation of any relevant facts or failure to disclosure fully all relevant facts.
3. A change of ownership or control of any activity or operation which has a permit.
4. An application for a permit may be denied because of previous performance that was unsatisfactory.

8.17.09 Permit Requests

All permit requests will be processed as a permit and provided to the Planning and Zoning Commission and Otoe County Board of Commissioners for their review.

All permits will be in effect for three months from the date of issuance. Application of product must be done within 45 days of initial delivery. Approved permit applicant is responsible for all compliance.

There will be a limit of one permit issued to any land owner/corporation during the three months that the permit is valid. This permit may be extended by the Otoe County Board of Commissioners.

Section 8.18 Sludge

8.18.01 Purpose

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

8.18.02 Definitions

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

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

Application Site: The property upon which sludge is to be disposed.

Dispose: To apply, dump, leave, place, unload, or otherwise get rid of.

Generator: Any person whose act or process produces sludge.

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

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

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

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

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

8.18.03 Permits

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

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

1. The name, address, telephone number, and ownership status of the generator of the sludge.
2. The name, address, and telephone number of the person who will be disposing sludge.
3. The name, address, and telephone number of the owner of the sludge application site.
4. The legal description of the sludge application site.
5. The current and future use of the proposed application site.
6. The type of vehicles or facilities used to transport sludge to the application site.
7. A description of the method of disposal and storage of sludge at the application site. If storage or disposal facilities, other than stockpiling, are to be utilized, engineering plans and specifications must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Otoe County Board of Commissioners.
8. A description of the method of application of sludge.
9. A description of the method of incorporating sludge into the soil.
10. A topographic map of the application and storage site(s), which shall include:
    A. The locations and names of neighboring home sites or farmsteads and adjacent land owned by others.
    B. The locations of wells within 500 feet of the application site boundary.
    C. The specific location(s) of proposed storage site(s).
11. Submit a soil analysis of the application site, which analysis shall include:
    A. pH
    B. Soil Cation Exchange Capacity
    C. Nitrogen
12. Sludge shall be applied at the agronomic rate for nitrogen less the soil nitrate reserves.
13. The permit process shall be commenced by April1 of each year.

8.18.04 Conditions for Disposal

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

8.18.05 Regulations

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

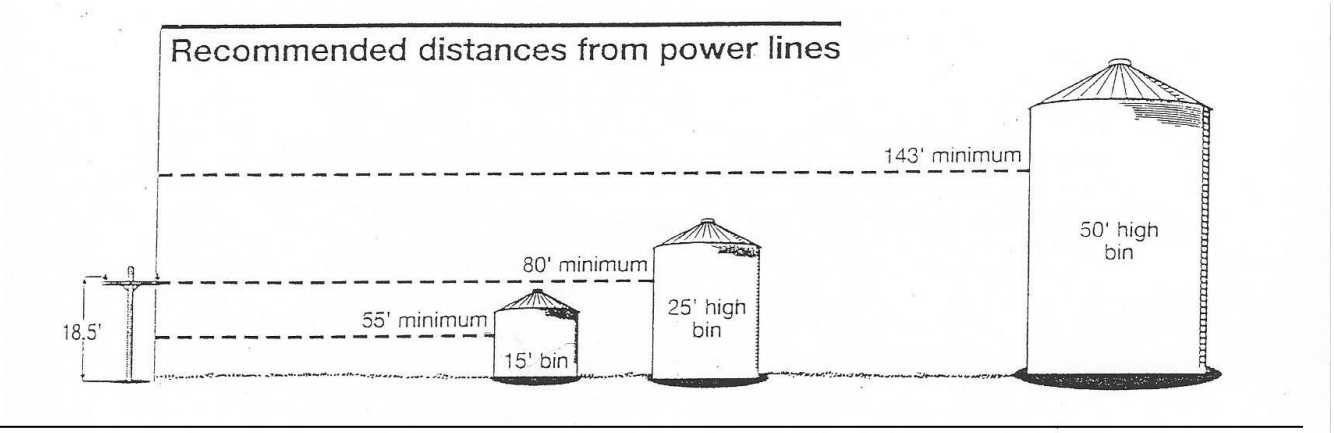
1. Sludge will not be disposed of in Otoe County unless it has 80 percent or less moisture content, unless otherwise permitted by the Otoe County Board of Commissioners.
2. The disposal of sludge shall comply with the guidelines of the USEPA as described in U.S. EPA 40 CFR part 503.
3. Sludge shall be applied at a rate as set forth in U.S.EPA 40 CFR part 503.
4. The application to land and storage of sludge shall be monitored by the Otoe County Zoning Administrator. The costs of any analysis shall be paid by the permit holder. Non-compliance with any requirements or conditions which may be dangerous to the public health shall be sufficient grounds to revoke the CUP. Revocation of the CUP may be accomplished by the Otoe County Board of Commissioners. Upon such revocation, removal or proper disposal of the sludge shall be completed within a reasonable period of time, as specified by the Otoe County Board of Commissioners.
5. During the months of March through November, all sludge that is land applied shall be incorporated into the soil within 48 hours, weather permitting, of application completion.
6. Sludge shall not be land applied within 500 feet of an inhabited residence (other than the specific landowner receiving the sludge), business or facility, or land frequented by the public.
7. Storage of sludge shall not be located within 1300 feet of an incorporated city, village, or town, inhabited residence (unless the specific landowner receiving the sludge waives the distance), business, facility or land frequented by the public, or, unless otherwise permitted by the Otoe County Board of Commissioners.
8. Storage of sludge shall comply with USEPA regulations.

9. Sludge shall be mechanically de-watered or heat dried such that it can be stacked for stockpiling.
10. All sludge to be disposed of in Otoe County shall undergo heavy metals (per 40 CFR Part 503) analysis and the results provided to the County as part of the application process.
11. A comment letter from the County Zoning Administrator.

Section 8.19 Grain Bin Placement

8.19.01 Purpose

The National Electrical Safety Code (NESC) specifies horizontal and vertical line clearance requirements for grain bins located close to power lines. If the required distance is not met, either the power line or the grain bin must be moved.



Section 8.20 Dwelling Unit, Special Types

This section is intended to establish special conditions by which Special types of dwelling units may be established within the jurisdiction of Otoe County.

8.20.01 Tiny Houses

Tiny houses fall under two separate categories, Site Built and RV/Park Model/Camper.

Site Built Tiny Houses

1. Tiny homes shall have at least one habitable room with not less than 120 sf of gross floor area;
2. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
3. Habitable rooms shall not less than seven feet in any horizontal dimension;
4. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
5. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
6. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
7. Tiny homes shall have a kitchen area and sink;
8. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
9. All electrical shall be in compliance with all local, state and/or federal electrical codes;
10. The unit shall meet all egress requirements found in local, state, and/or federal codes;
11. All foundations shall meet local, state, and/or federal building codes;
12. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

RV/Park Model/Camper

1. The unit shall be constructed upon a single chassis;
2. The unit shall have 400 sf or less when measured at the largest horizontal projections;
3. The unit shall be self-propelled or permanently towable by a light duty truck;
4. The unit shall not be considered to be designed for use as a permanent dwelling but as a temporary living quarter;

5. All electrical, including temporary hook-ups, shall be in compliance with all local, state and/or federal electrical codes;
6. All plumbing and other mechanical systems shall not be permanently connected to a supply or discharge source;
7. The wheels and axles shall remain on the unit at all times;
8. Accessory structures shall not be supported by these units;

Tiny House Villages/Communities
Tiny house villages/communities may be allowed in identified areas and shall be designed using the PDO-Planned Development Overlay process within this Regulation.

8.20.02 Grain Bin Homes
Any residential structure meeting the definition of a grain bin home shall meet the following criteria:
1. Grain bin homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Grain bin homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Grain bin homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the grain bin home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the grain bin(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

8.20.03 Cargo Container Homes
Any residential structure meeting the definition of a cargo container home shall meet the following criteria:
1. Cargo container homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Multiple containers shall be structurally and permanently attached to each other;
3. Cargo container homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Cargo container homes shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;

12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the cargo container home shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the cargo container(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

8.20.04 Tree house Homes

Any residential structure meeting the definition of a tree house home shall meet the following criteria:

1. Tree house homes shall only be permitted as an accessory use to a primary structure;
2. Tree house homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, and hallways;
7. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
8. All electrical shall be in compliance with all local, state and/or federal electrical codes;
9. The unit shall meet all egress requirements found in local, state, and/or federal codes;
10. All tree house homes designed as recreational structures and/or sleeping quarters shall be structurally designed prior to construction and sealed by a structural engineer.

8.20.05 Quonset Homes

Any residential structure meeting the definition of a Quonset home shall meet the following criteria:

1. Quonset homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Quonset homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Quonset homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the Quonset home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the Quonset into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

8.20.06 Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;

2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
   A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
   B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

Section 8.21 Technology/Office Park

This section is intended to encourage the development of corporate office headquarters, research and development and high technology activities and uses. Development within Otoe County while being characterized by a landscaped environment with emphasis on architectural, aesthetic and environmental considerations.

8.21.01 Performance Standards

1. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence. Architectural elements, materials, colors, and design of screening walls, coverings and fences shall be consistent with the predominant materials, colors, and elements of the primary building.
2. No use shall be permitted and no process, equipment or materials shall be used which are found by the governing body to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibrations, illuminations, glare or unsightliness or to involve any hazard of fire or explosion.
3. Where a site abuts a residential district, a 150-foot buffer must be created. No portion of the building or parking lot will be constructed in this buffer. Walking trails, reflecting pools and landscaping will be allowed in this area.
4. All lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining property and from public streets through fixture type and location.
5. Exterior lighting of buildings shall be limited to low-level spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. The zoning administrator may approve exceptions to these requirements for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.
6. Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone, integrally, colored, burnished, textured, or glazed concrete masonry units; quality accent metals such as copper; high quality pre-stressed concrete systems, tilt-up concrete panels with an architectural finish; and drainable (water managed) EIFS.
7. All access roads and driveways shall be constructed of asphalt or concrete.
8. The following exterior materials are prohibited: split shakes, rough-sawn wood; painted concrete block; tilt-up concrete panels without an architectural finish; field-painted or pre-finished standard corrugated

metal siding; standard single or double-tee concrete systems; or barrier type EIFS. The Zoning Administrator may permit the use of these materials, up to 10% of any facade as an accent material.

9. Materials on all sides of the building shall be consistent with materials and colors of the front facade when visible from public streets and trails and adjacent residential areas.
10. Any section of roof that is visible from an adjacent property or right-of-way shall consist of any of the following materials: clay or concrete tile, standing seam metal, architectural grade asphalt shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials.
11. Developments shall preserve natural and scenic areas, streams and natural drainageways, floodplains, prairies, and wetlands.

8.21.02 Special Lot Design Criteria

1. Front yard: Lots of one to five acres in size shall have a front yard setback of 60 feet from the property line. A landscape buffer at least 10 feet in depth shall be provided along and adjacent to the front property line.

   Lots over five acres in size shall have a front yard setback of 150 feet from the property line. A landscape buffer at least 25 feet in depth, shall be provided along and adjacent to the front property line.

2. Side yard: The minimum side yard for lots of one to five acres in size shall be 30 feet from the property line.

   The minimum side yard for lots over five acres in size shall be 60 from the property line.

3. Rear yard: The minimum rear yard for lots one to five acres in size shall be 40 feet from the property line.

   The minimum rear yard for lots over five acres in size shall be 75 feet from the property line.

4. Maximum height The maximum height for any structure or building shall be 50 feet, except for any applicable height restriction of the Airport Hazard Zone District regulations.

5. Maximum lot coverage: The maximum lot coverage shall be sixty-five (65) percent.

Section 8.22 Short-term Rentals

This section is intended to apply strictly to the use of property for short-term rentals within the unincorporated areas of Otoe County.

8.22.01 Performance Standards

1. Said short-term rental shall be located in a primary residential structure.
2. Said short-term rental shall not be allowed in any dwelling considered part of a multi-family dwelling including duplexes, single-family attached units or larger.
3. Said short-term rental shall not be located in an accessory dwelling unit.
4. Said short-term rental shall not allow the property to be used for party rentals.
5. Said short-term rental shall not be used for any type of illegal activities as defined by state and federal laws.
6. Said short-term rental shall file the required lodging taxes with the county and state.
7. Said short-term rental shall properly maintained including structural maintenance and the grounds.
8. Said short-term rental shall meet all state and federal life safety codes and display said permits in a prominent location.
9. Said short-term rental shall not increase the normal level of traffic in the immediate area.
10. Said short-term rental shall not be used for any of the following:
    A. Housing sex offenders.
    B. Operating a structured sober living home or similar enterprise.
    C. Selling illegal drugs.
    D. Selling alcohol or another activity that requires a permit or license under the Nebraska Liquor Control Act; or
    E. Operating a sexually oriented business.

8.22.02 Remedies

Failure to comply with the regulations in Section 8.22.01, may result in any permit for a short-term rental to be revoked.

Section 8.23 Short-term Rentals

This section is intended to protect specific areas from potential explosions from the storage of fireworks and/or mitigate the potential spread of fire from other areas to particular storage facilities within the unincorporated areas of Otoe County.

8.23.01 Performance Standards

1. Said storage facilities shall be located a minimum of 300 feet from Any above ground fuel storage facilities.
2. These regulations only apply to the storage of Consumer Grade Fireworks.
3. Said storage facility shall be a minimum of 300 feet from any residential use or residential district.
4. Said storage facility shall meet any and all requirements as established by the Nebraska Fire Marshall's Office or Alcohol, Tobacco, Firearms, and Explosives (ATFE).

8.22.02 Remedies

Failure to comply with the regulations in Section 8.23.01, may result in any permit for a short-term rental to be revoked.

ARTICLE 9: BOARD OF ADJUSTMENT

Section 9.01 Intent

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

Section 9.02 Membership

The Board of Adjustment shall consist of five members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member is to be appointed for a term of three years and may be removed 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 Commissioners. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member of the Board of Adjustment shall be appointed by the County Board from the membership of the County Planning Commission, and the loss of membership on the Planning Commission by said member shall also result in their immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment.

Section 9.03 Rules and Meetings

1. 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 Chair and at such other times as the Board may determine. Said Chair, or in their absence the acting Chair, 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.
2. 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, other than the approval or denial of a conditional use permit application, of an administrative officer, planning commission, and/or County Board, depending upon the nature of the 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.
3. 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 9.04 Powers

1. The Board of Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the County Board of Commissioners, have only the following powers:
   A. 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;
   B. 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
   C. 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:
      (1) The strict application of the resolution would produce undue hardship;

(2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
(3) 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
(4) 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.

D. 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.

1. 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 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 9.05 Appeal of Board Decisions

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any officer, departments, board or bureau of the county may seek review of such decision by the district court for the county in the manner provided by the laws of the state and particularly by Chapter 23, Laws of Nebraska.

ARTICLE 10: ADMINISTRATION AND ENFORCEMENT

Section 10.01 Zoning Administrator

A Zoning Administrator shall be appointed by the County Board of Commissioners 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 Commissioners may direct.

Section 10.02 Zoning Permit Required

1. It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure or to use or occupy or permit the use or occupancy of any building, land or premises, or construction or connection to water or sewer facilities or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning permit shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building or land conforms to these regulations.
2. 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 months' subject to conditions as will safeguard the public health, safety and general welfare.

Section 10.03 Application for a Zoning Permit

1. 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 a site plan, 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 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. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
2. The Zoning Administrator shall issue a written permit, or denial, thereof, with reasons in writing within 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.
3. Except where an extension has been obtained in writing from the Zoning Administrator, permits issued shall expire after one years when the work has not been completed.

Section 10.04 Enforcement by the Zoning Administrator

1. 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 Otoe County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of these regulations and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of these Regulations.
2. Any person, partnership, limited liability company, association, club, or corporation violating these regulations or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the County Board or the Zoning Administrator, as well as any owner or owners of real estate within the district affected by these regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers in the county may institute

proceedings or compel specific performance by the Zoning Administrator, County Board or any other responsible officials of the county.

ARTICLE 11: AMENDMENTS

Section 11.01 Amendments

1. ***Authority:***
   For the purpose of promoting, and protecting the public health, safety and general welfare, the County Board may from time to time, in the manner hereinafter set forth, amend, change, supplement, revise, or repeal any or all of the regulations imposed in the districts or the Zoning map district boundaries themselves.

2. ***Initiation of Amendments:***
   Amendments may be proposed by the legislative body, the Planning Commission, any other governmental body, the owner of the property affected or any other interested person or organization.

3. ***Form of Proposed Amendment:***
   Such proposals shall be in writing and shall be accompanied by a filing fee as set by the Otoe County Board of Commissioners, except for proposals initiated by a governmental body. The proposal shall contain the recommended language if a change in the text is proposed or a map showing the present and proposed zoning if a zoning map change is initiated.

4. ***Procedure for Consideration of Amendment:***
   A. Planning Commission Recommendation:
      All proposed amendments shall first be submitted to the Planning Commission for recommendation and report prior to public hearings.

   B. Notice of Hearing:
      Upon the development of tentative recommendations, the Planning Commission shall:
      1) Hold at least one public hearing.
      2) Notice of the time and place of which shall be given by the publication thereof in a newspaper of general circulation in the County one time at least 10 days prior to such hearing.
      3) Notice of the time and place of such hearing shall be given in writing to the Chairman of any municipal, county or joint planning commission, or, if no planning commission exists, to the clerks of local government units, which have jurisdiction over land within three miles of the property affected by the proposed amendment.
      4) Notice, in all cases, shall contain a statement regarding the proposed changes in regulations or restrictions or in the boundaries of any district.
      5) If the proposed amendment will affect specific property, it shall be designated by legal description and general street location and, in addition to publication notice, written notice shall be mailed to all owners of land located within 1,000 feet of the area proposed for amendment if said neighboring property is located within the county's jurisdiction.
      6) If said neighboring property is located within a municipal jurisdiction, notice shall be sent to property owners within 300 feet of the property to be rezoned.
      7) Failure to receive notice, however, shall not invalidate any subsequent action taken by the Planning Commission or the County Board so long as such notice was in fact published and mailed in accordance with these provisions.

   C. Hearing on Proposed Amendment:
      1) The Planning Commission shall hold a public hearing on each proposed amendment and shall cause an accurate written summary to be made of the proceedings which summary shall be preserved by the Secretary to the Planning Commission.
      2) The Planning Commission shall submit a written recommendation of approval or disapproval of such proposed amendment to the County Board within 30 days, which recommendation shall make findings based upon the evidence presented of:
         a. The existing uses of land and zoning classifications of property in the area that will be affected by the proposed amendment;
         b. The suitability of the property in question to the new zoning classification;
         c. The effect of the proposed amendment on the use of land and administration of zoning in the County;

d. The accessibility of the property to County services; streets and roads, sewage and water facilities and refuse disposal services; and
e. The general health, safety and welfare of the community and any other considerations deemed appropriate by the Planning Commission in furtherance of the objectives of zoning and the County comprehensive plan.

D. Action by County Board:
The County Board shall not act upon a proposed amendment to these Regulations until it shall have received a written recommendation and report from the Planning Commission and until notice of the hearing on the proposed amendment has been given in the manner prescribed in these Regulations.

E. Notice of Hearing:
Upon the development of recommendations from the Planning Commission, the County Board shall hold at least one public hearing thereon, notice of the time and place of which shall be given by the publication thereof in a newspaper of general circulation in the County one time at least 10 days prior to such hearing.

F. Action by County Board:
The County Board may adopt, modify or reject the recommendation of the Planning Commission and may either grant the proposed amendment by Resolution adopting the change or deny the amendment by failing to adopt a Resolution. If the proposal is not acted upon by the County Board within 90 days of the date upon which the report and recommendation is received from the Planning Commission, the proposal shall be deemed to have been denied.

G. Protest:
If a protest against the proposed amendment is filed in the Office of the County Clerk within 14 days after the Planning Commission public hearing, duly signed and acknowledged by the owners of 20 percent or more either of the area of the lots, included in the proposed amendment, or of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such proposed amendment shall not become effective except by the favorable vote of a 2/3 majority of the County Board.

H. Upon adoption of an amendment to the Otoe County Zoning Regulation, the following steps shall be undertaken in order to provide a clear understanding of said amendment:
1) A copy of the adopted Resolution as approved by the County Board shall be placed in a section at the back of the Zoning Regulation;
2) All deletions from the text shall be shown with a strikeout within the body of the regulation;
3) All additions to the Zoning Regulation shall be shown as bold and in italics within the body of the regulation; and
4) At the end of the amended section, in parenthesis, the date of passage and Resolution number shall be included within the body of the regulation.

ARTICLE 12: LEGAL STATUS PROVISIONS

Section 12.01 Severability
Should any article, section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 12.02 Purpose of Catch Heads
The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Resolution.

Section 12.03 Repeal of Conflicting Resolutions
All Resolutions or parts of Resolutions in conflict with this Resolution, or inconsistent with the provisions of this Resolution, are hereby repealed to the extent necessary to give this Resolution full force and effect.

Section 12.04 Effective Date
This Resolution shall take effect and be in force from and after its passage and publication according to law.

APPROVED AND ADOPTED by the Board of Commissioners of The county of Otoe, Nebraska.

This _____ day of _____, 20____

_____ (CHAIR, COUNTY BOARD OF COMMISSIONERS)

(Seal)
ATTEST:

_____ (COUNTY CLERK)