

JEFFERSON COUNTY, NEBRASKA



ZONING REGULATIONS (ADOPTED AUGUST 1, 2001)

AMENDED – JANUARY, 2013

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TABLE OF CONTENTS

PAGE NUMBERS WILL BE UPDATED ON FINAL

		<u>Page</u>
<u>Article 1</u>	<u>General Provisions</u>	
1.1	Title	1
1.2	Jurisdiction	1
1.3	Purpose	1
<u>Article 2</u>	<u>Application of Regulations</u>	
2.1	General	2
2.2	Zoning Affects Every Building and Use	2
2.3	Yard and Lot Reduction Prohibited	2
2.4	Minimum Requirements	2
2.5	Nonconformities	2
<u>Article 3</u>	<u>General Definitions</u>	
3.1	General Provisions	6
3.2	General Terminology	6
3.3	Definitions	6
<u>Article 4</u>	<u>Establishment and Designation of District</u>	
4.1	Planning Commission Recommendations	14
4.2	Districts Created	14
4.3	Official Zoning Map	14
4.4	Rules for Interpretation of District Boundaries	15
<u>Article 5</u>	<u>Zoning Districts</u>	
5.1	AG Agriculture District	17
5.2	AGR Agricultural Residential District	23
5.3	C Commercial District	28
5.4	I Industrial District	30
<u>Article 6</u>	<u>Special Use Permit</u>	
6.1	General	33
6.2	Procedures	33
6.3	Time Frame	34
6.4	Salvage or Junk Yard	34
6.5	Intensive Livestock Facilities/Operations	35
6.6	Small and Commercial Wind Energy Conversion System	37
6.7	Commercial Solar Energy Conversion System	49
<u>Article 7</u>	<u>Parking Regulations</u>	
7.1	General Provisions	54
7.2	Off-Street Parking Requirements	55
7.3	Off-Street Loading Requirements	56

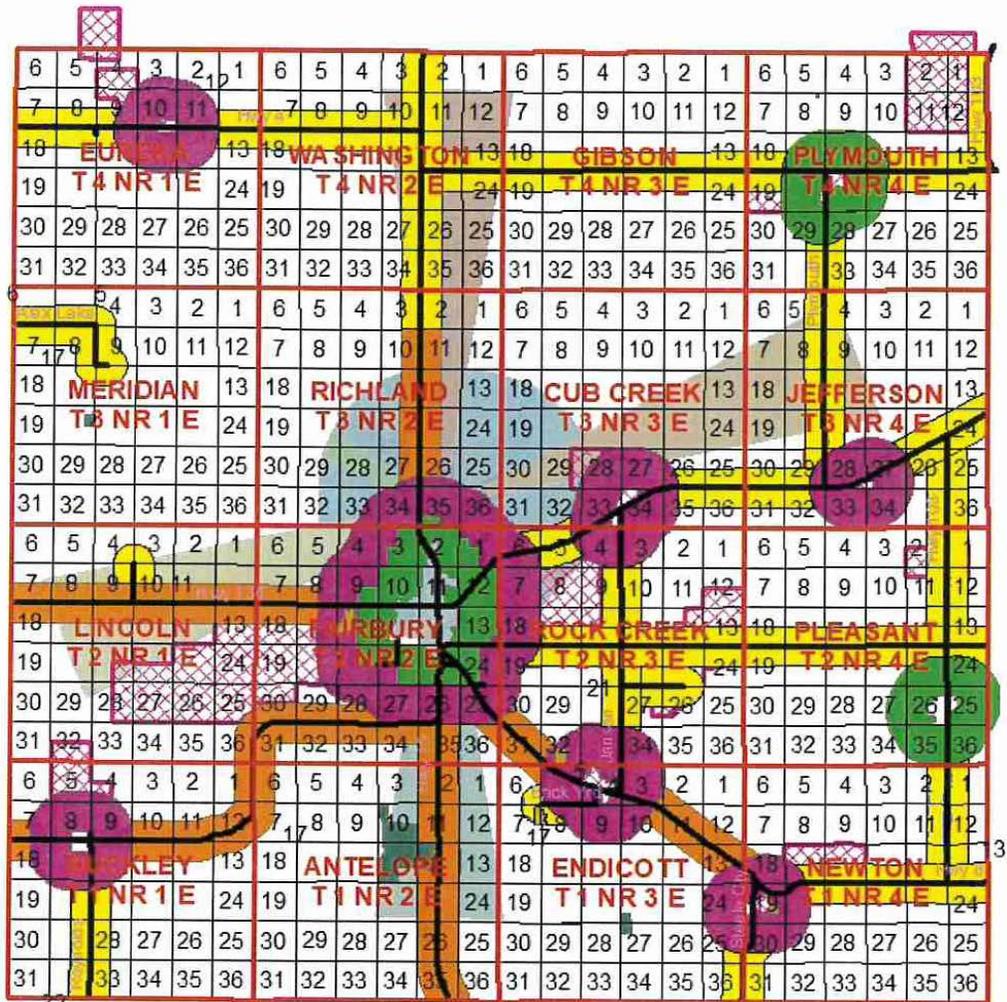
TABLE OF CONTENTS – CONTINUED

		<u>Page</u>
<u>Article 8</u>	<u>Accessory Uses</u>	
8.1	Accessory Building	57
8.2	Home Occupations	57
8.3	Manufactured Homes	57
8.4	Yard Regulations	58
8.5	Exceptions to Height Regulations	58
8.6	Exceptions to Lot Size Requirements	58
8.7	Rural Right-of-Ways	58
<u>Article 9</u>	<u>County Board of Zoning Adjustment</u>	
9.1	Creation, Membership	59
9.2	Meetings	59
9.3	Interpretations and Variances	59
9.4	Procedures for Requesting a Variance	61
9.5	Appeals from the Board of Zoning Adjustment	61
<u>Article 10</u>	<u>Administrative Provisions, Enforcement and Fees</u>	
10.1	Enforcement	62
10.2	Building and/or Zoning Permits	63
10.3	Form of Petitions, Applications and Appeals	64
10.4	Schedule of Fees	64
<u>Article 11</u>	<u>Amendment</u>	
11.1	General	65
11.2	Submission to Planning Commission	65
11.3	Amendment Consideration and Adoption	65
11.4	Protest	66
<u>Article 12</u>	<u>Complaints, Penalties, Remedies</u>	
12.1	Complaints Regarding Violations	67
12.2	Penalties	67
12.3	Remedies	67
<u>Article 13</u>	<u>Legal Status Provisions</u>	
13.1	Separability	68
13.2	Purpose of Catch Heads	68
13.3	Repeal of Conflicting Regulations	68
13.4	Effective Date	68

SCHEDULE OF AMENDMENTS

Resolution # Brief Description Date of Adoption

	Amended Special Uses	November 21, 2002
	Planting of trees, shrubs and shelterbelts. Revised distance requirement for livestock confinement facilities/operations.	September 6, 2005
	Revisions of rear and side yard setbacks	March 13, 2007
	Amended Special Uses	September 6, 2007
	General Update of Regulations	March 12, 2013
	Amended AG District - sec. 5.14.15 1,000 AU to 301 AU	May 14, 2015
	Multiple Amendments to the Regulations	March 27, 2018
	Rural Conservation District Removed	March 27, 2018
“B”	Multiple Amendments to the regulations	September 22, 2020
	Commercial Solar Energy Conversion Systems	September 22, 2020
“C”	Multiple Amendments to CWECS regulations	March 22, 2022
“D”	Multiple Amendments to CWECS regulations	March 23, 2023



Zoning Districts
Jefferson Co., Nebraska 9/22/2020

- Townships
- sections
- AGR (added 9/2020)
- AGR (Along Roads)
- AGR (Community Zoned)
- AGR (AG Residential)
- Wellhead Protection Area

This is to certify that this is the Official Zoning Map referred to in Section 4.3 of the Jefferson County, Nebraska Zoning Re regulations amended with an effective date of September 22, 2020. The Official Zoning Map of the area within the rural planning jurisdictional area of Jefferson County, Nebraska together with all changes, amendments or additions thereto, shall be maintained in the office of the County Clerk and be available for public inspection during regular office hours.

Gale Pohlman
Gale Pohlman, Co. Chairperson

Kristina Riggle
Kris Riggle, Co. Clerk

9/22/20
Date

9-22-2020
Date

ARTICLE 1 GENERAL PROVISIONS

1.1 TITLE

This Zoning Regulation shall be known, referred to, and cited as the Zoning Regulation of Jefferson County in the State of Nebraska.

1.2 JURISDICTION

The provisions of this Regulation shall apply within the planning jurisdiction of Jefferson County as established on the maps entitled "The Official Zoning Maps of Jefferson County, Nebraska." The planning jurisdiction for Jefferson County includes the rural and unincorporated areas of the County.

1.3 PURPOSE

In pursuance of the authority conferred by Section 23-114.03-114.05 and 23-164 to 174.10 of Nebraska Revised Statutes as amended, and other applicable laws, this regulation is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Jefferson County and for implementing the Comprehensive Plan of the County.

ARTICLE 2

APPLICATION OF REGULATIONS

2.1 GENERAL

The zoning regulations set forth within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

2.2 ZONING AFFECTS EVERY BUILDING AND USE

Excepting non-conforming lot sizes, structures and usages, as set forth in Sections 2.5, 2.51, 2.52 and 2.2.53 of these regulations, after effective date of this Regulation or any amendments thereto, no building, construction, or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, moved or structurally altered except in conformity with all of the zoning regulations herein specified for the district in which it is located.

2.3 YARD AND LOT REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this regulation shall be reduced by private action in dimension or area below the minimum requirements set herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements established by this regulation.

2.4 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this regulation shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Where applicable, Municipal, State or Federal standards which are more restrictive than those contained herein, the more restrictive standards shall apply.

2.5 NONCONFORMITIES

Nonconformities; Intent. Nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses.

2.51 NONCONFORMING LOTS OF RECORD: The Zoning Administrator may issue a Building and/or Zoning Permit for any nonconforming lot of record provided that:

Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited, and

Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the zoning regulation, and

Said lot can meet all yard regulations for the district in which it is located.

2.52 NONCONFORMING STRUCTURES

Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the use regulations and/or the applicable yard and height regulations may be continued, so long as it remains otherwise lawful.

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

Damage or Destruction: In the event any nonconforming nonresidential structure is damaged or destroyed, by any means, it can be returned to its prior nonconforming use. When a structure is damaged to the extent of 60 percent or more, no repairs or restoration shall be made unless a building and/or zoning permit is obtained within six months, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

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

2.53 NONCONFORMING USES

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

Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, water and/or waste disposal systems, may be performed on any structure or system that is devoted in whole or in part to a nonconforming use.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restorations to a safe condition.

Extension: A nonconforming use shall not be extended, enlarged, or increased in intensity. Any nonconforming use may be extended throughout any portions of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of these Regulations, but no use shall be extended to occupy any land outside such building. Any nonconforming use of land may not be increased in size beyond the area occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged it can be returned to its prior nonconforming use.

Moving: No structure that is devoted in whole or in part to a nonconforming use and nonconforming use of land shall be moved in whole or in part for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

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

Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned, for a period of eighteen (18) consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

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

ARTICLE 3

GENERAL DEFINITIONS

3.1 GENERAL PROVISIONS

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this regulation.

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

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

3.13 SHALL AND MAY: The word “shall” is mandatory; the word “may” is permissive.

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

3.2 GENERAL TERMINOLOGY

The word “County” shall mean the County of Jefferson, Nebraska. The words “County Board” shall mean the Jefferson County Board of Commissioners. The words “Planning Commission” shall mean the Planning Commission of Jefferson County duly appointed and represented by the governing body of Jefferson County.

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

3.3 DEFINITION

For the purpose of this regulation certain words and terms used herein are defined as follows:

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

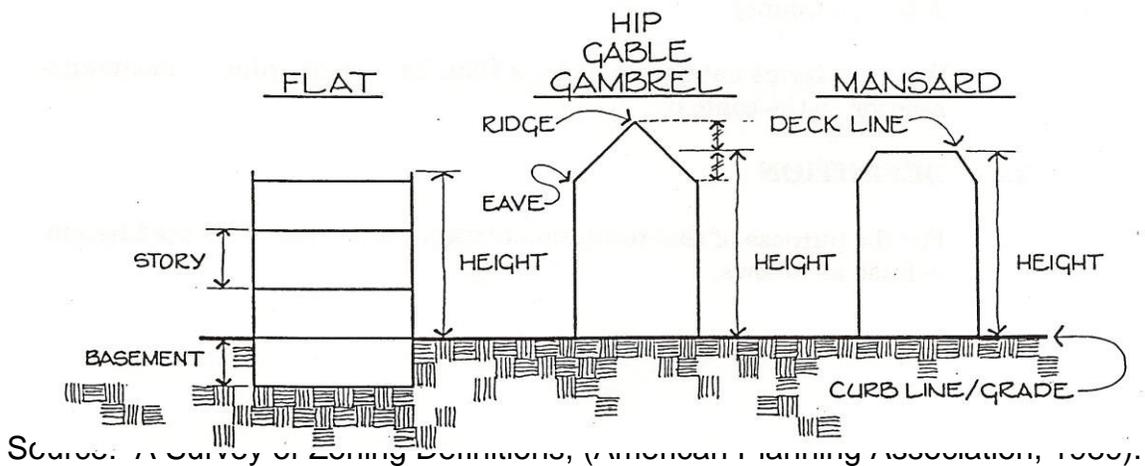
3.32 **AGRICULTURAL FARM OR OPERATION:** Farm or farm operation shall mean any tract of land over 20 acres in area used for or devoted to the commercial production of farm products.

3.33 **ALL WEATHER ROAD -** A road currently maintained with a regular placement of gravel or rock as a surface material. (Amendment "B" 2020)

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

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

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



3.37 **CAMP GROUNDS:** Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers.

3.38 **COMMERCIAL USE:** An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

3.39 **CONDITIONAL USE PERMIT:** A permit issued by the Zoning Administrator when the proposed conditional use is determined to be in conformance with the list of conditions stipulated for that use. A conditional use permit does not require any review, nor public hearings by, the Planning Commission or the Jefferson County Board of Commissioners. (Amendment "B" 2020)

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

3.41 **DWELLING, MULTIFAMILY:** A building or portion thereof used for occupancy by two or more families living independently of each other and containing two or more dwelling units.

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

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

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

3.45 **FLOOD PLAIN:** Those lands within the zoning jurisdictions of Jefferson County which are subject to a one percent (1%) or greater chance of flooding in any given year. The regulatory flood plain for this Regulation shall be based on the official Flood Hazard Boundary Map or Flood Insurance administration, U.S. Department of Housing and Urban Development and any revision thereto. Copies of said map shall be on file in the Office of the Jefferson County Clerk.

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

3.47 LIVESTOCK CONFINEMENT FACILITIES/ OPERATIONS: Shall mean any building(s), lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals for more than 180 consecutive days, which exceed any combination of 300 animal units from the following:

Animal Units Equal:

1. (1.0 x ____ number of head) Slaughter and Feeder Cattle
2. (1.2 x ____ number of head) Cow/Calf Pairs
3. (1.4 x ____ number of head) Mature Dairy Cattle
4. (0.4 x ____ number of head) Swine, 55lbs. and over
5. (0.04x ____ number of head) Weaned Pigs, less than 55lbs.
6. (0.1 x ____ number of head) Sheep
7. (2.0 x ____ number of head) Horses
8. (0.01x ____ number of head) Chickens
9. (0.02x ____ number of head) Turkeys
10. (0.2 x ____ number of head) Ducks
11. For Immature Dairy Cattle, or those species not listed, number of animal units shall be calculated as the average weight of animals divided by 1,000 lbs., multiplied by the number of animals.

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

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

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

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

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

3.53 LOT OF RECORD: A lot of which is part of a sub-division recorded in the Office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been recorded.

3.54 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.

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

3.56 MOBILE HOME: A year-round, transportable structures which is a single family dwelling unit suitable for permanent, more than thirty (30) days of living quarters, more than eight (8) feet wide and forty (40) feet in length and built to be towed on its own chassis with or without a permanent foundation when connected to the required utilities. This portable dwelling may consist of one (1) or more units that can be telescoped when towed and expanded later for additional capacity, or two (2) or more units, separately towable but designed to be joined as one (1) integral unit. Nothing in this definition shall be construed so as to include prefabricated, modular, precut dwelling units or these manufactured in sections or parts away from the site and transported thereto for assembly.

3.57 MOBILE HOME PARK: Any area of land which one (1) or more mobile homes are parked, connected to utilities and used by one (1) or more persons for living or sleeping purposes. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirting or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for one (1) or more mobile homes, connected to utilities and used by one (1) or more persons living, or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

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

3.59 **NONCONFORMING LOT OF RECORD:** A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to August 1, 2001, (date of adoption), and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

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

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

3.62 **PARCEL:** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

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

3.64 **RECYCLING CENTER:** A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum and paper, and similar household wastes; no hazardous material as defined by State and Federal law is accepted; there is not wrecking or dismantling of salvage material and no salvage material is held outside a building.

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

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

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

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

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

3.70 STREET LINE: A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.

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

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

3.73 TOWNHOUSE: One of a group or row of not less than three (3) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

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

3.75 WAIVER: A relinquishment of specified conditions, as identified where defined in these Zoning Regulations. (Amendment "B" 2020)

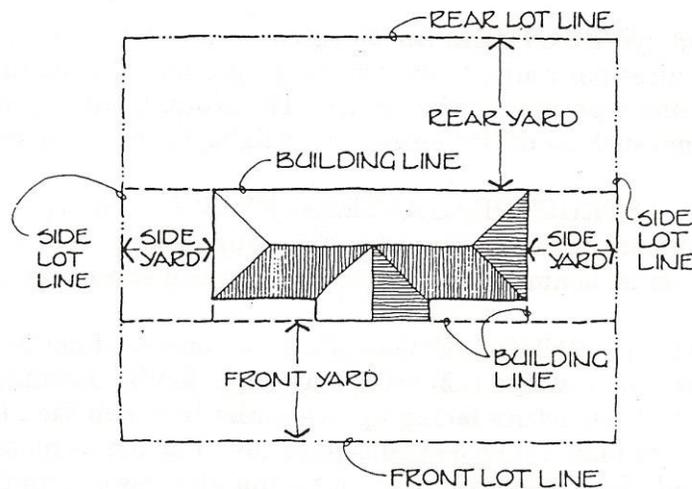
3.76 YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to the district regulations.

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

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

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

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



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

3.81 ZONING ADMINISTRATOR: The person duly designated by the County governing body to enforce these regulations.

3.82 ZONING DISTRICT: The term “zoning map” means a map or maps officially enacted by the County Board, as part of this chapter showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the County Clerk, as an official record of the County.

ARTICLE 4

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

4.1 ZONING AND PLANNING COMMISSION RECOMMENDATIONS

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

4.2 DISTRICTS CREATED

For the purpose of this regulation, there are hereby created zoning districts for

Jefferson County, as named and described in Article 5 of this Regulation.

1. AG – Agriculture District
2. AGR - Agricultural Residential District
3. C - Commercial District
4. I - Industrial District

4.3 OFFICIAL ZONING MAP

1. The boundaries of the district are shown upon maps, which is made a part hereof by reference, which map(s) are designated as the Jefferson County Zoning Map, dated September 22, 2020 and signed by the Chairperson of the County Board and attested by the County Clerk and hereinafter referred to as the “Official Zoning Map.”
2. The signed copy of the Zoning Map(s) containing the zoning districts designated at the time of adoption of this regulation shall be maintained in the offices of the County Clerk for the use and benefit of the public.
3. If in accordance with the provisions of this regulation, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map(s), such changes shall be entered on the appropriate part of the Official Zoning Map(s) promptly after the amendment has been approved by the governing body with an entry on the Official Zoning Map(s) as follows:

“On (date), by official action of the County, the following change was made in the Official Zoning Map(s) (brief description of the nature of the change)”, “which entry shall be signed by the Chairperson and attested by the County Clerk.”

No amendment to this regulation which involves matter portrayed on the Official Zoning Map(s) shall become effective until after such change and entry have been made on said map(s).

4. No changes of any nature shall be made in the Official Zoning Map(s) or matter shown thereon except in conformity with the procedures set forth in this regulation.
5. In the event that the Official Zoning Map(s) become damaged, destroyed, lost or difficult to interpret, the County may, by resolution, adopt a new Official Zoning Map(s) which shall supersede the prior Official Zoning Map(s).

The new Official Zoning Map(s) may correct drafting or other errors or omissions in the prior Official Zoning Map(s), but no such correction shall have the effect of amending the original Official Zoning Map(s) or any subsequent amendment thereof.

4.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following the center lines of roads, highways, streets, 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 Municipal corporate limits shall be construed as following such corporate limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the railroad right-of-way;
5. Boundaries indicated as parallel to or extension of features indicated in subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map(s) shall be determined by the scale of the map.

6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map(s), or in other circumstances not covered by subsection 1 through 5 above, the Board of Zoning Adjustment shall interpret the district boundaries.
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this regulation the Board of Zoning Adjustment may permit, as an exception, the extension of the regulations for either portion of the lot not to exceed one hundred and fifty (150) feet beyond the district line into the remaining portion of the lot.

ARTICLE 5

ZONING DISTRICTS

5.1 AG AGRICULTURE DISTRICT

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

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

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/ operations as defined in Section 3.47. (Amendment "B" 2020)
2. Bulk grain and produce storage, excluding commercial warehouses;
3. Irrigation, flood, erosion and sediment control projects;
4. Greenhouses and garden centers; and

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

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 8; and
3. Roadside stands for the temporary sale of produce.
4. Cabins and other non-primary residences that do not have permanent foundations.

5.14 PERMITTED CONDITIONAL USES AND STRUCTURES: The following shall be permitted upon a determination of compliance with the conditions stated below and approved as such by the Jefferson County Zoning Administrator: (Amendment "B" 2020)

1. Expansion of existing or development of new livestock confinement facilities/operations of a capacity of 301 to 2,500 Animal Units. Proposed facilities/operations, as defined in Section 3.47, shall be in accordance with Section 6.5;
2. Non-farm Single family, ranch and farm dwellings on an improved all Weather county road (above minimum maintenance road), including mobile home dwellings; and one additional on farm/ranch single/two

family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a confinement facility/operation in conformance with Section 6.5;

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

1. Commercial airports and heliports including crop dusting strips;
2. Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills; gravel plants and asphalt or concrete batch plants; construction and demolition landfills;
3. Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair;
4. Broadcast towers and stations, including Amateur Radio or land mobile communication towers of more than 100 feet when in conformance with the following:
 - A. Towers shall be located a minimum distance of twice the height of the tower, from adjacent dwellings or structures other than those associated with the tower facility.
 - B. Towers shall be located a minimum distance of one point one (1.1) times the tower height from property lines, county, state and railroad right-of- way lines.
 - C. Towers must comply with the regulations of the Federal Aviation Administration (FAA).
5. Churches, places of worship and cemeteries.
6. Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems;
7. Public and private recreational uses, including parks and playgrounds, campgrounds and riding stables;

8. Auction/sale barns and yards;
9. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
10. Salvage or junk yards in accordance with Section 6.4;
11. Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries;
12. Pre-school and child care centers;
13. Private elementary and high schools;
14. Expansion of existing or development of new livestock confinement facilities/operations of twenty-five hundred and one (2,501) Animal Units or more, as defined in Section 3.47 and in accordance with Section 6.5; (Amendment "B" 2020)
15. Veterinary facilities;
16. Dog breeding establishments and kennels;
17. Manufacturing, Commercial and/or Industrial operations;
18. Hospitals, penal institutions and sanitariums;
19. Nursing and care homes;
20. Public and private, including non-profit, charitable institutions;
21. Recreational motel-lodging;
22. Disposal of paunch animal waste.
23. Bed and breakfast.
24. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources, in conformance with "Net Metering" as per the Nebraska State Statutes §70-2001 to §70-2005. Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 6, Section 6.6 and 6.7 of these Regulations; and
25. Commercial Wind Energy Conversion Systems (CWECS) utilizing a single tower application or multiple tower applications or "Wind Farm," held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 6, Section 6.6 of these Regulations.

26. Commercial Solar Energy Conversion Systems or “Solar Farms” in conformance with the provision of Article 6, Section 6.7 of these regulations. (Amendment “B” 2020)

5.16 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or nor permissible as special uses shall be prohibited from the AG Agriculture District.

5.17 MINIMUM LOT REQUIREMENTS

All improved area or uses, other than general farming, ranching, pasturing, etc., shall be adjacent to an improved all weather county road (above minimum maintenance road).

Single Family Dwellings:

Lot Size: Ten (10) acres, with the placement of a maximum of four (4) single family dwellings per quarter section (160 acres), adjacent an improved all weather county road (above minimum maintenance road). (Amendment “B” 2020)

5.18 MINIMUM YARD REQUIREMENTS

1. No structure shall be placed within the high water mark of waterways in designated district, as identified by the Flood Insurance Rate Map (FIRM) most recent as Special Flood Hazard Areas unless the base or footings to such structure are at least one (1) foot above such high water mark.

2. **Yard Requirements:**

Front Yard: There shall be a minimum front yard of not less than a depth of fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Rear Yard: There shall be a minimum rear yard of twenty-five (25) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Side Yard: There shall be a minimum side yard of twenty-five (25) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

3. Plantings: Trees, shrubs, and shelter belts shall have a minimum set-back of Twenty-Five (25) feet from rear and side property lines.

4. Irrigation Equipment: Pivot points, pivot systems, power units, pumps, power unit shelters, etc., must be placed outside of State and County right-of-ways and are exempt from setbacks.
5. Waiver of Requirements. Minimum rear, front and side yard requirements, plantings and livestock confinement facilities/operations set-backs may be waived by agreement between adjoining landowners provide that: (Amendment "B" 2020)
 - a) Said agreement for waiver is made in writing and signed by all owners of record;
 - b) Said agreement is presented to the Zoning Administrator upon application for zoning permit; and
 - c) Said agreement shall be recorded by the landowners in the Jefferson County Register of Deeds Office, indexed to the affected properties. (Amendment "B" 2020)

5.19 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.20 PARKING REQUIREMENTS: See Article 7.

5.21 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Article 8.7.

5.22 IMPACTS OF AGRICULTURAL USES ON RESIDENTIAL USES PERMITTED IN AG: (Amendment "B" 2020)

Jefferson County has reflected in its Comprehensive Plan and these Zoning Regulations to support intensive agricultural practices in the AG District and therefore, all persons seeking to construct a new dwelling in the AG District shall do so only after:

1. Making Application for a Zoning Permit for a dwelling in AG with the Zoning Administrator;
2. Within such Application, Applicant shall acknowledge and accept as reasonable and normal the effects on rural living of normal, usual, customary, or generally accepted farming practices or farming operations, and all matters in any way related to or incidental thereto, as the same now exist, or as the same may be hereafter developed in Jefferson County including but not limited to:
 - a) Noise from tractors or other farm equipment and aerial spraying at all hours and noise from livestock at all hours;
 - b) Dust from animal pens, field work, harvesting, and gravel roads;

- c) Increased flies, mosquitoes, or other insects that are attracted to crops, livestock, or manure;
- d) Odor from livestock operations and animal confinement operations, and odor from silage, manure, and manure application procedures including; liquid manure being distributed on farm ground via pivot or other method, stockpiling of manure away from the livestock feeding operation for later distribution, or distributing manure on farm ground as fertilizer;
- e) Smoke from burning ditches or other approved burning;
- f) The use and application practices for all livestock waste, herbicides, pesticides, fertilizer and other chemicals, including drift by aerial spraying or other application of such products;
- g) All field preparation, harvest practices, and all livestock animal husbandry practices;
- h) The movement of livestock, farm products, manure, machinery and equipment on public roads; and
- i) All other similar or related farming practices or farming operations,

5.2 AGR AGRICULTURAL RESIDENTIAL DISTRICT

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

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

1. General farming, including hobby farming or animal raising, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.47.
2. Irrigation and flood control projects;
3. Public parks and recreational areas;
4. Community buildings and/or facilities owned and/or occupied by public agencies;
5. Public and/or private schools; and
6. Churches, places of worship with cemeteries.

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

1. Accessory uses and structures normally appurtenant to the permitted uses and structures;
2. Home occupations in conformance with Article 8.2; and
3. Roadside stands for sale of agricultural produce.

5.24 PERMITTED CONDITIONAL USES AND STRUCTURES: The following shall be permitted upon a determination of compliance with the conditions stated below and approved as such by the Jefferson County Zoning Administrator: (Amendment "B" 2020)

1. Expansion of existing or development of new livestock confinement facilities/operations of a capacity of 301 to 2,500 Animal Units. Proposed facilities/operations, as defined in Section 3.47, shall be in accordance with Section 6.5;
2. Non-farm Single family, ranch and farm dwellings on an improved all Weather county road (above minimum maintenance road), including mobile home dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a confinement facility/operation in conformance with Section 6.5;

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

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
2. Cemeteries, crematories, mausoleums and columbarium;
3. Pre-school and child care centers;
4. Radio and television towers and transmitters in conformance with section 5.15.4.
5. Camp grounds;
6. Private Recreational Areas;
7. Commercial kennels;
8. Public and private charitable institutions;
9. Greenhouses and nurseries;
10. Animal clinics, animal hospitals and veterinarian services;
11. Mobile home parks;
12. Rural subdivisions with individual parcels less than 3 acres in accordance with the Nebraska Department of Environmental Quality - Title 124 and Department of Health and Human Services Regulations and/or with a shared or A "community" drinking water and/or sanitary sewer system, then the minimum lot area of individual parcels may be reduced to one (1) acre;
13. Manufacturing, commercial and or industrial operations;
14. Expansion of existing or development of new livestock confinement facilities/operations of twenty-five hundred and one (2,501) units or more, as defined in Section 3.47 and in accordance with Section 6.5; (Amendment "B" 2020)
15. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources, in conformance with "Net Metering" as per the Nebraska State Statutes §70-2001 to §70-2005. Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 6, Section 6.6 and 6.7 of these Regulations; and

16. Commercial Wind Energy Conversion Systems (CWECS) utilizing a single tower application or multiple tower applications or “Wind Farm,” held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 6, Section 6.6 of these Regulations.
17. Commercial Solar Energy Conversion Systems or “Solar Farms” in conformance with the provision of Article 6, Section 6.7 of these regulations. (Amendment “B” 2020)

5.26 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from AGR Agricultural Residential District.

5.27 MINIMUM LOT REQUIREMENTS:

All improved uses, other than general farming, ranching, pasturing, etc., shall be adjacent an improved all weather county road (above minimum maintenance road).

1. **Single family dwellings:**

Lot Size: Three (3) acres. Dwellings shall be adjacent to improved all weather and hard surfaced roads (above minimum maintenance road). (Amendment “B” 2020)

5.28 MINIMUM YARD REQUIREMENTS:

1. No structure shall be placed within the high water mark of waterways in designated district, as identified by the Flood Insurance Rate Map (FIRM) most recent as Special Flood Hazard Areas unless the base or footings to such structure are at least one (1) foot above such high water mark.

2. **Yard requirements:**

Front Yard: There shall be a minimum front yard of not less than a depth of fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Rear Yard: There shall be a minimum rear yard of twenty-five (25) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Side Yard: There shall be a minimum side yard of twenty-five (25) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

3. Plantings: Trees, shrubs, and shelter belts shall have a minimum set-back of Twenty-Five (25) feet from rear and side property lines.
4. Irrigation Equipment: Pivot points, pivot systems, power units, pumps, power unit shelters, etc., must be placed outside of State and County right-of-ways and are exempt from setbacks.
5. **Waiver of Requirements:** Minimum rear, front and side yard requirements, plantings and livestock confinement facilities/operations set-backs may be waived by agreement between adjoining landowners provide that: (Amendment "B" 2020)
 - a) Said agreement for waiver is made in writing and signed by all owners of record;
 - b) Said agreement is presented to the Zoning Administrator upon application for zoning permit; and
 - b) Said agreement shall be recorded by the landowners in the Jefferson County Register of Deeds Office, indexed to the affected properties. (Amendment "B" 2020)

5.29 MAXIMUM HEIGHT: Thirty-five (35) feet; however, non-residential structures shall have no height limitations except in conformance with the community Airport Zoning Regulations.

5.30 PARKING REGULATIONS: Parking shall be in conformance with the provisions of Article 7 of these regulations.

5.31 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Article 8.7.

5.32 IMPACTS OF AGRICULTURAL USES ON RESIDENTIAL USES PERMITTED IN AGR: (Amendment "B" 2020)

Jefferson County has reflected in its Comprehensive Plan and these Zoning Regulations to support intensive agricultural practices in the AGR District and therefore, all persons seeking to construct a new dwelling in the AGR District shall do so only after:

1. Making Application for a Zoning Permit for a dwelling in AGR with the Zoning Administrator;

2. Within such Application, Applicant shall acknowledge and accept as reasonable and normal the effects on rural living of normal, usual, customary, or generally accepted farming practices or farming operations, and all matters in any way related to or incidental thereto, as the same now exist, or as the same may be hereafter developed in Jefferson County including but not limited to:
- a) Noise from tractors or other farm equipment and aerial spraying at all hours and noise from livestock at all hours;
 - b) Dust from animal pens, field work, harvesting, and gravel roads;
 - c) Increased flies, mosquitoes, or other insects that are attracted to crops, livestock, or manure;
 - d) Odor from livestock operations and animal confinement operations, and odor from silage, manure, and manure application procedures including; liquid manure being distributed on farm ground via pivot or other method, stockpiling of manure away from the livestock feeding operation for later distribution, or distributing manure on farm ground as fertilizer;
 - d) Smoke from burning ditches or other approved burning;
 - e) The use and application practices for all livestock waste, herbicides, pesticides, fertilizer and other chemicals, including drift by aerial spraying or other application of such products;
 - f) All field preparation, harvest practices, and all livestock animal husbandry practices;
 - g) The movement of livestock, farm products, manure, machinery and equipment on public roads; and
 - i) All other similar or related farming practices or farming operations, and all matter in any way related or incidental thereto.

5.3 C COMMERCIAL DISTRICT

5.31 INTENT: The “C” Commercial District is intended for the purpose of providing limited commercial services. Off-street parking is required in order to reduce adverse effects on adjacent properties.

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

1. Automobile wash facilities;
2. Churches and other religious institutions;
3. Construction sales and services;
4. Convenience store or filling station;
5. Detached banking facilities (ATM);
6. Electric and telephone substations;
7. Farm implement sales and services;
8. Garden centers and nurseries;
9. Irrigation equipment sales and services;
10. Mini storage facilities;
11. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
12. Restaurants and cafes;
13. Service stations;
14. Stores or shops for sale of goods or services at retail;
15. Transportation warehousing;
16. Trucks and freight terminals;
17. Utilities, including shops and offices; and
18. Medical clinics.

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

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.

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

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

7. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources, in conformance with “Net Metering” as per the Nebraska State Statutes §70-2001 to §70-2005. Individual or “Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 6, Section 6.6 and 6.7 of these Regulations; and
8. Commercial Wind Energy Conversion Systems (CWECS) utilizing a single tower application or multiple tower applications or “Wind Farm,” held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 6, Section 6.6 of these Regulations.
9. Commercial Solar Energy Conversion Systems or “Solar Farms” in conformance with the provision of Article 6, Section 6.7 of these regulations. (Amendment “B” 2020)

5.35 SCREENING REQUIREMENTS:

1. Where a site adjoins a Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height may be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.36 PROHIBITED USES:

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

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

1. General Requirements:

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>
Permitted Uses	7,500	50'	75 [*]	7', 15' when abutting a residential property	20'	35 ^{**}

* Measured from the road right-of-way line.

** Unless more regulated by state or federal authorities.

5.38 PARKING REGULATIONS: Parking within the C Commercial District shall be in conformance with the provisions of Article 7 of these regulations.

5.39 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Article 8.7.

5.4 I INDUSTRIAL DISTRICT

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

5.42 PERMITTED PRINCIPAL USES AND STRUCTURES:

1. Animal hospitals;
2. Automobile sales and services;
3. Automotive wash facilities;
4. Bottling works;
5. Building material sales and ready-mix concrete plants;
6. Carpenter, cabinet, plumbing or sheet metal shops;
7. Carpet and rug cleaning and repair services;
8. Disinfecting and exterminating services;
9. Dry cleaning, laundering and dyeing services;
10. Dyeing and finishing of textiles;
11. Educational and scientific research services;
12. Electrical sales and services;
13. Equipment rental and leasing services;
14. Farm machinery and equipment - retail;
15. Farm supplies - retail;
16. Feeds, grains and hay - retail;
17. Food lockers and storage services;
18. Freight forwarding services;
19. Furniture repair and reupholster services;
20. Fur trading services;
21. Garden centers and nurseries;
22. Gas utility maintenance yard;
23. Manufacturing operation;
24. Landscape sales and services;
25. Mobile and modular home sales and manufacturing;
26. Newspaper publishing plants and commercial printing;
27. Photoengraving;
28. Photo finishing services;
29. Public utility and public service uses;
30. Radios, televisions, phonographs, recorders, tape players and other similar devices repair services;
31. Service stations;
32. Stores or shops for the sale of industry goods at retail;
33. Telephone services;
34. Transportation warehousing;
35. Truck wash services;
36. Veterinarian services;
37. Warehousing and storage except for products of a highly explosive, combustible or volatile nature;
38. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature; and
39. Mini-warehouse

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

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

1. Salvage or junk yard in accordance with Section 6.4;
2. Recycling center, Construction and Demolition Landfills;
2. Wholesale establishments which handle products of a highly explosive, combustible or volatile nature;
4. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and strip mine operations and quarries;
5. Airport;
6. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources, in conformance with "Net Metering" as per the Nebraska State Statutes §70-2001 to §70-2005. Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 6, Section 6.6 and 6.7 of these Regulations; and
7. Commercial Wind Energy Conversion Systems (CWECS) utilizing a single tower application or multiple tower applications or "Wind Farm," held in single ownership or in an association of multiple owners, in conformance with the provisions of Article 6, Section 6.6 of these Regulations.
8. Commercial Solar Energy Conversion Systems or "Solar Farms" in conformance with the provision of Article 6, Section 6.7 of these regulations. (Amendment "B" 2020)

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

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

1. General Requirements:

	<u>Lot Area</u> <u>(Sq. Ft.)</u>	<u>Lot</u> <u>Width</u>	<u>Required</u> <u>Front Yard</u>	<u>Required</u> <u>Side Yard</u>	<u>Required</u> <u>Rear Yard</u>	<u>Height</u>
Permitted Uses	None	100'	75'	0', 15' when abutting a residential property	15'	None*

* Unless more regulated by state or federal authorities.

5.47 PARKING REGULATIONS: Parking within the I Industrial District shall be in conformance with the provisions of Article 7 of this Regulation.

5.48 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Article 8.7.

ARTICLE 6

SPECIAL USE PERMIT

6.1 GENERAL

The County may authorize by special permit after public hearing, any of the buildings or uses designated in this regulation as permitted special uses.

6.2 PROCEDURES

Such application shall be in writing, filed in the Office of the County Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the County. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. The Planning Commission is authorized to grant conditional uses, or special exceptions to property owners. Upon hearing, the Planning Commission shall forward its recommendation to the County Board, within thirty (30) days. Upon hearing, the County Board may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the County Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the County and in the local newspaper of any county/village/city which has territory within three miles of the property affected by such action of the County Board, one time at least ten (10) days prior to such hearing. (Ref. 23-164 R.S. Neb.).

A notice of the purpose, time, and place of the hearing shall be given in writing, at least ten (10) days prior to date of each hearing, to the Chairperson of the City or Village, or County Board of an adjacent County, or Planning Commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. A written notice of such hearing shall also be distributed to record title owners of property located within one hundred (100) feet of the property line of the property requesting the special use permit in incorporated areas and within one (1) mile, except in the case of a livestock facility "E" request one and one-quarter (1¼) mile, of the property line of the property requesting the special use permit in unincorporated areas.

The proposed use shall be in harmony with the character of the area and most appropriate use of the land. The planning commission considering an application for a special use permit may consider, among other things, the most appropriate use of land, the conservation and stabilization of the value of property, adequate open

space for light and air, concentration of population, congestion of public roads, and the promotion of public safety, health, convenience, and comfort. The County Board of Supervisors, after receiving recommendations of the planning commission, may stipulate and require such conditions and restrictions upon the special use permit and operation as is deemed necessary for the protection of the public interest and to secure compliance with these regulations.

Except as otherwise provided herein, no special use permit shall be granted by the County Board, without an affirmative vote of a majority of all members of the County Board

In case of protest against such special use permit, filed with the County Clerk within 10 (ten) days following the Planning Commission's public hearing that considered such special use permit, signed by the owners of twenty (20) percent or more of either the area of the lots included in such proposed change, or of those immediately adjacent the sides, front and rear thereof extending three hundred (300) feet of the area proposed to be altered in incorporated areas and one (1) mile in unincorporated areas and an opportunity granted to interested parties to be heard, such special use permit shall not become effective except by the favorable vote of two-thirds of all members of the County Board.

6.3 TIME FRAME

Special use permits shall expire if not started within one (1) year from date of approval, and must be completed within three (3) years or said special use permit becomes null and void.

6.4 SALVAGE OR JUNK YARD

Salvage or junk yard operations and related facilities shall only be allowed by special permit in the "AG" and "I" zoning districts under the following conditions:

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

5. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.
6. Special use permits granted under this section may be subject to annual review by the County Board with written notice of hearing of such review given to permit holder at last known address.

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

6.5 LIVESTOCK CONFINEMENT FACILITIES/OPERATIONS

Livestock confinement facilities/operations as defined by Section 3.47 shall only be allowed by conditional use permit or special permit in the AG Agricultural District or AGR Agricultural Residential District under the following conditions: (Amendment "B" 2020)

1. **Approval by the Nebraska Department of Environmental Quality (DEQ):** Special Use Permits may be approved by the Planning Commission and County Board on the provision that all required permits from DEQ must be approved prior to the Building/Zoning Permit being issued by Jefferson County,
2. **Distance requirements:** Any new or expanding livestock facilities/operations, as defined in Section 3.47, shall be a minimum distance from the nearest wall of any primary residence, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator.

Expansion of an existing livestock facility/operation is defined as such when capacity of the facility is increased to the point where the total animal units is defined as a larger class. See minimum distance requirements in the following table.

Existing livestock confinement facilities/operations with approved permits by the Nebraska Department of Environmental Quality (NDEQ) dated prior to August 1, 2001 (the effective date of this Zoning Regulation) shall be hereafter allowed to expand up to the permitted NDEQ animal unit number. These facilities/operations shall be exempt from the Special Use Permit and setback requirements contained in Section 6.5 of these Regulations, until further expansion requires a new NDEQ permit. Upon application of a new NDEQ permit, the facility/operation shall meet all provisions of Section 6.5. This went in to effect December 31, 1999.

MINIMUM DISTANCE REQUIREMENTS

	<u>Facility A</u>	<u>Facility B</u>	<u>Facility C</u>	<u>Facility D</u>	<u>Facility E</u>
Total Animal Units Allowed (Section 3.45)	301 to 1,000	1,001 to 2,500	2,501 to 5,000	5,001 to 10,000	10,000+
Minimum Distance Required	1/4 mile	1/2 mile	3/4 mile	1 mile	1 1/4
	(1,320')	(2,640')	(3,960')	(5,280')	(6,600')

3. A management plan for the facility, acceptable to the Nebraska Department of Environmental Quality and the Jefferson County Board, which provides for the proper disposal of animal waste and dead animals in a manner as not to contaminate ground water or any stream, creek or river.
4. Each facility use shall be engineered, constructed and operated utilizing best management practices to minimize odor, dust, flies, vermin and other problems and hazards to avoid environmental contamination.
5. Disposal and storage of livestock confinement facility/operation animal waste shall be in conformance with the following:
 - A. There shall be no storage, or disposal, of livestock waste from a livestock confinement facility/operation upon land designated as wetlands by the United States Department of Agriculture, Farm Services Commission.
 - B. Paunch waste disposal shall only be allowed in the AG Agriculture District in conformance with a Special Use Permit process.
6. Special use permits granted under this section shall be subject to review by the County Board if not in compliance with the Nebraska Department of Environmental Quality regulations.
7. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health, safety and welfare of the residents of Jefferson County.

6.6 Small and Commercial Wind Energy Conversion Systems

6.61 Intent:

In order to balance the need for clean, renewable energy resources with the protection of the health, safety, and welfare of the residents of Jefferson County, Nebraska, the County finds these regulations are necessary in order to ensure that all wind energy conversion systems are appropriately designed, sited, and installed.

These regulations pertaining to all wind energy conversion systems are intended to respond to equipment available at the time of adoption. Jefferson County recognizes this is an emerging technology and that new means of collecting wind energy, including but not limited to vertical axis wind turbine generators are under development. Accordingly, these standards will be reviewed and may be amended as technology advances.

6.62 Types of Wind Energy Systems:

- A. Small Wind Energy Conversion System - (SWECS)** - A wind energy conversion system which has a rated capacity of up to Twenty-Five (25) kilowatts and which is incidental and subordinated to another use of the same parcel. A system is considered a small wind energy system only if it supplies electrical power for site use, except when a parcel on which the system is installed also received electrical power supplied by a utility company, access electrical power generated and not presently needed for onsite use may be sold back to the utility company. *(25 Kilowatt limit approved by the Jefferson County Planning Commission to increase to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)*
- B. Commercial Wind Energy Conversion System – (CWECS)** A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, of which the main purpose is to supply electricity to off-site customers.

6.63 Definitions:

- A. Aggregated Project** – Those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual CWECS within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
- B. Fall Zone** – The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

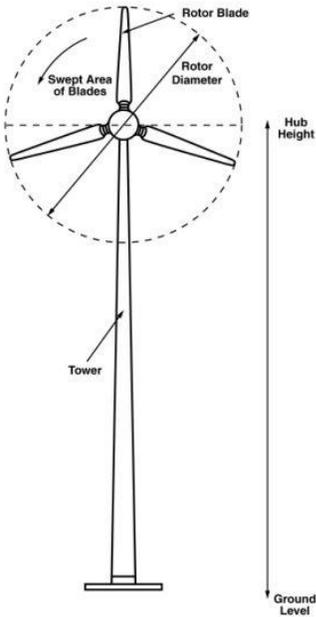


Diagram #1

C. **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 the interconnection shall be the substation serving the WECS.

D. **Height, hub** – The height above grade of the fixed portion of the tower, including the generation unit, measured to the hub or center point of the rotor blade diameter.

E. **Height, total system** – The height above grade of the system, including the generating unit and measured the highest vertical extension of any rotor blades or rotors.

F. **Meteorological Tower** – For the purposes of wind energy conversion systems, meteorological towers are those which are erected primarily to measure wind speed and direction plus other data relevant to locating a CWECS. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Transportation or other similar applications to monitor weather conditions.

G. **Rotor Diameter** – The diameter of the circle created by the outer most point of the rotor blades of the windmill. (see Diagram #1)

H. **Shadow flicker** – Strobe effect that occurs when sun is horizontal to rotor blades, which causes repetitive intermittent shadows that can affect people on nearby properties.

I. **Substations** – Any electrical facility utilized to convert electricity produced by a Commercial Wind Energy Conversion System for interconnection with high voltage transmission lines.

J. **Tower** – The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

K. **Transmission Line** – The electrical power lines that are High Voltage Transmission Lines carrying electricity over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

- L. **Wind Energy Conversion System (WECS)** – An aggregation of parts including the base, tower, generator, rotor, blades, supports, and configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g. wind charger, windmill, or wind turbine.
- M. **Wind Turbine Generator** – The component of a wind energy system that transforms mechanical energy from the wind into electrical energy.

6.64 Small Wind Energy Conversion System:

A Small Wind Energy Conversion System (SWECS) is a facility used for the production of a maximum of Twenty-Five (25) kilowatts of electrical energy supplied by the wind. The facility may include wind turbine(s) with total height(s) of one hundred (100) feet or less and any transmission lines. The SWECS is primarily used to generate energy for use by its owner. A small wind energy facility shall be sited and designed to minimize adverse visual impacts on neighboring properties. **To be used in conformance with Nebraska State Statutes 70-2001 through 70-2005, regarding Net Metering.** *(25 Kilowatt limit approved by the Jefferson County Planning Commission to increase to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)*

A. General Site and Design Standards

1. Located on a lot or parcel of at least three (3) acres;
2. Shall be permitted by an approved **Special Use Permit** to be issued in the AG, AGR, C and I Zoning Districts.
3. SWECS shall maintain a minimum setback distance from any property line of one point one (1.1) times the total system height of the windmill from a neighboring property owner. A second farm/ranch single/two family dwelling utilizing the same alternative energy system shall have no setback requirements.
4. SWECS shall maintain a minimum setback distance from any public road, or highway of at least one point one (1.1) times the total system height of the windmill from the public road or highway right-of-way.
5. In no case shall a SWECS be located within any required setback or in any front yard area.
6. Turbine towers when painted or coated, shall be of a non-reflective white, grey, or other neutral color.
7. SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA).

8. All electrical wires associated with SWECS, other than the wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.
9. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
10. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight (8) feet of the ground that is readily accessible to the public.
11. The owner of a SWECS shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the facility.
12. Construction access must be re-graded and re-vegetated to minimize environmental impacts.
13. A SWECS application must include an agreement that addresses decommissioning and abandonment of the facility. The agreement must at a minimum provide for reuse or dismantlement of the facility at the owner's expense.

B. Application Requirements

1. A survey map at an appropriate scale identifying:
 - Site boundary;
 - Adjacent public right-of-ways;
 - Existing structures;
 - Proposed small wind energy system and accessory structures;
 - Adjacent ownership and existing residences;
 - Any overhead utility lines.
2. Documentation from the manufacturer including:
 - a. Small wind system specifications including manufacturer and model; rotor diameter, tower height, tower type (freestanding or guyed);
 - b. Documentation to establish that the tower has sufficient structural integrity for the proposed use at the proposed location;
 - c. Certification that the SWECS complies with all applicable state construction and electrical codes and the National Electrical Code.
3. Compliance with FAA Regulations, including any Documentation required by the FAA certifying approval of proposed location when located within the three (3) mile Planning Jurisdiction of any airport.

4. Submittal of signed Letter of Notification to the property owner, from the Electrical Supplier/Purchaser, signifying utility service is approved and in conformance with State of Nebraska Net Metering provisions (§70-2001–2005). Copies shall be submitted to the Jefferson County Assessor’s Office, and Jefferson County Zoning Administrator.
5. Require proof of insurance on application

6.65 Commercial Wind Energy Conversion System – (CWECS):

A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, of which the main purpose is to supply electricity to off-site customers.

Commercial Wind Energy Conversion Systems may be included as an aggregated project. Such as those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the CWECS within a 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. All individual wind turbine towers of an aggregated project shall be in conformance with Section 6.65 (A) items one through 15.

A) General Site and Design Standards:

1. Located on a lot or parcel of at least ten (10) acres in size.
2. The entire aggregated project shall be permitted by a Special Use Permit in the AG, AGR, C and I Districts.
3. If an aggregated project, setbacks from multiple entities (turbines) shall be one and one-tenth (1.1) times the height of the total system.
4. Each CWECS location must have a 911 address.
5. CWECS shall be designed and placed in such a manner as to minimize to the greatest extent feasible, adverse visual and noise impacts on adjacent areas. This shall include documentation of:
 - a) Noise levels conforming to the International Electromechanical Commission (IEC) Standard 61400-11 part 11; and
 - b) Projections of the “shadow flicker” on any existing structures located off the property on which the CWECS will be constructed and the extent and duration of the shadow flicker on these existing structures.

6. ***CWECS shall maintain a minimum setback distance as follows.***
(Amendment “D” 2023)
 - a) Two (2) times the height of the total system from any property line of non-participating property owners;
 - b) One (1) mile from the turbine to any residence of a non-participating property owner, measured from the nearest exterior wall of the residence to the turbine.
 - c) One and one-tenth (1.1) times the height of the total system from any occupied primary residence of a participating property owner, measured from an exterior wall of the occupied primary residence; and
 - d) There is no setback requirement from a property line between adjoining property owners participating in the same Aggregated Project; except that the tip of the blade cannot extend over any property line; and
 - e) One (1) mile setback from incorporated communities, state and Natural Resource District (NRD) recreation areas, schools and churches.
7. CWECS shall maintain a minimum setback distance from any railroad, County road, or State highway right-of-way line of at least one and one-tenth (1.1) times the height of the total system. (Amendment “C” 2022)
8. In no case shall a CWECS be located within any required setback or in any front yard area.
9. Structures for wind turbines shall be self-supporting tubular towers, if painted or coated shall be of a non-reflective neutral color such as white or pale gray. No lattice structure shall be used. No logos or advertisements are allowed on these structures. Each turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level.
10. Colors and surface treatment of the CWECS and supporting structures shall, to the greatest extent possible, minimize disruption of the natural characteristics of the site.
11. Shadow Flicker limit of 30 hours per year of actual flicker at any non-participating primary occupied residence. (Amendment “D” 2023)

12. All new night time lighting shall be activated by an Aircraft Detection Lighting System installed by the applicant that shall meet or exceed FAA Standards with proof of FAA permitting. (Amendment "C" 2022)
13. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.
14. A Meteorological Tower is permitted by a **Special Use Permit** for the purposes of the Aggregated Project. Meteorological towers shall meet the same setback requirements of those established for an Aggregated Project. If the tower is non-functional, it shall be removed after a period of six (6) months.

6.66 Application Requirements:

The applicant for a special use permit for construction of a CWECS shall file an application with the Jefferson County Zoning Administrator. The application shall include the name(s) of the project applicant(s), the name of the project owner(s), and the legal description and address for the project. The application shall also include the following documents:

A. A survey map illustrating the following:

1. Property lines, dimension, acreage and contours with appropriate intervals for site evaluation.
2. Location and elevation of all components of the proposed CWECS.
3. Location and dimensions of all existing structures and uses on property within three hundred (300) feet of the system;
4. Height of any structures over thirty-five (35) feet within a five hundred (500) foot radius on site or offsite of the proposed CWECS;
5. Location of any overhead utility lines on the property;
6. Location of all known communications towers within two (2) miles of the proposed CWECS
7. Access roads;
8. Adjacent ownership, land uses, existing residences, schools, churches, hospitals, public libraries, federal, state, county or local parks, recognized historic or heritage sites, identified wildlife preserves, or habitat areas within a distance of 2,640 feet (one-half mile) of the CWECS.
9. Provide a copy of the Easement from the Jefferson County Register of Deeds Office for each property involved in the CWECS.
10. Provide a map illustrating all transmission lines connecting to the Substation.
11. Copy of Federal Aviation Administration (FAA) submission for each tower.

- B. Applicant shall identify potential effects in terms of constraints or benefits the wind energy facility may place on current or future use of the land within the project site and the surrounding area. The extent of any limitations due to public health and safety risks shall be specifically addressed, and the effects on the following activities shall also be addressed:
1. Existing or proposed tourist or recreation activities;
 2. Residential activities;
 3. Industrial activities;
 4. Agricultural activities;
 5. Commercial activities
- C. Soil erosion, sediment control, and storm water runoff plan shall address what types of erosion control measures will be used during each phase of the project. It shall identify plans for:
1. Grading;
 2. Construction and drainage of access roads and turbine pads;
 3. Design features to control dust;
 4. Design features to maintain downstream water quality;
 5. Re-vegetation to ensure slope stability;
 6. Restoring the site after temporary project activities;
 7. Disposal or storage of excavated materials;
 8. Protecting exposed soil;
 9. Stabilizing restored material and removal of silt fences or barriers when the area is stabilized; and
 10. Maintenance of erosion controls throughout the life of the project.
- D. Applicant shall provide information regarding flora and fauna of the proposed project area including:
1. Officially listed threatened or endangered species;
 2. Critical habitat and habitat conditions;
 3. An avian study based on the US Fish and Wildlife Services "Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines"
- F. Standard drawings of the structural components of the CWECS, including structures, tower, base, and footings.
- G. Certification by a registered engineer that:
1. There is a substantial need for the proposed use or CWECS, one hundred (100) kW or greater;
 2. All applicable local, state, and federal building, structural and electrical codes have been followed;
 3. The site is feasible for a CWECS; the CWECS can be successfully operated in the climate conditions found in Jefferson County;
 4. The rotor and over speed control have been designed for the proposed use on the proposed site;

5. The design and safety of the proposed tower to withstand winds of ninety (90) miles per hour; and
 6. If the wind turbine were to fall, no building or structure, existing or potential, would be damaged.
- H. Applicant shall fund \$10,000.00 to an escrow account for investigation of complaints for but not limited to, shadow flicker, stray voltage, noise, and signal interference. When the escrow account balance is below \$5,000, Jefferson County shall notify the Applicant. The Applicant shall replenish this account within forty-five (45) days of the notification. (Amendment "D" 2023)
- I. Applicant shall be required to comply with the discontinuation and decommissioning requirements set forth in 6.69 below. (Amendment "D" 2023)

6.67 Construction and Operations:

- A. All public roads to be used for the purpose of transporting CWECS, substation parts, cement or equipment for construction, operation, or maintenance of the CWECS shall be identified and applicable weight and size permits from the impacted road authority(ies) shall be obtained prior to construction.

A pre-construction survey must be conducted with the appropriate jurisdictions to determine existing road conditions. Those included are Applicant(s); Land Owner(s); CWECS Owner(s); Township Representative(s), Highway Superintendent and/or Zoning Administrator. The survey shall include photographs and a written agreement to document the conditions of the public roads and facilities. All expenses of the survey shall be the Applicant's responsibility.

- B. The CWECS owner shall be responsible for immediate repair of damage to County roads and drainage systems stemming from construction, operation, or maintenance of the CWECS.
- C. 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 regulations.

6.68 Safety Measures:

- A. Each CWECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
- B. CWECS shall include no sign or advertising of any kind, except for one sign not to exceed two (2) square feet posted at the base of the tower, electrical equipment, and entrances. The sign shall contain the following information:

1. Warning – high voltage;
 2. Manufacturer’s name;
 3. Operator’s name;
 4. Emergency phone number; and
 5. Emergency shutdown procedures.
- C. Each CWECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electric Code.
- D. Any CWECS facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within fifteen (15) feet of the ground. Where the tower is capable of being climbed, a locked, protective fence at least six (6) feet high shall enclose the tower.
- E. The CWECS operator shall maintain a current insurance policy which will cover liability, installation, operation, and any possible damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility. The amount of said policy shall be established as a condition of approval. The CWECS shall be warranted against any system failures reasonably expected in severe weather operation conditions

6.69 Discontinuation and Decommissioning:
(Amendment “D” 2023)

- A. CWECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Jefferson County Zoning Administrator outlining the steps and schedule for returning the CWECS to service. All CWECS and accessory facilities shall be removed four (4) feet below ground level within eighteen (18) months of the discontinuation of use. This period may be extended by the Jefferson County Board of Commissioners following a written request by an agent of the owner of the CWECS.
- B. Each CWECS shall have a decommissioning plan outlining the anticipated means and costs of removing each CWECS at the end of the serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. Such person shall be approved by the Jefferson County Board of Commissioners. Such decommissioning plan and cost estimates shall be updated every five (5) years.
- C. At the end of the aggregated project’s useful life, the entire site shall be restored in accordance with the requirements of this condition within eighteen (18) months.

- D. A cash escrow account is required before the permit is approved to guarantee removal and restoration upon discontinuation, decommissioning or abandonment. The amount of the escrow shall include the current gross cost of decommissioning and restoration and the permit holder shall be responsible for the holding/setup fee. It shall be funded at a minimum of 10% increments annually until fully funded to satisfy the current projected decommissioning and restoration costs. The amount required may change when projected costs are reviewed and updated every 5 years. After being fully funded by year 10, the applicant shall continue to fund the escrow at 3% of its value for the life of the project with repeated 5-year cost reviews and updates. Any escrow amounts which are more than actual costs shall be returned to the Applicant within (90) days after the turbines have been fully decommissioned.

Upon transfer of any CWECS permit, the permit holder shall submit proof that the escrow has been reassigned. The transfer of a CWECS permit must be filed with the Register of Deeds and evidence of that filing shall be presented to the Jefferson County Planning and Zoning Administrator and Jefferson County Board of Commissioners.

6.610 Noise:

No CWECS shall exceed 50 dBA, measured for ten (10) minutes *Leq*, at any occupied primary residence, measured at an exterior wall of the primary occupied residence structure. In response to a verified complaint, the County may direct dBA testing by an independent party approved by the Jefferson County Board of Commissioners. Testing shall be paid for by the owner of the CWECS. (Amendment "C" 2022)

6.611 No Retroactivity:

Existing CWECS shall be subject only to the zoning regulations applicable at the time Jefferson County approved the special use permit applicable to such CWECS and shall not be subject to any zoning regulations or amendments to the zoning regulations Jefferson County may adopt subject to approving the special use permit for subsequent CWECS. (Amendment "C" 2022)

6.7 Commercial Solar Energy Conversion System
(Amendment “B” 2020)

6.71 Intent:

These regulations promote the accommodation of on-site solar energy conversation systems in Jefferson County, with the intent to reduce energy consumption, regulate necessary equipment and promote adequate access to sunlight. This addresses utility-scale energy conversion systems, or “solar farms”, intended for the sale of electricity to utilities, industries, and/or businesses. Solar energy conversion systems shall be permitted in all zoning districts as a permitted accessory (special) use.

6.72 Definitions:

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

- K. **Pole-Mount Systems:** A solar energy system that is directly installed on specialized pole-attached systems, anchored to a concrete foundation in the ground, and wired underground to the meter.
- L. **PV-Direct Systems:** A Solar Energy Conversion System designed to only provide electricity during sunlight.
- M. **Roof-Mount System** – A solar energy system consisting of solar panels installed directly on the roof of a primary or accessory structure.
- N. **Solar Access:** The ability to receive sunlight across property lines without obstruction from another's property.
- O. **Solar Array:** Multiple solar panels combined together to create one system.
- P. **Solar Collector:** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation and transfer of electricity.
- Q. **Solar Energy Conversion System:** A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy which is then transferred to a point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation.
- R. **Solar Farm:** An area of land designated for the sole purpose of deploying photovoltaic power and generating electric energy.
- S. **Solar Panel/Module:** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
- T. **Tilt:** The angle of the solar panels and/or solar collector.
- U. **Watts (W)** - A measure of the use of electrical power (power (Watts) = voltage (volts) X current (Amps)).

6.73 Solar Farms:

1. The height of the solar collector and any mounts within an established solar farm shall not exceed 20 feet when oriented at maximum tilt.
2. Solar farms with panels located at least two hundred (200) feet from an adjacent public road right-of-way, or adjacent property line, shall not require screening.
3. Solar farms with panels located less than two hundred (200) feet from an adjacent public road right-of-way, or adjacent property line, must provide landscaping and/or trees to visually obscure the facility from the public road.
4. **Solar Farm Application Requirements:**
 - A. A site plan denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and locations of the driveway(s). No portion of the system area may encroach into the required setbacks.
 - B. Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property and its relationship to adjacent roads or highways.
 - C. If applicable, the applicant must apply and receive from the Nebraska Department of Transportation (NDOT) authorization for a private driveway or access easement from a State or Federal Highway, or submit documentation from NDOT that existing site access is acceptable for the required use prior to final project approval.
5. **Installation and Design:**
 - A. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - B. All solar farms shall meet all requirements of the Nebraska State Fire Marshall and Electrical Division.
 - C. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the building for a roof-mounted system or on the property for a ground-mounted system, including the property lines.

6.74 Safety and Inspections:

1. The design of the solar energy system shall be in conformance with the Nebraska State Fire Marshal and Electrical Division requirements for inspection and licensing.
2. The solar energy system shall comply with all applicable regulations of Jefferson County, Nebraska, so as to insure the structural integrity of such solar energy system.
3. Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency.
4. Any connection to the public utility grid must be approved by the local public utility.
5. If solar storage batteries are included as part of the solar collector system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with current laws and regulations and any other applicable laws and regulations relating to hazardous waste disposal.

6.75 Decommissioning and Abandonment:

1. The developer/property owner shall submit a decommissioning plan, which shall include at a minimum:
 - A. The anticipated life of the project,
 - B. The estimated decommissioning costs and source(s) of financing for removing all above ground facilities and underground improvements to a depth of three (3) feet, net of salvage value, in current dollars,
 - C. The method or process of insuring that decommissioning will be properly and timely completed. In considering an acceptable assurance, the County may accept as sufficient decommissioning, the obligations contained in contracts between the solar project owner and applicable landowners and/or project purchasers.
 - D. The anticipated manner in which the project will be decommissioned, and
 - E. The time period in which the decommissioning shall be completed.

2. A ground or pole-mounted solar energy system is considered to be a abandoned or defective if it has not been operation for a period of eighteen (18) months. If abandoned, the solar energy system shall be repaired by the owner to meet federal, state, and local safety standards, or be removed by the owner.

6.76 Appeals:

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

ARTICLE 7

PARKING REGULATIONS

7.1 GENERAL PROVISIONS

1. All buildings and structures erected and all uses of land in all districts established after the effective date of this Regulation shall provide accessory parking and loading facilities as required under this section.
2. All off-street parking spaces required by these Regulations shall be located on the same lots as the use it serves.
3. Owners of two or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.
4. All yard area including driveways, except the required front yard for residential uses may be used for off-street parking. Garages and driveways may be considered as off-street parking spaces.
5. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a zoning permit. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

7.2 OFF-STREET PARKING REQUIREMENTS

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

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

7.3 OFF-STREET LOADING REQUIREMENTS

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

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

ARTICLE 8

ACCESSORY USES

8.1 ACCESSORY BUILDING

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

8.2 HOME OCCUPATIONS

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

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

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

8.3 MANUFACTURED HOMES: All manufactured homes located outside mobile home parks shall have upon it any required seal as set forth in Section 71-1555, et. seq., Revised Statutes of Nebraska.

8.4 YARD REGULATIONS:

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

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

Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard less than the required, new buildings shall not be erected closer to the street than the nearest building on the block.

8.42 STRUCTURAL PROJECTIONS: The ordinary projections of chimneys and flues, buttresses, eaves, overhangs, open-unenclosed steps or stoops up to five (5) feet in height may extend into required yards for a distance of not more than two (2) feet in the required side yard and not more than five (5) feet in the required front yard.

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

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

8.7 RURAL RIGHT-OF-WAYS: All buildings and sight impairing or "solid" fences, walls and hedges, sewage lagoons and livestock waste control facilities shall have a minimum set back of twenty-five (25) feet measured from county, state and federal highway rights-of-ways. Furthermore, all buildings, fences, walls, retaining walls, diversions, walkway structures or planting of trees, shrubbery, or similar uses are prohibited within the right-of-ways of county roads or state and federal highways.

Planting of shelter belts shall have a minimum set back of Twenty-five (25) feet measured from the rights-of-way of county roads and state and federal highways.

ARTICLE 9

COUNTY BOARD OF ZONING ADJUSTMENT

9.1 CREATION, MEMBERSHIP

The County Board of Zoning Adjustment is hereby created and shall be known as the County Board of Zoning Adjustment. The members of said board shall be appointed by the County Board.

One (1) member only of said board shall be appointed from membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the County Board of Zoning Adjustment.

Said Board shall consist of five (5) regular members, plus one (1) additional member designated as an alternate who shall attend and serve only when one (1) of the regular members is unable to attend for any reason, each to be appointed for a term of three (3) years and removable for cause by the County Board upon written charges and after public hearings. Vacancies shall be filled for the unexpired terms of any member whose terms becomes vacant. (Ref. 23-168.01 RS. Neb)

9.2 MEETINGS

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

9.3 INTERPRETATIONS AND VARIANCES

9.31 The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these regulations, have the following powers (Ref. 23-168.03 R.S. Neb.):

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or Planning Commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any maps, or for decisions upon other special questions upon which the Board is authorized by any such regulation to pass; and
3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Regulation, 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 and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that:
 - a. The strict application of the regulation would produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 - d. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

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

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

9.4 PROCEDURES FOR REQUESTING A VARIANCE

The procedures to be followed by the Board of Zoning Adjustment shall be as follows.

9.41 Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by any county officer or department. The appeal filed in writing shall define the appeal being requested and the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the paper constituting the record upon which the action appealed from was taken.

9.42 The chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time and place.

9.5 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the 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 Section 23-168.04.

ARTICLE 10

ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

10.1 ENFORCEMENT

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

1. Approve and issue all zoning permits when compliance is made with this regulation.
2. Conduct inspections of uses of land and locations of buildings and structures to determine compliance with the provisions of this regulation.
3. Receive, file and forward to the County Board of Zoning Adjustment the records in all appeals for variances.
4. Maintain permanent and current records of the Zoning Regulation including but not limited to, all zoning maps, amendments, special use permits, variances, appeals and applications thereof and records of hearings thereon.
5. Prepare and have available in book, pamphlet or map for each year.
 - a. The compiled text of the Zoning Regulations and amendments thereto, including all amendments adopted through the preceding twelve (12) months; and
 - b. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding twelve (12) months.

6. Whenever the Zoning Administrator shall find that any of the provisions of this regulation have been or are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she may order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, structures or additions or alterations thereto; discontinuance of any illegal work being done; or take any other appropriate action authorized by this regulation to insure compliance with, or to prevent violation of, its provisions.
7. The Zoning Administrator will review and advise the appropriate entities, such as Soils Conservation Service, the Little Blue and Lower Big Blue Natural Resource Districts, the Department of Natural Resources, the Department of Environmental Control, the Department of Health, or the adjacent Village, City or County if there is any actions taking place within their Wellhead Protection Area as marked. Actions to mitigate any conflicts with the regulations of any of the above mentioned organizations, state agencies or departments, City, Village or County will be completed prior to the issue of a building or zoning permit from Jefferson County. (Resolution "A", 2013)

10.2 ZONING PERMITS

10.21 GENERAL. No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit first having been issued by the Zoning Administrator. No zoning permit shall be issued unless the proposed construction or use is in conformance with all of the provisions of this regulation and with all other applicable codes, regulations and laws of Jefferson County and with all orders, and variances lawfully issued by the Board of Adjustment. (Resolution "A", 2013).

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

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

10.24 APPEAL FROM APPROVAL OR DISAPPROVAL. An appeal from approval or disapproval of any Application shall be made to the Board of Adjustment in writing within ten (10) days after the determination of the Zoning Administrator has been filed.

10.3 FORM OF PETITIONS, APPLICATIONS AND APPEALS

10.31 A decision by the Zoning Administrator, except in the cases of complying with building or zoning permits and building codes, to issue an occupancy permit shall be the primary instrument for administering compliance with these zoning regulations. (Resolution "A", 2013)

10.4 SCHEDULE OF FEES

10.41 Schedule of fees shall be established for this Zoning Regulations to cover costs of administration by the County Board.

The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the County Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 11

AMENDMENT

11.1 GENERAL

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

11.2 SUBMISSION TO PLANNING COMMISSION

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

If such proposed amendment is not a general revision of an existing provision of this regulation, and will affect specific property, it shall be designated by legal description and general street location and in addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered in incorporated areas and one (1) mile in unincorporated areas and an opportunity granted to interested parties to be heard.

11.3 AMENDMENT CONSIDERATION AND ADOPTION

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the regulations except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (1/2) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the regulation shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the regulation incorporating the same and reincorporate such Map as amended.

11.4 PROTEST

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the County Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds (2/3) majority of the County Board.

ARTICLE 12

COMPLAINTS, PENALTIES, REMEDIES

12.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this regulation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this regulation.

12.2 PENALTIES

The owner or agent of a building or premises in or upon which a violation of any provisions of this regulation has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a Class V misdemeanor. Each and every day that such violation continues after notification shall constitute a separate offense.

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

12.3 REMEDIES

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

ARTICLE 13

LEGAL STATUS PROVISIONS

13.1 SEPARABILITY

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

13.2 PURPOSE OF CATCH HEADS

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

13.3 REPEAL OF CONFLICTING REGULATIONS

All other regulations in conflict with this regulation are hereby repealed to the extent necessary to give this regulation full force and effect.

13.4 EFFECT DATE

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