

# JEFFERSON COUNTY

## NEBRASKA

ZONING REGULATION ~~2025~~2026

**DRAFT FOR PUBLIC REVIEW –WITH COUNTY BOARD EDITS**

**MARCH 24, 2026**

RESOLUTION NO. \_\_\_\_\_

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
JEFFERSON COUNTY, NEBRASKA

Prepared By  
**The Jefferson County Planning Commission**

and



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## **Article 1: Title and Purpose**

### **Section 1.01 Short Title**

This Regulation shall be known and may be cited and referred to as the “Zoning Regulations of Jefferson County, Nebraska.”

### **Section 1.02 Purpose and Intent**

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

### **Section 1.03 Jurisdiction**

These regulations shall be known and cited as the regulations approved and adopted in the Zoning Regulations of Jefferson County, Nebraska. The area of jurisdiction shall be all the area within the limits of Jefferson County, Nebraska, not including the jurisdiction explicitly granted to a municipality by Section 17-1001 or Section 13-327 of the Nebraska Revised Statutes.

### **Section 1.04 Provisions Declared to be Minimum Requirements**

- 1.04.01 In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between private parties, except that if these regulations impose a greater restriction, these regulations shall control.
- 1.04.02 Whenever the regulations of this Resolution impose or require higher standards than are required in any other statute, local regulations, or ordinances, the provisions of the regulations made under authority of this Resolution as provided by the cited Nebraska Revised Statutes sections shall govern.

### **Section 1.05 Relationship with the Comprehensive Development Plan**

These zoning regulations are designed to implement various elements of the comprehensive development plan as required by state statutes. Any amendment to the district regulations or map shall conform to the *Jefferson County Comprehensive Plan* as adopted by the governing body.

**Section 1.06      Planning Commission Recommendations**

Pursuant to Sections 19-930 *et seq.* and/or 23-114.01 *et seq.*, (Nebraska Revised Statutes), the Jefferson County Board has created a planning commission with the powers and duties as set forth in statute.

- 1.06.01      Pursuant to Section 23-114.01 *et seq.* (Nebraska Revised Statutes), it shall be the purpose of the Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein.
- 1.06.02      Pursuant to Section 23-114.01 *et seq.* (Nebraska Revised Statutes), the Planning Commission reviews conditional uses proposed by property owners for the use of their property, as specified in Articles 5 and 6 herein.
- 1.06.03      The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the County Board of Commissioners shall not hold its public hearings or take action until it has received the final report of the Commission.

**Section 1.07      Permits Required**

- 1.07.01      No development, as herein defined, shall be commenced without approved permits as may be required by this Regulation.
- 1.07.02      Certain uses and structures may be specified “exempt” from permit application and approval; however, all uses and structures are subject to the standards of these regulations, within the extent of state and federal law.
- 1.07.03      All uses not specifically listed are deemed to be prohibited, until such point where this Resolution may be amended.

## Article 2: Definitions

### **Section 2.01 Rules**

- 2.02.01 For the purpose of this regulation, the following rules of construction and terminology shall apply:
1. Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
  2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
  3. The word "shall" is mandatory. The word "may" is permissive.
  4. The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
  5. Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
  6. In the case of any real or apparent conflict between the text of the Regulation and any illustration explaining the text, the text shall apply.
  7. The phrase "Jefferson County" or "Jefferson County, NE" shall also be deemed the same as "The County of Jefferson, Nebraska".
  8. The word "commission" shall refer to the Planning Commission of Jefferson County, Nebraska.

### **Section 2.02 Abbreviations and Acronyms**

For the purposes of these Regulations this section contains a listing of abbreviations and acronyms used throughout this document.

ADA	Americans with Disabilities Act
A.U.	Animal Unit
BESS	Battery Energy Storage Systems
CAFO	Confined Animal Feeding Operation
CFR	Code of Federal Regulations
CUP	Conditional Use Permit
DU	Dwelling Unit
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FEMA	Federal Emergency Management Agency
FT	Foot or Feet
GIS	Geographic Information System
HUD	US Department of Housing and Urban Development
kV	Kilovolt
kW	Kilowatt
LFO	Livestock Feeding Operation
NDEE	Former Nebraska Department of Environment and Energy
NHHS	Nebraska Department of Health and Human Services
NDNR	Former Nebraska Department of Natural Resources
NDOT	Nebraska Department of Transportation
NDWEE	Nebraska Department of Water, Energy, and Environment (DWEE)
NEMA	Nebraska Emergency Management Agency
NHHS	Nebraska Department of Health and Human Services
NSFM	Nebraska State Fire Marshall
NPDES	National Pollutant Discharge Elimination System

NRCS	Natural Resources Conservation Service
ROW	Right-of-Way or Rights-of-Way
SCS	Solar Conversion System
SF	Square Foot or Square Feet
SY	Square Yard
USC	United States Code
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
WECS	Wind Energy Conversion System
YD	Yard

**Section 2.03 Definitions**

**A**

**ABANDONMENT** shall mean to cease or discontinue a use or activity without demonstrated intent to resume as distinguished from short-term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

**ABUT** shall mean to border on, to be contiguous with or have common property or district lines, , including properties separated by an alley, but not those otherwise separated by a dedicated right-of-way.

**ACCESS or ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Regulation.

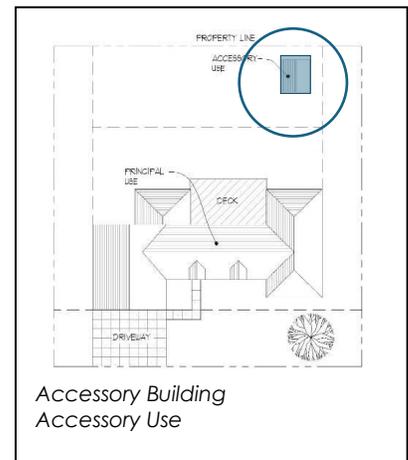
**ACCESSIBILITY RAMP** shall mean a sloped surface for moving individuals with disabilities from one level to the next, provided the slope of the ramp meets the requirements found in the Americans with Disabilities Act (ADA).

**ACCESSORY BUILDING or STRUCTURE** shall mean a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include garages, carports, and storage sheds.

**ACCESSORY DWELLING UNIT (ADU)** shall mean a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

**ACCESSORY LIVING QUARTERS** shall mean living quarters within a building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

**ACCESSORY USE** shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building.



Example of Accessory Dwelling Units

**ACRE** shall mean the unit of measurement equaling 43,560 square feet of area.

**ACREAGE** shall mean any tract or parcel of land, used for residential purposes, that does not qualify as a farm or farmstead.

**ACTIVE RECREATION** shall mean recreational activity requiring physical exertion such as swimming, tennis, soccer, baseball, softball, running and playgrounds.

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

**ADJACENT** shall mean to abut (as defined), and including property separated by a dedicated right-of-way.

**ADULT USE** see Article 9.

**ADVERTISING STRUCTURE** shall mean any structure used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with said Advertising Structure.

**AGENT** shall mean any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

**AGRICULTURAL COOPERATIVE PRODUCTION OR DISTRIBUTION FACILITY:** shall mean any facility owned and operated by a cooperative or other corporation for the purpose of manufacturing, distributing, and storage of fertilizers, herbicides, and grain. This includes the offices, scales, and parking areas necessary for trucks and other vehicles.

**AGRICULTURAL OR FARM BUILDINGS** shall mean any building or structure which is necessary or incidental to the normal conduct of a farming operation, including but not limited to barns, buildings, and sheds for housing livestock, poultry, and farm machinery; buildings for the storage or shelter of grain, hay, and other crops; silos; windmills; and water storage tanks.

**AGRICULTURAL IRRIGATION SYSTEMS** shall mean any artificial means for the delivery of water for agricultural use to dry lands used primarily in the production of crops, which may include, but are not limited to, pivot point/center point systems, gravity (furrow) systems, subsurface drip irrigation systems (SDI), and/or irrigation wells.

**AGRICULTURAL OPERATIONS** shall mean the business of farming, excluding Livestock Feeding Operations as defined.

**AGRICULTURAL PROCESSING AND MANUFACTURING** shall mean the processing of agricultural products after harvest for wholesale or retail sales.

**AGRICULTURAL SALES AND SERVICE** shall mean an establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

**AGRICULTURE** shall mean the use of land to obtain a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or other similar use.

**AGRITOURISM ENTERPRISE** shall mean activities conducted on a working farm or ranch offered to the public for the purpose of recreation, education, or active tourism related involvement in agricultural operations. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with an agricultural operation.

**AIRPORT (AIRFIELD)** shall mean an area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

**AIRPORT HAZARD ZONE** shall mean an area consisting of operation zones, approach zones, turning zones, and transition zones for an airport. The outer boundary of the hazard zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the approach and turning zones.

**AIRPORT, PRIVATE USE** shall mean a privately-owned parcel of land used for take-off and landing of small aircraft which is duly registered with the Nebraska Department of Aeronautics.

**ALL-WEATHER ROAD** shall mean a road currently maintained with a regular placement of gravel or rock as a surface material.



Example of Agricultural Sales and Service

**ALLEY** shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

**ALTERATION** shall mean any change, addition or modification to the construction or occupancy of an existing structure.

**AMENDMENT** shall mean a change in the wording, context, or substance of this regulation, or an addition, deletion or change of the Official Zoning Map.

**AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

**ANAEROBIC DIGESTION:** shall mean a process for digestion of waste in which the waste is digested where free oxygen is not available in sufficient quantities to maintain aerobic digestion.

**ANIMAL, DOMESTIC** see Household Pet.

**ANIMAL HOSPITAL** shall mean a place where animals are given medical care by a Doctor of Veterinary Medicine, and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANIMAL UNIT** shall mean a calculation which converts animals of different species or sizes into equivalent units.

Animal Units (A.U.) are defined as follows:

Type of Animal	Animal Units	Equivalent Number of Animals
Beef Animal (500-1,200 lbs)	1.00	1
Beef or Dairy Calf (150-500 lbs)	0.50	2
Young Dairy Stock (500-1,000 lbs)	0.75	1.25
Dairy Cow	1.40	0.7
Horse	1.00	1
Swine (55 lbs or heavier)	0.40	2.5
Swine (<55 lbs)	0.10	10
Swine (sow and litter)	0.50	2
Sheep/Goat	0.10	10
Chicken/Game Birds (except turkey)	0.01	100
Turkey	0.02	50
Ostrich	0.40	2.5

**ANIMAL WASTE** shall mean any animal excrement, animal carcasses, feed waste, animal wastewater, or other waste associated with the care and feeding of animals.

**ANIMAL WASTEWATER** shall mean any liquid, including rainfall, which comes into contact with any animal excrement, manure, litter, bedding, or other raw material or intermediate or final matter or product used in or resulting from the production of animals or from products directly or indirectly used in any Waste Handling Facility Use, as defined in this regulation, or any spillage or overflow from animal watering systems, when allowed to mix with animal manure, or any liquid used in washing, cleaning, or flushing pens, barns, or manure pits, or any liquid used in washing or spraying to clean animals, or any liquid used for dust control in a confined or intensive animal feeding use.

**ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. See also *Satellite Dish Antenna and Tower*.

**ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.

**APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple-family dwelling arranged, intended or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. See *Dwelling, Multiple*.

**APARTMENT COMPLEX** shall mean a building or buildings containing apartments used as a place of residence for more than two households.

**APARTMENT HOUSE** see *Dwelling, Multiple*.

**APIARY** shall mean a place where bee colonies are kept.

**APPLICANT** shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a conditional use permit, temporary use permit; zoning amendment, variance, or appeal; easement; floodplain, home occupation, sign, or other zoning permit; or certificate of occupancy or other similar administrative permits has been requested. Applicant must be authorized in writing by the legal owner to make any application.



Example of an Apartment Complex

**APPROPRIATE** shall mean fitting the context of the site and the community.

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

**AQUACULTURE** shall mean land and/or buildings devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

**AQUIFER** shall mean a geological unit in which porous and permeable conditions exist and thus are capable of producing usable amounts of water.

**AQUIFER RECHARGE AREA** shall mean an area with soils and geological features conducive to allowing significant amounts of surface water to percolate into groundwater.

**ARBORIST** shall mean an individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

**ARCHERY RANGE** shall mean a facility for target practice with bows and arrows, which may include associated buildings or structures.

**ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.

**ARTISAN PRODUCTION SHOP** shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by less than six artists or artisans, as either a principal or accessory use.

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

**ATTACHED** shall mean a foundation, wall or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

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



Example of Aquaculture  
Source: bing.com

**AUTOMATIC TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

**AUTOMOBILE BODY REPAIR** shall mean the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

**AUTOMOBILE AND MACHINERY REPAIR SHOP** shall mean a building used for the repair of motor vehicles or machinery; when such repair shall be wholly within a completely enclosed building, not including Automobile Body Repair as defined.

**AUTOMOBILE RENTAL AND SALES** shall mean retail sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

**AUTOMOBILE, WHOLESALE, SALES** shall mean an individual or business which buys and sells vehicles in bulk to other businesses or dealerships, exclusive of retail sales directly to consumers.

**AUTOMOBILE SERVICES** shall mean the provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, but excluding dismantling, salvage, or body and fender repair services.

**AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.



Example of a stand-alone ATM

## B

**BALLROOM** shall mean a place or hall used for dancing, other than those listed under the definition of Adult Uses. Ballrooms may also be used for reunions, weddings, and receptions.

**BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. See also *Nightclub* or *Tavern*.

**BASE FLOOD** shall mean the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

**BASE FLOOD ELEVATION** shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

**BASE ZONING DISTRICT** shall mean a district established by this regulation which prescribes basic regulations governing land use and site development standards, in contrast with an Overlay District.

**BASEMENT** shall mean the area of a building having its floor subgrade (below ground level); that portion of a building which has more than one-half of its interior height, measured from floor to finished ceiling below the average finished grade of the ground adjoining the building shall be considered a basement.

**BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**BED AND BREAKFAST INN** shall mean house, or portion thereof, where short-term lodging rooms and meals are provided. The owner/operator of the inn shall live on the premises.

**BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**BEER GARDEN** shall mean a permanent establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food is served.

**BEGINNING OF CONSTRUCTION** shall mean the commencement of site grading and/or preparation of the foundation of any structure.

**BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.

**BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not the interest of the immediate neighborhood.

**BIG BOX RETAIL STORE** shall mean a singular retail or wholesale-to-consumer user who occupies no less than 60,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional retail/wholesale sales market.

**BIO-FUELS AND DISTILLATION MANUFACTURING** shall mean a facility constructed for the purpose of processing a natural product such as corn or soybeans into an alcohol-based fuel/additive.

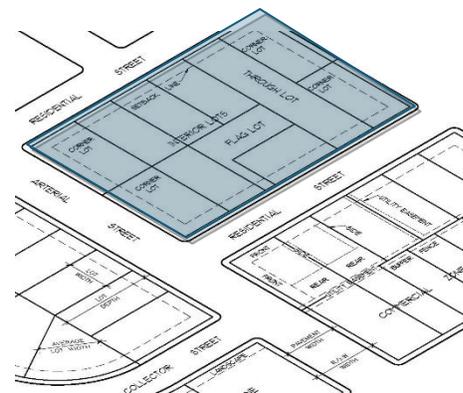
**BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, city or county boundaries, or adjoining property lines.

**BLOCK FRONTAGE** shall mean that part of a block fronting on a street between two intersecting streets or another block boundary.

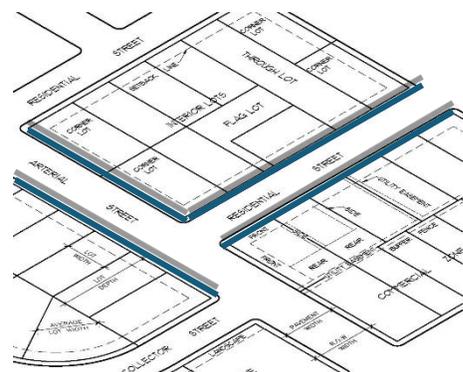
**BOARD OF ADJUSTMENT** shall mean that Board that has been created by the County, and which has the statutory authority to hear and determine appeals from, interpretations of, and variances to the zoning regulations.

**BOARDING OR ROOMING HOUSE** shall mean a building other than a hotel or motel but containing a single dwelling unit and provisions for three but not more than 20 guests, where lodging is provided with or without meals, for compensation.

**BREEZEWAY:** shall mean a roofed open passage connecting two otherwise detached buildings.



Example of a Block



Example of Block Frontage

**BREW-ON PREMISES STORE** shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

**BREW PUB** shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 20,000 barrels of beer or ale annually. The area used for brewing, including bottling and keggering, shall not exceed 25% of the total floor area of the commercial space. See also *Brewery, Craft*.

**BREWERY** shall mean a facility for brewing ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 20,000 barrels of beverage (all beverages combined) annually.

**BREWERY, CRAFT** shall mean a brew pub or a micro-brewery with a Nebraska Craft Brewery License.

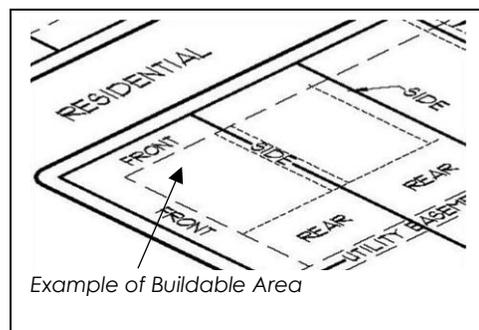
**BREWERY, MICRO** shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 20,000 barrels per year. The development may include other uses such as standard restaurant,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

**BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

**BUFFER AREA** shall mean an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

**BUFFER YARD** shall mean a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**BUILDABLE AREA** shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.



**BUILDING** shall mean any structure built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, including any structural attachments to the roof, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered buildings.

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

**BUILDING CODE** shall mean the adopted codes of the Jefferson County and the State of Nebraska which regulate construction and require building, electrical, mechanical, plumbing or other permits, as well as other codes adopted by the County that pertain to building construction.

**BUILDING COVERAGE** shall mean the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

**BUILDING ENVELOPE** shall mean the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

**BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest point of a gable, hip, or shed roof, measured from the highest adjacent grade.

**BUILDING LINE** shall mean the outer boundary of a building established by the location of its exterior walls.

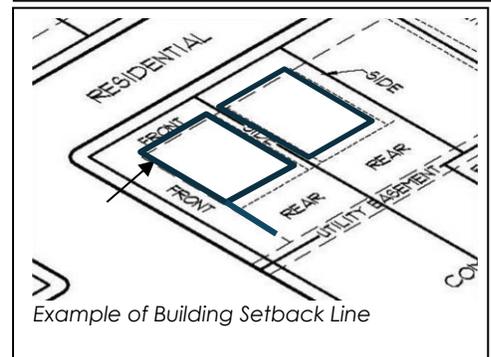
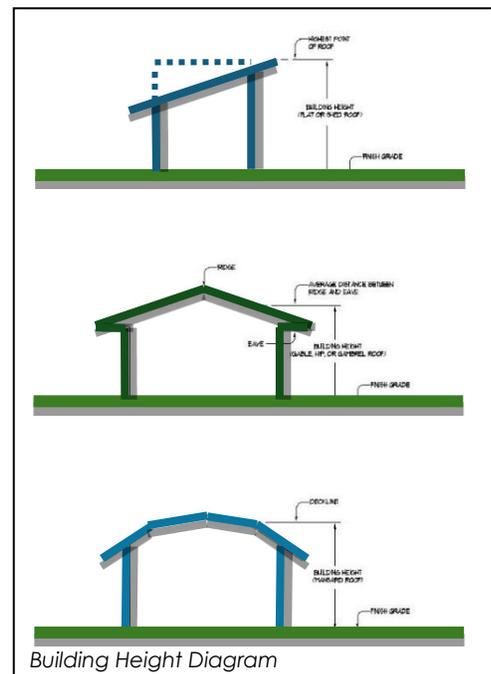
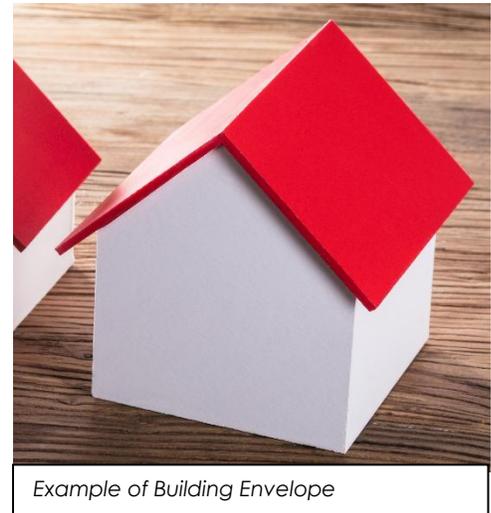
**BUILDING OFFICIAL** shall mean the designee of the County board, responsible for the enforcement of the Building Codes of Jefferson County.

**BUILDING SETBACK LINE** shall mean the required zoning distance between a building and the lot line.

**BULK REGULATIONS** shall mean regulations controlling the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

- (1) maximum height
- (2) maximum lot coverage, and
- (3) minimum size of yard and setbacks.

**BULK MATERIALS** shall mean dry solid substances typically found in power, granular, or lumpy forms, stored in heaps or within silos, such as sand, gravel, and cement.



**BUSINESS** shall mean activities that include the exchange or manufacture of goods or services on a site.

**BUSINESS CENTER** shall mean a building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

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

**BUSINESS SUPPORT SERVICES** shall mean establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

## C

**CABIN** shall mean a small one-story house built and designed for temporary use, with or without a permanent foundation.

**CABIN, HUNTING AND FISHING** shall mean buildings used only during hunting and fishing season as a base for hunting and fishing, and outdoor recreation.

**CAMPER** shall mean any coach, cabin, house trailer, recreational vehicle (RV), or other vehicle or structure intended for or capable of temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. A Camper is not considered a residence.



**CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and recreational vehicles (RVs) for which the primary purpose is recreational and having open areas which are natural in character.

**CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

**CARPORT** shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

**CELLAR** shall mean a building space having less than one-half of its height below the average adjoining grade lines.

**CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

**CERTIFICATE OF OCCUPANCY** shall mean an official certificate issued by the Building Official or his/her designee, upon finding of conformance with the building code and other applicable regulations of the County and authorizing legal use of the premises for which it is issued.

**CHANNEL** shall mean the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

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



Example of a Campground



Example of a Cemetery



Example of a Channel

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

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

**CHURCH, STOREFRONT** shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings, and single-family dwellings.

**CITY LIMITS** shall mean the established corporate boundary of any city or village.

**CLEAR VIEW ZONE** See *Sight Triangle*.

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

**CLUSTERED DEVELOPMENT** shall mean a type of conservation development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

**COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and premade bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

**COMMERCIAL USE** shall mean a use, other than an agricultural use, where goods and services are provided for sale or resale for profit.

**COMMISSION** shall mean the Planning Commission of Jefferson County, Nebraska.

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

**COMMON DEVELOPMENT** shall mean a development proposed and planned as one unified project not separated by a public street or alley.

**COMMON OPEN SPACE** shall mean land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

**COMMUNICATION SERVICES** shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, radio studios, telecommunication service centers, or telegraph service offices.

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

**COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.

**COMPATIBLE USE** shall mean the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

**COMPOST** shall mean decomposed organic material resulting from the composting process. Used to enrich or improve the consistency of soil.

**COMPOSTING (AEROBIC)** shall mean the natural process of decomposing vegetative refuse, manure and other naturally degradable materials using free oxygen which is sufficient in quantity to maintain aerobic digestion.

**COMPOSTING (ANAEROBIC)** shall mean natural process of decomposing vegetative refuse, manure and other naturally degradable materials in large piles where free oxygen is not available in sufficient quantities to maintain aerobic digestion.

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

**CONDITIONAL USE PERMIT (CUP)** shall mean a permit issued by the Planning Commission and County Board which authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6, and any additional conditions placed upon or required by said permit.

**CONDOMINIUM** shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, pursuant to the *Nebraska Condominium Act*, as set forth in Neb. Rev. Stat. §§ 76-825 to 76-894 (R.R.S.1997).

**CONFLICTING LAND USE** shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

**CONFINED ANIMAL FEEDING OPERATION (CAFO)** see *Livestock Feeding Operation*.



Example of an Outdoor Manure Composting Process

**CONGREGATE HOUSING** shall mean a residential facility for four or more persons aged 55 years or over and their spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also, see *Life Care Facility*.

**CONSERVATION** shall mean the management of natural resources to prevent waste, destruction, or degradation.

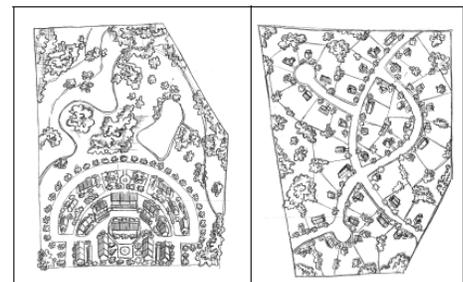
**CONSERVATION AREA** shall mean an area of environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

**CONSERVATION DEVELOPMENT** shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features. See also *Clustered Development*.

**CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

**CONSERVATION SUBDIVISION** shall mean wholly or in majority, a residential subdivision which permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.

**CONSTRUCTION BATCH PLANT** shall mean a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.



*Conservation subdivisions (left) feature smaller lots with a high percentage of open space. Conventional subdivisions (right) feature large lots with little common open space. A conventional subdivision is subject to all of the base zoning district standards, such as minimum lot size, front setbacks, landscaping, and adequacy of public facilities.*

**CONSTRUCTION YARDS** shall mean establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

**CONVALESCENT SERVICES** shall mean a use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

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

**CONVENTIONAL SUBDIVISION** shall mean a subdivision which meets all nominal standards of the Subdivision Regulation for lot dimensions, setbacks, street frontage, and other site development regulations.

**CONTIGUOUS** see *Abut.*

**CORPORATE LIMITS** shall mean all land, structures and open space that has been annexed into a municipality, also known as municipal limits. This does not include the extraterritorial jurisdiction (ETJ) of the municipality.

**COUNTRY CLUB** shall mean the buildings and facilities owned and operated for social and recreational purposes operated by a membership association, customarily around a golf course, which may include, but are not limited to, swimming, tennis, and food and beverage service. See *Recreational Facility*.

**COUNTY** shall mean Jefferson County, Nebraska. Also includes "County Board" or "Governing Body."

**COUNTY ATTORNEY** shall mean the COUNTY Attorney of Jefferson COUNTY or his/her authorized deputy, agent or representative.

**COUNTY BOARD** shall mean the elected Board of County Commissioners of Jefferson County, Nebraska.

**COUNTY ENGINEER** shall mean the County Engineer as hired or appointed by the County Board or his/her authorized deputy, agent or representative.



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

**COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

**COURT, OUTER** shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

**COURTYARD** shall mean an open, unoccupied space, bounded on two or more sides by the walls of the building.

**CREATIVE SUBDIVISION** shall mean a subdivision that, while complying with the Subdivision regulations, diverges from nominal compliance with site development standards in the regulations. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions may include Cluster Subdivisions and New Urban Residential Districts.

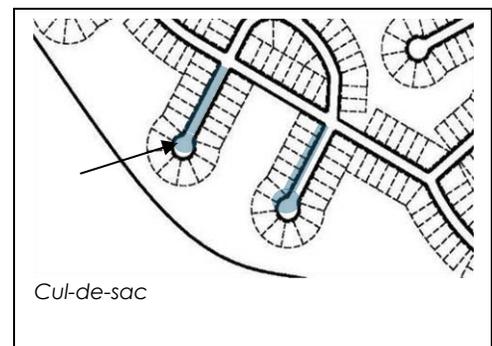
**CROP PRODUCTION** shall mean the raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

**CUL-DE-SAC** shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

**CULTURAL SERVICES** shall mean a library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

**CULVERT** shall mean a pipe, conduit, or similar enclosed structure with appurtenant works which carries surface or stormwater under or through an embankment or fill, roadway, or pedestrian walk, or other structure.

**CURVE LOT** see Lot, Curve.



# D

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

**DATA CENTER** shall mean an establishment primarily involved in compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing mainframe computers and storage devices. This term does not include general business offices, computer-related sales establishments, or business and personal services.

**DATE OF SUBSTANTIAL COMPLETION** shall mean the date certified by the local building inspector or zoning administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

**DEAD ANIMAL DISPOSAL** shall mean disposal of dead animals by methods authorized by law such as rendering, composting, burial, and incineration.

**DECIDUOUS SCREEN** shall mean landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

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

**DEE SITE PLAN** shall mean the site plan or layout diagram on file at DWEE or successor agency for construction of a Livestock Waste Control Facility.

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

**DETACHED** shall mean separated from any other building or not joined to another building in such a manner as to constitute an enclosed or covered connection.



**DETENTION BASIN** shall mean a facility for the temporary storage of stormwater runoff.

**DETENTION FACILITY** shall mean a publicly or privately operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

**DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit, or sign permit.

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

**DEVELOPMENT CONCEPT PLAN** see *Site Plan*.

**DEVELOPMENT REVIEW** shall mean the review, by the County, of new development including site plans, rezoning requests, subdivision plats, or other permit review.

**DISTILLERY** shall mean A Distilled Spirits Plant qualified by 27 CFR Part 19 to conduct distilled spirits operations.

**DISTRICT OR ZONE** shall mean a portion or part of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are established.

**DOG DAY CARE FACILITY** shall mean a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

**DOG KENNEL** see *Kennel, Boarding or Training, and Kennel, Commercial*.

**DOG PARK** shall mean a specifically designated and fenced off for the exercise of canines and other domestic animals.

**DOMESTIC ANIMALS** see *Household Pet*.



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

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

**DRIVE-IN** shall mean any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

**DRIVE-THROUGH** shall mean a building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

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

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

**DUPLEX** see *Dwelling, Two Family*.

**DWELLING** shall mean any building or portion thereof, which is designed and used exclusively for long-term residential purposes, excluding mobile homes. See also *Dwelling Unit*.

**DWELLING, CARETAKER'S RESIDENCE** shall mean an Accessory Dwelling on a nonresidential premises, occupied by the person who oversees the nonresidential operation 24hours a day, and their family.

**DWELLING, CONDOMINIUM** shall mean a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each owner having an undivided interest in the common real estate.



Example of a Drainage way or Surface Drain



Example of a Duplex

**DWELLING, COTTAGE COURT** shall mean a residential form for either renter-occupied or owner-occupied which contains multiple units, likely grouped in pairs around an open space or courtyard.

**DWELLING, COURTYARD BUILDING (MULTI-FAMILY)** shall mean a multi-family residential structure where the units have internal access and are built around an outer or inner courtyard.

**DWELLING, LIVE-WORK UNIT** shall mean a small- to medium-sized attached or detached structure consisting of one dwelling unit above or behind a ground floor space accommodating a non-residential use.

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

Neb. Rev. Stat. §19-902 mandates the County board shall not adopt any zoning regulation which prohibits the use of land for a proposed residential structure for the sole reason the proposed structure is a manufactured home, constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, the Nebraska Uniform Standards for Modular Housing Units Act, or the United States Department of Housing and Urban Development.



Example of Dwelling, Courtyard Building



Example of a Dwelling, Manufactured Home

Source: <http://transportablehomesspecialist.com/>

**DWELLING, MOBILE HOME** shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.



Example of a Dwelling, Mobile Home

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

A prefabricated structure manufactured since 1976 to meet the HUD Code shall not be considered a Mobile Home.

**DWELLING, MODULAR** shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities, pursuant to the *Nebraska Uniform Standards for Modular Housing Units Act*, as set forth in Neb. Rev. Stat. §§ 71-1557 to 71-1568.01 (Cum.Supp.2000). Further, such dwelling must also meet or be equivalent to the construction criteria set forth in the *Nebraska Uniform Standards for Modular Housing Units Act*.



Example of a Dwelling, Modular  
Source: <https://www.claytonhomes.com>

A Modular Dwelling will meet the State Building Code, and is treated as real property the same as a stick-built Residential Dwelling Unit when placed on a foundation.

**DWELLING, MODULAR (HOME SEAL)** shall mean a device or insignia issued by the Nebraska Department of Health and/or Public Service Commission to be displayed on the exterior of the modular housing unit to evidence compliance with state standards.

**DWELLING, MULTIPLE or MULTI-FAMILY** shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.

**DWELLING, MULTIPLE WITH EFFICIENCY UNITS** shall mean a multiple-dwelling building or buildings with dwelling units having only one room exclusive of bathroom, kitchen, laundry, pantry, foyer, closets, or any dining alcove.

**DWELLING, SINGLE FAMILY** shall mean a building having accommodations for or occupied exclusively by one family.

**DWELLING, SINGLE-FAMILY ATTACHED (GROUP, ROW, AND TOWNHOUSES)** shall mean a residential building joined horizontally to another residential building at one or more sides by a party wall or walls.

**DWELLING, TWO FAMILY (DUPLEX)** shall mean a residential building containing two dwelling units.

**DWELLING, TWO FAMILY STACKED** shall mean a residential building with two units stacked one on the other. These can be an older single-family dwelling unit converted into two separate units.

**DWELLING, TRIPLE STACKED** shall mean a residential structure containing three to six units stacked through three stories.

**DWELLING UNIT** shall mean one or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet, and sleeping facilities. Dwelling units shall be attached to a permanent foundation unless otherwise specified.



*Dwelling, Single-family Attached*



*Example of Single-Family Attached*

**DWELLING UNIT, SPECIAL TYPES** shall mean any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that does not meet the typical construction style of traditional stick-framed structures.

1. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of dwelling unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A combination of a dwelling unit and machine shed under a common or connect roofing system.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 400 square feet or less in area. Tiny houses can be either portable on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure is based on one or more tree clusters.



Cargo Container Apartment



Cargo Container Home



Cargo Container Home



Grain Bin Home



Grain Bin Home



Shouse



Shouse



Grain Elevator Apartment



Tiny House



Tiny House



Quonset home



Quonset home



Quonset home



Tree House



Tree House

Dwelling Types

# E

**EASEMENT** shall mean a grant, made by a property owner, to the use of his or her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

**EDUCATIONAL INSTITUTION** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction.

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

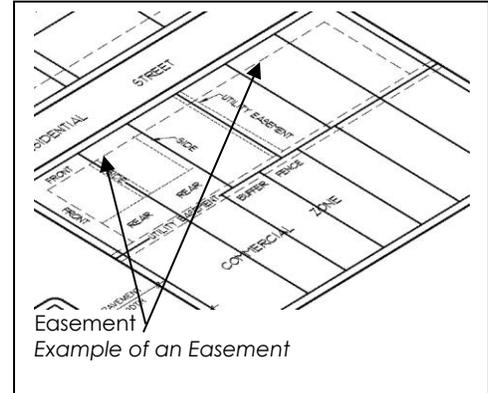
**EFFICIENCY UNIT:** See *Dwelling, Multiple with Efficiency Units*.

**ELECTRIC VEHICLE STATION (EV)** shall mean a commercial fuel station for electric vehicles.

**EMERGENCY RESIDENTIAL SERVICES** shall mean a facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

**ENCROACHMENT** shall mean an obstruction or illegal or unauthorized intrusion into a delineated floodway, right-of-way, or adjacent property.

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



**EQUIPMENT SALES AND RENTAL** shall mean the sale or rental of non-vehicular equipment, including incidental storage, maintenance, and servicing.

**EQUIPMENT REPAIR SERVICES** shall mean the repair of non-vehicular implements, and similar heavy equipment, excluding dismantling, salvage, or body and fender repair services.

**ERECTED** shall mean constructed upon or moved onto a site.

**ETHANOL PLANT** shall mean a facility where the conversion of biomass into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

**EVENTS CENTER** shall mean buildings and associated parking facilities made available to private groups and/or the general public for meetings of a civic, educational, political, religious, or social purpose, such as receptions, dances, entertainment, secondhand merchandise sales, etc., but not including uses defined as an Adult Establishment.

**EVERGREEN OR CONIFEROUS SCREEN** shall mean landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.

**EXOTIC BIRDS OR ANIMALS** shall mean birds or animals not commonly kept domestically or that are not native to Nebraska and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, tigers, cougars, wolves, half-breed wolves, and snakes. Birds in the ratite family, llamas and buffalo or bison shall not be considered as exotic birds or animals.

**EXPANSION** shall mean the enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

**EXTRATERRITORIAL JURISDICTION (ETJ)** shall mean the area beyond the corporate limits of a municipality, in which the State has granted the municipality the power to exercise zoning jurisdiction and building regulations.

# F

**FAÇADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.

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

**FAMILY** shall mean one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 4 of whom may be unrelated. The following persons shall be considered related for the purpose of this title:

1. Persons related by blood, marriage, or adoption.
2. Persons residing with a family for the purpose of adoption.
3. Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
4. Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
5. Person(s) living with a family at the direction of a court.

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

**FAMILY CHILD CARE HOME II** shall mean a childcare operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.



**FARM** shall mean an area containing **at least 20 acres or more** in agricultural use for growing or storage of products such as vegetables, fruit, and grain, as well as for the raising thereon of the farm poultry and farm animals, and which produces \$1,000 or more per year of farms products raised on the premises, in accordance with §23-114.03 Nebraska Revised Statutes.

The term farming includes the operation of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

**FARM RESIDENCE** shall mean a dwelling unit located on a Farm as defined, appurtenant to agricultural operations including the living quarters for persons employed on the premises.

**FARMER'S MARKET** shall mean an occasional or periodic market held in an open area or in a structure where groups of sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second hand goods) dispensed from booths located on-site.

**FEDERAL** shall mean the federal government of the United States of America.

**FEEDLOT, COMMERCIAL** shall mean a lot or building or combination of lots and buildings intended to be used for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure. This definition does not include the pasturing of livestock. See also *Livestock Feeding Operation*.

**FENCE** shall mean a structure serving as an enclosure, barrier or boundary above ground.

**FENCE, INVISIBLE** shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

**FENCE, OPEN** shall mean a fence, including gates, which has 50% or more of the surface area in open spaces, which affords direct views through the fence.

**FENCE, SOLID** shall mean any fence, which does not qualify as an open fence.



Example of a Farmer's Market  
Copyright American Planning Association

**FINANCIAL SERVICES** shall mean the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

**FIREWORKS STAND** shall mean any structure used for the retail sale of fireworks, on a temporary basis.

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

**FLAGPOLE** shall mean a freestanding structure, structure attached to a building, or structure attached to the roof of a building, used for the sole purpose of displaying non-commercial flags and/or banners.

**FLOOD** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any source.

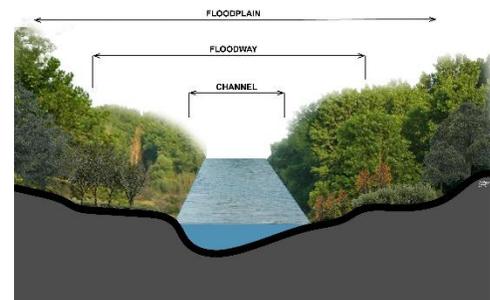
**FLOODPLAIN** shall mean any land area susceptible to being inundated by water from any source.

**FLOOD PROOFING** shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** shall mean the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FLOOR AREA** shall mean the square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

**FOOD SALES** shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.



**FOOT CANDLE** shall mean a unit of illumination. Technically, the illumination of all points one-foot distance from a uniform point source of one candle power

**FOUNDATION** shall mean that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

**FREESTANDING CANOPY** shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

**FRONTAGE** shall mean that portion of a parcel of property that abuts a dedicated public street or highway.

**FUEL STATION** (gasoline station) shall mean a designated facility offering the sale of gasoline, diesel fuel, and/or propane.

**FUEL STORAGE** shall mean tanks used to store fuel either above- or below-ground.

**FUNERAL HOME OR MORTUARY** shall mean a building used for the storage, preparation, and display of the deceased, and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home or mortuary.



## G

**GARAGE, PRIVATE** shall mean a detached accessory building, including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling. Private garages shall not have any sort of repair service facilities or function as a location where motor vehicles are kept for rental or sale.

**GARAGE, PUBLIC** shall mean any garage other than a private garage designed or used for equipment, repairing, hiring, servicing, selling, or storing motor driven vehicles.

**GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. See also *Service Station*.

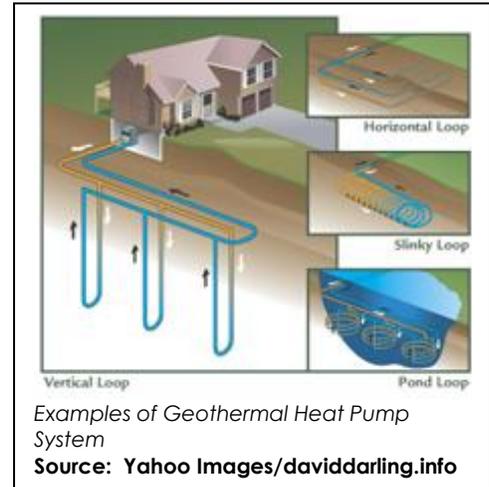
**GARAGE, STORAGE** shall mean a detached accessory building on the same lot as a dwelling, used to house vehicles, recreational vehicles, and other consumables owned by the occupants of the dwelling.

**GARBAGE** shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock. See also *Solid Waste*.

**GENERAL OFFICES** shall mean the Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

**GEOHERMAL HEAT PUMP SYSTEM** shall mean a well, constructed for the purpose of utilizing the geothermal properties of the earth.

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



**GRADE** shall mean the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

1. For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
2. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
3. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

**GRAIN ELEVATOR** shall mean a structure or group of structures whose purpose is limited to the receiving, processing, storage, drying, and transporting of bulk grain.

**GRAPHIC ELEMENT** shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.



Graphic Element

**GREEN ROOF** shall mean a roof covering of vegetation material, typically consisting of the following components: an insulation layer, a waterproof membrane to protect the building from leaks, a root barrier to prevent roots from penetrating the waterproof membrane; a drainage layer, usually made of lightweight gravel, clay, or plastic; a geotextile or filter mat that allows water to soak through but prevents erosion of fine soil particles; a growing medium; plants; and, sometimes, a wind blanket.



Green Roof

**GREEN ROOF, EXTENSIVE** shall mean a green roof system that ranges from as little as one to five inches in soil depth. Extensive green roof systems generally add less load and require less maintenance than intensive green roof systems.

**GREEN ROOF, INTENSIVE** shall mean a green roof system that requires a minimum of one foot of soil depth to create a more traditional rooftop garden, with large trees, shrubs and other manicured landscapes. They are multiple layer constructions, often including elaborate irrigation and drainage systems, adding considerable load to a structure, and requiring intensive maintenance.

**GREENHOUSE** shall mean a building or premises used for growing plants, preparing floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.



Greenhouse

**GREENHOUSE, NONCOMMERCIAL** shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

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



Greenway

**GROSS FLOOR AREA** shall mean the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

**GROUND COVER** shall mean plant material used in landscaping which remains less than 12 inches in height at maturity.

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

**GROUP CARE HOME** shall mean a home, which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide 24-hour care for individuals in a residential setting.

**GROUP HOME** shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having:

1. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or
2. A record of having such an impairment.

**GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

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

## H

**HALF-STORY** shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

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



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

**HEALTH CLUB** shall mean a privately owned recreational facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

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

**HELIPORT** shall mean any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

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

**HOME OCCUPATION** shall mean an “in-home” or “home based” or entrepreneurial enterprise operating from a residential dwelling within Jefferson County’s zoning jurisdiction. Child Care Homes and Child Care Centers are not considered a Home Occupation.

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

**HORTICULTURE** shall mean the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

**HOSPICE** shall mean a facility serving as a medical and residential facility for end-of-life treatment, providing inpatient services and support services for families of the residents and patients.



Example of a Helipad

**HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

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

/

**IMPACT EASEMENT** shall mean an easement or deed restriction, recorded in the office of the County Registrar of Deeds, which runs with the land; which is granted to the owner of an industrial use, a confined or intensive animal feeding use, a waste handling facility use, or other use for the period of time that such use shall exist, by the owners of adjoining or neighboring real property in which it is mutually agreed between the grantor and grantee that the grantor shall hold the grantee harmless from odor, smoke, dust, or other legal impacts associated with such use on the grantor's property when such use is operated in accordance with the terms of such easement or deed restriction.

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

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

**INCIDENTAL USE** shall mean a use which is subordinate to the main use of a premise.

**INDUSTRIAL USES** shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**INDUSTRIAL, GENERAL** shall mean enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

**INDUSTRIAL, HEAVY** shall mean enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

**INDUSTRIAL, LIGHT** shall mean establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, food processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.

**INFILL DEVELOPMENT** shall mean the construction of a building or structure on a vacant parcel located in a predominantly built-up area.

**INFILL SITE** shall mean any vacant lot, parcel or tract of land within developed areas of a municipality and where water, sewer, streets, schools, and fire protection have already been constructed or are provided. a predominately built-up area.



Potential Infill Site

**INFRASTRUCTURE** shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

**INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which is disassembled or wrecked in part or in whole, or is unable to move under its own power; or, (3) is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

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

**INTENSIVE ANIMAL FEEDING OPERATION** see *Livestock Feeding Operation*.

**IRRIGATION FACILITY** shall mean all structures and appurtenant works for the delivery, diversion, and storage of irrigation water; including Irrigation wells, center pivots, well houses, fuel tanks and other agricultural structures utilized for irrigation use.

## J

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

**JUNK YARD** shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. *For motor vehicles, see "Automobile Wrecking Yard"*.

## K

**KENNEL, BOARDING or TRAINING** shall mean a use on any lot or premises in which dogs, cats or any other household pets, at least four months of age, are raised, boarded, bred, or trained.

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

**KENNEL, PRIVATE** shall mean raising, breeding, or boarding four or more dogs or cats, or combination thereof, other household pets, or non-farm/non-domestic animals, without compensation.

## L

**LABORATORY:** See *Technical Office*.

**LAGOON** shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the DWEE and the NHHS. All lagoons shall have the proper permits approved prior to starting construction.

**LANDFILL, CONSTRUCTION MATERIAL** shall mean the use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

**LANDFILL, SOLID WASTE** shall mean the use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the EPA and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

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

**LANDSCAPED AREA** shall mean the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; xeriscaping; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

1. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
2. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

**LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.

**LANDSCAPING/TREE SERVICE** shall mean a business which provides services such as landscaping installation, tree/plant removal, pruning, and arborist services, which may also include diagnosis of pest problems or plant diseases, including the outdoor storage of trees and shrubs but no on-site processing.

**LAUNDRY, SELF SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

**LIFE CARE FACILITY** shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals, culminating in full health, and continuing care nursing home facility. See also *Congregate Housing*.

**LIMITS OF GRADING** shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

**LIQUOR SALES** shall mean establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

**LIVESTOCK FEEDING OPERATION (LFO):** Any agricultural or farming operation in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below.

The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations.

Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other and utilize a common area of system for the disposal of livestock wastes.

Each operation type shall be classified in one of four levels according to total number of A.U. in the operation at any one time. Levels will include:

- Class I Facility = 301-1,000 animal units;
- Class II Facility = 1,001-2,500 animal units;
- Class III Facility = 2,501-5,000 animal units;
- Class IV Facility = 5,001-10,000 animal units;
- Class V Facility = 10,001 or more animal units.

LFOs having more than one type of feeding operation at one location shall be categorized according to the total number of animal units. A farm with 300 animal units or less is considered strictly an Agricultural operation.

**LIVESTOCK SALES** shall mean the use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

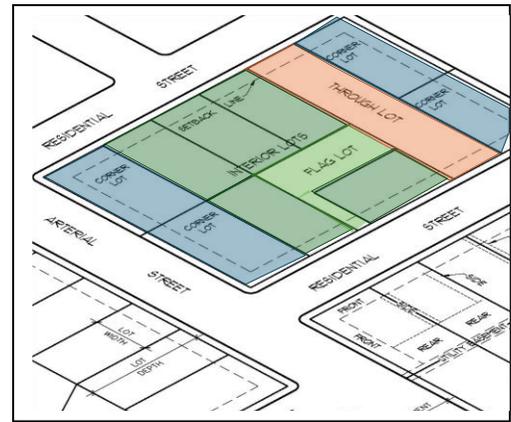
**LIVESTOCK WASTE** shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

**LOADING AREA/SPACE** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.



Example of a Livestock Feeding Operation

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



**LOT, CORNER** shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot".

- The setbacks for a front yard shall be met on all abutting streets.

**LOT, DOUBLE FRONTAGE, or THROUGH** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**LOT, FLAG** shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

**LOT, INTERIOR** shall mean a lot other than a corner lot.

**LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.

**LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

**LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

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

**LOT LINE** shall mean the property line bounding a lot.

**LOT LINE, FRONT** shall mean the property line abutting a street.

**LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

**LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.

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

**LOT OF RECORD** shall mean a lot or parcel of land, the deed to which has been recorded in the records of the County Register of Deeds at the time of the passage of a regulation establishing the zoning district in which the lot is located.

**LOT WIDTH** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at the front yard setback line.

## M

**MANUFACTURED HOME** see *Dwelling, Manufactured Home*.

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

**MANUFACTURING, CUSTOM** shall mean an establishment primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 kW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

**MARIJUANA DISPENSARY** shall mean a place of business where marijuana is dispensed or sold at retail to the public, as may be permitted by Nebraska State Statute, as amended.

**MARIJUANA DISPENSARY, MEDICAL** shall mean a place of business where marijuana is dispensed or sold at retail to qualifying patients and primary caregivers, and for which the Nebraska State regulatory body has issued a dispensary facility permit or license to an applicant in accordance with Nebraska State Statute, as amended.

**MARIJUANA PRODUCTION FACILITY** shall mean a secure facility where the production of marijuana occurs, as may be permitted by Nebraska State Statute, as amended.

**MARIJUANA PRODUCTION FACILITY, MEDICAL** shall mean a secure, indoor facility where the production of marijuana occurs, and which is operated by a person to whom the State of Nebraska regulatory body has issued a producer license in accordance with Nebraska State Statute, as amended.

**MASSAGE PARLOR** shall mean an establishment other than a regularly licensed and established hospital or dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. See also *Adult Uses*.

**MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the County and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities.

**MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**MEDICAL OFFICES** shall mean the use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska.

**MINI-STORAGE OR MINI-WAREHOUSE** see *Self-Service Storage Facility*.

**MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences and walls, kennels, and transformers.

**MIXED USE** shall mean properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

**MIXED USE BUILDING** shall mean a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

**MIXED USE DEVELOPMENT** shall mean a single development that incorporates complementary land use types into a single development.

**MOBILE FOOD UNIT** shall mean a temporary food service establishment that is a vehicle-mounted and is designed to be readily movable.

**MOBILE HOME** see *Dwelling, Mobile Home*.

**MOBILE HOME PARK** see *Manufactured Home Park*.

**MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured or mobile homes used or to be used for dwelling purposes and where manufactured or mobile home spaces are not offered for sale or sold. The terms "manufactured home park" or "mobile home park" do not include sales lots on which new or used manufactured or mobile homes are parked for the purposes of storage, inspection, or sale.

**MANUFACTURED HOME SUBDIVISION** shall mean a tract of land which has been subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured or mobile homes.



Example of Mixed-use Buildings



Example of Manufactured Home Park

**MOTEL** see *Hotel*.

**MOTOR FREIGHT TERMINAL** shall mean a building or area in which freight brought by motor truck is received, assembled or stored and dispatched for routing by motor truck which may include motor truck storage.

**MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled wheelchairs. Motor vehicles shall include self-propelled lawn mowers, golf carts, All Terrain Vehicles (ATVs), and light utility vehicles, as well as similar vehicles powered by an internal combustion engine or other motor.

## N

**NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. See also *Bar*.

**NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.

**NONCONFORMING BUILDING/DEVELOPMENT** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**NONCONFORMING LOT** shall mean a lot which was lawful prior to the adoption, revision, or amendment of this zoning regulation but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning regulation. No action can be taken which would increase the non-conforming characteristics of the lot.

**NONCONFORMING SIGN** shall mean a sign that was legally erected prior to the adoption, revision, or amendment of this zoning regulation but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning regulation.

**NONCONFORMING STRUCTURE** shall mean a structure which was lawful prior to the adoption, revision, or amendment of this zoning regulation but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning regulation. No action can be taken which would increase the nonconforming characteristics of the structure.

**NONCONFORMING USE** shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure or land but is no longer allowed.

**NON-FARM BUILDINGS** shall mean all buildings except those buildings utilized for agricultural purposes on a farm, in accordance with §23-114.03 Nebraska Revised Statutes..

**NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

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



Example of a Nursery

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

## O

**ODOR** shall mean characteristics of a substance or gas which makes it offensive to the human sense of smell and would make the average person likely to change what they are doing to lessen the exposure to the substance or gas.

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

**OFFICIAL ZONING DISTRICT MAP** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the County board.

**ONSITE WASTEWATER TREATMENT SYSTEM (OWTS)** shall mean any system for the collection, storage, treatment, neutralization, or stabilization of sewage that occurs on private property, commonly referred to as a septic system.

**OFF-STREET PARKING AREA** shall mean all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

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

**OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

**OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

**OUTDOOR ADVERTISING** see *Advertising Structure and Sign.*

**OUTDOOR STORAGE** shall mean the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding **three days**.

**OUTDOOR STORAGE CONTAINERS** See *Storage Container, Portable.*

**OVERLAY DISTRICT** shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

**OWNER** shall mean an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

# P

**PACKAGE LIQUOR STORE** shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

**PAINTBALL COURSE** shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit-by-visit basis that allows individuals to participate in paintball activities.

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

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

**PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

**PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

**PARKING LOT** shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

**PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine (9) feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

**PAVED** shall mean permanently surfaced with poured concrete, concrete pavers, or asphalt.

**PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

**PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached. See also *Foundation*.

**PERMANENT STORAGE** shall mean the long-term storage on-site within an accessory building or structure.

**PERMITTED USE** shall mean any land use allowed within a zoning district, with a permit.

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

**PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, municipality, County, special district or any other group or combination acting as an entity, except that it shall not include Jefferson County, Nebraska.

**PERSONAL SERVICES** shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to but including grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

**PET GROOMING** shall mean any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

**PET SHOP** shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

**PLANNING COMMISSION** shall mean the Planning Commission of Jefferson County, Nebraska.

**PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs and other such vegetation.

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

**POLE BUILDING** shall mean a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.

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

**PORCH, UNENCLOSED** shall mean a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

**PORTABLE ON-DEMAND STORAGE FACILITY** shall mean a type of storage service that provides portable storage containers that can be delivered and picked up on demand.

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

**PRESERVATION** shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

**PRESERVATION EASEMENT** shall mean a right, whether stated in the form of an easement, restriction, covenant, or condition in any deed, will, agreement, or other instrument executed by or on behalf of the owner of an interest in real property imposing a limitation upon the rights of the owner or an affirmative obligation upon the owner appropriate to the purpose of preserving the historical, architectural, archaeological, or cultural aspects of real property, or for such other historic preservation purpose as may qualify as a charitable contribution under the Internal Revenue Code.

**PRIME FARMLAND** shall mean land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, as mapped by the USDA Natural Resources Conservation Service (NRCS) or successor agency.

**PRINCIPAL STRUCTURE** shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located.

**PRINCIPAL USE** shall mean the main use of land or structure, as distinguished from an accessory use.

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

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

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

**PUBLIC FACILITY** shall mean any building, location, or structure, owned by a public entity such as the County, a city, library, fire station, public school, park, or other similar facility or use.

**PUBLIC UTILITY** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

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

# Q

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

**QUARRY REHABILITATION** shall mean providing slopes to be covered with a layer of soil and revegetated where practical. It applies to the rehabilitation of all kinds of sand, gravel, and rock excavations to obtain fill or construction materials and from which no further removal of materials is intended, as well as to resource extraction. Rehabilitation is intended to minimize the hazardous and unsightly nature of abandoned pits, and if practical, to return the area to some productive use.

**QUARTER SECTION** shall mean portion of a square section of land, as defined by the definitions and requirements of the Survey of Public Lands of the United States, which has approximately equal dimensions on all four (4) sides, has two (2) intersecting sides which coincide with two (2) intersecting section lines and contains approximately one-fourth (1/4) of the land area contained within a square section of land.

**QUONSET** shall mean a lightweight prefabricated structure of corrugated galvanized steel with a semi-circular or hoop shaped cross-section.

# R

**RECREATION, INDOOR** shall mean a facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.

**RECREATION, OUTDOOR** shall mean a facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

**RECREATIONAL FACILITY** shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, pickleball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museum, amphitheater, theater, race track (including all motor powered vehicles), wildlife conservation areas (used for public viewing), and theme parks.



An Aerial of a Mining and Mineral Extraction Site and Quarry  
Source: Google Earth

**RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

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

**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 The facility is not junkyard.

**RECYCLING COLLECTION** shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

**RECYCLING PROCESSING** shall mean any site which is used for the processing of any postconsumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

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

**REMOTE PARKING** shall mean a supply of off-street parking at a location not on the site of a given development.

**RENEWABLE ENERGY** shall mean energy sources including wind, solar power, biomass, and hydropower, that can be regenerated.

**RENEWABLE RESOURCE** shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

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

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

**RESTAURANT, DRIVE-IN** shall mean a restaurant establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

**RESTAURANT, ENTERTAINMENT** shall mean a restaurant establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

**RESOURCE EXTRACTION** shall mean a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.

**RETAIL SALES** shall mean establishments engaged in selling of goods or merchandise to the general public for personal or household consumption.

**RETAIL SERVICES** shall mean establishments engaged in selling of goods or merchandise including household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

**RETENTION BASIN** shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.

**RETIREMENT RESIDENCE FACILITY** shall mean a building or group of buildings which provide residential facilities for more than four residents of at least sixty-two years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence facility may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

**REZONING** shall mean an amendment to or change in the zoning regulations either to the text or map or both.

**REZONING, PIECEMEAL** shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

**RIGHT-OF-WAY** shall mean a strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

**ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. *See also Right-of-way and Street.*

**ROAD, PUBLIC** shall mean all public rights-of-way reserved or dedicated for street or road traffic. *See also Right-of-Way and Street.*

**ROOM** shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

# S

**SALVAGE SERVICES** shall mean places of business engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms.

**SAND OR GRAVEL PIT** shall mean land used for the extraction of sand and/or gravel for public and/or commercial use.

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

**SANITARY TRANSFER STATION** shall mean a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

**SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves. See also *Antenna*.

**SAWMILL** shall mean an establishment primarily engaged in one or more of the following: (1) sawing dimension lumber, boards, beams, timber, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts; (2) sawing round wood poles, pilings, and posts; or (4) chipping or mulching of wood. Also known as a *Lumber Mill*. See also *Wood Preservation Treatment*.



Aerial of a Sand and Gravel Operation



Aerial view of a Sanitary Landfill

**SCHOOL, BUSINESS OR TRADE** shall mean a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

**SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age, whether licensed as a day care center or not. Such shall be approved by the Nebraska State Fire Marshall as being in conformance with safety provisions pursuant to the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

**SCREENING** shall mean a structure or planting that conceals from public view the area behind such structure or planting.

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

**SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

**SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

**SEPTIC SITE** shall mean the area bounded by the dimensions required for the proper location of the septic tank system. See also OWTS.

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

**SETBACK** shall mean the minimum distance, as prescribed by this regulation, measured from the edge of the eve or other similar building component located closest to the lot line.

**SETBACK LINE, FRONT YARD** see *Yard, Front*

**SETBACK LINE, REAR YARD** see *Yard, Rear*

**SETBACK LINE, SIDE YARD** see *Yard, Side*

**SHORT-TERM RENTALS** shall mean any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

**SHOUSE:** see *Dwelling Unit, Special Types.*

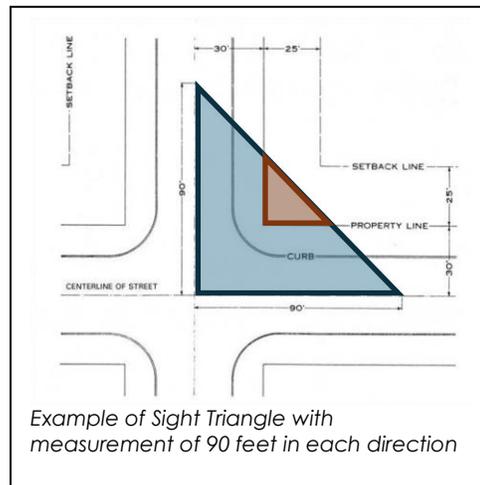
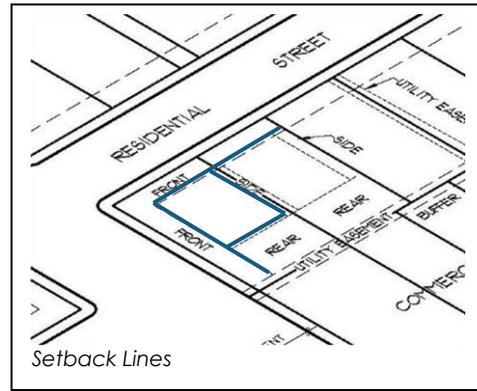
**SHRUB** shall mean a multi-stemmed woody plant other than a tree.

**SIGHT TRIANGLE** is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.

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

**SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

**SITE** shall mean the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under the special and overlay districts provisions of this regulation.



**SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

**SKATE, IN-LINE** shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

**SKATE PARK** shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for the use with skateboards and in-line skates.

**SKATEBOARD** shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

**SKATEBOARD RAMP** shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

**SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

**SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

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

**STABLE AND/OR RIDING ACADEMIES** shall mean the buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

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

**STOCKPILING** shall mean the accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one year.

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

**STORAGE CONTAINER, PORTABLE** shall mean any container that can be loaded onto the chassis of a semi-trailer for the purpose of hauling materials and commodities. Portable storage (cargo) containers are intended to be used as a load on-site and haul-off for shipping and storage off-site. Another name for these containers is *Portable On-Demand Storage*.

**STORM DRAIN** shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

**STORMWATER DETENTION** shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**STORMWATER MANAGEMENT** shall mean the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

**STORMWATER RETENTION AREA** shall mean an area designed by a licensed professional engineer and approved by the County to retain water to control the flow of stormwater.

**STORMWATER RUNOFF** shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

**STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.



Storage Container

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

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

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

**STREET, COURT** shall mean an approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

1. Serves twelve or fewer housing units or platted lots.
2. Does not function as a local street because of its alignment, design, or location.
3. Is completely internal to a development.
4. Does not exceed 600 feet in length.

**STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

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

**STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

**STREET, MAJOR** shall mean a street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.

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

**STREET, SIDE** shall mean that street bounding a corner or reversed corner lot, and which extends in the same general direction as the line determining the depth of the lot.

**STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.

**STREET FRONTAGE** shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

**STREET, FRONTAGE ACCESS** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

**STREET HARDWARE** shall mean man-made objects other than buildings that are part of the streetscape. Examples include but are not limited to lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

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

**STREETSCAPE** shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

**STRIP COMMERCIAL CENTER** shall mean a commercial development, usually one store deep, fronting a major street, including one or more buildings with on-site parking. Each tenant shall meet the requirements of this regulation as they occupy the premises, including use, signage, and parking.

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

**STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

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

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

**SURPLUS SALES** shall mean businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

**SWIMMING POOL, PRIVATE** shall mean a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

## T

**TANNING STUDIO** shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

**TATTOO PARLOR/BODY PIERCING STUDIO** shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

**TAVERN** see *Bar*.

**TAXIDERMY SERVICES** shall mean an operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.

**TECHNICAL OFFICE FOR RESEARCH AND DEVELOPMENT** shall mean an office with indoor laboratory and research facilities.

**TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use otherwise.

**TERRACE** shall mean a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

**THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other recreational performance, for admission to which entrance money is received and limited audience participation or meal service.

**TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. *See also Antenna.*

**TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance in a group of three or more units where the unit and land are in the ownership of the same owner, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**TRACT** shall mean a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

**TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

**TREE COVER** shall mean an area directly beneath the crown and within the dripline of the tree.

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

**TRUCK STOP** shall mean a facility providing fuel and services to the motoring public, focused on large trucks, including gas/EV fueling, vehicle repair, car/truck wash, restaurants, motels, and/or overnight parking, on an integrated site.

**TRUCK WASH** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

## U

**UPPER STORY HOUSING** shall be defined as one or more dwelling units located above the first floor where allowed within a commercial district.

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

**USE** shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

**USE, CONDITIONAL** shall mean a use allowed in a particular zoning district, upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning regulation and authorized by the approving agency.

**USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

**USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

**UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

**UTILITY EASEMENT** see *Easement*.

**UTILITY HARDWARE** shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

**UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION SYSTEM OF"** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall include all lines and appurtenances carrying a primary voltage from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

**UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE"**, or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

**UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

## V

**VALUE** shall mean the estimated cost to replace a structure in kind, based on current replacement costs.

**VARIANCE** shall mean a relief from or variation of the provisions of this regulation, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

**VEGETATION** shall mean trees, shrubs, and vines.

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

**VEHICLE, MOTOR:** see *Motor Vehicle*.

**VEHICLE STORAGE** shall mean storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

**VEHICLE STORAGE, LONG TERM** shall mean storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

**VENDING MACHINE** shall mean any unattended self-service device that, upon insertion of a coin, coins, tokens, debit and/or credit cards or by similar means, dispenses food, beverage, goods, rental materials, wares, merchandise, or services.

**VENDING MACHINE, REVERSE** shall mean an automated mechanical device that accepts at least one or more types of empty beverage containers, including but not limited to aluminum cans and glass or plastic bottles and that issues a cash refund or a redeemable credit, provided that the entire process is enclosed within the entire machine. A reverse vending machine may be designed to accept more than one container at a time, paying by weight instead of the container.

**VETERINARY SERVICES** shall mean services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

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

# W

**WAIVER** shall mean relinquishment of specified conditions, as identified where defined in these Zoning Regulations.

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

**WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**WAREHOUSING (ENCLOSED)** shall mean uses including storage, warehousing, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

**WAREHOUSING (OPEN)** shall mean uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards, open storage.

**WASTEWATER LAGOON** see *Lagoon*.

**WATERCOURSE** shall mean natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. Includes waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

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

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

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

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

**WIRELESS COMMUNICATION TOWER** shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

## X

**XERISCAPING** shall mean the practice of designing landscapes to reduce or eliminate the need for irrigation. Xeric landscapes typically feature the use of native vegetation which is drought-tolerant or low water-use in character.



Example of Xeriscaping  
Source: Google Images

# Y

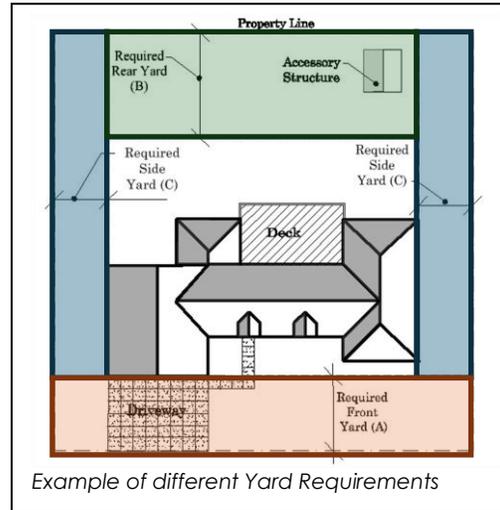
**YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.

**YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or right-of-way, and extending the full width of the lot. See also *Lot Frontage*.

**YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

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

**YARD, STREET SIDE** shall mean the side yard along a street for a corner lot, which shall be considered a front yard unless otherwise provided herein.



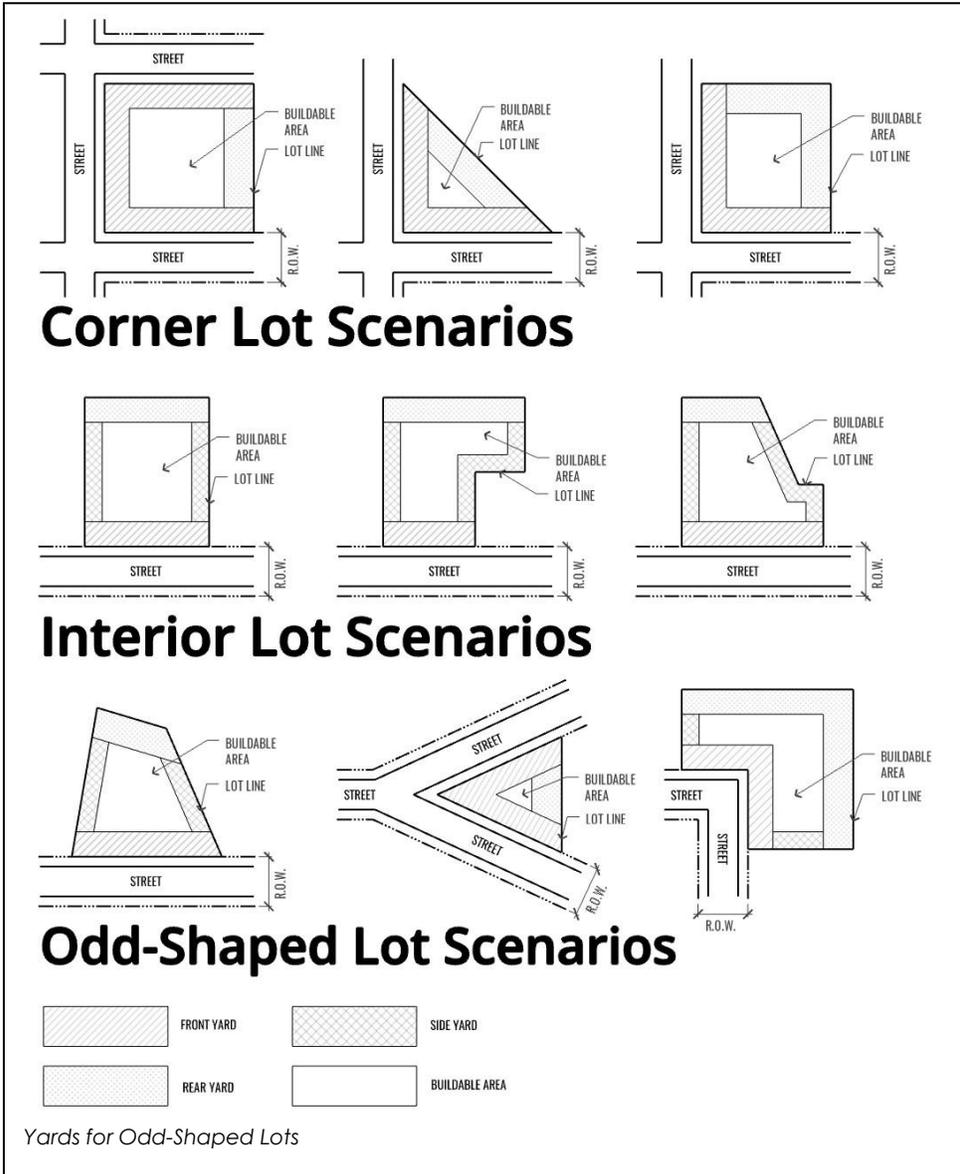
# Z

**ZONING ADMINISTRATOR** shall mean the person or persons authorized and empowered by the County to administer and enforce the requirements of this chapter.

**ZONING DISTRICT** see *District*.

**ZONE MAP AMENDMENT** shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the County.

**ZOO** shall mean a use where two or more wild animals are kept for pleasure, breeding, or exhibit with a fee required or donations solicited, and which may include accessory retail or service uses for patrons. See also *Agritourism*.



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## Article 3: Districts and Official Map

### **Section 3.01      Districts**

In order to regulate and restrict the height, location, size and type of buildings, structures and uses, and for the purpose of these Regulations, the jurisdictional area defined in Section 1.03 is hereby divided into districts.

### **Section 3.02      Provision for Official Zoning Map**

- 3.02.01      The county is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map shall be identified by the signature of the Chair, attested by the County Clerk, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Resolution No. \_\_\_\_\_ of Jefferson County, Nebraska", together with the date of the adoption of this Resolution. If, in accordance with the provisions of this Resolution, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Commissioners".
- 3.02.02      In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Board of Commissioners may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.
- A.      The new Official Zoning Map shall be identified by the signature of the Chair, attested by the County Clerk and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted Month Date, Year, Resolution No \_\_\_\_\_ of Jefferson County, Nebraska." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

### **Section 3.03      Districts: Boundaries and Official Zoning Map**

The areas and boundaries of such districts are hereby established as shown on the Official Zoning Map, and said Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these Regulations. The Official Zoning Map shall be identified by the signature of the Chair of the Board of County Commissioners, attested by the County Clerk and bear the seal of the County. The Official Zoning Map shall be the final authority as to the current zoning status of land, water areas, buildings and structures.

**Section 3.04 Rules for Interpretation of District Boundaries on the Official Zoning Map**

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

## Article 4: General Provisions

### **Section 4.01 Zoning Affects Every Building and Use**

No structure or land shall hereafter be used or reused, and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any non-conforming structure damaged or destroyed may be restored in conformance with Article 11 of this regulation.

### **Section 4.02 Lot**

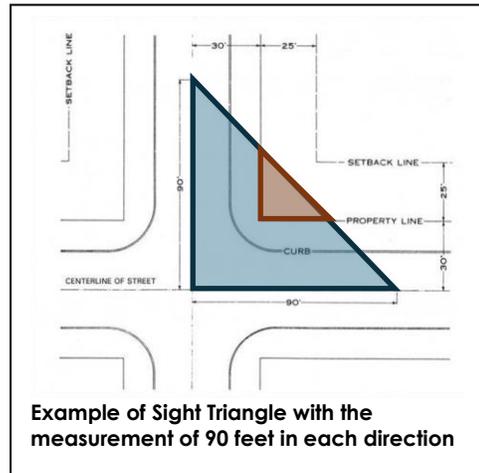
- 4.02.01 Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot or lot of record.
1. No site may be further developed without a public street, or approved private street or access easement, constructed to Jefferson County standards.
  2. Only non-residential agricultural structures may be built without an improved public access.
- 4.02.02 In no case shall there be more than one principal building on a lot unless otherwise provided.
1. More than one principal building may be located upon a lot or tract in the following instances, as part of a site plan review through a Conditional Use Permit (CUP) recommended by the Planning Commission and approved by the County board.
    - A. Public, Civic, and Institutional buildings
    - B. Multiple residential structures on a single lot within the permitted density
    - C. Manufactured and Mobile homes as part of a Manufactured Home Park
    - D. Commercial or Industrial buildings
- 4.02.03 Multiple non-residential agricultural buildings may be located on a lot or tract in an agricultural zoning district.
- 4.02.04 Any non-agricultural Principal Structure shall be attached to a permanent foundation, in conformance with the State-adopted Building Code, unless waived by the Zoning Administrator.
- 4.02.05 Minimum Maintenance Roads.  
After a county road has been classified by the County Board as a minimum maintenance road, or is an unimproved road, no zoning permits for livestock facilities, residential dwellings, mobile home, or manufactured home, shall be issued on any property adjoining such classified road; unless an agreement is made between the applicant and County Board.

### **Section 4.03 Reductions in Lot Area Prohibited**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area, lot width, building area, or other requirements of this Regulation are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**Section 4.04 Obstructions to Vision at Road Intersections**

- 4.04.01 A "Sight Triangle" as defined herein shall be maintained at every road or street intersection.
- 4.04.02 Nothing shall be erected or planted in such a manner as to materially impede vision between a height of three feet and 10 feet above the grades of the centerline of the intersecting street or road, from the point of intersection 90 feet in each direction measured along the centerline of the streets or roads.
- 4.04.03 At the intersection of Arterial roads, the distance shall be increased to 120 feet for each Arterial leg of the intersection.
- 4.04.04 The requirements of this section shall not apply to agricultural crops in agricultural zoning districts.

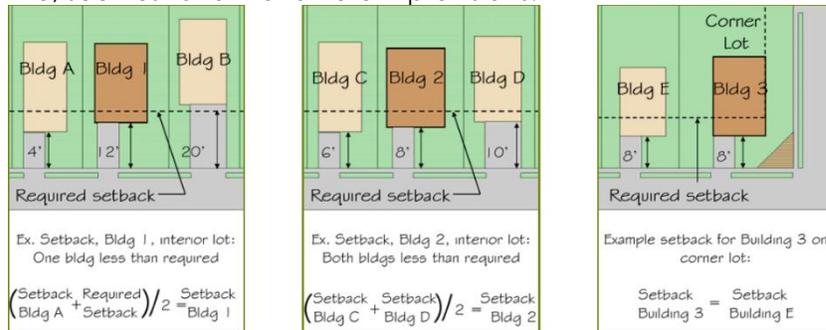


**Section 4.05 Yard Requirements (Setbacks)**

- 4.05.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side, and rear yards (setbacks) shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
  1. No part of a yard, or other open space, or off-street parking or loading space, required in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading space required for another building and or lot.
  2. Unless otherwise specified, setbacks shall be measured from property lines.
  3. On Double Frontage Lots, the required front yard shall be provided on each road.
- 4.05.02 No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements herein.
- 4.05.03 Yards adjacent to a different use
  1. Any yard for a non-residential use located within any commercial or industrial zoning district, which is adjacent to any residential use or district, shall be increased to at least 50 feet and shall contain landscaping and planting suitable to provide effective screening

## 4.05.05 Waivers

1. The Zoning Administrator may permit a waiver in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that
  - A. More than 40% of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Regulation, and
  - B. A minority of such structures have observed or conformed to an average setback line, see illustration for different provisions:

**Section 4.06 Permitted Obstructions in Required Yards**

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

## 4.06.01 All Yards:

- Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade, within minimum requirements of the Americans with Disabilities Act (ADA), which are necessary for access to a permitted building or for access to a lot from a street or alley.
- Approved freestanding signs outside utility easements
- Arbors and trellises
- Awnings and canopies projecting six feet or less into the yard
- Bay windows projecting three feet or less into the yard
- Chimneys projecting 24 inches or less into the yard
- Eaves, cornices, and other similar architectural features not more than two feet into the yard
- Egress windows and bulkhead enclosures
- Fences or walls subject to applicable height restrictions
- Flag poles;
- Off-street parking spaces (open air, no cover)
- Playground and other recreational equipment
- Window air conditioners projecting not more than 18 inches into the yard

## 4.06.02 Rear and Side Yards:

- Open or screened porches, platforms, or terraces not over three feet above the average adjoining ground level, including roofed porch.
- Outside elements of central air conditioning systems;
- Clotheslines;

## 4.06.03 Irrigation Equipment:

1. Irrigation equipment—pivot points, pivot systems, power units, pumps, power unit shelters, etc. must be placed outside of State and County road and railroad rights-of-ways and easements; however, this equipment is exempt from setbacks.
2. At any intersection of any public roadways, the setbacks in Section 4.04 shall apply to any and all irrigation equipment.
3. All pivots which could pivot onto any public roadway shall be equipped with a constructed pivot stop so that the wheels of the pivot closest to the roadway come no closer than one (1) feet to the right-of-way line.

## **Section 4.07      Fences**

- 4.07.01      Fences and walls up to six feet in height shall be permitted in any required yard, or along the edge of any yard, provided that within any required front yard, no solid fence, wall or hedge shall be over four feet in height.
1. In commercial and industrial zoning districts, fences and walls may be constructed to eight feet; however such fences or walls shall be no closer than 25 feet to a county road.
  2. No fence or hedge shall obscure the required corner sight triangle.  
(See Section 4.04.)
- 4.07.02      All fences shall be maintained in good repair.
1. No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
  2. No fence shall be erected or maintained to limit or obstruct the flow of water in a natural drainage course.
  3. Fence Construction on Utility Easements: Any fence erected on an easement for any water, sanitary or storm sewer, gas line, electric power, telephone or other utility poles, or other cables or lines shall be designed and construed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request of the owner of the easement whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.
- 4.07.03      Screening for Junkyards (see also Section 9.06)
1. Junkyards (salvage or wrecking yards) shall be screened with an eight-foot-high opaque, solid fence, brick wall, or earth berm so as to provide visual and aural separation between such use and adjacent areas.
  2. Junkyards (salvage or wrecking yards) located next to railroad right-of-way shall have a 10-foot-high opaque, solid fence, brick wall, or earth berm on the property line common to the railroad right-of-way.
- 4.07.04      Screening for Extractive Industries  
All extractive industries, such as mines and quarries, shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and noise separation between such use and adjacent areas.
- 4.07.05      Screening for Livestock
1. All holding, or incineration areas of dead livestock shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and noise separation between such use and adjacent areas.

**Section 4.08 Accessory Structures and Uses**

- 4.08.01 No accessory building or structure shall be constructed on a lot without a principal building or structure.
1. In no event shall a portable storage container be used as permanent storage/accessory building except as provided in Section 4.14 of this regulation.
- 4.08.02 Requirements for Accessory Structures
1. No detached accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.
  2. No accessory buildings or structures shall be constructed in a required yard.
    - A. No accessory building shall be erected in or encroach upon the required front yard on a corner lot or the front yard of a double frontage lot.
  3. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
  4. When a detached garage or other outbuilding is built at a lesser setback than required for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances.
- 4.08.03 Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:
1. The carport shall be anchored to the ground.
  2. A carport with more than two sides covered shall be considered a garage.
  3. Shall meet all minimum setbacks.

**Section 4.09 Modifications of Height Regulations**

- 4.09.01 The height limitations of this Regulation shall not apply to:
- |                                  |   |
|----------------------------------|---|
| Air-Pollution Prevention Devices | Grain Elevators                                 |
| Agricultural structures          | Meteorological equipment                        |
| Belfries                         | Ornamental Towers and Spires                    |
| Chimneys                         | Public Monuments                                |
| Church Spires                    | Radio/Television Towers less than 125 feet tall |
| Conveyors                        | Silos   |
| Cooling Towers                   | Smokestacks                                     |
| Cupolas                          | Stage Towers or Scenery Lots                    |
| Fire Towers                      | Tanks   |
| Flag Poles                       | Water Towers and Standpipes                     |
- 4.09.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

#### **Section 4.10 Standards for Manufactured Homes on Individual Lots**

- 4.10.01 When the following standards are met, a Manufactured Home must be considered to meet the definition of a stick-built Residential Dwelling Unit in conformance with Neb. Rev. Stat. §19-902:
- A. The home shall have no less than 800 s.f. of floor area, above grade.
  - B. The home shall have no less than an 18 ft exterior width.
  - C. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run.
  - D. The exterior material shall be of a color, material, and scale comparable with existing site-built, single-family residences.
  - E. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock. However, standing seam roofs are allowable if non-reflective.
  - F. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed, and
  - G. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
  - H. The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

#### **Section 4.11 Occupancy of Basements and Cellars**

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, and any required emergency egress requirements as required per state and life-safety codes.

#### **Section 4.12 Drainage**

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

#### **Section 4.13 Swimming Pools**

- 4.13.01 All above-ground (over three feet in height) or in-ground swimming pools constructed within the zoning jurisdiction of the County shall be constructed in compliance with all state and federal codes.

## **Section 4.14 Temporary Structures and Uses**

- 4.14.01 The Zoning Administrator shall issue temporary permits for temporary uses as designated in Section 5.04, **not to exceed 180 days** in duration unless otherwise provided herein, including:
1. Construction site offices, if located on the construction site itself, and buildings to be constructed and used for storage incidental to construction of buildings on the property, while construction remains active.
  2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home.
  3. Construction Batch Plants, provided that:
    - A. No plant may be located within 600 feet of a developed residential use, park, or school.
    - B. Hours of operation do not exceed 12 hours per day.
    - C. The duration of the plant's operation does not exceed 180 days, but may be extended by the Zoning Administrator if unforeseen circumstances have delayed the project.
  4. Christmas tree or other holiday-related merchandise sales lots.
  5. Fireworks stands outside a permanent structure.
  6. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
  7. A Storage (cargo) Container placed on any lot in a residential zone district.
- 4.14.02 Required Conditions of All Temporary Uses
1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
  2. The Zoning Administrator may refer the temporary use permit to the Planning Commission if there may be conditions necessary to ensure compatibility with surrounding land uses.
- 4.14.03 Permit Application and Issuance
1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
  2. The duration of the permit shall be explicitly stated on the permit approval.

**Section 4.15 Prohibited Uses**

All uses which are not specifically permitted or are not permissible as a Conditional Use throughout each district of this Regulation are prohibited until such time as the Regulation is amended accordingly.

**Section 4.16 Fees**

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

## Article 5: Zoning Districts

### **Section 5.01      Districts: Use**

- 5.01.01      For the purpose of this regulation, Jefferson County is hereby divided into districts, designated as follows and shown on the Official Zoning Map:
1. The following districts are agricultural districts:
    - (A-1)    Agriculture District
    - (AGR-2) Agricultural Residential District
    - (TA-3)   Transitional Agriculture District
  2. The following districts are residential districts:
    - (RE)    Residential Estates District
  3. The following districts are mixed use, commercial and industrial districts:
    - (T-1)    Townsite
    - (C-1)    Commercial District
    - (I-1)    General Industrial District
- 5.01.02      There shall also be established Overlay Zoning Districts as necessary, with certain additional requirements where the requirements of the base zoning districts set out in Section 5.01.01 may or may not be altered:
- (AHO)    Airport Hazard Overlay District
  - (RM)     Residential Manufactured Home District
  - (WHPO)   Wellhead Protection Overlay District
  - (FHO)    Flood Hazard Overlay District

*(See also Article 3 Districts and Official Map.)*

### **Section 5.02      Land Use Categories Matrix Explanation**

- 5.02.01      The Matrix found in Section 5.04 of this Regulation is a listing of uses that may be allowed within each Zoning District.
1. The different uses are grouped into specific “Land Use Categories”.
  2. The “Land Use Categories” are listed in each of the Zoning Districts in lieu of specific uses. It is important to note, if a “Land Use Category” is listed within a specific Zoning District, it DOES NOT indicate every use in the “Land Use Category” is allowed within the specific District.
- 5.02.02      The different uses within the Land Use Matrix in Section 5.04 (following) are:
- Exempt from Permits (E)
  - Permitted (P),
  - Allowed upon approval of a Conditional Use Permit (C),
  - Temporary (T), or
  - Not permitted (-).

- 5.02.03 The following steps are used to determine which specific uses are allowed in which Zoning District.
1. Find the Land Use Type matching the proposed use.
  2. Look across the table and determine which of the Zoning Districts in which it may be allowed.
  3. Check any special criteria for the use(s) by referring to the specific District.
  4. Check where the specific Zoning Districts are by reviewing the Official Zoning Map.
  5. Check the necessary procedures to receive required permits when the property in question is in the control of the Applicant.
  6. The Zoning Administrator makes the final use determination, subject to appeal.
    - A. The US Census Bureau's North American Industry Classification System (NAICS) should be used as a resource to classify different types of Land Use.
- 5.02.04 The Table in Section 5.04 also lists Accessory Uses which may be allowed or not allowed in any specific Zoning District. The Accessory Use listing can be found at the end of the Table.

**Section 5.03      Annexation Rule**

- 5.03.01 Annexation of land to any incorporated municipality within or adjoining Jefferson County, Nebraska, shall remove such land from the jurisdiction of this Resolution and any legal extension of any zoning jurisdictional area boundary by any such municipality shall remove such land from the jurisdiction of this Resolution.
- 5.03.02 Should any municipality de-annex lands, rescinds or shrinks their ETJ, such property newly within the jurisdiction of the County shall be considered to be Zone TA-3 Transitional Agriculture District

**Section 5.04 Land Use Categories/Matrix**

E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary "-" = not permitted  Overlay District and Floodplain regulations shall also be met.		(A-1) Agriculture District (AGR-2) Agricultural Residential (TA-3) Transitional Agriculture District (RE) Residential Estates District (T-1) Townsite District (C-1) Commercial District (I-1) Industrial District							
Use Category	Use Type	Land Use District							Additional Requirements
		A-1	AGR-2	TA-3	RE	T-1	C-1	I-1	
<b>Agriculture &amp; Horticulture Uses</b>									
	Agricultural buildings for general ag use	P	P	P	P	P	P	P	
	Agricultural operations, other than LFOs	E	E	E	E	E	E	E	
	Agritourism Enterprise	C	C	C	-	C	P	-	
	Aquaculture	P	P	P	-	-	P	P	
	Class I Livestock Feeding Operation (LFO)	P	P	P	-	C	P	P	Section 9.24
	Class II Livestock Feeding Operation (LFO)	P	P	C	-	-	C	P	Section 9.24
	Class III, IV, V Livestock Feeding Operation (LFO)	C	C	-	-	-	-	C	Section 9.24
	Community Gardens	E	E	E	E	E	E	E	
	Composting of sludge or other by-products from municipalities and/or industrial operations inside the county	P	C	-	-	-	-	C	
	Composting of sludge or other by-products from municipalities and/or industrial operations outside the county	C	C	-	-	-	-	C	
	Conservation Easement	C	C	C	C	C	C	C	Section 9.17
	Crop Production	E	E	E	E	E	E	E	
	Disposal of paunch animal waste	C	C	-	-	-	-	-	Section 9.25
	Horses and other non-commercial livestock	E	E	E	E	E	E	E	
	Irrigation facilities	E	E	E	E	E	E	E	
	Livestock for 4-H purposes as a Secondary use	E	E	E	E	E	E	E	
	Tree farms and forestry	E	E	E	E	-	E	E	
	Vineyard	E	E	E	E	-	E	E	
<b>Agricultural Sales &amp; Service</b>									
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution - commercial use	C	C	C	-	-	C	C	
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for on-farm use	E	E	E	-	E	E	E	
	Agricultural Cooperative Production/Distribution Facility	C	C	C	-	C	C	C	Section 9.04
	Agriculture feed mixing and blending, seed sales, and grain handling operations (wholesale)	P	P	P	-	P	P	P	
	Agriculture feed mixing and blending, seed sales, and grain handling operations (retail)	C	C	C	-	C	P	P	
	Agricultural implement & vehicle sales and service	P	P	P	-	P	P	P	
	Agricultural research farm	P	P	P	-	P	P	P	
	Equestrian centers and stables	P	P	P	-	-	P	C	
	Livestock sales	P	C	C	-	C	C	P	
	Winery	P	C	C	-	C	P	P	
<b>Residential Living</b>									
	Dwelling, Single-Family Detached	P	P	P	P	P	P	-	
	Mobile Home Dwelling	P	-	-	-	P	-	-	Section 5.16
	Manufactured Home Dwelling (HUD Code)	P	P	P	P	P	C	-	Section 4.10
	Manufactured Home Dwelling for employees	P	P	P	P	C	C	C	
	Secondary Single-Family/Two-family dwelling	C	C	C	-	-	-	C	
	Attached, Two-family/Duplex (2 units)	P	P	P	P	P	C	-	
	Attached, Two-family Stacked (2 units)	C	C	C	C	P	C	-	
	Attached, Single-family dwelling (up to 4 units)	C	C	C	C	C	C	-	
	Attached, Single-family dwelling (5+ units)	-	-	-	-	C	C	-	
	Dwellings, Cottage Court	-	-	-	-	C	C	-	
	Dwelling, Live-Work Unit (as defined)	C	P	P	C	P	C	C	



E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary "-" = not permitted  Overlay District and Floodplain regulations shall also be met.		(A-1) Agriculture District (AGR-2) Agricultural Residential (TA-3) Transitional Agriculture District (RE) Residential Estates District (T-1) Townsite District (C-1) Commercial District (I-1) Industrial District							
Use Category	Use Type	Land Use District							Additional Requirements
		A-1	AGR-2	TA-3	RE	T-1	C-1	I-1	
<b>Public Parks &amp; Open Space</b>									
	Arboretums	P	P	P	P	P	P	P	
	Athletic fields	P	P	P	P	P	P	P	
	Campground (public)	C	C	C	C	C	C	C	Section 9.13
	Nature centers	P	P	P	P	P	P	P	
	Parks, trails, picnic areas, & playgrounds	E	E	E	E	P	P	P	
	Public pools and/or water parks	P	P	P	P	P	P	-	
<b>Public/Private Utilities &amp; Communication Services</b>									
	Battery Energy Storage Systems, Tier 2	C	C	-	-	C	C	C	Section 10
	Oil & natural gas facilities	C	C	C	-	-	C	C	
	Pipelines	C	C	C	C	C	C	C	
	Public works facilities incl. storage/maintenance	P	P	P	P	P	P	P	
	Solar Conversion System (CSCS), Commercial	C	C	-	-	C	C	C	Section 10
	Wireless telecommunication facilities - new tower	C	C	C	C	C	C	C	Section 9.21
	Wireless telecommunication facilities - collocated	P	P	P	P	P	P	P	Section 9.21
	Commercial Wind Energy Conversion Systems (CWECs) – Commercial/Utility Scale	C	C	-	-	C	C	C	Section 10
<b>Animal Care</b>									
	Animal hospital/veterinarian	C	C	C	C	P	P	P	
	Animal Shelter	C	C	C	-	C	P	P	
	Kennel boarding or training	C	C	C	-	-	P	P	
	Kennel, commercial	C	C	C	-	-	P	P	
	Kennel, private	P	C	C	C	-	C	P	
	Pet cemetery	P	P	P	P	-	P	P	
	Pet crematorium	C	C	C	-	-	C	C	
	Pet grooming and training	P	P	P	C	P	P	P	
<b>Business and Household Services</b>									
	Building maintenance & cleaning services	C	C	P	-	P	P	P	
	Copying, printing, mailing, & packaging services	C	C	P	-	P	P	P	
	Lawn, garden & yard maintenance services	C	C	P	-	C	P	P	
	Locksmiths and key duplication	C	C	P	-	P	P	P	
	Pest control services	C	C	P	-	C	P	P	
	Small appliances & household equipment repair	C	C	P	-	P	P	P	
<b>Financial Services</b>									
	Banks	C	C	P	-	P	P	-	
	Automatic Teller Machine (ATM)	C	C	P	-	P	P	-	
	Brokerages	C	C	P	-	P	P	-	
	Credit Unions	C	C	P	-	P	P	-	
	Insurance offices	C	C	P	-	P	P	-	
	Financial advisory services	C	C	P	-	P	P	-	
	Specialty loan services	C	C	C	-	C	C	-	
<b>Food And Beverage Services</b>									
	Banquet/reception facility	C	C	C	-	P	C	-	
	Bar or tavern	C	C	C	-	P	C	C	
	Brew-on Premises Store	C	C	-	-	P	P	C	
	Brewery	C	C	-	-	C	C	C	
	Brew pub	C	C	-	-	P	C	C	
	Craft Brewery (Commercial)	C	C	-	-	P	C	C	
	Distillery	C	C	-	-	C	C	C	
	Micro-brewery (Commercial)	C	C	-	-	P	C	C	
	Catering service	C	C	C	-	P	C	C	
	Coffee houses, coffee shops	C	C	C	-	P	P	C	

E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary "-" = not permitted		(A-1) Agriculture District (AGR-2) Agricultural Residential (TA-3) Transitional Agriculture District (RE) Residential Estates District (T-1) Townsite District (C-1) Commercial District (I-1) Industrial District							
Overlay District and Floodplain regulations shall also be met.		Land Use District							
Use Category	Use Type	A-1	AGR-2	TA-3	RE	T-1	C-1	I-1	Additional Requirements
	Coffee kiosks	C	C	-	-	C	P	C	
	Restaurants – Indoor seating	C	C	C	-	P	P	C	
	Restaurants – Outdoor seating	C	C	C	-	C	C	-	
	Restaurants – Drive-In	C	C	C	-	C	C	-	Section 7.07
	Roadside stands	T	T	T	T	T	T	T	Section 9.15
	Mobile Food Units	T	T	T	T	T	T	T	Section 9.14
<b>General Commercial</b>									
	Antiques and collectables shop	C	C	P	-	P	P	-	
	Art galleries and studios	C	C	P	-	P	P	-	
	Artisan production shop	C	C	P	-	P	P	-	
	Business Center	C	C	P	-	P	P	P	
	Clothing & accessories	C	C	P	-	P	P	-	
	Computer hardware/software sales	C	C	P	-	P	P	-	
	Dance studios & schools	C	C	P	-	P	P	-	
	Electronic/appliance sales & service	C	C	P	-	P	P	-	
	Equipment sales/storage/rental	C	C	P	-	P	P	-	
	Equipment repair services	C	P	P	-	P	P	P	
	Fabric and sewing supply stores	C	C	P	-	P	P	-	
	Farmer's Market	P	P	P	P	P	P	P	
	Florists	C	P	P	-	P	P	P	
	Food store (specialty) including bakeries, butchers (no slaughter on-site), delicatessen	C	C	C	-	P	P	P	
	Funeral homes and mortuaries, including crematoriums	C	C	C	-	C	P	P	
	Garden center	P	P	P	C	P	P	P	
	General retail	C	C	P	-	P	P	P	
	Grocery	C	C	C	-	P	P	P	
	Hardware store	C	C	P	-	P	P	P	
	Lawn and garden equipment sales and service	C	C	P	-	P	P	P	
	Photographic equipment & supplies	C	C	P	-	P	P	P	
	Pottery store	C	C	P	-	P	P	P	
	Secondhand store, thrift or consignment store	C	C	P	-	P	P	P	
	Self-services laundry and Laundromat	C	C	C	-	C	P	P	
	Taxidermy Services	C	P	P	-	P	P	P	
<b>Special Commercial</b>									
	Auction sales (other than Livestock sales)	C	C	C	-	P	P	P	
	Barber Shop or Hairdresser	P	P	P	C	P	P	P	
	Big Box Retail Store	-	-	-	-	C	C	C	
	Commercial greenhouses	P	P	P	C	P	P	P	
	Concrete and cinder block sales	C	C	C	-	C	P	P	
	Convenience store	C	C	C	-	C	C	C	
	Fencing dealers	C	C	C	-	C	P	P	
	Fireworks stands	C	C	C	-	P	P	P	
	Firearms and ammunition sales	C	C	C	C	C	C	C	
	Heating and cooling sales and services	C	C	C	-	C	P	P	
	Liquor stores/sales	C	C	C	-	C	P	P	
	Monument sales	C	C	C	-	C	P	P	
	Motels and hotels	C	C	C	-	C	C	C	
	Nursery, retail sales	P	P	P	C	P	P	P	
	Piercing Studio	C	C	C	-	-	P	P	
	Tanning Salon	C	C	C	-	P	P	P	
	Tattoo Parlor	C	C	C	-	-	P	P	
<b>Medical Uses</b>									
	Acupuncture offices	C	C	C	-	P	P	-	
	Chiropractor offices	C	C	C	-	P	P	-	
	Dental offices incl. orthodontics	C	C	C	-	P	P	-	
	Hospital	C	C	C	-	P	P	C	
	Massage therapy	C	C	C	-	P	P	-	

E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary "-" = not permitted  Overlay District and Floodplain regulations shall also be met.		(A-1) Agriculture District (AGR-2) Agricultural Residential (TA-3) Transitional Agriculture District (RE) Residential Estates District (T-1) Townsite District (C-1) Commercial District (I-1) Industrial District							
Use Category	Use Type	Land Use District							Additional Requirements
		A-1	AGR-2	TA-3	RE	T-1	C-1	I-1	
	Medical offices and clinics	C	C	C	-	P	P	-	
	Marijuana Dispensary, Medical	-	-	-	-	-	-	-	
	Marijuana Production Facility, Medical	-	-	-	-	-	-	-	
	Optical sales & services	C	C	C	-	P	P	-	
	Rehabilitation facilities including out-patient services	C	C	C	-	P	P	-	
<b>Office Uses</b>									
	Accountant and investment counseling	C	C	C	-	P	P	-	
	Business offices	C	C	C	-	P	P	P	
	Consultant offices	C	C	C	-	P	P	P	
	Lawyer/Attorney offices	C	C	C	-	P	P	P	
	Photographic studios	C	C	C	-	P	P	P	
	Real Estate offices	C	C	C	-	P	P	P	
	Utility and telephone company offices	C	C	C	-	P	P	P	
<b>Recreational Commercial</b>									
	Amusement arcade	C	C	C	-	P	P	C	
	Bowling alley	C	C	C	-	P	P	C	
	Events Center	C	C	C	-	P	C	-	
	Golf courses, public & private	C	C	C	C	-	C	-	
	Golf driving ranges	C	C	C	C	-	P	C	
	Miniature golf courses	C	C	C	-	P	P	C	
	Paintball Course	C	C	C	C	-	C	C	
	Recreational facility, Indoor	C	C	C	C	C	C	C	
	Recreational facility, outdoor	C	C	C	C	C	C	C	
	Recreational Vehicle (RV) Park/Campground	C	C	C	C	C	C	C	Section 9.13
	Shooting Range, Gun Range, or Archery Range	C	C	C	-	-	C	C	
	Shooting Sports (Archery or Gun Club) Indoors	C	C	C	-	C	C	C	
	Special Events	T/ C	T/ C	T/ C	-	T/ C	T/ C	T/ C	Section 9.30
	Zoo	C	C	C	-	-	C	C	
<b>Auto Services/ Commercial</b>									
	Auto body repair	C	C	C	-	C	P	P	Section 7.07, 9.05
	Automotive/machinery repair shop	C	C	C	-	C	P	P	Section 7.07, 9.05
	Automobile/truck sales, rental & leasing	C	C	C	-	C	P	P	Section 9.05
	Automobile/truck wash, self-services or automatic (car wash)	C	C	C	-	C	P	P	Section 7.07, 9.05
	Gasoline/EV filling stations	C	C	C	-	C	C	C	Section 7.07
	Motor home dealers	C	C	C	-	-	P	P	Section 9.05
	Motorcycle dealers, incl. moped and scooters	C	C	C	-	C	P	P	Section 9.05
	Muffler sales & services	C	C	C	-	C	P	P	Section 7.07, 9.05
	Recreational vehicle sales & rentals	C	C	C	-	C	P	P	Section 9.05
	Transmission repair shops	C	C	C	-	C	P	P	Section 7.07, 9.05
	Travel trailer dealers	C	C	C	-	C	P	P	Section 9.05
	Vehicle Storage	C	C	C	-	C	P	P	Section 9.05
	Vehicle Storage, Long-term	C	C	C	-	C	P	P	Section 9.05
	Trailer, RV, & boat storage	C	C	C	-	C	P	P	Section 9.05
<b>Adult Uses</b>									
	Adult Entertainment	P	P	P	-	-	P	P	Section 9.19
<b>Warehousing &amp; Storage</b>									
	Fireworks storage	C	C	C	-	-	C	P	
	Mini-warehousing & self-service storage	C	C	C	-	C	C	P	Section 9.07
	Motor Freight Terminals	C	C	C	-	-	C	P	
	Outdoor Storage	C	C	C	-	-	C	P	Section 9.05
	Portable on-demand storage (PODS) facility	C	C	C	-	C	P	P	Section 9.08

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Use Category	Use Type	Land Use District							Additional Requirements
		A-1	AGR-2	TA-3	RE	T-1	C-1	I-1	
	Wholesale distribution and warehouse	C	C	C	-	C	P	P	
	Warehousing (enclosed)	C	C	C	-	C	P	P	
	Warehousing (open)	-	-	-	-	-	C	P	
<b>Contractors, Contractor Yards, Storage &amp; Supply</b>									
	Bulk materials or machinery storage (enclosed)	C	C	C	-	C	P	P	
	Carpenters	P	P	C	-	C	P	P	
	Carpet & rug cleaning plants	-	-	-	-	-	-	P	
	Construction batch plants	C	C	C	-	C	P	P	
	Construction yards incl. offices & equipment storage yards excl. heavy machinery	/T	/T	/T	-	/T	P	P	
	Construction yards excl. heavy machinery	C	C	C	-	C	P	P	
	Electricians	P	P	C	-	C	P	P	
	Heating & ventilating contractors	P	P	C	-	C	P	P	
	Masons & bricklayers	P	P	C	-	C	P	P	
	Plumbers	P	P	C	-	C	P	P	
	Septic services and tank cleaning	C	C	C	-	C	P	P	
	Trade shops (incl. cabinet makers)	C	C	C	-	C	P	P	
	Well Drilling	C	C	C	-	C	P	P	
<b>Large Contracting/ Materials Manufacturing</b>									
	Asphalt contractors	C	C	C	-	-	C	P	
	Concrete block manufacturing	C	C	C	-	-	C	P	
	Concrete contractors	C	C	C	-	-	C	P	
	Concrete products	C	C	C	-	-	C	P	
	Excavating contractors	C	C	C	-	-	C	P	
	Heavy construction companies	C	C	C	-	-	C	P	
	Highway/street construction contractors	C	C	C	-	-	C	P	
	Manufactured housing fabrication	C	C	C	-	-	C	P	
	Prefabricated buildings & components manufacturing	C	C	C	-	-	C	P	
	Wrecking & demolition contractors	C	C	C	-	-	C	P	
<b>Food Processing</b>									
	Bakery Products Manufacturing	C	C	C	-	C	C	P	Section 9.04
	Beverage Blending and Bottling (Except Breweries)	C	C	C	-	C	C	P	Section 9.04
	Butcher or Meat Locker with on-site slaughter	C	C	C	-	C	C	P	Section 9.04
	Coffee, Tea and Spice Processing and Packaging	C	C	C	-	C	C	P	Section 9.04
	Creamery and Dairy Operations	C	C	C	-	C	C	P	Section 9.04
	Dairy Products Manufacturing	C	C	C	-	C	C	P	Section 9.04
	Egg Processing Plants	C	C	C	-	C	C	P	Section 9.04
	Pet Food Processing	C	C	C	-	C	C	P	Section 9.04
<b>Mining &amp; Excavation</b>									
	Brick, firebrick, and clay products manufacturing	C	C	C	-	-	C	C	Section 9.04
	Monument & architectural stone manufacturing	C	C	C	-	-	C	C	Section 9.04
	Quarry or Sand/Gravel Pit	C	C	-	-	C	C	C	Section 9.16
<b>Metal Manufacturing</b>									
	Agriculture machinery manufacturing	C	C	C	-	C	P	P	Section 9.04
	Culvert manufacturing	C	C	C	-	C	P	P	Section 9.04
	General metals manufacturing	C	C	C	-	C	P	P	Section 9.04
	Welding	C	C	C	-	C	P	P	Section 9.04
	Wire Rope and cable manufacturing	C	C	C	-	C	P	P	Section 9.04

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Use Category	Use Type	Land Use District							Additional Requirements
		A-1	AGR-2	TA-3	RE	T-1	C-1	I-1	
<b>Waste Handling</b>									
	Landfill, Construction Material	C	-	-	-	-	-	C	
	Landfill, Solid Waste	C	-	-	-	-	-	C	
	Junkyard or Salvage Yard	C	-	-	-	-	-	C	Section 9.06
	Recycling Center	C	C	C	-	C	C	C	
	Recycling Processing	C	-	-	-	C	C	C	
	Sanitary Transfer Station	C	C	C	-	C	C	C	
<b>General Manufacturing</b>									
	Agricultural Processing (other than Food)	C	C	C	-	C	P	P	Section 9.04
	Electronics manufacturing	C	C	C	-	C	P	P	Section 9.04
	Machinery manufacturing	C	C	C	-	C	P	P	Section 9.04
	Millwork manufacturing	C	C	C	-	C	P	P	Section 9.04
	Musical instruments manufacturing	C	C	C	-	C	P	P	Section 9.04
	Tool, die, gauge and machine shops	C	C	C	-	C	P	P	Section 9.04
	Other manufacturing	C	C	C	-	C	P	P	Section 9.04
<b>Manufacturing (High Hazard)</b>									
	Biofuels and Distillation Manufacturing, including Ethanol	C	C	C	-	-	-	C	Section 9.04 and 9.20
	Data Center	-	-	-	-	-	C	C	Section 9.23
	Grain Elevator and Storage Facilities	C	C	C	-	C	P	P	
	Wind turbine manufacturing	C	C	C	-	-	C	C	Section 9.04
	Wood Preserving Treatment	C	C	C	-	-	-	C	Section 9.04
<b>Accessory Uses (See Section 4.07)</b>									
	Amateur radio and tower transmitter (Shortwave and Ham operations) up to 75 feet in height	P	P	P	P	P	P	P	Section 9.22
	Amateur radio and tower transmitter (Shortwave and Ham operations) over 75 feet in height	C	C	C	C	C	C	C	Section 9.22
	Barns	P	P	P	P	P	P	P	
	Battery Energy Storage Systems (BESS) Tier 1	E	E	E	E	E	E	E	Section 10.02
	Bins, silos, grain storage	P	P	P	-	P	P	P	
	Dwelling, Accessory	P	P	P	P	C	-	-	Section 9.09
	Dwelling, Caretaker's Quarters	P	P	P	-	P	P	P	
	Dwelling, Special Types (ADU-accessory to Principal structure)	C	C	C	C	C	P	P	Section 9.10
	Decks, gazebos, patios (elevated or on-grade)	P	P	P	P	P	P	P	
	Drive-Throughs	-	-	-	-	C	P	P	Section 7.07
	Fences	E	E	E	E	E	E	E	Sections. 4.04, 4.06, 4.07
	Firearms and ammunition sales (home-based)	C	C	C	C	C	C	C	Section 9.01 and 9.02
	Freestanding canopy	P	P	P	P	P	P	P	
	Fuel tanks and dispensing equipment	P	P	P	-	P	P	P	
	Garage, Private and Storage	P	P	P	P	P	P	P	Section 4.08
	Carports (fixed or portable)	P	P	P	P	P	P	P	Section 4.08
	Greenhouses, Non-commercial	E	E	E	E	E	E	E	
	Home Occupations	P	P	P	P	P	P	-	Section 9.01 and 9.02
	Home-based Businesses	P	P	P	P	P	P	-	Section 9.01 and 9.02
	Household pets	P	P	P	P	P	P	P	
	Roadside Produce Stand (Accessory to Principal use)	P	P	P	P	P	P	-	Section 9.15
	Storage shed (fixed or portable)	P	P	P	P	P	P	P	
	Storage (cargo/semi-trailer) Container	P	P	P	T	P	P	P	Section 9.08
	Swimming pool	P	P	P	P	C	C	C	Section 4.13
	Tennis courts	P	P	P	P	P	P	P	
	Solar Conversion System, Individual (ISCS)	P	P	P	P	P	P	P	Section 10.03
	Small Wind Energy Conversion System (SWECS)	C	C	C	C	C	P	P	Section 10.04

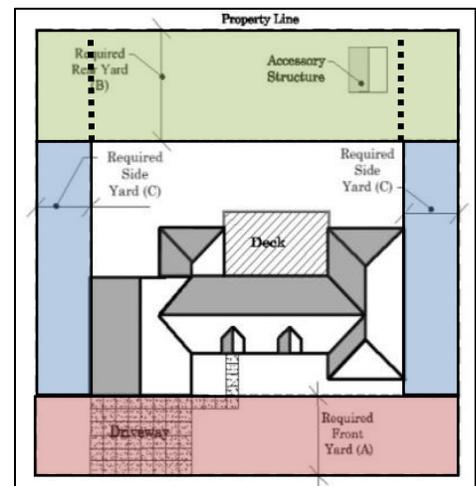
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Use Category	Use Type	Land Use District							
		A-1	AGR-2	TA-3	RE	T-1	C-1	I-1	Additional Requirements
	Vending Machines	C	C	C	C	C	P	P	
	Vending Machine, Reverse	-	-	-	-	C	P	P	

**Section 5.05 A-1 Agriculture District**

- 5.05.01 Intent:  
The A-1 Agriculture District is established to provide for the preservation of lands best suited for agricultural uses of all types including commercial feeding of livestock and related uses. The A-1 District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits, and other natural resources, and to protect these uses from incompatible land uses.
- 5.05.02 Permitted Uses:  
Permitted Uses are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. All other uses not specifically permitted other than conditional uses are prohibited.
- 5.05.03 Conditional Uses:  
Conditional Uses are allowed according to the table in Section 5.04, as recommended by the Planning Commission and approved by the County Board.
- 5.05.04 Temporary Uses:  
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.14.
- 5.05.05 Accessory Uses and Structures:  
Accessory uses and structures are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. See also Section 4.08.
- 5.05.06 Height and Lot Requirements:  
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Building Coverage (%)
Agricultural Structures other than LFOS	3.0	300	25	10	10	-	-
Dwellings	10.0	300	50	50	50	-	-
Other Permitted Uses	10.0	300	50	50	50	-	-
Conditional Uses	10.0	300	50	50	50	-	-
Accessory Structures	-	-	50	50	50	-	-

\* Front/rear/side yard setback shall be 83 feet from the centerline of a County Road or shall be 50 feet when abutting any other platted street, road, or highway. See also Section 4.05.05 Waivers.



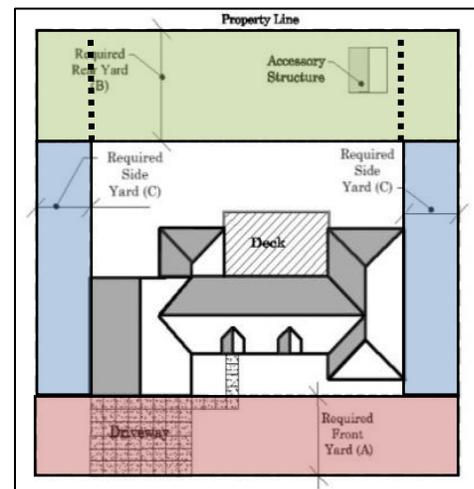
- 5.05.07 Other Applicable Provisions:
1. The maximum density for residential dwelling in this A-1 District is:
    - A. A maximum of four dwelling units per Public Land Survey System (PLSS)  $\frac{1}{4}$ -**section.**
    - B. All non-farm structures must be located on an improved all-weather county road (above minimum maintenance road).
  2. Irrigation equipment shall be located in conformance with Section 4.06.03 above.
  3. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.
- 5.05.08 Impacts of Agricultural Uses on Residential Uses:
1. Jefferson County has reflected in its Comprehensive Plan and these Zoning Regulations to support intensive agricultural practices in the A-1 District and therefore, all persons seeking to construct a new dwelling in the A-1 District shall do so only after making application for a zoning permit for a dwelling to 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.
- 5.05.09 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:
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 this regulation.
  2. Non-farm Single family, ranch and farm dwellings on an improved all-Weather county road (above minimum maintenance road), including manufactured 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.

**Section 5.06 AGR-2 Agricultural Residential District**

- 5.06.01 Intent:  
The AGR-2 Agricultural Residential District is established to provide for low-density, acreage residential development in selected rural areas with reasonable access to major roads. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard-surfaced roads.
- 5.06.02 Permitted Uses:  
Permitted Uses are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. All other uses not specifically permitted other than conditional uses are prohibited.
- 5.06.03 Conditional Uses:  
Conditional Uses are allowed according to the table in Section 5.04, as recommended by the Planning Commission and approved by the County Board.
- 5.06.04 Temporary Uses:  
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.14.
- 5.06.05 Accessory Uses and Structures:  
Accessory uses and structures are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. See also Section 4.08.
- 5.06.06 Height and Lot Requirements:  
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Building Coverage (%)
Agricultural Structures other than LFOS	3.0	250	25	10	10	-	-
Dwellings	3.0	250	25	25	25	35	-
Other Permitted Uses	3.0	250	25	25	25	35	-
Conditional Uses	3.0	250	25	25	25	35	-
Accessory Structures	-	-	25	25	25	35	-

\* Front/rear/side yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway. See also Section 4.05.05 Waivers.



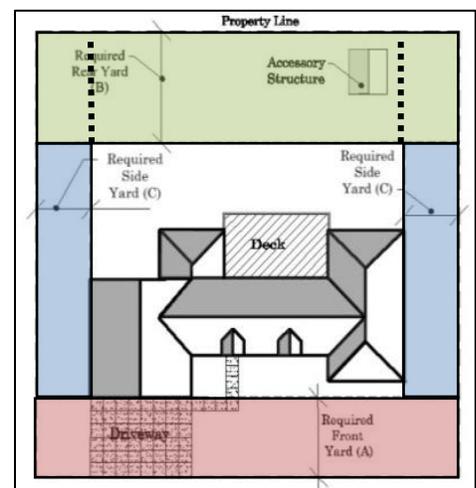
- 5.06.07 Other Applicable Provisions:
1. All non-farm structures must be located on an improved all-weather county road (above minimum maintenance road).
  2. Irrigation equipment shall be located in conformance with Section 4.06.03.above.
  3. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.
- 5.06.08 Impacts of Agricultural Uses on Residential Uses:
1. Jefferson County has reflected in its Comprehensive Plan and these Zoning Regulations to support intensive agricultural practices in the AGR-2 District and therefore, all persons seeking to construct a new dwelling in the AGR-2 District shall do so only after making application for a zoning permit for a dwelling to 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.

**Section 5.06 TA-3 Transitional Agriculture District**

- 5.06.01 Intent:  
The TA-3 Transitional Agriculture District is established for the purpose of preserving agricultural resources which are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry. As these areas are typically located outside the identified growth areas for any urban community, the district is designed to limit urban sprawl and protect agricultural operations.
- 5.06.02 Permitted Uses:  
Permitted Uses are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. All other uses not specifically permitted other than conditional uses are prohibited.
- 5.06.03 Conditional Uses:  
Conditional Uses are allowed according to the table in Section 5.04, as recommended by the Planning Commission and approved by the County Board.
- 5.06.04 Temporary Uses:  
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.14.
- 5.06.05 Accessory Uses and Structures:  
Accessory uses and structures are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. See also Section 4.08.
- 5.06.06 Height and Lot Requirements:  
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)#	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Building Coverage (%)
Agricultural Structures other than LFOS	3.0	150	25	10	10	-	-
Dwellings	3.0	150	25	25	25	35	-
Other Permitted Uses	3.0	150	25	25	25	35	-
Conditional Uses	3.0	150	25	25	25	35	-
Accessory Structures	-	-	25	25	25	35	-

- # The minimum lot size may be reduced to one acre (43,560 square feet) with prior approval in writing by the Nebraska Department of Water, Energy, and Environment (DWEE).
- \* Front/rear/side yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway. See also Section 4.05.05 Waivers.



- 5.06.07 Other Applicable Provisions:
1. Irrigation equipment shall be located in conformance with Section 4.06.03.above.
  2. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.
- 5.06.08 Impacts of Agricultural Uses on Residential Uses:
1. Jefferson County has reflected in its Comprehensive Plan and these Zoning Regulations to support intensive agricultural practices in the TA-3 District and therefore, all persons seeking to construct a new dwelling in the TA-3 District shall do so only after making application for a zoning permit for a dwelling to 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.

**Section 5.08 RE Residential Estates District**

5.08.01 Intent:  
The RE Residential Estates District is intended to provide for low-density rural residential neighborhoods, characterized by single-family dwellings on large lots, served by onsite wastewater treatment systems until sewer service is available. Regulations are intended to ensure that density is consistent with the carrying capacity of infrastructure.

5.08.02 Permitted Uses:  
Permitted Uses are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. All other uses not specifically permitted other than conditional uses are prohibited.

5.08.03 Conditional Uses:  
Conditional Uses are allowed according to the table in Section 5.04, as recommended by the Planning Commission and approved by the County Board.

5.08.04 Temporary Uses:  
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.14.

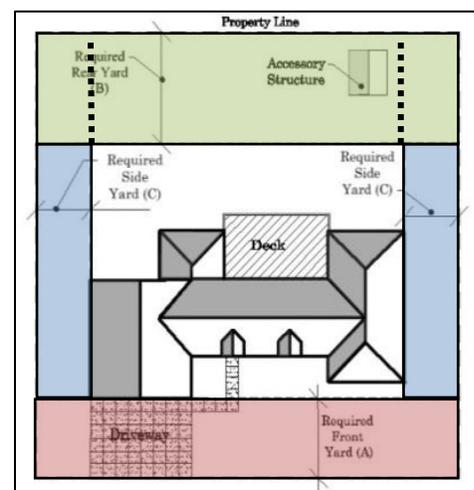
5.08.05 Accessory Uses and Structures:  
Accessory uses and structures are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. See also Section 4.08.

5.08.06 Height and Lot Requirements:  
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)#	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Building Coverage (%)
Dwellings	3.0	150	25	25	25	35	30
Other Permitted Uses	3.0	150	25	25	25	35	30
Conditional Uses	3.0	150	25	25	25	35	30
Accessory Structures	-	-	25	25	25	35	30

# If lot is connected to municipal water or municipal sewer, then the minimum lot size shall be one acre (43,560) square feet; or greater if required by the Nebraska Department of Water, Energy, and Environment (DWEE).

\*\* Front/rear/side yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road of highway. See also Section 4.05.05 Waivers.



5.08.07 Supplemental Residential Regulations

1. Single-family Attached/Townhouses and Condominiums
  - A. Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
  - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
  - C. Each unit shall be serviced by separate facilities.
  - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
  - E. No more than four (4) units shall be connected in this district.
2. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.

**Section 5.09      Reserved**

*This Section reserved for any future higher-density residential district.*

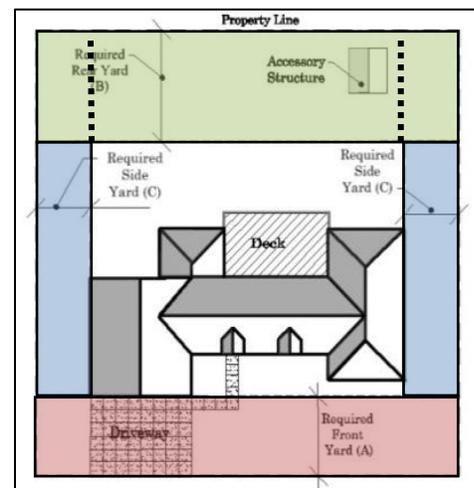
**Section 5.10 T-1 Townsite**

- 5.10.01 Intent:  
The T-1 Townsite zoning district is intended to accommodate communities where development has occurred, but the community is not incorporated, especially the areas of **Powell, Gladstone, and Thompson**. Regulations are intended to provide for mixed-use development along historical land use patterns, while assuring adequate space for domestic water and onsite wastewater treatment systems (OWTS).
- 5.10.02 Permitted Uses:  
Permitted Uses are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. All other uses not specifically permitted other than conditional uses are prohibited.
- 5.10.03 Conditional Uses:  
Conditional Uses are allowed according to the table in Section 5.04, as recommended by the Planning Commission and approved by the County Board.
- 5.10.04 Temporary Uses:  
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.14.
- 5.10.05 Accessory Uses and Structures:  
Accessory uses and structures are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. See also Section 4.08.
- 5.10.06 Height and Lot Requirements:  
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)#	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Building Coverage (%)
Dwellings	3.0	150	10	10	10	35	30
Other Permitted Uses	3.0	150	10	10	10	35	30
Conditional Uses	3.0	150	10	10	10	35	30
Accessory Structures	-	-	10	10	10	35	30

# If lot is connected to municipal water or municipal sewer, then the minimum lot size shall be one acre (43,560) square feet; or greater if required by the Nebraska Department of Water, Energy, and Environment (DWEE).

\*\* Front/rear/side yard setback shall be 53 feet from the centerline of a County Road or shall be 20 feet when abutting any other platted street, road of highway. See also Section 4.05.05 Waivers.



5.10.07 Supplemental Regulations

1. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.
2. Any application for a conditional use permit in the T-1 Townsite District shall include a site development plan for review and approval.

**Section 5.11 C-1 Commercial District**

- 5.11.01 Intent:  
The C-1 Commercial district is intended for limited commercial services. Off-street parking is required in order to reduce adverse effects on adjacent properties.
- 5.11.02 Permitted Uses:  
Permitted Uses are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. All other uses not specifically permitted other than conditional uses are prohibited.
- 5.11.03 Conditional Uses:  
Conditional Uses are allowed according to the table in Section 5.04, as recommended by the Planning Commission and approved by the County Board.
- 5.11.04 Temporary Uses:  
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.14.
- 5.11.05 Accessory Uses and Structures:  
Accessory uses and structures are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District.

5.11.06 Height and Lot Requirements:  
The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)#	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)
Permitted Uses	10,890	50	50	20	15	50	50
Conditional Uses	10,890	50	50	20	15	50	50
Accessory Structures	-	-	50	20	15	35	25

# ¼ acre. If lot is not connected to municipal water and sewer, then the minimum lot size shall be 3 acres.  
\* Front/rear/side yard setback shall be 83 feet from the centerline of a State or County Road or shall be 50 feet when abutting any other platted street, road of highway.

- 5.11.07 Use Standards:
  1. All business, services, and processes, including storage, shall be conducted entirely within a completely enclosed structure, or screened by a solid fence or wall with a height of six feet (provided no materials or equipment shall be stored to a height greater than the fence/wall), except for:
    - A. Off-street parking and loading areas
    - B. Gasoline/EV filling station
    - C. Automobile/truck, motor home, recreational vehicle, or travel trailer sales
    - D. Outdoor dining
    - E. Plant nursery or garden center
    - F. Public and utility uses and structures.
  2. At least 25% of the required front yard shall be maintained in landscaping.
  3. On side or rear lot lines adjacent to any Residential District, opaque screening such as a fence, wall, or hedge shall be provided extending from the Front Yard setback line along side yard lines, excluding lot lines along improved alleys.
  4. Parking, including sales or rental lots, shall be drained and surfaced with crushed rock or pavement, except those areas maintained in landscaping.
  5. When any new building or structure is constructed, a sidewalk shall be installed along each street abutting the property, at a width of not less than eight feet or as otherwise required by the County Engineer.
  6. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.

5.11.08 Performance Standards:

1. Standards of Section 9.04 shall apply.
2. Any application for a zoning permit and/or a conditional use permit in the C-1 Commercial District shall include a site development plan for review and approval.

**Section 5.12    Reserved**

*This section reserved for future use.*

**Section 5.13 I-1 Industrial District**

- 5.13.01 Intent:  
The I-1 Industrial district is intended to protect sites appropriate for the location of industrial uses with relatively limited environmental effects, buffered from residential districts. The district is designed to provide appropriate space and regulations to encourage industrial development, while assuring that facilities are served with adequate parking and loading facilities.
- 5.13.02 Permitted Uses:  
Permitted Uses are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District. All other uses not specifically permitted other than conditional uses are prohibited.
- 5.13.03 Conditional Uses:  
Conditional Uses are allowed according to the table in Section 5.04, as recommended by the Planning Commission and approved by the County Board.
- 5.13.04 Temporary Uses:  
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.14.
- 5.13.05 Accessory Uses and Structures:  
Accessory uses and structures are allowed according to the table in Section 5.04, provided the use and/or structure meet the minimum bulk requirements of the District.

- 5.13.06 Height and Lot Requirements:  
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres) #	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)*	C Side Yard (feet)*	Max. Height (feet)	Max. Building Coverage (%)
Permitted Uses	1.0	100	75	25	15	-	-
Conditional Uses	1.0	100	75	25	15	-	-
Accessory Structures	-	-	75	25	15	-	-

# If lot is not connected to municipal water and sewer, then the minimum lot size shall be 3 acres.

\* Front/Rear/Side yard setback shall be 83 feet from the centerline of a State or County Road or shall be 50 feet when abutting any other platted street, road of highway.

- 5.13.07 Use Standards:
1. Outdoor storage shall be screened by a solid fence or wall with a height of at least six feet (provided no materials or equipment shall be stored to a height greater than the fence/wall).
  2. On side or rear lot lines adjacent to any Residential District, opaque screening such as a fence, wall, or hedge shall be provided extending from the Front Yard setback line along side yard lines, excluding lot lines along improved alleys.
  3. Storage (above ground or below ground) of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot of less than 1 acre in area, nor shall storage exceed more than 25,000 gallons in one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall not be located closer than 50 feet from any structure intended for human habitation or closer than 200 feet from any Residential District.
  4. All open and un-landscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.
- 5.13.08 Performance Standards:  
Standards of Section 9.04 shall apply.

5.13.09 Site Plan Approval

An application for a zoning permit and/or a conditional use permit in the I-1 Industrial District shall include a detailed site development plan for review and approval which shall include the following information:

1. A topographic map of the area showing contour intervals and other significant physical features of the land.
2. An area map showing streets, roads, railroads, all public improvements, utility easements and facilities, parks and recreation areas, and other buildings and structures including any existing structure on the applicant's property.
3. An exact site plan of the lot showing:
  - A. Building location and setbacks.
  - B. Number and size of parking spaces including ADA parking.
  - C. Location of landscaping.
  - D. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
  - E. Location and exact size of any outdoor sales area.
  - F. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
  - G. Signs.
4. The Zoning Administrator may ask for any other necessary information to be added to the site plan prior to review.
5. Any changes made to the site plan during construction must be approved by the Zoning Administrator and a Site Plan Amendment filed by the Applicant.

**Section 5.14     Reserved**

*This Section reserved for future use of a Planned Unit Development (PUD) Overlay District, if and when necessary.*

## **Section 5.15      AHO Airport Hazard Overlay District**

*Any Airport zoning district affecting any part of the zoning jurisdiction of Jefferson County, Nebraska, shall be incorporated herein by reference.*

### 5.15.01      Intent

The intent of this district is to overlay any of the primary zoning districts as described in this Resolution to protect the safe use of public airports and their Airport Hazard Area, in Jefferson County, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are registered with the Nebraska Department of Aeronautics, as designated on the Official Zoning Map of Jefferson County, Nebraska.

#### 1. Designated Public Airport

The designated public airport for which these regulations have been prepared is the **Fairbury Municipal Airport (KFBY)** located generally in Section 35, T3N R2E.

#### 2. Airport Hazard Area Description

In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted a comprehensive plan and zoning regulations and has an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce the regulations in this section for such airport hazard area.

### 5.15.02      Definitions

**Airport** shall mean an area of land or water designed and set aside that is used or intended to be used for the landing and taking off takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes; includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.

**Airport hazard** shall mean any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; that penetrates any approach, operation, transition, or turning zone.

**Airport hazard area** shall mean any area of land or water upon which an airport hazard might be established if not prevented as provided in the act, but such area shall not extend in any direction a distance in excess of three miles from the adjacent boundary of an airport; the limits provided for approach, operation, transition, and turning zones.

**Airport layout plan** shall mean a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

**Approach zone** shall mean a zone that extends from the end of each operation zone and is centered along the extended runway centerlines.

**Electric facility** shall mean an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in section 70-1001.01 of the Revised Nebraska State Statutes, for the transmission or distribution of electrical power to the electric supplier's customers.

**Existing runway** shall mean an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

**Instrument runway** shall mean an existing runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After the effective date of this act, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

**Operation zone** shall mean a zone that is longitudinally centered on each existing or proposed runway.

**Person**, for purposes of this subsection, shall mean any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

**Political subdivision**, for purposes of this subsection, shall mean any municipality, city, village, or county.

**Proposed runway** shall mean an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

**Runway** shall mean a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length;

**Structure**, for purposes of this subsection, means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

**Transition zone** shall mean a zone that extends outward at a right angle to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally. The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty feet above the highest elevation on the existing or proposed runway.

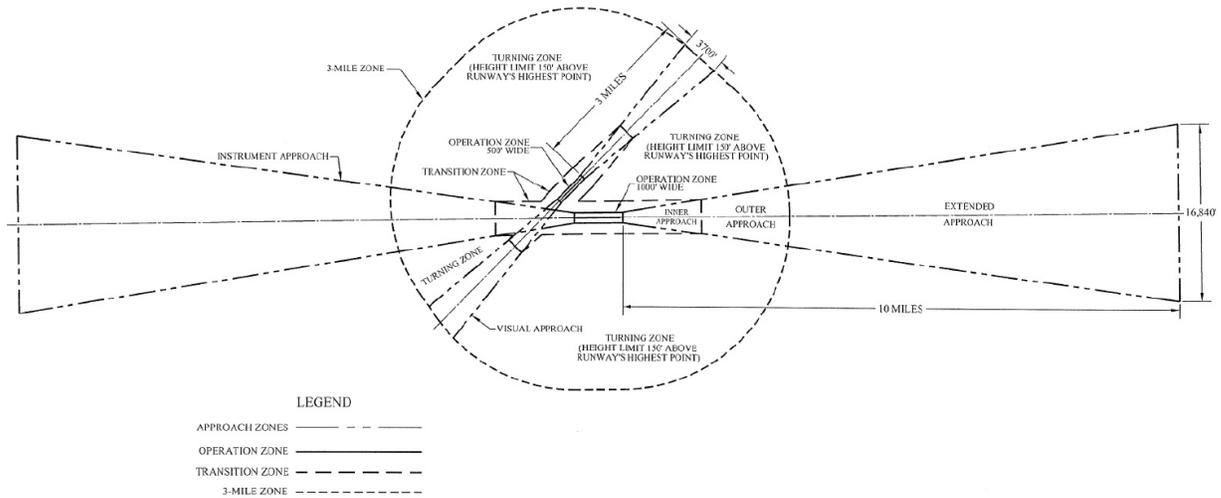
**Tree**, for purposes of this subsection, shall mean any object of natural growth.

**Turning zone's outer limit** shall mean the area located at a distance of three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway.

**Visual runway** shall mean a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

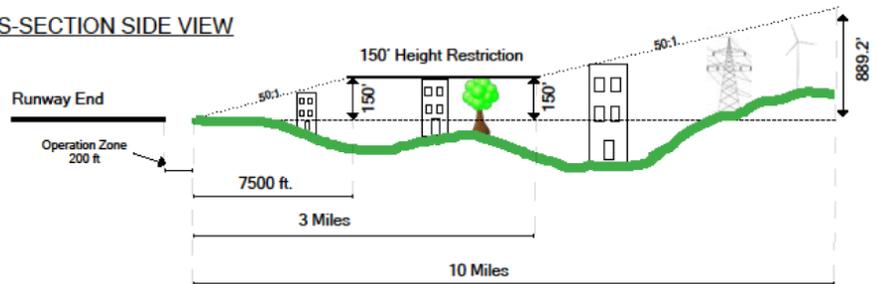
5.15.03 Airport Zones

The following are intended for use with this specific overlay zoning district.



1. Airport Hazard Area consists of Operation Zones, Approach Zones, Turning Zones, and Transition Zones.
2. Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:
  - A. Instrument Runways:
    - 1) Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 1,000 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline 10 miles from the operation zone where it is 16,840 feet wide.
    - 2) Height Limit: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the 10-mile limit.

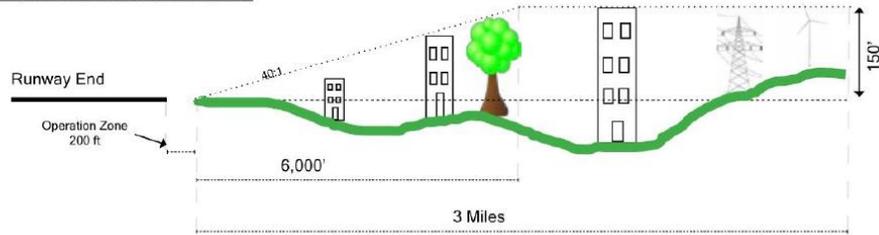
CROSS-SECTION SIDE VIEW



- B. Visual Runways:
  - 1) Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 500 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide.

- 2) Height: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.

**CROSS-SECTION SIDE VIEW**



3. Operation Zones are longitudinally centered on each existing or proposed runway:
  - A. Length:
    - 1) For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway.
    - 2) For existing and proposed turf runways, the operation zones begin and end at the runway ends.
    - 3) For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 hundred feet on either side of the runway centerline.
    - 4) For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline;
  - B. Height:
 

The height limit of the operation zones is the same as the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.
4. Transition Zones extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.
5. Turning Zones extend three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

5.15.04 Height Restrictions

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired, or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in subsection 5.15.03 above.

5.15.05 Airport Zoning Map and Location

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Airport Zoning Overlay Map, which is attached hereto and made a part hereof by reference. A copy of these Airport Zoning Regulations and Airport Zoning Map shall at all times be on file in the office of the Zoning Administrator and County Clerk.

- 5.15.06 Permit Requirements, Exceptions, Application Forms, And Fees
1. Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would not violate the requirements of Section 5.15.03 above, within the Airport Hazard Area must first obtain a permit from Zoning Administrator.
  2. Exception: Within the Turning Zones, no permit shall be required for any construction, reconstruction, repair, or planting of anything which, when completed, or, in the case of natural growth, when mature, does not exceed seventy-five 75 feet above the nearest existing or proposed runway end.
  3. Application Form: Application for a permit as required under these regulations shall be made on a form to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)
  4. Permit Fee: The fee for each permit issued shall be established by the County Board as a separate Resolution to the Zoning Resolution, and all fees so paid shall be deposited into the county's general fund.
- 5.15.07 Non-Conforming Structures
1. Within the Airport Hazard Area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth; and no such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 50% or more of their original condition, or abandoned for a period of 12 months or more; shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow, as the case may be, to a height above the heights permitted by these regulations. Transmission lines and other communication lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.
  2. Except as provided in subsection (3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. A permit shall be granted under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use would not result in an increase in height or a greater hazard to air navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.

3. An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

5.15.08 Marking of Non-Conforming Structures

1. Whenever the Zoning Administrator determines that a specific structure or object in the Airport Hazard Area exceeds the height restrictions and existed prior to the promulgation of these regulations, the owner(s) and/or the lessor(s) of the premises on which the structure or object is located shall be notified in writing by the Zoning Administrator.
2. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object.
3. The Zoning Administrator shall specify the required marking and lighting, consistent with these regulations entitled "Marking and Lighting of Structures". The cost of marking or lighting shall not be assessed against the owner or lessor of said premises.

5.15.09 Administrative Agency; Enforcement

The Zoning Administrator shall administer and enforce these regulations and shall be the administrative agency provided for in Neb. Rev. Stat. § 3-319 and shall have all the powers and perform all the duties of the administrative agency as provided in the Airport Zoning Act.

5.15.10 Variance from Regulations

1. Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in a manner inconsistent with the airport zoning regulations adopted under this regulation may apply to the board of adjustment for a variance from the zoning regulations in question.
  - A. Such variances shall be allowed only if the Board of Adjustment makes the same findings for the granting of variances generally as set forth in Neb. Rev. Stat. §23-168.03, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings.
  - B. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this regulation.

2. In granting any permit under or variance from any airport zoning regulation adopted under this regulation, the administrative agency or board of adjustment may, if it deems such action is advisable to effectuate the purposes of the regulation and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

5.15.11 Zoning Board of Adjustment

The Jefferson County Board of Adjustment shall be the board of adjustment with respect to these regulations. Said board shall have and exercise the powers conferred by Neb. Rev. Stat. §3-320 *et. seq.* and such other powers and duties as are conferred and imposed by law.

5.15.12 Permitted Principal Uses and Structures

Any use or structure that is permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 5.15.03 above.

5.15.13 Conditional Uses

Any conditional use that is permitted in the primary zoning district where this district is overlain where such conditional use has been duly authorized by the County Board in accordance with the requirements and procedures specified in this Resolution, provided all buildings, structures and other obstacles comply with the height restrictions set forth in Section 5.15.03 above.

5.15.14 Accessory Structures

Any accessory use or structure that is permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 5.15.03 above.

5.15.15 Conflicting Regulations

In the event of any conflict between any airport zoning regulations adopted under this regulation and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern.

## **Section 5.16 RM Residential Manufactured Home Park Overlay District**

- 5.16.01 Intent:  
This district recognizes that manufactured home development or parks, properly planned, can provide important opportunities for affordable housing. It provides opportunities for manufactured home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.
- 5.16.01 Permitted Uses:  
Permitted Uses are to be specified in the approval of any new Residential Manufactured Home Park, Permitted uses are otherwise as allowed according to the table in Section 5.04 for the underlying zoning district, provided the use and/or structure meet the minimum bulk requirements of the District. All other uses not specifically permitted other than conditional uses are prohibited.
1. The RM Residential Manufactured Home District is the only zoning district in which a Mobile Home, as defined, may be placed.
- 5.16.02 Conditional Uses:  
Conditional Uses are allowed according to the table in Section 5.04 for the underlying zoning district, as recommended by the Planning Commission and approved by the County Board.
- 5.16.04 Temporary Uses:  
Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit, as provided in Section 4.14.
- 5.16.05 Accessory Uses and Structures:  
Accessory Uses and Structures are allowed as provided in Table 5.04 and relevant sections of Article 4 and Article 9.
- 5.16.06 Height and Lot Requirements
1. Structures built outside of an approved Manufactured Home Park shall meet the bulk requirements of the RE Residential Estates District (Section 5.08.06).
- 5.16.07 Special Design Criteria for this District
1. A manufactured home development shall have a lot area of not less than two acres. No manufactured or mobile homes or other structures shall be located less than 65 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State Highway. The setback on all other court property lines shall be 10 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
  2. Each lot provided for occupancy of a single manufactured or mobile home dwelling shall have an area of not less than 4,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:
    - A. Side yard setback shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 20 feet on the side abutting a street/road.
    - B. Front yard setback shall not be less than 20 feet.
    - C. Rear yard setback of not less than 20 feet.
  3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
  4. Height of buildings shall be:
    - A. Maximum height for principal uses shall be 35 feet.
    - B. Maximum height for accessory uses shall be 10 feet.

5. Each lot shall have access to a hard surface drive not less than 24 feet in width, excluding parking.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.
7. Service buildings including adequate laundry and drying facilities. Common toilet facilities for mobile homes which do not have these facilities within each unit may be provided.
8. Storm shelters shall be required and shall meet the following criteria:
  - A. Shelter space equivalent to two persons per mobile home lot,
  - B. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
  - C. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
9. All pad locations shall be hard surfaced with properly reinforced poured in place Concrete.
10. Not less than 10% of the total park area shall be designated and used for park, playground and recreational purposes.
11. Each manufactured or mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.

#### 5.16.08 Site Plan Requirements

1. All legal lots must be platted in accordance with the Subdivision Regulations of Jefferson County.
2. A complete site plan of the manufactured home development shall be submitted for approval showing:
  - A. A development plan and grading plan.
  - B. The area and dimensions of the tract of land.
  - C. The number, location, and size of all home spaces.
  - D. The area and dimensions of park, playground and recreation areas.
  - E. The location and width of roadways and walkways.
  - F. The location of service buildings and any other proposed structures.
  - G. The location of water and sewer lines and sewage disposal facilities.
  - H. Plans and specifications of all buildings and other improvements constructed or to be constructed within the development.

### **Section 5.17 WPO Wellhead Protection Overlay District**

*This section is intended to provide an overlay district for the protection of designated Wellhead Protection Areas, within the zoning jurisdiction of Jefferson County, Nebraska.*

**Section 5.18 FHO Flood Hazard Overlay District**

*This section is intended to provide an overlay district to incorporate the required and adopted Jefferson Co., Nebraska, Floodplain Management Resolution Number 2002-28, within the zoning jurisdiction of Jefferson County, Nebraska.*

## Article 6: Conditional Use Permits

### **Section 6.01**      **General Provisions**

- 6.01.01      A Conditional Use is a use which is generally appropriate in a particular zoning district, yet which may require mitigation of impacts on adjacent property and the health and welfare of the county at large through a conditional approval process, in conformance with Neb. Rev. Stat. §23-114.01(4) *et seq.*
- 6.01.02      The County Board has chosen to retain for itself the power to grant Conditional Use Permits (CUP), upon review by the Planning Commission. The County Board may authorize and permit a conditional use as designated in Land Use Matrix in Section 5.04 after the following:
1. Planning Commission Public Hearing,
  2. Referral by the Planning Commission; and
  3. County Board Public Hearing
- 6.01.03      Approval or denial shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area. Allowable uses may be permitted, enlarged, or altered upon application for a new CUP in accordance with the rules and procedures of this regulation in effect at time of application. The County Board may grant or deny a CUP in accordance with the intent and purpose of this regulation. In granting a CUP, the County Board may:
1. Authorize the use and
  2. Shall prescribe and impose appropriate conditions, safeguards, or a specified time limit for the implementation of the identified conditional use permit.

### **Section 6.02**      **Application for Conditional Use Permit**

- 6.02.01      A request for a CUP or modification of a CUP may be initiated by a property owner or his or her authorized agent by filing an application with the County upon forms prescribed for the purpose.
1. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions, data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted.
  2. The application shall be accompanied with a non-refundable fee as established by the County Board.

### **Section 6.03      Public Hearings**

- 6.03.01      Before the issuance of any CUP, both the Planning Commission and County Board shall hold Public Hearings. The County Board will consider the application for the CUP together with the recommendations of the Planning Commission.
1. Proper and legal notice of the time, place, and purpose of each hearing shall be given by publication in a legal paper of general circulation in the county, one time at least 10 days prior to such hearing, and a copy mailed to each party in interest.
  2. Written notice of such application shall be mailed by certified mail to all owners of land located within one mile of the applicable parcel.
    - A. Written notice for Livestock Feeding Operations (LFO)s when required shall be provided to owners of record within 1-1/4 miles of the applicable parcel.
  3. Written notice shall be provided 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.

### **Section 6.04      Decisions**

- 6.04.01      A majority vote of the County Board shall be necessary to grant a CUP.
1. The applicant shall have 12 months from the approval of the CUP to commence the use unless the County Board specifically grants a longer period of time upon the recommendation of the County Planning Commission. If the use stated within the CUP has not commenced within 12 months, or approved time period, said Permit shall become invalid and Applicant shall be required to apply for a new Permit.
    - A. Any project approved as a conditional use must be completed within three years of said approval, unless provided for otherwise as a condition of approval, or the CUP shall become null and void as provided in Section 6.07.
  2. As required by Neb. Rev. Stat. §23-114.01(6), all recommendations of the Planning Commission and decisions by the County Board shall be accompanied by written findings of fact for the decision, for either approval or denial.

### **Section 6.05      Review Criteria**

- 6.06.01      No CUP shall be granted unless the Planning Commission and County Board have found the proposal meets the following standards:
1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, or general welfare of the community.
  2. The conditional use has adequate buffers so as not to impair the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values within the neighborhood.
  3. The establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
  4. Adequate utilities, drainage, and/or necessary facilities have been or are being provided.
  5. Adequate measures have been or will be taken to provide access, ingress and egress, to minimize traffic congestion in the public streets.
  6. The proposed design of the site adequately accommodates the proposed use, including but not limited to building design, accessibility, parking, loading, landscaping, lighting, and other necessary features.

7. The proposed use will not result in undue visual impacts; inappropriate levels of noise, dust, odor; undue potential for air, surface water or groundwater contamination; or unmitigated explosion hazards.
8. The proposed use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway.
9. Adequate measures have been made to avoid development within any wetlands and areas subject to flooding.
10. The proposed use is in conformance with the adopted Comprehensive Plan.

### **Section 6.06      Transferability**

- 6.06.01      A CUP runs with the property. Any approved CUP is automatically transferable upon sale of the property from the original applicant to the successive property owner. However, the new owner shall assume the responsibility for compliance with:
1. The conditions of the granted permit,
  2. The use shall not change or be expanded unless a new CUP is approved,
  3. Failure to comply with the conditions of the permit shall subject the new owner to the revocation process of this Article.

### **Section 6.07      Revocation**

- 6.07.01      Any approved CUP may be revoked for failure to comply with the conditions approved by the County Board. Revocation shall require that the County notify the applicant of any noncompliance, in writing, and provide the applicant 30 days to correct the issue(s).
1. Failure to comply with the notice shall cause a Public Hearing to be scheduled by the County Board, to review the permit and the approved conditions and the failure to act by the applicant. If the applicant is found to be noncompliant with the issued permit and conditions, the County Board shall revoke the permit and order the use to cease and desist.
  2. Failure to follow a Cease and Desist order shall cause action to be filed by the County Attorney in District Court. Revocation may also occur, if the County documents that the use has ceased operations for 12 consecutive months. The County shall notify the applicant of the revocation in writing. The permit shall become invalid within 30 days.

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## Article 7: Parking Requirements

### **Section 7.01 Purpose**

New developments, including changes in use, shall provide parking in proportion to the need created by each unique use. These regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate the variety of vehicle types and to minimize external effects on neighboring properties.

### **Section 7.02 Off-Street Automobile Parking**

- 7.02.01 Off-street automobile parking spaces shall be provided for each use as shown in Section 7.03 following.
1. The Zoning Administrator shall determine the type of use, or the most similar use, for calculation of required parking and loading, or make a recommendation to the Planning Commission for a conditional use.
  2. Off-street automobile parking area shall be provided with vehicular access to a street or an alley.
  3. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used. Where calculations in accordance with the following list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
  4. All parking spaces shall be hard surfaced with gravel or paved with brick, pavers, asphalt, or concrete.
- 7.02.02 Required off-street parking for residential uses shall be provided on the lot on which the use is located.
1. If the vehicle parking spaces required in Section 7.03 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning Commission and County Board, such space may be provided on another off-street property (provided such space lies within 400 feet of an entrance to such principal use) through a Conditional Use Permit for both properties. Such vehicle parking spaces shall not thereafter be reduced or encroached upon in any manner. Where off-street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required.
- 7.02.04 Some uses may require two different use types to be calculated together in order to determine the total parking requirement, i.e. combined schools may require one calculation for primary classrooms and another for secondary classrooms.
- 7.02.05 All off-street parking, whether required or not, shall meet the ADA requirements in Section 7.05 of this Regulation.

**Section 7.03 Schedule of Minimum Off-Street Parking and Loading Requirements**

Uses	Parking Requirements	Loading Requirements
<b>Commercial &amp; Related Uses including but not limited to:</b>		
Agricultural and Horticulture Uses	Sufficient for employees and operations	None required
Agricultural Sales & Service	1 space/500 s.f. of gross floor area	1 space/establishment
Animal Care	1 space/500 s.f. of gross floor area	1 space/establishment
Business and Household Services	1 space/500 s.f. of gross floor area	None required
Financial Services	1 space/500 s.f. of gross floor area	None required
Food and Beverage Services	1 space/200 s.f. of gross floor area - waived if no indoor dining area	1 space/establishment
Food Service (Restaurants) w/drive-thru	Greater of the two: -1 space/40 s.f. of dining area, or -1 space/150 s.f. of gross floor area	1 space/establishment
Commercial, General	1 space/250 s.f. of gross floor area	As necessary for operations
Commercial Lodging (motels, etc)	1 space/rental unit + 1 space/each 200 s.f. of public meeting area	1 space/establishment
Commercial, Special	Sufficient for employees and operations	As necessary
Hospitals and clinics	1 space/2 licensed beds	2 spaces/structure
Medical offices, sales, and services	1 space/500 s.f. of gross floor area + 1 space/2 employees	None required
Offices	1 space/500 s.f. of gross floor area	None required
Recreational Commercial	Sufficient for employees and operations	None required
Vehicle Sales	1 space/500 s.f. of gross floor area	1 space/establishment
Vehicle Services	4 spaces/repair stall – Parking not to be used for storage	None required
<b>Industrial &amp; Related Uses including but not limited to:</b>		
Adult entertainment establishments	1 space/2 persons of licensed capacity	None required
Contractors	Sufficient for employees and operations	As necessary
Contractors, Large	Sufficient for employees and operations	1 space/establishment
Food Processing	1 space/ employee on the largest shift	1 space/establishment
Manufacturing	1 space/ employee on the largest shift	1 space/establishment
Mining & Excavation	Sufficient for employees and operations	As necessary
Private Utilities	Sufficient for employees and operations	As necessary
Warehouse, self-storage	2 spaces + parking shall not impede on-site access	None required
Wholesaling / Distribution Operations	1 space/ employee on the largest shift	2 spaces/establishment
Waste Handling	Sufficient for employees and operations	As necessary
<b>Community &amp; Related Uses including but not limited to:</b>		
Churches, synagogues, temples & similar	1 space/4 seats in main worship area	None required
Community Services/Civic Uses—Other	Sufficient for employees and operations	None required
Community Treatment Facilities	Sufficient for employees and operations	1 space/establishment
Community Child-Care / Schools	1 space/employee	1 space/establishment
-High school, tech school, college	+ 1 space/2 students	
Parks	No minimum required	None required
<b>Residential Uses including but not limited to:</b>		
Assisted-living facilities	1 space/2 dwelling units	1 space/structure
Convalescent & Nursing Home Services	1 space/4 beds + 1/employee on the largest shift	1 space/structure
Group Care Facility	1 space/4 persons of licensed capacity	None required
Group Home	1 space/4 persons of licensed capacity	None required
Multi-family Dwellings / Apartments	1 space/sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Manufactured Home Park	2 spaces/dwelling unit	None required
Residential (Single-family, attached and detached)	2 spaces/dwelling unit (1 may be garage or carport)	None required
Residential (Two-family/duplex)	2 spaces/dwelling unit (1 may be garage or carport))	None required

**Section 7.04 Off-Street Parking: Shared Parking Option**

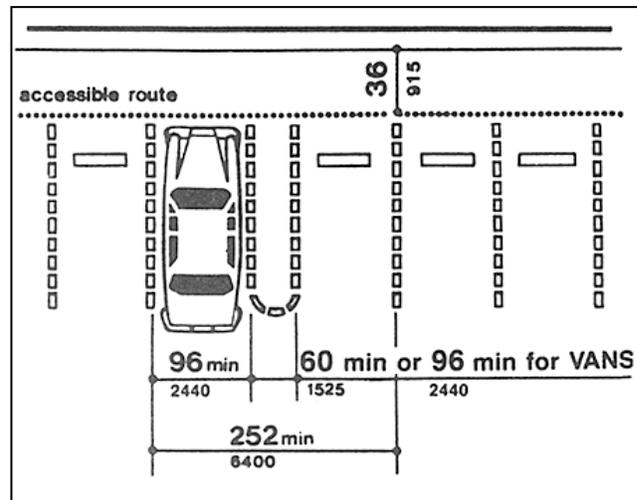
7.04.01 Notwithstanding the provisions of Section 7.03, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be waived in part by the Planning Commission and County Board, through a Conditional Use Permit (CUP).

**Section 7.05 Off-Street Parking: Parking for Individuals with Disabilities**

7.05.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for employees or visitors then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

**Table 7.05**

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000



Source: <http://www.ada.gov/adastd94.pdf>

- 7.05.02 Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.
1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 7.05.04 below. The vertical clearance at such spaces shall comply with Section 7.05.05 below. All such spaces may be grouped on one level of a parking structure.
  2. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
  3. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
  4. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
  5. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with Section 7.05.06 below.

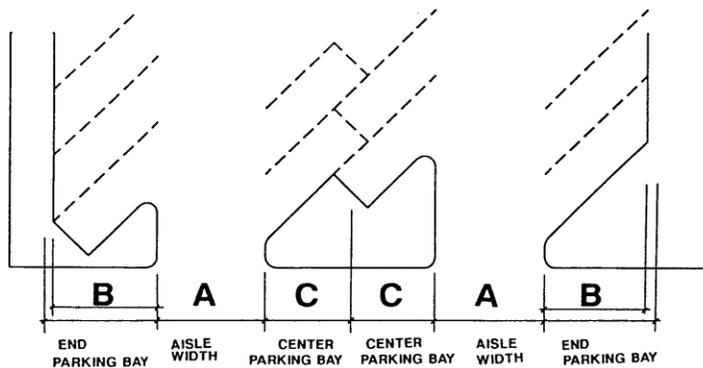
6. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with Section 7.05 of this regulation shall be provided in accordance with Section 7.05.01; except as follows:
  - A. Outpatient units and facilities: 10% of the total number of parking spaces provided serving each such outpatient unit or facility;
  - B. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20% of the total number of parking spaces provided serving each such unit or facility.

- 7.05.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
1. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
  2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- 7.05.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 7.05.02(1) shall have an additional sign stating the stall is “**Van Accessible**” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 7.05.05 Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with Section 7.05.02(1), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 7.05.06 Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

**Section 7.06 Off-Street Parking Design Criteria**

7.06.01 Standard parking stall dimensions shall not be less than 10 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration			
	90-degree	60-degree	45-degree
<b>Aisle Width (A)</b>			
One-way traffic	----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
<b>End Parking Bay Depth (B)</b>			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
<b>Center Parking Bay Depth (C)</b>			
	18 feet	18 feet	16 feet



7.06.02 Minimum dimensions for a parallel parking space shall be nine feet by 20 feet.

7.06.03 Loading space shall be located to avoid undue interference with public use of streets, alleys, and walkways.

7.06.04 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Zoning Administrator upon recommendation of the County Engineer.

7.06.05 Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.

7.06.06 Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

7.06.07 All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

1. Parking lots should be landscaped with trees and shrubs in landscape islands and along perimeters, to provide shade and buffer visual impacts, to the extent possible.

- 7.06.08 Lighting:
1. Lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any district.
  2. Lighting standards shall not exceed 22 feet in height and shall be equipped with top and side shields when necessary to prevent glare onto adjacent properties.
  3. The average-maintained lighting levels for multi-family units shall not exceed 10 foot-candles at buildings/parking lots/other areas within a residential district. The maximum to average ratio shall not exceed 2.5 to 1.

**Section 7.07 Drive-In and Drive-Through Facilities**

- 7.07.01 Any use which includes, in whole or in part, conduct of business with persons desiring to remain in their vehicles (automobiles, trucks, etc.) or which allows products to be consumed on the premises in such vehicles, shall be subject to additional prior review as provided by the Land Use Matrix in Section 5.04 as a principal or accessory use, as appropriate.
- 7.07.02 Commercial establishments providing drive-in or drive-through services shall provide adequate on-site stacking space, in addition to vehicles being served.
1. Vehicle stacking shall not block driveways or required parking stalls, and shall not be located in required yards.

**Section 7.08 Recreational Vehicle Parking in the Residential districts**

- 7.08.01 No Recreational Vehicles (RVs) as herein defined shall be parked or stored on any lot in a residential district except in a carport or enclosed building or on an improved surface behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading.
1. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use, for more than two weeks without a Temporary Use Permit.
- 7.08.02. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored in a residential district, other than in completely enclosed buildings.
- 7.08.03 There shall be no outdoor storage, keeping, or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except where authorized by these regulations.

## Article 8: Sign Regulations

### **Section 8.01 Intent of Sign Code**

- 8.01.01 The purpose of this section is to permit such signs as will not, by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health and safety; and further, to regulate such permitted signs in a way to promote development that is not detrimental to the property values and aesthetics of the County.
- 8.01.02 The County does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and the Iowa Constitution. All regulations in this article are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.
- 8.01.03 All signs constructed, erected, modified, or moved after the effective date of this Regulation shall comply with the regulations herein, unless expressly exempted.
1. All signs shall require a zoning permit (sign permit) prior to construction unless expressly exempted.

### **Section 8.02 Sign Definitions**

The following are the definitions relating to signs within the County's zoning jurisdiction.

**ADVERTISING SIGN** shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

**BILLBOARD SIGN** shall mean a sign structure used for the display of posters, printed or painted advertising matter which directs attention to commercial goods or services.

**COMMERCIAL MESSAGE SIGN** shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMUNITY OR CIVIC SIGN** shall mean a sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local chamber of commerce or other civic organization or non-profit entity.

**DESTINATION SIGN** shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

**OFF-PREMISES SIGN** shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

**ON-PREMISE SIGN** shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

### **Section 8.03      Reserved**

### **Section 8.04      Sign Schedule**

On-Premises signage and community/civic signs (as defined) shall be exempt from these regulations.

### **Section 8.05      Signs, Special Conditions**

#### 8.05.01      Billboard Signs.

Billboards, signboards, and other similar Off-Premises outdoor advertising signs shall be permitted in the **C-1 and I-1 districts**, subject to the same height and location requirements as other principal structures in the district and shall also be subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising sign shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety. Off-premises signs in the County's jurisdictional area shall be no closer than fifty (50) feet from a street intersection at grade. *See also Section 4.04.*
2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

#### 8.05.02      Farm Signs:

Agricultural operations shall be permitted off-site directional signage, subject to all County and State regulations. Such signs shall not exceed 200 square feet and shall not obstruct official signage.

#### 8.05.03      Other Signs Exempt from Regulation Under this Regulation

The following signs shall be exempt from regulation under this regulation, except no sign shall create an obstruction to vision, as per Section 4.04 of this Regulation, or be located in a public right-of-way:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or regulation
- Any religious symbol
- Construction signs when equal to six square feet or less
- Any sign identifying a public facility or public/civic event
- Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located.
- Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort
- Holiday lights and decorations with no commercial message
- Scoreboards in athletic stadiums
- Crop identification signs

## Article 9: Supplemental Regulations

### **Section 9.01 Home Occupations and Home-Based Businesses in Residential Districts**

#### 9.01.01 Intent:

A home occupation or home-based business shall be permitted when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence and shall not be construed as a business.

#### 9.01.02 Permitted Home Occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services and artist studios, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

#### 9.01.03 Prohibited Home Occupations:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle / small engine repair.
4. Adult Entertainment Uses

#### 9.01.04 Performance Standards for Home Occupations:

1. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25% of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home-based business.

7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall not be permitted.
8. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.
13. No permit for a Home Occupation or Home-based Business shall supersede any State or Federal requirements for permits and licenses.

9.01.05 Permitted Home-Based Businesses:

1. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
4. Instructional services and artist studios, including music, dance, art and craft classes and tutoring.
5. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
6. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
7. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
8. Child Nurseries or Child Care

9.01.06 Prohibited Home-Based Businesses:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle / small engine repair.
4. Adult Entertainment Uses

- 9.01.07 Performance Standards for Home Based Businesses:
1. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home-based business shall remain a resident in the dwelling unit.
  2. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as an additional two unrelated individuals for purposes of conducting business.
  3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home-based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 25% of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of the Jefferson County.
  4. No more than 25% of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
  5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
  6. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.
  7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
  8. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
    - A. Two additional spaces for the unrelated employees.
    - B. Two additional spaces to be used for client/visitor parking.
    - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback.
    - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height.
    - E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
    - F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
  9. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
  10. No retail sales are permitted from the site other than incidental sales related to services provided.
  11. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
  12. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
- 9.01.08 Revocation:
1. Conditions. A home occupation and home-based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
    - A. That any condition of the home occupation or home-based business permit has been violated.

- B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance.
  - C. That the permit was obtained by misrepresentation or fraud.
  - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
  - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Board of Adjustment as established in Article 12 of this Regulation. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation shall report his or her findings of fact and decision to the Board of Adjustment. The Board of Adjustment shall determine the facts and may revoke, modify or allow the home occupation or home-based business permit remain unchanged in accordance with the Board's final determination.
  3. Nontransferable. A home occupation or home-based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

## **Section 9.02 Home Occupations and Home-Based Businesses within Agricultural Districts**

### 9.02.01 Intent:

A home occupation or home-based business shall be permitted when said occupation or business is conducted on agriculturally used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence and shall not be construed as a business.

### 9.02.02 Permitted Home Occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services and artist studios, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, and lawnmowers including engines.
7. Offices and shops in association to one another, such as construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.

8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

9.02.03 Prohibited Home Occupations:

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

9.02.04 Performance Standards for Home Occupations:

1. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25% of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure.
5. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to store damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home-based business.
10. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall not be permitted.
11. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. No permit for a Home Occupation or Home-based Business shall supersede any State or Federal requirements for permits and licenses.

9.02.05 Permitted Home-Based Businesses:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services and artist studios, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

9.02.06 Prohibited Home-Based Businesses:

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

9.02.07 Performance Standards for Home-Based Businesses:

1. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home-based business shall remain a resident in the dwelling unit.
2. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home-based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 25% of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Jefferson County.
4. No more than 25% of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.

5. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home-based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
10. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
  - A. Two additional spaces for the unrelated employees.
  - B. Two additional spaces to be used for client/visitor parking.
  - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback.
  - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height.
  - E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
  - F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
11. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

#### 9.02.08 Revocation:

1. Conditions. A home occupation and home-based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
  - A. That any condition of the home occupation or home-based business permit has been violated.
  - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance.
  - C. That the permit was obtained by misrepresentation or fraud.
  - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and

- E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Board of Adjustment as established in Article 12 of this Regulation. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Board of Adjustment. The Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home-based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

### **Section 9.03 Landscaping**

- 9.03.01 Landscaping requirements are intended to provide for natural drainage, buffer structures and uses, and improve the appearance of the county.
1. Where these regulations specify a landscaped yard, that area shall be maintained in grass, irrigated natural areas, and/or xeriscape.
  2. Where required by this regulation, landscapes and buffer areas shall be maintained to keep vegetation in good health and free of weeds

### **Section 9.04 Performance Standards for Non-Residential Uses**

- 9.04.01 Physical Appearance: All operations shall be carried on within an enclosed building, unless otherwise permitted, except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
- 9.04.02 Fire hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of Jefferson County.
- 9.04.03 Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
- 9.04.04 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

## 9.04.05 Air Contaminants:

1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
  - A. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
  - B. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
2. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
3. Gasses: The gasses sulphur dioxide and hydrogen sulfide shall not exceed five parts per million (5ppm), carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
4. Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch (0.003") measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
5. Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

- 9.04.06 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts  
 The following chart displays the maximum permitted sound levels that may be generated by uses in Commercial or Industrial zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

<b>Maximum Permitted Sound Levels at Residential Boundaries</b>		
<b>Originating Zoning District</b>	<b>Time</b>	<b>Maximum Noise Level (dba)</b>
T-1 Townsite	6:00 a.m. - 10:00 p.m.	55
	10:00 p.m. - 6:00 a.m.	55
C-1 Commercial	6:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 6:00 a.m.	60
I-1 Industrial	6:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 6:00 a.m.	60

**Section 9.05 Vehicle and Equipment Repair, Rental, and Sales**

- 9.05.01 Where permitted in commercial districts, all repair activities must take place within a completely enclosed building.  
 1. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways.
- 9.05.02 Any spray painting must take place within structures designed for that purpose and approved by the zoning administrator.
- 9.05.03 All outdoor display areas for rental and sales facilities shall be hard surfaced.
- 9.05.04 Body repair services are permitted as an accessory use to vehicle rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

**Section 9.06 Junk Yards or Salvage Yards**

- 9.06.01 Junk Yards and salvage of materials are only allowed in districts identified in the Land Use Matrix in Section 5; provided the minimum conditions in this section are met (additional conditions may be required to mitigate impacts depending upon the operation and the proposed location).
- 9.06.02 Construction and operation shall comply with the Municipal Code and any other applicable codes or requirements.  
 1. Receiving areas for junk or salvage material shall be designed to avoid the depositing of junk or salvage material outside a building or outside screened (solid fence) storage areas.
- 9.06.03 Junk yards and salvage of materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by the Corps of Engineers.
- 9.06.04 Junk or salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or Federal highway, or locally

designated Expressway, Major Arterial, and Other Arterial as per the State of Nebraska Department of Roads or subsequent successor agency.

1. Junk material kept outside a building or buildings shall not be located in the required front yard.
2. Junk or salvage material kept outside a building or buildings shall be at least 100 feet from the boundaries of the I-1 zoning district and shall be at least 500 feet from the any residential district or use.

9.06.05 All motor vehicles shall have all fluids drained prior to placement within the facility.

### **Section 9.07 Self-Storage Units (Mini-Warehouses)**

9.07.01 Activities within a self-storage facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

9.07.02 Site Design:

1. Minimum lot size of the Self-Storage facility shall be 5,000 square feet.
2. Facilities must maintain landscape buffer yards of 50 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required;
  - A. At least 35% of all yards shall be landscaped.
3. All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock, or other approved rock other than gravel.
  - A. All driveways shall provide a hard surface with a minimum width of 25 feet.
4. Storage units may not open into the front yard.
5. The total area covered by buildings shall not exceed 50% of the site.
6. Site development shall include provisions for stormwater management.

9.07.03 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

1. The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil, is not permitted.

### **Section 9.08 Storage Containers**

9.08.01 Storage (cargo) Containers may be used temporarily as specified in Section 4.14.

9.08.02 Storage Containers may be used as a principal (i.e. PODS facility) or accessory use in certain zoning districts, as specified in the Land Use Matrix in Section 5.

1. The proper permit must be approved prior to locating a storage container inside the jurisdiction of the County.
2. Number of Containers
  - A. Lots one acre or less in size may have only one container at a time.
  - B. Lots over one acre in commercial or industrial districts may have up to five containers but may not be stacked.
3. Storage containers must be located within an outdoor storage area which is properly screened according to the regulations herein.
4. No storage container may be located within a required setback, other than when approved as part of a Temporary Use Permit.
5. All previous signage on the storage container shall be removed.
6. Any storage container shall be painted an earth tone color, including greens, tans, terra cottas. Color is subject to approval as part of a Conditional Use Permit.
7. Storage containers shall be placed on a concrete slab, white rock or stones and must be kept in good repair. Any storage container that becomes unsound,

unstable or otherwise dangerous shall be immediately repaired or removed from the property to a location that can legally accept it.

8. No storage containers shall be modified for habitation except as a Special-Type Dwelling Unit (see Section 9.10.03). Storage containers are allowed to have electric and ventilation systems installed that would be necessary to meet the minimum codes and standards for lighting and air circulation for storage purposes.

9.08.03 Semi-trailers may not be used for storage except as part of a permitted Warehousing operation, as specified in the Land Use Matrix in Section 5.04.

## **Section 9.09 Accessory Dwelling Units**

9.09.01 One accessory dwelling unit per lot may be allowed as permitted in Section 5.04 under the following conditions:

1. The accessory dwelling unit shall fit within the developable area of the lot.
2. The total square footage of the ADU shall not exceed the lesser of 1,000 square feet or 40% of the square footage of the principal dwelling, excluding the garages, carports, and space used for mechanical equipment, such as heating, utilities and water heater or pumps. Any other unfinished space in a basement is included in the square footage to allow it to be furnished in the future. The calculation for the principal dwelling shall be based on the floor area as of the date the Zoning Permit application is filed.
3. No more than two bedrooms are allowed in the ADU. Bedroom shall mean any room or space used or intended to be used for sleeping purposes.
4. The owner of the lot shall file with the Register of Deeds a deed restriction agreement on the property stating the accessory dwelling cannot be sold separately from the principal dwelling.
  - A. The deed restriction agreement must be to the satisfaction of the County Attorney. The deed restriction agreement shall be recorded prior to approval of a zoning permit for the ADU.
5. The ADU must share the same access point to the public or private street as the principal dwelling.
6. The ADU must meet the same setback requirements as the principal dwelling of the district. The height of the ADU must meet the height limit of the district for a dwelling but be no higher than the principal dwelling.
7. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.
8. The ADU must share utilities with the principal dwelling unless the owner can demonstrate a practical problem with sharing due to the topography or other unique site considerations.

## **Section 9.10 Dwelling Unit, Special Types**

This section is intended to establish special conditions by which Special Types of dwelling units may be established within the jurisdiction of Jefferson County.

- 9.10.01 Tiny Houses (Tiny Home)  
 Tiny houses fall under two separate categories, *Site-Built* and *RV/Park Model/Camper*.
1. Site Built Tiny Houses
    - A. Tiny homes shall be built to meet Appendix Q Tiny Houses of the International Residential Code (IRC edition as most recently adopted by the County);
    - B. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
    - C. Tiny homes shall have a kitchen area and sink;
    - D. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
    - E. All electrical shall be in compliance with all local, state and/or federal electrical codes;
    - F. The unit shall meet all egress requirements found in local, state, and/or federal codes;
    - G. All foundations shall meet local, state, and/or federal building codes;
    - H. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
    - I. No Tiny House shall be placed or located in any floodplain as a long-term dwelling.
  2. RV/Park Model/Camper
    - A. The unit shall be constructed upon a single chassis;
    - B. The unit shall have 400 sf or less when measured at the largest horizontal projections;
    - C. The unit shall be self-propelled or permanently towable by a light duty truck;
    - D. The unit shall not be considered to be designed for use as a permanent dwelling but as a temporary living quarter;
    - E. All electrical, including temporary hook-ups, shall be in compliance with all local, state and/or federal electrical codes;
    - F. All plumbing and other mechanical systems shall not be permanently connected to a supply or discharge source;
    - G. The wheels and axles shall remain on the unit at all times;
    - H. Accessory structures shall not be supported by these units;
    - I. No RV/Park Model/Camper shall be constructed in any floodplain.
  3. Tiny House Villages/Communities
    - A. Tiny house villages/communities may be allowed as part of a Manufactured Home Park or development.
- 9.10.02 Grain Bin Homes  
 Any residential structure meeting the definition of a grain bin home shall meet the following criteria:
1. Grain bin homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
  2. Grain bin homes shall have at least one habitable room with not less than 120 sf of gross floor area;
  3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
  4. Habitable rooms shall not be less than seven feet in any horizontal dimension;
  5. Ceiling height effect on room area:
    - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
    - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;

6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Grain bin homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the grain bin home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the grain bin(s) into a dwelling unit shall be stamped by a licensed architect or professional engineer;
14. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

9.10.03 Cargo Container Homes

Any residential structure meeting the definition of a cargo container home shall meet the following criteria:

1. Cargo container homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Multiple containers shall be structurally and permanently attached to each other;
3. Cargo container homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall be not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Cargo container homes shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the cargo container home shall be structurally designed regarding all attachments and cantilevers;
14. All modifications needed to convert the cargo container(s) into a dwelling unit shall be designed and engineered by a licensed architect and/or professional engineer;
15. All items requiring the structure to be structurally designed/modified shall be stamped by a licensed architect or professional engineer;
16. No Cargo Container Homes shall be constructed in any floodplain.

## 9.10.04 Tree-house Homes

Any residential structure meeting the definition of a tree house home shall meet the following criteria:

1. Tree house homes shall only be permitted as an Accessory Use to a primary structure;
2. Tree house homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, and hallways;
7. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
8. All electrical shall be in compliance with all local, state and/or federal electrical codes;
9. The unit shall meet all egress requirements found in local, state, and/or federal codes;
10. All tree house homes designed as recreational structures and/or sleeping quarters shall be structurally designed prior to construction and stamped by a licensed architect or professional engineer.

## 9.10.05 Quonset Homes

Any residential structure meeting the definition of a Quonset home shall meet the following criteria:

1. Quonset homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Quonset homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Quonset homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the Quonset home shall be structurally designed regarding all attachments and cantilevers';

13. All modifications needed to convert the Quonset into a dwelling unit shall be stamped by a licensed architect or professional engineer;
14. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

9.10.06 Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or professional engineer;
15. All items requiring the structure to be structurally designed/modified shall be stamped by a licensed architect or professional engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

**Section 9.11 Bed and Breakfast Inn**

9.11.01 Bed and Breakfasts shall meet the following requirements:

1. Maintain a residential exterior appearance.
2. Owner must reside on the premises.
3. Breakfast may be served on premises, included within the room charge for guests of the facility and shall be the only meal provided.
4. Off-street parking shall be provided as required by Article 7.

## **Section 9.12 Short-term Rentals**

This section is intended to protect the public health and safety, within the requirements of Neb. Rev. Stat. §18-1758.

- 9.12.01 Performance Standards
1. A short-term rental shall be located in a primary residential structure.
    - A. An accessory dwelling unit (ADU) may not be used as a short-term rental.
  2. A short-term rental shall not be used for party rentals, where located in a residential zone.
  3. The short-term rental operator shall file the required lodging taxes with the County and State.
  4. A short-term rental shall be properly maintained including structural maintenance and the grounds.
  5. A short-term rental shall meet all state and federal life safety codes and display said permits in a prominent location.
  6. A short-term rental shall not increase the normal level of traffic in the immediate area.
  7. A short-term rental shall not be used for any type of illegal activities as defined by state and federal laws.
  8. A short-term rental shall not be used for any of the following:
    - A. Housing sex offenders;
    - B. Operating a structured sober living home or similar enterprise;
    - C. Selling illegal drugs;
    - D. Selling alcohol or another activity that requires a permit or license under the Nebraska Liquor Control Act; or
    - E. Operating a sexually oriented business.
- 9.12.02 Remedies
- Failure to comply with the standards in Section 9.12 may result in any permit for a short-term rental to be revoked.

## **Section 9.13 Recreational Vehicle (RV) Park/Campground**

- 9.13.01 An RV Park and/or Campground may be established where permitted by the Land Use Matrix in Section 5.04 under the following conditions:
1. The lot area shall be not less than five (5) acres.
  2. A campground shall provide minimum facilities including central sanitary and water stations, toilets, and refuse containers.
  3. Certification of compliance with all regulations regarding zoning, health, plumbing, electrical, building, fire prevention, and all other applicable regulations shall be provided by the Applicant.
  4. Individual RV campsites, other than tent spaces, shall have a designated area of not less than seven hundred fifty (750) square feet and the total number of RVs per gross acre shall not exceed twenty (20).
  5. Individual camp sites shall be located no less than twenty-five (25) feet from any property line.
  6. The layout of the RV park/campground shall be such that destruction of natural vegetation and topography of the area is minimized.
  7. Individual RV sites will access internal drives and will not exit directly onto public streets.

- 9.13.02 Application for an RV Park/Campground shall include a site plan with the location and legal description of the proposed site, with a sketch of the individual campsites showing dimensions, roads, parking areas, location of services, and any other buildings or improvements on the site.

#### **Section 9.14 Mobile Food Units**

- 9.14.01 Mobile Food Units (food trucks) are a temporary allowed in specific zoning districts; however, these uses shall abide by the following requirements:
1. All units shall be located off of streets/roads.
    - A. Mobile Food Units may be parked and/or operated on public property in any zoning district with the public entity's written permission.
  2. All units shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.
  3. All refuse shall be transported off-site.
  4. No unit shall use intense lights, and all lights shall be downcast and shielded.
  5. During non-operation hours, these units shall be stored in an approved parking lot or in an enclosed structure.

#### **Section 9.15 Roadside Stands**

- 9.15.01 A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
- 9.15.02 A roadside stand may be located within a required front yard but no closer than 20 feet to the edge of a traveled roadway.
- 9.15.03 A roadside stand may operate for a maximum of 180 days in any one year.

**Section 9.16 Sand and Gravel, Mineral, Stone, Rock, or Soil Extraction and Quarries**

- 9.16.01 The extraction and storage of sand and gravel, mineral, stone, rock, soil extraction and quarries may be permitted in designated zoning districts in accordance with the Land Use Matrix in Section 5.04; provided the following special conditions are considered (among others determined appropriate/relevant by the County)..
1. When extraction material is sold, removed, and transported, it shall be the responsibility of the property owner to meet the following conditions:
    - A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours;
    - B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
    - C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
    - D. The application shall identify proposed vehicle and equipment storage areas;
    - E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility;
    - F. Topsoil shall be collected and stored for redistribution on the site at termination of the operation;
    - G. Excavation and storage shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property.
      - 1) A 200' undisturbed buffer strip from property lines and rights-of-way will be maintained.
      - 2) All cuts shall be returned to a slope of less than 3:1 as soon as possible.
      - 3) Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
    - H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public;
    - I. The owner of the property shall obtain adequate insurance to cover any of the damages, which may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Zoning Administrator's office prior to issuing a Conditional Use Permit;
    - J. To assure that all of these conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the County.
- 9.16.02 Mining Exceptions  
This section shall not apply to:
1. Removals, extractions, and operations that remove less than 1000 cubic yards from a given location, are exempt from this section and permits are not required.
  2. Section 9.16 does not apply to owners who donate soil to a municipality, county, or state.
  3. Section 9.16 does not apply to sand and gravel quarries, or the commercial removal of soil, used for public road purposes.

## **Section 9.17      Conservation/Preservation Easements**

- 9.17.01      In accordance with Nebraska Revised Statute §76-2,111, conservation easements and preservation easements as herein defined represent private agreements to separate property rights on a parcel of land.
- 9.17.02      Approval Required  
In accordance with Nebraska Revised Statutes §76-2,112 in order to minimize conflicts with land use planning, any new conservation / preservation easement in the County's jurisdiction shall be subject to approval by the County Board of Commissioners.
1. Easements in a city or village Extraterritorial Jurisdiction (ETJ) shall be approved by the City Council or Village Board, after referral to the appropriate Planning Commission.
  2. Easements in the County's jurisdiction shall first be referred to the County Planning Commission which shall, within 60 days of the referral, provide comments regarding the conformity of the proposed easement to the Comprehensive Plan. If such comments are not received within said 60 days, the proposed easement shall be deemed approved by the Planning Commission.
- 9.17.03      Application for Approval  
The owner or agent of the owner of real property on which a conservation / preservation easement is proposed shall submit a copy of the proposed easement to the Zoning Administrator for referral to the Planning Commission and County Board.
1. The Zoning Administrator shall provide notice as provided for a Conditional Use Permit review.
- 9.17.04      Planning Commission Consideration  
In accordance with Nebraska Revised Statutes §76-2,112, the Planning Commission shall review the proposed easement for consistency with the Comprehensive Plan, and specifically review the proposed easement for compliance with the definition of such easements as set forth herein and for consistency with the Future Land Use Plan set out in the Comprehensive Plan. If such proposed easement complies with said definition and the Comprehensive Plan, a recommendation of approval shall be forwarded to the County Board.
1. A recommendation of denial of such proposed easement may be forwarded if:
    - A. The proposed easement is found to be not in the public interest because the proposed easement is inconsistent with the Comprehensive Plan, or
    - B. The proposed easement is found to be not in the public interest because the proposed easement is inconsistent with any national, state, regional or local program furthering conservation or preservation, or
    - C. The proposed easement is found to be not in the public interest because the proposed easement is inconsistent with any known proposal by a governmental body for use of the land.
- 9.17.05      Board of Commissioners Consideration  
After receiving a recommendation with regard to any proposed conservation / preservation easement, the County Board of Commissioners shall review the recommendation of the Planning Commission and shall approve or deny such easement based upon the same factors set forth in Section 9.17.03 above. The Board shall provide written notification to the Applicant regarding the decision on the proposed easement within 10 calendar days of the decision.

## **Section 9.18      Reserved**

*Reserved for future use.*

## **Section 9.19 Adult Entertainment Establishments**

### 9.19.01 Intent and Rationale.

1. The intent of this section is to provide guidelines and criteria for the regulation, not the elimination, of Adult Entertainment Establishments as protected by the United States Constitution. The overall purpose is to regulate the secondary effects of these uses within the community.
2. The rationale of this section is based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Planning Commission and County Board, including:
  - A. Findings, interpretations, and narrowing constructions incorporated in cases such as *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004), *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); and other applicable case law.
  - B. Reports and studies concerning secondary effects occurring in and around adult establishments.

### 9.19.02 Definitions

**ADULT ARCADE** shall mean any place to which the public is permitted or invited in which coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE** shall mean a bookstore that offers its customers books, movies, or other novelty items characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas."

**ADULT CABARET** shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10% of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.

**ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT ESTABLISHMENT** shall mean any business offering its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

**ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

**ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

**ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ESCORT** shall mean a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY** shall mean a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

**JUICE BAR** see *Adult Establishment*

**MASSAGE PARLOR** see *Adult Establishment*

**NUDE MODEL STUDIO** shall mean any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college or university supported entirely or in part by public money; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely, partly by public money or in a structure or private studio:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

- B. where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
- C. where no more than one nude or semi-nude model is on the premises at any one time.

**NUDITY OR A STATE OF NUDITY** shall mean the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

**SEXUAL ENCOUNTER CENTER** shall mean a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. activities between either male and female persons or persons of the same sex, or both, when one or more of the persons is in a state of nudity or semi-nude.

**SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of less than completely and opaquely covered human genitals, buttock, or female breast(s) below a point immediately above the top of the areola.

**SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
- B. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- C. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
- D. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
- E. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
- F. Human excretion, urination, menstruation, vaginal, or anal irrigation.

9.19.03 Geography:

Uses defined as Adult Entertainment Establishments are allowed in a limited manner within the County's jurisdiction, as specified in Section 5.04, and are strictly allowed only in those districts that will minimize the secondary effects upon the community at-large.

- 1. Any Adult Entertainment Establishment within the County's jurisdiction must be located within ¼ mile of any State or Federal Highway.

9.19.04 Special Requirements:

The following Special Requirements shall be the minimum standards necessary for the County to issue a Zoning Permit. The County reserves the right to add additional requirements that are dependent upon the intensity of the uses within the application and its proximity to other uses and its overall visibility.

- 1. Said businesses shall be screened along adjoining property lines to prevent any direct visual contact of the adult business at the perimeter.
- 2. No Adult business shall be closer than 500 feet to any similar use and no closer than 500 feet to a residential district or use, religious use, educational use or recreational use. Measurements shall be made in a straight line, without regard

to intervening structures or objects, from the main entrance of such adult business to the closest point on the property line of such other adult business, residential district or use, religious use, educational use or recreational use.

3. Said businesses shall be screened along adjoining property lines so as to prevent any direct visual contact of the adult business from the perimeter.
4. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Store and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
5. No adult business shall be open for business between the hours of twelve-midnight (12:00 a.m.) and six a.m. (6:00 a.m.).
6. The proposed location, design, construction and operation of the particular use shall provide adequate safeguards to protect the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
7. Such use shall not impair an adequate supply of light and air to surrounding property.
8. Such use shall not unduly increase congestion in the streets or public dangers, including fire and safety hazards.
9. Such use shall be in accord with the intent, purpose and spirit of this Resolution and the Comprehensive Development Plan of Jefferson County, Nebraska.
10. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property. The application shall also include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
11. An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for admission to the premises.

9.19.05 Prohibited Activities of Adult Businesses:

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

## **Section 9.20 Biofuels and Distillation Facilities**

- 9.20.01 The following conditions shall be met when locating a biofuels facility within the zoning jurisdiction of the County. The standards are intended to protect the health, safety, and general welfare of the residents of the county and the surrounding region.
1. Access to the facility shall be paved and connect to a hard surfaced street/road classified as an arterial.
  2. If access is onto a county road or city street, the applicant must provide evidence that the paving of such highway, road or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.
    - A. If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the surface in order for the road to handle the size and weight of the loads.
  3. The applicant shall be required to construct and acquire rights-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.
    - A. The facility if located adjacent to a railroad line shall have sufficient area to provide for sidings for loading and unloading raw or finished product. The sidings shall be constructed at the applicant's expense.
  4. The facility shall not be located in an area where winds and other climatic events disperse odor, steam, smoke and other discharges into the corporate limits of any municipality.
  5. The facility shall not be located in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.
  6. Water supply wells for the facility shall not be located within the 20-year time of travel of any municipal well.
  7. The facility shall be designed to recycle, in a manner compliant with all County and state rules and regulations, a minimum of 75 percent of the water used by the facility including water used for distillation.
  8. All fuel storage tanks shall be located in a manner that will not allow for contamination of any groundwater or surface water.
  9. Total equipment height limited to the requirements of the zoning district.
  10. All fuel storage tanks shall be within an impermeable containment levy system.
  11. Lighting must be compliant with all applicable regulations.
  12. Noise produced by facility must comply with noise regulation regulations.
- 9.20.02 Site plan review is required through the Zoning Permit process, prior to development, as required by the Land Use Matrix in Section 5.04.

## **Section 9.21 Radio, Television, and Wireless Communications Towers**

### 9.21.01 Intent

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and the Spectrum Act of 2012 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

### 9.21.02 Definitions

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996, the Spectrum Act of 2012, and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

**Base Station** shall mean a structure that supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time of the application is filed.

**Broadcasting Tower** shall mean a structure for the transmission or broadcast of radio, television, radar, microwaves or other electromagnetic frequencies which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial towers not exceeding 50 feet in height shall not be considered broadcast towers.

**Collocation** shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Conforming Commercial Earth Station** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

**Eligible Facilities Request** is defined as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

**In Writing** refers to the means in which an applicant for a telecommunications tower is notified. The "in writing" clause has been defined to include the minutes of the governing body's proceedings including findings of fact.

**Owner** shall mean any person with a fee simple title or a leasehold exceeding ten years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.

**Replacement** shall mean the removal and upgrade of transmission equipment and not the structure on which it is located.

**Specific and Absolute Timeframe** shall refer to the timeframe allowed for processing a telecommunication application under Section 6409 (a) of the Spectrum Act of 2012.

**Stealth** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

**Telecommunications Facilities** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include: a. Any Conforming Commercial Earth Station antenna two meters or less in diameter; b. Any earth station antenna or satellite dish antenna of one meter or less in diameter.

**Tower** shall mean any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities.

**Tower Owner** shall mean any person with an ownership interest of any nature in a proposed or existing tower.

**Transmission Equipment** shall mean any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

#### 9.21.03 Tower Construction Standards

1. Towers shall be permitted uses of land in only those zoning districts where specifically listed and authorized in Section 5.04 of this regulation.
2. No person shall develop, construct, modify, or operate a tower upon any tract of land within the zoning jurisdiction of the County prior to approval of its application and issuance of the permit by the Zoning Administrator.
3. All towers, telecommunications facilities, and antennas on which construction has commenced within the zoning jurisdiction of the County after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

#### 9.21.04 Application to Develop a Tower:

1. Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Administrator for a Conditional Use Permit and shall include the following:
  - A. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
  - B. The legal description and address of the tract of land on which the tower is to be located.

- C. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.
- D. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants' telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants' telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
- E. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the County Board and federal and state and ANSI standards.
- F. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street, or highway.
- G. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
- H. The application, based upon the specific and absolute timeframe established by the FCC, shall be processed and decided within 60 days of the application becoming completed. The 60-day application processing period may be extended only:
  - 1) By mutual agreement between Jefferson County and the applicant, or
  - 2) By the Zoning Administrator's determination that the application is incomplete.
    - a) If the Zoning Administrator deems the application to be incomplete, the City shall notify the applicant of the incompleteness within 30 days of the initial filing.
    - b) The Zoning Administrator shall clearly and specifically delineate in writing the missing information.
    - c) The clock shall resume when the information is provided, but may be tolled again if the Zoning Administrator notifies the applicant within 10 days that the application remains incomplete.
    - d) The Zoning Administrator shall not request new information beyond what is already required.
  - 3) If the application is not acted upon within 60 days, the application shall be deemed to be approved by the governing body.

9.21.05 Setbacks and Separation or Buffer Requirements

Listed below are setbacks and separation requirements for towers and exception to height restrictions of towers.

- 1. Measurements
  - A. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto.
  - B. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
- 2. The Planning Commission may recommend, and the County Board approve, a reduction in tower setbacks with a Conditional Use Permit if they determine that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.

3. All towers up to 50 feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district.
  - A. Towers in excess of 50 feet in height shall be set back a minimum of 1.1 times the tower height.
4. Towers up to 100 feet in height may be located in residentially zoned districts, as specified in Section 5.04, provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the property owner, by a minimum of 1.1 times the height of the tower.
6. Towers must meet the following minimum separation requirements from other towers:
  - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
  - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
7. Towers shall be held to all height requirements as prescribed by the FAA.
8. As part of a conditional use approval process and after public notice and hearing, the Planning Commission may recommend, and the County Board approve, waiver of height restrictions otherwise required in the district.

9.21.06 Structural Standards for Towers Adopted:

1. The Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.
2. Tower structures shall be designed to allow collocation.

9.21.07 Illumination and Security Fences:

1. Towers shall not be artificially lighted except as required by the FAA. Any tower subject to this section that is required to be lit under FAA requirements and using a strobe light shall be equipped with dual mode lighting. In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

9.21.08 Exterior Finish:

1. Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission.
2. Stealth Towers: All towers that must be approved as a conditional use shall be stealth design, unless stealth features are demonstrated to be impractical or the cost of such features represents an undue burden on the applicant.

9.21.09 Landscaping:

All tracts of land on which towers, antenna support structures, telecommunications facilities, and/or antennas are located shall be landscaped and maintained.

9.21.10 Prohibitions

According to the FCC, “[A] state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

9.21.11 Substantial Change

Jefferson County may only require an amended permit for changes or modifications to a telecommunication tower/system which are defined by the FCC as “substantial”.

1. Substantial Change shall mean any of the following:
  - A. Towers outside the public right-of-way, a “substantial change”
    - 1) increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, or
    - 2) Protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
  - B. Towers in the right-of-way, and all base stations, a “substantial change”
    - 1) increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater, or
    - 2) protrudes from the edge of the structure more than 6 feet
  - C. All Towers and base stations, a substantial change:
    - 1) involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
    - 2) entails any excavation or deployment outside the current site of the tower or base station;
    - 3) defeats the existing concealment elements of the tower or base station; or
    - 4) does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to any of the “substantial change” thresholds identified above.
2. Changes in Height
  - A. Changes in height are to be measured from the original support structure in cases where the deployments are or will be separated horizontally.
  - B. In other circumstances, changes in height are to be measured from the dimensions of the original tower or base station and all originally approved appurtenances, and any modifications approved prior to the passage of the Spectrum Act.
  - C. Note, the changes are measured cumulatively; otherwise a series of small changes could add up to a cumulative change that exceeds the “substantial change” threshold.

9.21.12 Colocation for County Emergency Services

All Tower Owners of towers having a height in excess of one hundred feet (100') shall permit Jefferson County or other governmental agencies as so designated to place and operate antennas and communications facilities on the tower and tower site without charge to the County if colocation of the County's equipment is technically feasible. Provided, however, the County shall be responsible for the cost of equipment, materials, and labor for the installation and operation of any such antennas and communications facilities and shall further be responsible for utility services required for the support of any such antennas and communications facilities

- 9.21.13     Inspections  
The County reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the County's Zoning Codes and any other construction standards set forth by the County, federal, and state law or applicable ANSI standards. Inspections shall be made by the Zoning Administrator, or a duly appointed independent representative of the County.
- 9.21.14     Maintenance  
The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.
- 9.21.15     Abandonment  
If any tower shall cease to be used for a period of one year, the Zoning Administrator shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee and a written request shall be directed to the County Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and the Municipal Code, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.
- 9.21.16     Review Denial Procedures for Permit
1. Any decision to deny an application to place, construct or modify a wireless facility and/or tower must be "in writing" and supported by substantial evidence contained in a written record.
  2. The regulation of placement, construction, and modification of personal wireless services facilities by the County shall not unreasonably discriminate among providers of functionally equivalent services;
  3. The regulation of the placement, construction, and modification of personal wireless service facilities by the County shall not prohibit or have the effect of prohibiting the provision of personal wireless services;
  4. The County shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations.

## **Section 9.22 Amateur Radio Towers**

- 9.22.01 Noncommercial radio towers not exceeding 50 feet in height are not considered Wireless Communications Towers by definition.
- 9.22.02 Radio towers, antennas, and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the County to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission (FCC).
- 9.22.03 Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Planning Commission may recommend and the County Board grant a Conditional Use Permit (CUP) to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the Planning Commission shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).
- 9.22.04 Amateur radio towers shall be subject to typical provisions for Accessory Structures, including setback requirements.
1. Such radio towers shall not be located within any front yard.
- 9.22.05 Tower Standards
1. The tower shall have a galvanized finish or other rust inhibiting finish but can be painted green below treetop level. It shall not be painted in alternate bands of distinctive orange and white colors or equipped with lights unless specifically required for safety reasons by a governmental agency having jurisdiction thereof. If so required, such lights shall not exceed the minimum standards therefore.
  2. To prevent vandalism or injuries, adequate security measures shall be provided around the antenna installation base (such as security fence with a locking portal) or other device designed to prevent unauthorized access to the antenna.
- 9.22.06 Application requirements
1. The application shall be accompanied by a site plan showing site boundary, locations of the proposed antenna installation, guy wire anchors, and nearby structures, tower design and building materials, equipment to be attached to the tower (e.g. antennas, mast, and rotor, etc.), and setbacks from the site boundary.
  2. The application shall include a statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to its design, unobtrusiveness, minimum height necessary to accommodate the radio service communications, avoidance of artificial light and coloring provisions.

## **Section 9.23     Data Centers**

- 9.23.01     Intent.  
The purpose of this section is to regulate the location, design, construction, and operation of data centers within the jurisdiction in order to promote efficient and responsible development, ensure compatibility with surrounding land uses, protect the environment, and safeguard public health, safety, and welfare.
- 9.23.02     Data Center Facilities
1. Data Centers may be established in areas with adequate infrastructure, including but not limited to reliable power supply, access to fiber-optic networks, and appropriate road capacity.
    - A. Applicant shall provide evidence of sufficient water and wastewater capacity from the Utility provider, or certification by a Professional Engineer if water is to be provided by well and onsite wastewater treatment systems.
    - B. Applicant shall provide a signed letter from the electric utility demonstrating ability to serve the facility without decreased system capacity.
    - C. Applicant shall be responsible for all costs to extend infrastructure to the data center site.
  2. Data centers shall be allowed as a principal or accessory use within Districts designated in the Land Use Matrix in Section 5.04.
  3. Accessory uses directly related to data center operations, such as maintenance facilities, security offices, and employee amenities, are allowed as permitted.
- 9.23.03     Development Standards
1. Setbacks and Buffer Zones
    - A. Buffer zones consisting of landscaping, walls, or other appropriate measures may be required to provide visual and noise mitigation between the data center and adjacent properties, particularly in residential or sensitive use areas.
    - B. Data centers shall be designed to ensure compatibility with the surrounding built environment, including the use of materials, colors, and architectural elements blending into the character of the area.
    - C. Exterior walls and roofs should be designed to minimize the visual impact of the facility, such as through the use of earth-tone colors and non-reflective surfaces.
  2. Sufficient on-site parking spaces shall be provided to meet the needs of employees and visitors, while minimizing adverse impacts on the surrounding area.
  3. Access to data centers should be designed to ensure efficient traffic flow and prevent congestion, considering the volume and type of anticipated traffic.
- 9.23.04     Environmental Considerations
1. Data centers shall be designed and operated to maximize energy efficiency, including the use of energy-efficient servers, cooling systems, and lighting.
  2. Renewable energy sources, such as solar or wind power, should be considered for on-site energy generation whenever feasible.
  3. Data centers shall implement water-efficient practices, including the use of recycled water for cooling systems and landscaping, and the installation of water-saving fixtures within the facility.

9.23.05 Operational Requirements

1. Data centers shall have emergency response plans in place to address potential hazards, such as power outages, fires, and natural disasters.
2. Adequate fire suppression and detection systems shall be installed and maintained in compliance with applicable fire codes.
3. Data centers shall implement noise mitigation measures to minimize impacts on nearby residential areas, including the use of sound-insulated walls and equipment enclosures.
4. Data centers shall implement appropriate security measures, including controlled access, surveillance systems, and adequate lighting, to ensure the protection of data and infrastructure.

## **Section 9.24 Livestock Regulations**

### 9.24.01 Intent.

This Section is intended to provide regulations for Livestock Feeding Operations (LFOs).

1. Approval by the Nebraska Department of Water, Energy, and Environment (DWEE). Permits may be approved by the Planning Commission and County Board on the provision that all required permits from the Nebraska Department of Environmental Quality (NDEQ,)NDEE, NDWEE, or any successor agency must be approved prior to the Zoning Permit being issued by Jefferson County.

### 9.24.02 LFO Design and Setback Standards.

1. The following design standards are minimum sanitation and odor practices for Jefferson County. The Board of Commissioners, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as: property values, dust, lighting, waste disposal and dead livestock.
2. Any new or expanding livestock facilities/operations, as defined, 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.
  - A. Expansion of an existing livestock facility/operation occurs 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.
  - B. Existing livestock confinement facilities/operations with approved permits by NDEQ, NDEE, NDWEE, or successor agency dated prior to August 1, 2001 (the effective date of the previous Zoning Regulation) shall be hereafter allowed to expand up to the permitted NDWEE animal unit number. These facilities/operations shall not be required to meet the Zoning Permit and setback requirements contained in this section, until further expansion requires a new NDWEE permit. Upon application of a new NDWEE permit, the facility/operation shall meet all provisions of this zoning regulation.
3. An LFO will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation.

4. Each operation type shall be classified in one of five levels according to the total number of A.U. in the operation at any one time. Levels will include:
  - Class I Facility = 301-1,000 animal units;
  - Class II Facility = 1,001-2,500 animal units;
  - Class III Facility = 2,501-5,000 animal units;
  - Class IV Facility = 5,001-10,000 animal units; and
  - Class V Facility = 10,001 or more animal units.
- A. LFOs having more than one type of feeding operation at one location shall be categorized according to the total number of animal units.
- B. LFOs having 301 animal units or more shall also locate at a distance as specified ~~under the ECH or Open Lots~~ in the following Table from a platted residential area, occupied dwelling, public park, recreational area, church, cemetery, religious area, school, historical site, and residential district.

**Table 9.24.02 LFO Spacing and Distance**

Size of Proposed LFO in Animal Units.		Setback from Non-farm, other Residence and/or other LFOs (miles)
Class I 301-1000	ECH	¼
	OPEN	½
Class II 1001 to 2500	ECH	½
	OPEN	¾
Class III 2501-5000	ECH	¾
	OPEN	1.0
Class IV 5001-10,000	ECH	1.0
	OPEN	1.25
Class V 10,000+	ECH	1.25
	OPEN	1.5

Note: The setbacks under this section shall increase by one-fourth (1/4) mile for each 5000 AU (or fractional portion thereof) of authorized capacity above 10,000 AU not to exceed a setback of 2 miles. No Class V LFO shall be located within two miles of a municipality.

ECH = Environmentally Controlled Housing  
 OPEN = Open Lot Operations

- 9.24.03 A management plan for the facility, acceptable to NDWEE 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.
- 9.24.04 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.
- 9.24.05 Disposal and storage of livestock confinement facility/operation animal waste shall be in conformance with the following:
  1. 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 (or successor agency).
  2. Paunch waste disposal shall only be allowed in conformance with this regulation.
- 9.24.06 Zoning permits granted under this section shall be subject to review by the County Board if not in compliance with NDWEE regulations.

## **Section 9.25      Manure Regulations**

- 9.25.01      Intent  
This Section is intended to provide regulations for composting of manure, to encourage this agricultural activity while minimizing adverse impacts to people and property.
- 9.25.02      Reserved
- 9.25.03      Paunch Manure
1. It is hereby found and declared that unsanitary disposal of paunch manure creates health and sanitary hazards, promotes the breeding of vermin, flies, and other pests, pollutes water and atmosphere, produces noxious odors and is an affront to the aesthetic values of the citizens of Jefferson County. It is further found and declared that the elimination of open disposal of paunch manure and the prevention of health, sanitation, and aesthetic nuisances in the future is in the best interests of the citizens of Jefferson County and the State of Nebraska; and that the accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this Regulation. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that this regulation be liberally construed to effectuate the purposes as stated herein.
  2. Definitions  
For the purpose of this section, certain terms and words are defined as set forth in this Section. All other terms shall be defined as found in Article 2 above.
    - Applicant:** Any person who owns or is in possession of real property upon which paunch manure is proposed to be disposed.
    - Application Site:** The property upon which paunch manure is to be disposed.
    - Dispose:** To apply, dump, leave, place, unload, or otherwise get rid of.
    - Generator:** Any person whose act or process produces paunch manure.
    - Incorporate into the Soil:** To work a material into the surface of the soil by plowing, disking, or other means.
    - Paunch Manure:** Partially digested material taken from an animal at the time of slaughter.
    - Person:** Any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality, governmental subdivision, or organization of any kind.
    - Storage:** The temporary holding or leaving of a material in a location or position other than where it will ultimately reside or be used.
  3. Permits
    - A. It shall be unlawful for any person to use any land, premises, or property in the county for the storage and disposal of any paunch manure without first making application for and securing a required permit to do so.
    - B. The application shall include, but not be limited to, the following:
      - 1) The name, address, telephone number, and ownership status of the generator of the paunch manure.
      - 2) The name, address, and telephone number of the person who will be disposing paunch manure.
      - 3) The name, address, and telephone number of the owner of the paunch manure application site.
      - 4) The legal description of the paunch manure application site.
      - 5) The current and future use of the proposed application site.
      - 6) The type of vehicles or facilities used to transport paunch manure to the application site.

- 7) A description of the method of disposal and storage of paunch manure at the application site. If storage or disposal facilities are to be utilized, engineering plans and specifications must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Jefferson County Board of Commissioners.
  - 8) A description of the method of application of paunch manure.
  - 9) A description of the method of incorporating paunch manure into the soil.
  - 10) A topographic map of the application and storage site(s) which shall include:
    - a) The locations and names of neighboring home sites or farmsteads and adjacent land owned by others.
    - b) The location of wells within 500 feet of the application site boundary.
    - c) The specific location(s) of proposed storage site(s).
  - 11) Submit a soil analysis of the application site, which analysis shall include:
    - a) pH
    - b) Soil Cation Exchange Capacity
    - c) Heavy metals
    - d) Nitrogen
    - e) Water Table Evaluation
    - f) Percolation tests
4. Conditions for Disposal
- No person shall permit the unloading, dumping, or other disposal of any paunch manure at any place except a licensed and permitted application site. This shall not prohibit a person from disposing of paunch manure from his own animals or household upon his own land as long as such disposal does not create a nuisance or hazard to health of others.
5. Regulations
- The following regulations shall be the minimum regulations observed by any person to whom a permit is granted for the disposal of paunch manure. These regulations shall govern the disposal, storage, and incorporation of paunch manure in Jefferson County and any failure to fully comply with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.
- A. Paunch manure will not be disposed of in the county unless it has 65 percent or less moisture content, unless otherwise permitted by the County Board.
  - B. During the months of March through November, all paunch manure that is land applied shall be incorporated into the soil within 24 hours of the application. If the paunch manure cannot be incorporated into the soil within such 24-hour period, it shall not be land applied.
  - C. Paunch manure shall not be land applied within 500 feet of an inhabited residence, business or facility or land frequented by the public (excluding business, facility, residence or residences of owner or applicator).
  - D. Storage of paunch manure shall comply with recommended Nebraska Department of Environment and Energy guidelines.
  - E. A comment letter from the County Highway Superintendent.

**Section 9.26 Kennels**

- 9.26.01 Intent  
This Section is intended to provide regulations for kenneling of small animals, to minimize impacts to adjacent and nearby property, and protect public health and safety.
- 9.26.01 Separation Distance
1. Any kennel shall be located at least one-half (1/2) mile from any undeveloped lot of record less than twenty acres in area; school, church, public use area; or dwelling unit not on the same lot of record.
    - A. Measurement of this distance shall be from the point of the kennel structure or kennel runs nearest such facility and the nearest wall of a school, church, or dwelling, or the nearest boundary of a lot of record less than twenty acres in area or public use area.
  2. The Board may waive the minimum separation distance with the Conditional Use Permit, when the applicant can demonstrate the animals kenneled will present no or very limited noise or other impacts on adjoining properties.
- 9.26.02 Disposal of waste.  
Disposal of dead animals, animal waste, bedding, and other waste material shall be in accordance with the requirements of the Nebraska Department of Agriculture and Nebraska Department of Environment and Energy.
- 9.26.03 License. The owner of any kennel shall have a license/permit for a kennel as required by the State of Nebraska.

**Section 9.27 Landfill Regulations**

- 9.27.01 Intent and Purpose  
It is hereby found and declared that unsanitary disposal of garbage and refuse creates health and sanitary hazards, promotes the breeding of rats, flies and other vermin, pollutes water and the atmosphere, produces noxious odors and insults the aesthetic values of the citizens of Jefferson County. It is hereby further found and declared that the elimination of open dumps and the prevention of health, sanitation and aesthetic nuisances in the future is in the best interests of the citizens of the county and the State of Nebraska; and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Regulation. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that the Regulation be liberally construed to effectuate the purposes as stated herein.
- 9.27.02 Definitions  
For the purpose of this section, certain terms and words are defined as set forth in this Section. All other terms shall be defined as found in Article 2 above.
- Applicant: Individuals, firms, corporations or any political subdivisions of the State including any governmental authority created by statute.
- Department: The Nebraska Department of Environmental and Energy.
- Garbage: Rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and dead animals rejected by rendering plants.

Junk: Old scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.

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

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

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

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

#### 9.27.03 Zoning Permits for Landfills

It shall be unlawful for any person to use any land, premises or property within the county for the disposal of any garbage, rubbish, and refuse, or garbage, rubbish, or refuse without first making application to the County.

The application to operate a sanitary landfill shall be filed with the County Zoning Administrator and shall contain:

1. A description and plat of the land on which the disposal of garbage and refuse or garbage or refuse is proposed
2. A description of the sequence and plan of operation
3. Type and capacity of equipment to be used for operations
4. Plans for fire, nuisance and vermin control
5. Existing and proposed roadways and easements
6. Existing topography and water courses
7. A diagram and written statement explaining the proposed location and extent of earthwork and fill operations
8. Proposed measures to control storm drainage and estimated daily or weekly volume of garbage and refuse, or garbage or refuse to be placed in the sanitary landfill
9. Subsoil data including percolation tests, ground water, and soil types.

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

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

## 9.27.04 Disposal Conditions

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

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

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

## 9.27.05 Physical Improvements

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

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

## 9.27.06 Regulations

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

1. All garbage and other refuse accepted by the permit holder shall be thoroughly compacted by equipment of a size and weight capable of carrying out all necessary operations. Sufficient auxiliary equipment shall be available on the site or otherwise available to permit operation in case of equipment breakdown.

2. Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two feet prior to its compaction.
3. The area of the landfill shall be policed as necessary to prevent fire and smoke and to collect all scattered materials; shall be neat and orderly at all times and shall be covered at the end of each day's operation, as well as when wind conditions warrant it through the day, with sufficient material to prevent blowing litter, fly and rodent attraction and breeding, release of odor, fire hazard, and unsightly appearance.
4. A minimum depth of 12 inches of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill shall be covered at the end of each day's operation, with cover material.
5. When the fill has been brought up to four feet below the desired finished grade, it shall be covered with compacted cover material for a minimum depth of four feet, graded and seeded in such a manner as to prevent erosion. The finally graded and seeded finished surface of the fill shall be maintained at final grade free from erosion and in a well seeded manner for a period of two years after filling operations have been completed.
6. Where the trench system of sanitary landfill is used, successive parallel trenches must be at least two feet apart.
7. Where the landfill operation is conducted in a ravine, the sides of the ravine shall be terraced prior to landfilling if the slope of the sides of the ravine is 1:1 or greater.
8. In the event that refuse material exists on the site at the time the permit is issued, whether in the form of an open dump or any other form, such refuse material shall be collected, compacted, and covered with cover material at least four feet in depth at the finished grade or with at least six inches of cover material on areas in which landfilling operations will be conducted. This cover operation shall be completed within 15 working days after the issuance of a permit for the sanitary landfill, unless some other period of time is specified in the permit.
9. Access roads to the disposal area shall be maintained and surfaced so as to be negotiable by trucks and other motor vehicles at all reasonable times.
10. The salvage or scavenging of materials from the landfill is prohibited.
11. The burning of garbage and refuse, or garbage or refuse, on the landfill site is prohibited.
12. No landfill operations shall be conducted so that fill will be placed in streambeds or other areas where streams would be obstructed or where erosion by the stream would remove cover material. There shall be no seepage or drainage of any material from the fill of such a nature as would constitute an odor nuisance or health hazard, or pollute any water course or underground water aquifer.
13. The permittee shall provide surface drainage facilities on the landfill site which will permit the drainage of storm water. The existence of standing pools of water on the finished face of the landfill six hours after the last precipitation shall constitute evidence of inadequate surface drainage.
14. The permittee shall take such measures as are necessary to control dust.
15. Deposition of liquids and hazardous material, contaminated or polluted liquids or hazardous substance shall be deposited only after receiving approval from the Nebraska Department of Environmental and Energy as to such time and such location with the immediate coverage.
16. Other reasonable measures shall be taken to control insects and rodents.

17. Noncombustible and non-putrescible waste such as cinders, broken paving or materials resulting from construction or demolition work may be deposited in the landfill provided such materials shall be leveled and spread at sufficient intervals to prevent unsightly appearance or rodent harborage and shall be covered as required for a completed sanitary landfill; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County-approved CUP, shall be exempt from the requirements of this Section.
18. The discharging of firearms is prohibited.
19. Before any site is abandoned, all exposed refuse shall be covered with a layer of suitable cover material, to minimum compacted depth of four feet. The site otherwise shall be left in a reasonably neat condition so as not to offend adjacent property owners and incite opposition to the establishment of new sites.
20. A comment letter from the County Highway Superintendent.

#### 9.28.07 Enforcement - Permit Suspension and Revocation

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

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

#### 9.28.08 Permit Reinstatement

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

## **Section 9.28 Waste Disposal Sites**

### 9.28.01 Intent

This Section is intended to provide standards for waste disposal.

9.28.02 A permit may be granted for any waste material disposal, composting site, garbage transfer operations in the designated zoning district; provided the following criteria shall be considered (among others determined appropriate/relevant by the County):

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

## **Section 9.29 Above Ground Storage Tanks**

### 9.29.01 Intent

This Section is intended to provide standards for Above Ground Storage Tanks (AGST).

9.29.01 All above ground storage tanks (AGST) shall comply with the following requirements.

1. All Commercial AGST shall be on a minimum site of 1 acre of land.
2. All Commercial AGST s shall comply with all requirement of the Nebraska State Fire Marshal's office. Proof of said compliance is required prior to operating said location.
3. All Commercial AGST shall have the proper containment cells as required by NDWEE and EPA. Proof of said compliance is required prior to operating said location.
4. All Commercial AGST shall be set back a minimum of 100 feet from any right-of-way.
5. All Commercial AGST shall have a minimum separation distance of 300 feet from any structure not on the applicant's property or development.
6. All Commercial AGST shall have their own separate and distinct ingress and egress points to the site.
7. A Commercial AGST that is established as a fuel or fertilizer depot may be required to have more than one point of ingress and egress.
8. All entry points shall be reviewed and signed off on, as to location, by the County Highway Superintendent in the case of a county road or NDOT in the case of a state or federal highway. Proof of said compliance is required prior to operating said location.
9. All Commercial AGST shall provide specific list and data to the county and the local fire departments regarding the materials stored on the site.
10. A Commercial AGST that is established as a fuel or fertilizer depot may be required to conduct a traffic study to determine traffic impacts of the site on the surrounding transportation system.

**Section 9.30 Special Events**

- 9.30.01 Intent  
This Section is intended to provide standards for special events which typically are not part of a standard principal use. These uses may be temporary in nature yet exceed the provisions of Section 4.14 for temporary uses. These events may include large numbers of people as well as vehicular traffic (including recreational vehicles). Typical special events may include:
1. Tractor pulls or races
  2. Fundraising events
  3. Festivals and concerts
  4. Motorcycle or bike rallies
  5. Fireworks displays
  6. Sports events
- 9.30.02 Procedure
1. The Zoning Administrator, if he/she determines that the use is a one time, occasional, or annual event, under the control of a reliable sponsor, may approve an application for a Special Events Zoning Permit to allow the activity to proceed.
  2. Any Special Event where alcoholic beverages will be sold, allowed, and/or consumed shall require any additional approvals for any liquor license as may be required by local or state jurisdictions.
  3. If the Zoning Administrator determines that the use will be conducted occasionally (as opposed to a single event), or that the activity is likely to be associated with site impacts (traffic, dust, noise and activity), he/she shall refer the matter to the Planning Commission and County Board of Commissioners as a Conditional Use.
  4. The Planning Commission and County Board of Commissioners, after an examination of all facts and circumstances, and the imposition of appropriate conditions, may allow the use on a temporary, occasional, or recurring conditional basis.
- 9.31.03 Permit Requirements
1. Additional temporary use requirements shall include, but are not limited to:
    - A. Establish appropriate time limits for operation, if necessary.
    - B. Establish necessary mitigation procedures that will need to be undertaken to minimize traffic impacts.
    - C. Establish the number of times the activity may operate.
    - D. Establish the beginning and ending dates of said Special Event.
    - E. Access
    - F. Set conditions as operating principles, including the advice and approval of the Emergency Manager.
    - G. Incorporate rules and conditions established by the Nebraska State Fire Marshal, the Nebraska Liquor Commission, Nebraska State Patrol or other Nebraska state agency and any resolutions established by the County.
  2. The Special Event permit is a license to operate an activity. It may be revoked for failure to operate within the established conditions and shall not run from operator to operator.
  3. The Permit Application shall be signed by both the property owner and the operator.
  4. Any Permit approved by the Planning Commission and County Board of Commissioners shall also be countersigned by the Zoning Administrator.

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## Article 10: Renewable Energy

### **Section 10.01 Intent**

10.01.01 It is the intent of this article to provide for the orderly development of renewable energy generation facilities in conformance with the Jefferson County Comprehensive Plan, while ensuring adequate protection of public health, safety, and welfare. Renewable energy generation facilities should avoid significant adverse impacts on agricultural lands, as well as current and future residential development.

10.01.02 The following renewable energy terms are defined for the specific use of this article.

**Battery Energy Storage Systems (BESS)** shall mean devices which enable energy to be stored and then released when the power is needed, not to include a single stand-alone 12-volt car battery or an (EV) electric vehicle.

**Electricity Generation** shall mean the amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).

**Fall Zone** shall mean the area, defined as the furthest distance from a tower base, in which a tower will collapse in the event of a structural failure, as certified by a Nebraska-registered Professional Engineer. This area is typically less than the total height of the structure.

**Net Metering** shall mean a system of metering electricity in which a local distribution utility buys excess power from customer-generator facilities with a rated capacity at or below twenty-five kilowatts.

**Repowering** shall mean the combined activity of dismantling or refurbishing existing renewable energy facilities and commissioning new ones. Any change from approved permits shall require amended or new permits from Jefferson County.

**Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.

**Solar Conversion System (SCS)** shall mean an assembly, structure, or design, including passive elements or accessory BESS, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

**Solar Conversion System, Commercial** shall mean a commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid. Commonly referred to as a Solar Farm.



Example of a standalone BESS Facility  
Source: American Planning Association

**Solar Conversion System, Ground-Mounted** shall mean any SCS which is directly supported and attached to the ground.

**Solar Conversion System, Individual** shall mean an individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

**Structurally-mounted System** shall mean an energy production system designed to be mounted on a building, including residential dwellings.

**Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System (WECS).

**Tower** shall mean, for the purposes of this Article, the vertical structures that support electrical, rotor blades, or meteorological equipment.

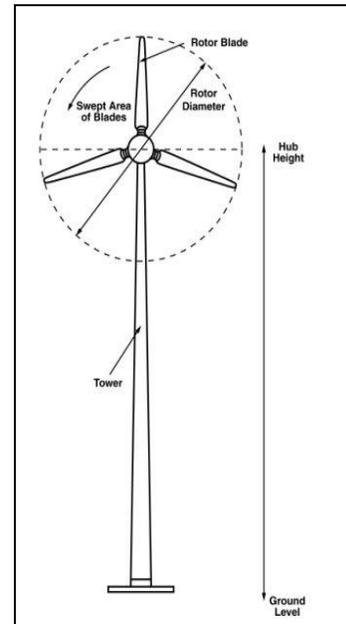
**Tower Height** shall mean the height above grade of the first fixed portion of a wind turbine tower, excluding the wind turbine itself. AKA Hub Height.

**Wind Energy Conversion System (WECS)** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: accessory BESS, power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid; also known as a "Wind Farm".

**Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.



Example of a Solar Conversion System, Structure-mounted



## **Section 10.02 Battery Energy Storage Systems (BESS)**

### 10.02.01 Purpose.

A Battery Energy Storage System (BESS) shall only be installed or constructed within the zoning jurisdiction of Jefferson County, Nebraska, with approval of the appropriate zoning permit. All BESS units shall be constructed in conformance with Nebraska building and fire codes, including applicable National Fire Prevention Association (NFPA) safety codes.

### 10.02.02 BESS Definitions

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

**BESS Tier 1** is a BESS device capable of storing an aggregate energy capacity less than or equal to 600 kWh and consists of only a single energy storage system technology.

**BESS Tier 2** is a BESS device capable of storing an aggregate energy capacity greater than 600 kWh or uses more than one energy storage system technology or chemistry.<sup>1</sup>

### 10.02.03 General Provisions for BESS

The following provisions shall apply to all BESS installations, principle use (stand-alone) or as an accessory use:

1. BESS Tier 1 installations, located within existing buildings, are exempt from zoning permits. Any BESS installation shall follow all applicable performance standards of the zoning regulations.
  - A. No BESS installation shall otherwise be allowed except as permitted in the Land Use Matrix in Section 5.04.
2. All BESS installations shall meet NFPA 855 standards safety code thresholds for batteries.
3. Non-utility on-site power lines shall be buried to ensure public safety, except where connecting to existing overhead utility lines.

### 10.02.04 Performance Standards

#### 1. Setbacks

BESS installations shall conform to all required lot setback requirements for a principle or accessory use as they may be determined by the Zoning Administrator, except as provided herein:

- A. Setbacks: No ground mounted BESS shall be located in the required front yard or side yard.

#### 2. Structural Requirements

The physical structure, equipment, and connections to existing structures shall conform to the applicable local, state, and federal codes.

#### 3. Noise

- A. No BESS shall exceed 50 dBA, as measured at the closet neighboring inhabited dwelling unit.

<sup>1</sup> National Fire Prevention Association (NFPA) standard 855 sets safety code thresholds for batteries. Under this standard, operators of facilities with total energy storage exceeding 600 kWh must currently complete a hazard mitigation analysis, utilize fire suppression designs and equipment, conduct fire and explosion testing in accordance with UL 9540A, develop emergency planning, and conduct annual training of maintenance staff.

4. Safety and First Responder Standards

The owner/developer of any BESS Tier 2 installation shall provide emergency plans and hazard information, and maintain such information on file with Jefferson County, identifying design requirements for fire or environmental considerations, information and training for local first responders, and codes/safety standards for equipment.

5. Decommissioning

- A. Whenever a BESS ceases operation on a property, the property owner shall be required to report this to the County and the electric utility.
- B. Whenever a BESS Tier 1 or Tier 2 is no longer operating, the property owner shall have six months to completely remove all equipment and wiring. The location of the BESS shall be returned to a usable state based upon site conditions.
- C. For BESS Tier 2 installations, Jefferson County reserves the right to require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning.

10.02.05 Submittal Requirements

- 1. An application for a zoning permit for a BESS (Tier 1 or Tier 2) shall contain the following information:
  - A. A site plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the BESS installation, the distances of the BESS to structures on the property as well as distances to the property lines.
    - 1) The site plan shall include adjacent roads, electric lines, and/ or overhead utility lines and easements.
  - B. A description of the electrical storage capacity, storage chemistry, and means of interconnection to the electrical grid (if any) as coordinated and pre-approved with the appurtenant Power District.
  - C. Drawings or blueprints for the BESS equipment.
  - D. Manufacturer's recommended installations, if any.
  - E. Documentation of land ownership and/or legal authority to construct on the property.
  - F. Incident Response Plan, documenting requirements of Section 10.02.04(4) above.
  - G. Decommissioning plan.

### **Section 10.03 Solar Energy Uses**

#### 10.03.01 Purpose.

No solar panel or commercial solar conversion system or facility shall be installed or constructed within the zoning jurisdiction of Jefferson County, Nebraska, unless a zoning permit has been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

#### 10.03.02 Definitions

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

**Accessory Solar Energy Systems** shall mean any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

**Agrioltaics** shall mean the use of land for both agriculture and solar photovoltaic energy generation.

**Combiner or Junction Box** shall mean a device which combines the electrical flows from multiple strings of solar panels into a single-source output circuit.

**Concentrated Solar Power** shall mean a solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

**Net Excess Generation** shall mean, on an ISCS, the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period.

**Size of Solar Facility** shall mean the developed land area, as approved by the facility permit, measured in square feet or acreage

**Solar Access** shall mean the ability to receive sunlight across real property for any solar energy device.

**Solar Access Easement** shall mean a right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

**Solar Oriented Subdivision** shall mean a subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

10.03.03 General Provisions Applying to ISCS and/or CSCS

The following provisions shall apply, typically, to two or more of the different solar conversion systems in this Section.

1. Agriculture: Solar panels used to provide power to agricultural irrigation wells, potable drinking wells, and other agricultural uses (not residence, barns, sheds) shall be exempt from these regulations.
2. For Commercial SCS: Applicant shall comply with specific requirements of the local fire department.
3. Maintenance:  
All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.
4. Decommissioning:  
All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan approved by the Jefferson County Board, as required by Section 10.05 below.
5. Repowering:  
If any SCS is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SCS not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and Decommissioning provisions will apply.
  - A. Repowering does not require a new Zoning Permit if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
6. Other Requirements:
  - A. Any applicant for a SCS project shall demonstrate they have met the requirements of the electric utility and will have in place an interconnection agreement with the electric utility.
  - B. Details shall be included of any proposed Battery Energy Storage Systems (BESS).
  - C. All CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
  - D. SCS may be installed in the floodway fringe subject to floodplain regulations, as may be amended from time to time, given that all components are installed a minimum of two feet (2') above base flood elevation and subject to written authorization of the Floodplain Administrator.
    - 1) No SCS shall be constructed in an identified Floodway.
7. Concentrated Solar Power (CSP) systems are prohibited within Jefferson County's jurisdiction.

## 10.03.04 Individual Solar Conversion Systems (ISCS)

1. General Requirements for ISCS:  
ISCS's shall conform to the required front, side, and rear lot setback requirements except as provided herein:
  - A. The applicant for any ISCS shall contact the electric utility if net metering is anticipated.
  - B. An ISCS which is attached to an integral part of the principal building shall meet all local, state, and federal codes for building, electrical, plumbing, and accessibility.
  - C. A ground-mounted ISCS may be located only in the required rear yard provided it does not exceed 12-feet in height and is located not less than five feet from the rear lot line and not on any existing easement as measured from the closest point of the structure including its foundation and anchorage.
  - D. Setbacks: No ground mounted ISCS shall be located in the required side yard or front yard.
  - E. All ISCS's shall have an agreed solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted SCS is in place and operational.
2. Structural Requirements:  
The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.
3. Site Plan:  
The application for a zoning permit shall be accompanied by a site plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
4. Preexisting Solar Panels:  
Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid permit issued by Jefferson County, may continue to be utilized so long as it is maintained in operational condition.
5. Decommissioning
  - A. Whenever an SCS ceases operation on a property, the property owner shall be required to report this to the County and the electric utility.
  - B. Whenever, a ground mounted SCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

## 10.03.05 Reserved

This section reserved for future use.

10.03.06 **Commercial Solar Conversion Systems (CSCS)**1. **Purpose.**

The purpose of this subsection is to provide standards for photovoltaic solar farms consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. A CSCS facility may include common or aggregated ownership which includes substations, cables/wire, convertors, and other accessory structures, the main purpose of which is to supply electricity to on- and off-site customers. CSCS 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 CSCS 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.

2. **Solar Project Application Requirements:**

- A. A site plan prepared by a Professional Engineer denoting the dimensions of the parcel, proposed solar facility location (arrangement of panels and structures), limits and size of developed Solar Facility, distance from the proposed developed area to all property lines, lot coverage and ground coverage ratios, proposed screening (if any), and locations of driveway(s). No portion of the developed 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.
  - 1) Plan 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.
- C. Grading and Drainage plans shall be submitted with the application, prepared and stamped by a Professional Engineer.
- D. Vegetation Management plans shall be submitted with the application, prepared by a qualified professional.
- E. Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
- F. A pre-construction noise and glare study shall be conducted covering property within one mile of the CSCS site, and shall be submitted with the application.
- G. 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.

3. **Height** of the solar collector and any mounts within an established solar farm shall not exceed 14 feet when oriented at maximum tilt.
4. **Minimizing adverse impacts**
  - A. The solar facility shall be designed and placed to minimize adverse visual and noise impacts on adjacent areas. Techniques such as screening, fencing, vegetation, trees, shrubs, and pollinator plantings can be used when included in the application documents.
    - 1) 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.
    - 2) 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.
  - B. Agri-voltaics is encouraged for facilities located on prime farmland.
  - C. Fencing may be up to 8 feet in height, where specified on the approved site plan.
5. **Setbacks**, in addition to the underlying zoning, shall be no less than:
  - A. 200 feet to any property line of a non-participating property owner
  - B. ~~330 feet~~The setback to any residence of a non-participating property owner, measured from the nearest exterior wall of the residence, to any structure associated with the solar facility, ~~as necessary for the size of solar facility:~~
    - 1) ~~1/16 mile (330')~~ for a solar project of up to 40 acres in size;
    - 2) ~~1/8 mile (660')~~ for a solar project of up to 80 acres in size;
    - 3) ~~1/4 mile (1,320')~~ for a solar project of up to 160 acres in size;
    - 4) ~~1/2 mile (2,640')~~ for a solar project over 160 acres in size.
  - C. 10 feet to any other structure.
  - D. The underlying setback shall be required to the property line of any participating property owner.
  - E. One (1) mile setback from incorporated communities, State and Natural Resource District (NRD) recreation areas, schools, and churches.
  - F. 100 feet from any road right-of-way or road easement.
6. **Lot Coverage**  
To support vegetation and wildlife habitat, and limit impervious surface, no more of any area may be covered (as defined) than:
  - A. No more than 50% of any legal lot.
  - B. No more than 10% of prime farmland in any one Section of land.
  - C. Limits may be higher to meet bulk requirements of the zoning district.
7. **Safety and Inspections**
  - A. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s) and either anti-glare or anti-reflective panels.
    - 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 facility shall meet all requirements of the Federal Aviation Administration (FAA) to ensure safety of aviation.
  - B. The site shall be landscaped, finished, and maintained as specified in the Grading and Drainage plan and Vegetation Management plans.
  - C. 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.

- D. All public roads to be used for the purpose of transporting materials, parts, cement, or equipment for construction, operation, or maintenance of the CSCS facility shall be identified and applicable weight and size permits from the impacted road authority(ies) shall be obtained prior to construction.
    - 1) The Applicant shall be responsible for immediate repair of damage to County roads and drainage systems stemming from construction, operation, or maintenance of the facility.
    - 2) All solid and hazardous wastes shall be removed from the site promptly and disposed of in accordance with all applicable regulations.
  - E. Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency.
  - F. Any connection to the public utility grid must be approved by the applicable public utility.
  - G. If BESS 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.
8. **Decommissioning**  
The developer/property owner shall submit a decommissioning plan as specified in Section 10.05 below.
9. **Abandonment**  
A ground or pole-mounted solar energy system is considered to be 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.

## **Section 10.04 Small and Commercial Wind Energy Conversion Systems**

### 10.04.01 Intent

1. 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.
2. 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.

### 10.04.02 Types of Wind Energy Systems

1. 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)
2. 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.

### 10.04.03 WECS Definitions

**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.

**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

**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.

**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.

**Height, total system** – See Section 10.01.02 above.

**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 CW ECS. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Transportation or other similar applications to monitor weather conditions.

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

**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.

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

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

**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.

**Wind Energy Conversion System (WECS)** – See Section 10.01.02 above.

**Wind Turbine Generator** – The component of a wind energy system that transforms mechanical energy from the wind into electrical energy.

#### 10.04.04 Small Wind Energy Conversion Systems (SWECS)

1. 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 Conditional Use Permit to be issued in the AG, AGR, TA, 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).

- 9) 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.
  - 10) The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
  - 11) 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.
  - 12) 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.
  - 13) Construction access must be re-graded and re-vegetated to minimize environmental impacts.
  - 14) 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 rights-of-way;
    - 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

10.04.05 Commercial Wind Energy Conversion Systems (CWECS)

1. 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 this Section.

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, T, 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:
  - 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.
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 CW ECS 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.
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.
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 Conditional 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.

#### 10.04.06 Application Requirements

1. The applicant for a special use permit for construction of a CW ECS 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 CW ECS.
    - 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 CW ECS;
    - 5) Location of any overhead utility lines on the property;
    - 6) Location of all known communications towers within two (2) miles of the proposed CW ECS
    - 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 CW ECS.
    - 9) Provide a copy of the Easement from the Jefferson County Register of Deeds Office for each property involved in the CW ECS.
    - 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"
- E. *Reserved for future use.*
- 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.
- I. Applicant shall be required to comply with the discontinuation and decommissioning requirements set forth below.

10.04.07 Construction and Operations

- 1. 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. A pre-construction survey must be conducted with the appropriate jurisdictions to determine existing road conditions.
    - 1) Those included are:
      - Applicant(s);
      - Land Owner(s);
      - CWECS Owner(s);
      - Township Representative(s),

- Highway Superintendent
  - Zoning Administrator.
- 2) The survey shall include photographs and a written agreement to document the conditions of the public roads and facilities.
  - 3) All expenses of the survey shall be the Applicant's responsibility.
- B. The CW ECS owner shall be responsible for immediate repair of damage to County roads and drainage systems stemming from construction, operation, or maintenance of the CW ECS.
  - 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.

#### 10.04.08 Safety Measures

1. The following apply for all CW ECS facilities:
  - A. Each CW ECS 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. CW ECS 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 CW ECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electric Code.
  - D. Any CW ECS 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 CW ECS 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 CW ECS shall be warranted against any system failures reasonably expected in severe weather operation conditions

- 10.04.09 Discontinuation and Decommissioning
  - 1. Requirements as specified in Section 10.05 below.
  
- 10.04.10 CW ECS Noise
  - 1. No CW ECS 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.
  - 2. Testing shall be paid for by the owner of the CW ECS.
  
- 10.04.11 No Retroactivity
  - 1. Existing CW ECS shall be subject only to the zoning regulations applicable at the time Jefferson County approved the zoning permit applicable to such CW ECS and shall not be subject to any zoning regulations or amendments to the zoning regulations Jefferson County may adopt subject to approving the use permit for subsequent CW ECS.

**Section 10.05 Discontinuation and Decommissioning**

- 10.05.01 Each commercial-scale renewable energy generation facility shall submit a proposed Decommissioning Plan outlining the anticipated means and cost of removing the facility at the end of their serviceable life or upon being discontinued use.
1. The Decommissioning Plan shall include at minimum an estimate of the anticipated life of the project, anticipated costs and sources of financing for removing the facility and restoring the property, the method or process insuring decommissioning will be completed in a proper and timely manner, the anticipated manner in which the project will be decommissioned, and the time period in which decommissioning shall be completed.
- 10.05.02 A facility 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 facility to service.
1. All facilities 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 facility.
- 10.05.03 Each facility shall have an approved decommissioning plan outlining the anticipated means and costs of removing each facility at the end of the serviceable life or upon becoming a discontinued use.
1. 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.
  2. Cost estimates shall be gross cost of decommissioning, with no discount for potential theoretical value of recyclables.
  3. Such decommissioning plan and cost estimates shall be updated every five (5) years.
- 10.05.04 At the end of the facility's useful life, the entire site shall be restored in accordance with the requirements of this section within eighteen (18) months.
- 10.05.05 Form of Security Escrow
1. A ~~surety bond or standby letter of credit (security), cash escrow account~~ is required before the permit is approved to guarantee removal and restoration upon discontinuation, decommissioning or abandonment.
    - A. Bond or Letter of Credit requirements.
      - 1) The form of security is required prior to construction commencing.
      - 2) The security must be issued or confirmed by a bank with AA or equivalent rating by one of the three major rating agencies (Fitch, Moody's, or S & P) in the United States of America.
      - 3) The security shall be Irrevocable, clean and contain an evergreen clause (automatically renews annually).
    - B. The amount of the ~~security escrow~~ shall include the current gross cost of decommissioning and restoration and the permit holder shall be responsible for the holding/setup fee.
    - ~~C.B.~~ It shall be funded at a minimum of 10% increments annually until fully funded to satisfy the current projected decommissioning and restoration costs.
    - ~~D.C.~~ The amount required may change when projected costs are reviewed and updated every 5 years.
    - ~~E.D.~~ After being fully funded by year 10, the applicant shall continue to fund the ~~security escrow~~ at 3% of its value for the life of the project with repeated 5-year cost reviews and updates.

- FE. Any ~~securityescrow~~ amounts which are more than actual costs shall be returned to the Applicant within (90) days after the ~~facility has have~~ been fully decommissioned.
2. Upon transfer of any renewable energy facility permit, the permit holder shall submit proof that the escrow has been reassigned. The transfer of a facility 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.

## Article 11: Non-Conformities

### **Section 11.01 Nonconformities, General Intent**

It is the intent of this regulation to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the districts involved. It is further the intent of this regulation that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

### **Section 11.02 Nonconforming Lots of Record**

- 11.02.01 In any district, notwithstanding limitations imposed by other provisions of this regulation, a primary structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this regulation.
1. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
  2. Variance of dimensional requirements shall be obtained only through action of the Board of Adjustment.
- 11.02.02 Single Ownership: If two or more lots or combinations of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Regulation, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this Regulation. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Regulation, nor shall any division of any parcel be made which creates a lot with width below the requirements stated herein.

### **Section 11.03 Nonconforming Structures**

- 11.03.01 Authority to continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 11.03.02 Enlargement, Repair, Alterations: Any such structure described in this section may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by conditional use permit unless otherwise approved or as specified in a Residential District.

- 11.03.03 Damage or Destruction: In the event that any structure described in this section is damaged or destroyed, by any means other than intentional destruction, to the extent of more than 50% of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in this section, shall not have a side yard of less than five feet.
1. When a structure is damaged to the extent of less than 50% of its structural value, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
  2. Complete reconstruction of a nonconforming structure may be allowed through a Conditional Use Permit (CUP) if the structure is damaged or destroyed by natural means and not through intentional destruction or actions of the property owner or tenant. Reconstructed structures shall not be allowed to increase the level of nonconformity with regard to setbacks or lot coverage.
- 11.03.04 Moving: No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

#### **Section 11.04 Nonconforming Uses**

- 11.04.01 Nonconforming Uses of Land: Where at the effective date of adoption or amendment of this regulation, lawful use of land exists that is made no longer permissible under the terms of this regulation as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this regulation;
  2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this regulation.
  3. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this regulation for the district in which such land is located.
- 11.04.02 Nonconforming Uses of Structures: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this regulation, that would not be allowed in the district under the terms of this regulation, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No existing structure devoted to a use not permitted by this regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
  2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this regulation but no such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Board of Adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguard in accord with the provisions of this regulation;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### **Section 11.05 Repairs and Maintenance**

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

#### **Section 11.06 Uses under Conditional Use Permit Not Nonconforming Uses**

- 11.06.01 Any use for which a special exception or conditional use permit (CUP) has been issued as provided in previous regulations shall **not** be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.
- 11.06.02 A CUP shall run with the land, unless otherwise specified by the Planning Commission in conditions of approval.

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## Article 12: Board of Adjustment

### **Section 12.01 Intent**

A Board of Adjustment (BOA) is hereby created in accordance with Nebraska State Statutes governing such creation. The Board shall be an appeals body and may decide any matter appropriately brought before it.

### **Section 12.02 BOA Membership**

- 12.02.01 The Board of Adjustment shall consist of five members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason.
1. Each member is to be appointed for a term of three years and may be removed for cause by the appointing authority upon written charges and after public hearing.
  2. No member of the Board of Adjustment shall be a member of the County Board of Commissioners.
  3. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
  4. One member of the Board of Adjustment shall be appointed by the County Board from the membership of the County Planning Commission, and the loss of membership on the Planning Commission by said member shall also result in their immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment.

### **Section 12.03 Rules and Meetings**

- 12.03.01 The Board of Adjustment shall adopt rules in accordance with the provisions of this resolution and state statutes.
1. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. Said Chair, or in their absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
  2. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the County Clerk and shall be a public record.
- 12.03.02 An appeal to the Board of Adjustment may be taken by any person or persons aggrieved or by any officer, department, board, or bureau of the County by any decision, other than the approval or denial of a conditional use permit application, of an administrative officer, planning commission, and/or County Board, depending upon the nature of aggrievement. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Board a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- 12.03.03 The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent, or by attorney.

## **Section 12.04 Powers**

- 12.04.01 The Board of Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the County Board of Commissioners, have only the following powers:
1. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
  2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by such regulation to pass; and
  3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantially impairing the intent and purpose of any zoning regulations, but no such variance shall be authorized unless the Board of Adjustment finds that:
    - A. The strict application of the resolution would produce undue hardship;
    - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
    - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
    - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
  4. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned, or the intended use of the property concerned is not of so general or recurring a nature as to make reasonable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.
- 12.04.02 In exercising the above-mentioned powers, the Board may, in conformity with the provision of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as shall be proper, and to that end shall have the power of the officer or agency from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to affect any variation in such regulation.

## **Section 12.05 Appeal of Board Decisions**

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any officer, departments, board, or bureau of the county may seek review of such decision by the district court for the county in the manner provided by the laws of the state and particularly by Chapter 23, Laws of Nebraska.

## Article 13: Applications and Permits

### **Section 13.01 Zoning Administrator**

- 13.01.01 As provided in §23-114.04 et seq. (Nebraska Revised Statutes), a Zoning Administrator shall be appointed by the Jefferson County Board of Commissioners and shall administer and enforce these Regulations. The Zoning Administrator may be provided with the assistance of such other persons as the County Board may direct.
- 13.01.02 The Zoning Administrator shall have the following authority and responsibility:
1. Make available to the public application forms for permits, conditional use requests to the Commission, amendments to this Resolution and / or Official Zoning Map, and for appeals to the Board of Adjustment; and issue zoning permits and certificates of zoning compliance as required by this regulation, and to maintain records of all such applications and permits issued.
  2. Conduct inspections of sites and structures to determine compliance with the terms of the Zoning Regulations. Where violations are determined to exist, the Zoning Administrator shall have the authority to issue letters of violation, stop work orders and any other legal remedy to assure compliance with the requirements of this Resolution.
  3. Provide interpretation of the text of this regulation and the Official Zoning Map when necessary and such other technical and clerical assistance as the public, the Planning Commission, Board of Adjustment and Board of Commissioners may require.
  4. Maintain and provide information to the public regarding the requirements of the Zoning Regulations and provide for the timely publishing of legal notices and other notifications relative to administration of this regulation as prescribed by law.
  5. Maintain permanent and current records with regard to this Resolution, including but not limited to all maps, amendments, zoning permits, certificates of zoning compliance, variances, appeals, conditional uses and applications thereof together with all records of meetings and public hearings.

### **Section 13.02 Zoning Permit Required**

- 13.02.01 It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any structure, until the proper zoning permit shall have been issued therefore by the Zoning Administrator.
1. Agricultural operations and crop production, other than Livestock Feeding Operations, as defined in Article Two of this Resolution, shall be subject to the requirements of this Resolution, but shall be exempt from permit requirements as specified in Section 5.06.
  2. Non-residential farm buildings, as defined in Article Two of this Resolution, shall be subject to the requirements of this Resolution, and shall require a zoning permit prior to construction.
  3. Any waste handling facility, as defined in Article Two of this Resolution, which may be associated with a farm building, shall be considered a non-farm structure use and shall be subject to all applicable requirements of this Resolution, including requiring a zoning permit.
- 13.02.02 The Zoning Administrator may issue a temporary zoning permit for uses in any district for the purpose of uses and buildings incidental and required in the construction of a principal permitted use in the district in which it is located and highway construction, provided that such use be of a temporary nature and does not involve the erection

of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than six months subject to conditions as will safeguard the public health, safety, and general welfare.

### **Section 13.03 Application for a Zoning Permit**

- 13.03.01 Written application on forms prescribed and furnished by the Zoning Administrator stating such information as may be required for the enforcement of these regulations shall be submitted and shall be accompanied by a site plan, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, existing and intended use of each structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and proposed use to be made of the lot, existing and proposed water and sanitary sewer facilities, as may be necessary to determine and provide for the enforcement of these regulations.
1. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Administrator together with such zoning permits as may be granted.
  2. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- 13.03.02 The Zoning Administrator shall issue a written permit, or denial, thereof, with reasons in writing.
1. When a proposed use must also be reviewed for additional criteria (such as a conditional use, or use in a floodplain, airport hazard overlay, wellhead protection area, etc.,) the application must yield until such use is permitted or denied as may be required by this regulation, or state/federal regulations and statute.
- 13.03.03 Except where an extension has been obtained in writing from the Zoning Administrator, permits issued shall expire if work has not started within one year.

### **Section 13.04 Enforcement by the Zoning Administrator**

- 13.04.01 It shall be the duty of the Zoning Administrator to enforce these Regulations in accordance with its provisions.
1. All departments, officials, and public employees of Jefferson County which are vested with the duty or authority to issue permits shall conform to the provisions of these regulations and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of these Regulations.
  2. Any person may file a written complaint, stating the probable cause alleging violation of this regulation. The Zoning Administrator shall exercise discretion in investigating such complaints and taking appropriate action to bring subject property into compliance.
- 13.04.02 Violations. Any of the following shall be a violation of these Regulations and shall be subject to the remedies and penalties provided:
1. Use or Structure Without Permit or Approval: To allow any use, or construct/remodel any structure, subject to these Regulations without necessary Zoning Permits.
  2. Activities Inconsistent with the Zoning Regulations: The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in contravention of these Regulations.

3. Activities Without Permit or Approval: To engage in any development or other activity of any nature upon land that is subject to these Regulations without all required approvals.
4. Activities Inconsistent with Permit: To engage in any development, use, construction, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other authorization required by these Regulations.
5. Activities Inconsistent with Conditions: To violate, by act or omission, any term, condition, or qualification placed by a decision-making authority, upon any permit or authorization.
6. Increasing Intensity of Use: To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of these Regulations.
7. Failure to Remove Improvements: To fail to remove any improvement installed, created, erected, or maintained in violation of these Regulations, or for which the permit has lapsed.

#### 13.04.03 Remedies

1. Withhold Permits.
  - A. The Zoning Administrator may deny or withhold approval of a Zoning Permit or other approval for any land, structure, or improvements thereon, where there is an uncorrected violation of any provision of these Regulations, or of a condition or qualification of a Zoning Permit previously granted by the County, until the violation is corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
  - B. The County Board may deny or withhold any approvals on a property owned, operated, or being developed by a person who owns, operates, has developed, or otherwise caused an uncorrected violation of these Regulations until the violation is corrected.
2. Approve with Conditions.
  - A. Instead of withholding a permit as described above, the Zoning Administrator or County Board may grant such authorization subject to the condition that the violation is corrected.
3. Revoke Approval.
  - A. Any Zoning Permit may be revoked when the Zoning Administrator determines:
    - 1) That there is a departure from the plans, specifications, or conditions as required under terms of the approval;
    - 2) That the development approval was procured by false representation or was issued by mistake; or
    - 3) That any of the provisions of these Regulations are being violated.
  - B. Any Conditional Use Permit or other approval by the County Board, may be revoked by the County Board upon due notice to the applicant and known parties in interest, when the County Board determines an uncorrected violation of this Regulation.
4. Stop Work Order.
  - A. With or without revoking any approval or authorization, the Zoning Administrator may ask the County Board to issue a stop work order on any land, structure or building, any unpermitted use, or permitted use on which there is an uncorrected violation of a provision of these Regulations or of a Zoning Permit.
5. Injunctive or Other Equitable Relief.
  - A. The County may seek injunction or other equitable relief in court, to stop any violation of these Regulations, of a Zoning Permit, of a Conditional Use Permit, or any other approval.

- 13.04.04 As provided in §23-114.05 (Nebraska Revised Statutes), any person, partnership, limited liability company, association, club, or corporation violating these regulations or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit, or proceeding in violation of such permit, shall be guilty of a Class III misdemeanor.
1. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.
  2. In addition to other remedies, the County Board or the Zoning Administrator, as well as any owner or owners of real estate within the district affected by these regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; or to prevent the illegal act, conduct, business, or use in or about such premises.
  3. Any taxpayer or taxpayers in the county may institute proceedings to compel specific performance by the Zoning Administrator, County Board, or any other responsible officials of Jefferson County.

### **Section 13.05 Enforcement Procedures**

- 13.05.01 Investigation.
1. Upon receipt of a signed, written complaint, or a County staff or elected official's visual observation of a property, indicating an apparent violation of these Regulations or of any permit or approval, the Zoning Administrator shall conduct an investigation without trespass on the subject property to document the issues of concern.
- 13.05.02 Non-Emergency Matters.
1. In the case an apparent violation of these Regulations that does not constitute an emergency or require immediate attention, the Zoning Administrator shall give notice of the nature of the violation to the property owner of record, the Zoning Permit holder, or renter/lessee of property.
    - A. The persons receiving notice shall have thirty (30) days from the date of the notice to correct the violation.
    - B. Notice shall be given in person, by US certified mail to the address of the owner of record in the Jefferson County Assessor's Office, by email if known, or by posting a notice in a visible location on the property.
  2. Notice of violation shall state the nature of the violation, and the time period for compliance. The notice shall state the corrective steps necessary, and may state the nature of subsequent penalties and enforcement actions should the situation not be corrected.
- 13.05.03 Emergency Matters.
1. In case of violations of these Regulations that constitute an emergency situation, as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this Section without prior notice.

## Article 14: Amendment Process

### **Section 14.01 Zoning Amendments**

- 14.01.01 Authority:  
For the purpose of promoting, and protecting the public health, safety and general welfare, the County Board may from time to time, in the manner hereinafter set forth, amend, change, supplement, revise, or repeal any or all of the regulations or the Zoning map district boundaries themselves.
- 14.01.02 Initiation of Amendments:  
Amendments may be proposed by the legislative body, the Planning Commission, any other governmental body, the owner of the property affected, or any other interested person or organization.
- 14.01.03 Form of Proposed Amendment:  
Such proposals shall be in writing and shall be accompanied by a filing fee as set by the Jefferson County Board of Commissioners, except for proposals initiated by a governmental body. The proposal shall contain the recommended language if a change in the text is proposed or a map showing the present and proposed zoning if a zoning map change is initiated.

### **Section 14.02 Planning Commission Consideration of Amendment:**

- 14.02.01 Planning Commission Recommendation:  
1. All proposed amendments shall first be submitted to the Planning Commission for recommendation and report prior to public hearings.
- 14.02.02 Planning Commission Public Hearing:  
1. The Planning Commission shall hold at least one public hearing, with notice as specified in as specified in Neb. Rev. Stat. §23-164 (Reissue 1997).  
A. Notice of the time and place of the public hearing shall be given by the publication thereof in a newspaper of general circulation in the County one time at least 10 days prior to such hearing.  
B. Notice of the time and place of such hearing shall be given in writing to the Chairman of any municipal, county, or joint planning commission, or, if no planning commission exists, to the clerks of local government units, which have jurisdiction over land within three miles of the property affected by the proposed amendment.  
C. Notice, in all cases, shall contain a statement regarding the proposed changes in regulations or restrictions or in the boundaries of any district.  
D. If the proposed amendment will affect specific property, it shall be designated by legal description and general street location and, in addition to publication notice, written notice shall be mailed to all owners of land located within 1,000 feet of the area proposed for amendment if said neighboring property is located within the county's jurisdiction.  
1) If said neighboring property is located within a municipal jurisdiction, notice shall be sent to property owners within 300 feet of the property to be rezoned.  
E. Failure to receive notice, however, shall not invalidate any subsequent action taken by the Planning Commission or the County Board so long as such notice was in fact published and mailed in accordance with these provisions.

2. Hearings on Proposed Amendment:
  - A. The Planning Commission shall hold a public hearing on each proposed amendment and shall cause an accurate written summary to be made of the proceedings which summary shall be preserved by the Secretary to the Planning Commission.
  - B. The Planning Commission shall submit a written recommendation of approval or disapproval of such proposed amendment to the County Board within 30 days, which recommendation shall make findings based upon the evidence presented of:
    - 1) The existing uses of land and zoning classifications of property in the area that will be affected by the proposed amendment;
    - 2) The suitability of the property in question to the new zoning classification;
    - 3) The effect of the proposed amendment on the use of land and administration of zoning in the county;
    - 4) The accessibility of the property to County services; streets and roads, sewage and water facilities and refuse disposal services; and
    - 5) The general health, safety and welfare of the community and any other considerations deemed appropriate by the Planning Commission in furtherance of the objectives of zoning and the County comprehensive plan.

**Section 14.03 Board Consideration of Amendment:**

- 14.03.01 Action by County Board:
1. The County Board shall not act upon a proposed amendment to these Regulations until it shall have received a written recommendation and report from the Planning Commission and until notice of the hearing on the proposed amendment has been given in the manner prescribed in these Regulations.
  2. Notice of Board Hearing:

Upon the development of recommendations from the Planning Commission, the County Board shall hold at least one public hearing thereon, notice of the time and place of which shall be given by the publication thereof in a newspaper of general circulation in the County one time at least 10 days prior to such hearing.
  3. County Board adoption:

The County Board may adopt, modify, or reject the recommendation of the Planning Commission and may either grant the proposed amendment by Resolution adopting the change or deny the amendment by failing to adopt a Resolution. If the proposal is not acted upon by the County Board within 90 days of the date upon which the report and recommendation is received from the Planning Commission, the proposal shall be deemed to have been denied.
  4. Protest:

If a protest against the proposed amendment is filed in the Office of the County Clerk within 14 days after the Planning Commission public hearing, duly signed and acknowledged by the owners of 20 percent or more either of the area of the lots, included in the proposed amendment, or of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such proposed amendment shall not become effective except by the favorable vote of a 2/3 majority of the County Board.

- 14.03.02 Adoption of Amendments: Upon adoption of an amendment to the Jefferson County Zoning Regulations, the following steps shall be undertaken in order to provide a clear understanding of said amendment:
1. A copy of the adopted Resolution as approved by the County Board shall be placed in a section at the back of the Zoning Regulations;
  2. All deletions from the text shall be shown with a strikeout within the body of the regulation;
  3. All additions to the Zoning Regulation shall be shown as bold and in italics within the body of the regulation; and
  4. At the end of the amended section, in parenthesis, the date of passage and Resolution number shall be included within the body of the regulation.

#### **Section 14.04 Comprehensive Plan Relationship**

This Regulation is designed to implement the elements of the comprehensive plan as required by state statutes. Any amendment to the regulations or Official Zoning Map shall conform to the Comprehensive Plan adopted by the governing body.

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## Article 15: Legal Status

### **Section 15.01 Severability**

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

### **Section 15.02 Purpose of Catch Heads**

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

### **Section 15.03 Repeal of Conflicting Resolutions**

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

### **Section 15.04 Effective Date**

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

APPROVED AND ADOPTED by the Jefferson County, Nebraska, Board of Commissioners

This \_\_\_\_\_ day of \_\_\_\_\_, ~~2025~~2026

\_\_\_\_\_ (CHAIR, COUNTY BOARD OF COMMISSIONERS)

(Seal)

ATTEST:

\_\_\_\_\_ (COUNTY CLERK)

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