# *Seward County, Nebraska*
# *Zoning Regulation Update*

*For Public Review*

Prepared by the Seward County Planning Commission

# Draft July 2026

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# Article 1: Title and Purpose

## Section 1.01 Title

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

## Section 1.02 Intent and Purpose

This Resolution is a new regulation for Seward County and is consistent with the Seward County Comprehensive Development Plan and designed for the purpose of promoting the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of Seward County, including, among others, such purposes as:

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

These regulations have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for encouraging the most appropriate use of land throughout the unincorporated portions of Seward County, Nebraska.

## Section 1.03 Jurisdiction

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

## Section 1.04 Provisions Declared to be Minimum Requirements

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

## Section 1.05 Comprehensive Plan Relationship

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

## Section 1.06 Planning Commission Recommendations

1.06.01 Pursuant to §23-114.01 *et seq.*, (Nebraska R.R.S. 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

1.06.02 The Planning 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 act until it has received the final report of the Planning 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 (See for example Section 14.03 Zoning Permits).

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.

# Article 2: Definitions

## Section 2.01 Rules

2.02.01 For the purpose of this regulation, the following rules 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. The word "building" includes the word "structure" but shall not include "temporary structures".
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.

2.02.02 For the purpose of this regulation, the following construction shall apply:

1. The word "Assessor" shall mean the County Assessor of Seward County, Nebraska
2. The words "Board" shall mean the Board of Commissioners of Seward County.
3. The words "Board of Commissioners" shall mean the Board of Commissioners of Seward County.
4. The word "Commission" shall mean the Planning Commission of Seward County.
5. The word "County" shall mean Seward County.
6. The words "County Register" shall mean the County Register of Deeds of Seward County.
7. The word "Federal" shall mean the Government of the United States of America.
8. The word "State" shall mean the State of Nebraska.
9. The words "Zoning Map" shall mean the Official Zoning Map of Seward County.
10. The word "Regulation" shall mean the Zoning Regulation of Seward County.
11. The word "Resolution" shall mean the Zoning Regulation of Seward County.
12. The word "Comprehensive Plan" shall mean the *Seward County Comprehensive Development Plan* as adopted and periodically updated by the Board of County Commissioners.

## 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 | Nebraska Department of Environment and Energy (now DWEE) |
| NHHS | Nebraska Department of Health and Human Services |
| NDNR | Nebraska Department of Natural Resources (now DWEE) |
| NDOT | Nebraska Department of Transportation |
| NDWEE | Nebraska Department of Water, Energy, and Environment. |
| 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 |
| SECS | Solar Energy 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

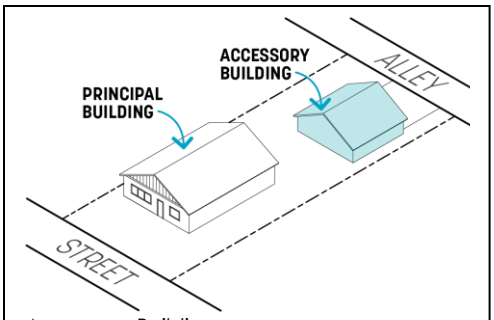
# A

***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 or ADJACENT*** 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.

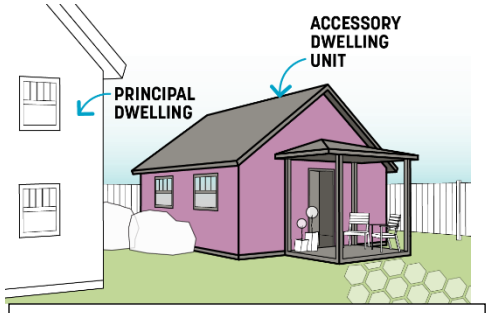
***ACCESSIBILITY RAMP*** shall mean a sloped surface for moving individuals with disabilities from one level to the next, provided the slope of the ramp meets the requirements found in the Americans with Disabilities Act (ADA).



*Accessory Building*
*Accessory Use*

***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 may include such structures as 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. *See for example Section 9.09.*



*Accessory Dwelling Units*

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

***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.

***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.

*Agricultural Sales and Service*

***AGRICULTURE*** shall mean the use of land to obtain a profit by raising, harvesting, and selling crops or by 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.

***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.

***AMUSEMENT PARK*** shall mean a recreational facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

***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 unit of measurement of livestock.

Animal Units (A.U.) are defined as follows:
One A.U. = One Cow/Calf combination;
One A.U. = One Slaughter, Feeder Cattle;
One A.U. = One-half Horse;
One A.U. = Seven Tenths Mature Dairy Cattle;
One A.U. = Two and One Half Swine (55 lbs or more);
One A.U. = 25 Weaned Pigs (less than 55 lbs);
One A.U. = Two Sows with Litters;
One A.U. = 10 Sheep;
One A.U. = 100 Chickens;
One A.U. = 50 Turkeys;
One A.U. = Five Ducks.

***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*

***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.

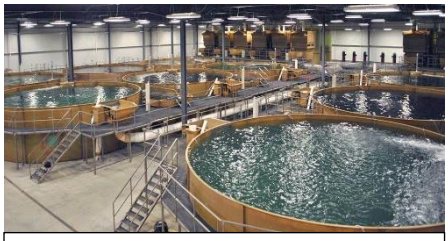
***APIARY*** shall mean a place where bee colonies are kept.

***APPLICANT*** shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a conditional use permit, 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 property owner to make any application.

***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.


*Aquaculture*
*So.bing.com*

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

***AQUFER 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.

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

***ARCHITECTURAL CONCEPT*** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

***ARCHITECTURAL FEATURE*** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture:

1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **MASS** shall pertain to the volume, bulk of a building or structure.
3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

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

***AREAS OF CONTRIBUTION*** shall mean the upland recharge areas and cone of depression from which well water is drawn.

***AREAS OF INFLUENCE*** shall mean the two-dimensional area (as viewed on a map) of water table drawdown created by a pumping well, also see Cone of Depression.

***ARTISAN PRODUCTION SHOP*** 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.

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

*Stand-alone ATM*

***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.

# B

***BACKGROUNDING*** shall mean a growing program for feeder cattle from the time calves are weaned until they are on a finishing ration in the feedlot.

***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.

***BANQUET HALL*** shall mean a facility or hall available
for lease by private parties, with appropriate approvals to serve food and beverages as part of an organized event rather than as a restaurant or bar.

***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.

***BASIN*** shall mean a tract of land in which the ground is broadly tilted toward a common point. Water that falls onto any portion of the basin is carried toward the common point by a single river system.

***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.

***BEDDING*** shall mean material such as straw, sawdust, wood shavings, shredded newspaper, sand or other similar material used in animal confinement areas for the comfort of the animal or to absorb excess moisture. Bedding can drastically affect the characteristics of the manure and must be taken into consideration in the design of the storage facility.

***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.

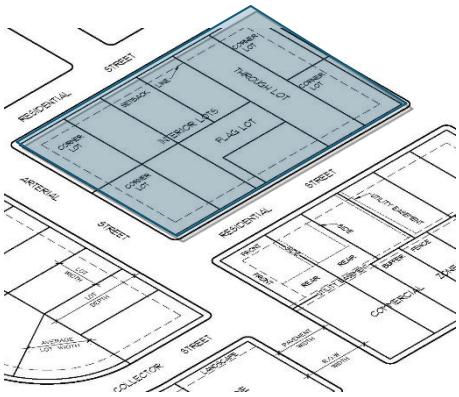
***BEGINNING OF CONSTRUCTION*** shall mean the commencement of site grading and/or preparation of the foundation of any structure.

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

***BEST MANAGEMENT PRACTICES*** shall mean livestock management techniques and practices as set forth by agencies including the Nebraska Department of Environmental and Energy, which encourage and protect the environment and public.

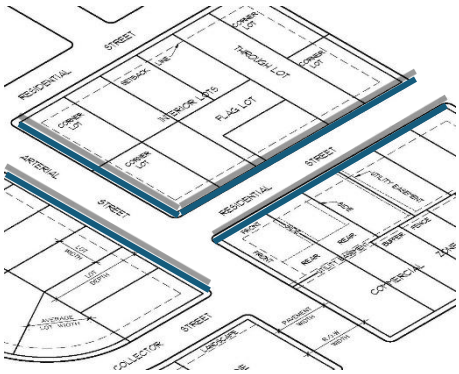
***BIO-FUELS AND DISTILLATION MANUFACTURING*** shall mean a facility constructed for the purpose of processing a natural product such as corn or soybeans into an alcohol-based fuel/additive.

***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.




*Example of a Block*

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




*Example of Block Frontage*

***BOARD OF ADJUSTMENT*** shall mean that Board created by Seward County which has the statutory authority to hear and determine appeals from, interpretations of, and variances to the zoning regulations, as provided in Article 13 of these 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.

***BORROW PIT*** shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

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

***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 kegging, 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.

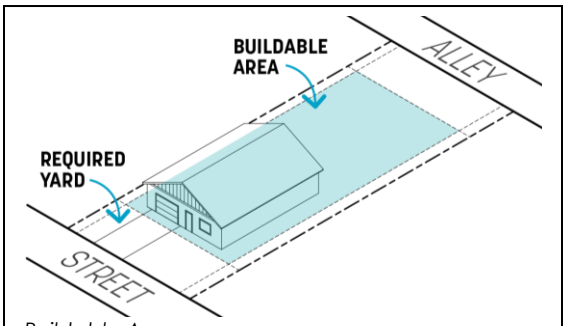
***BROILER*** shall mean a meat-type chicken typically marketed at 6.5 weeks of age.

***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.



*Buildable Area*

***BUILDABLE LOT*** shall mean a lot which meets all of the minimum size requirements of a specific zoning district and shall apply to area not submerged under water of any kind (lakes, creeks, river).

***BUILDING*** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, 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 Seward 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.

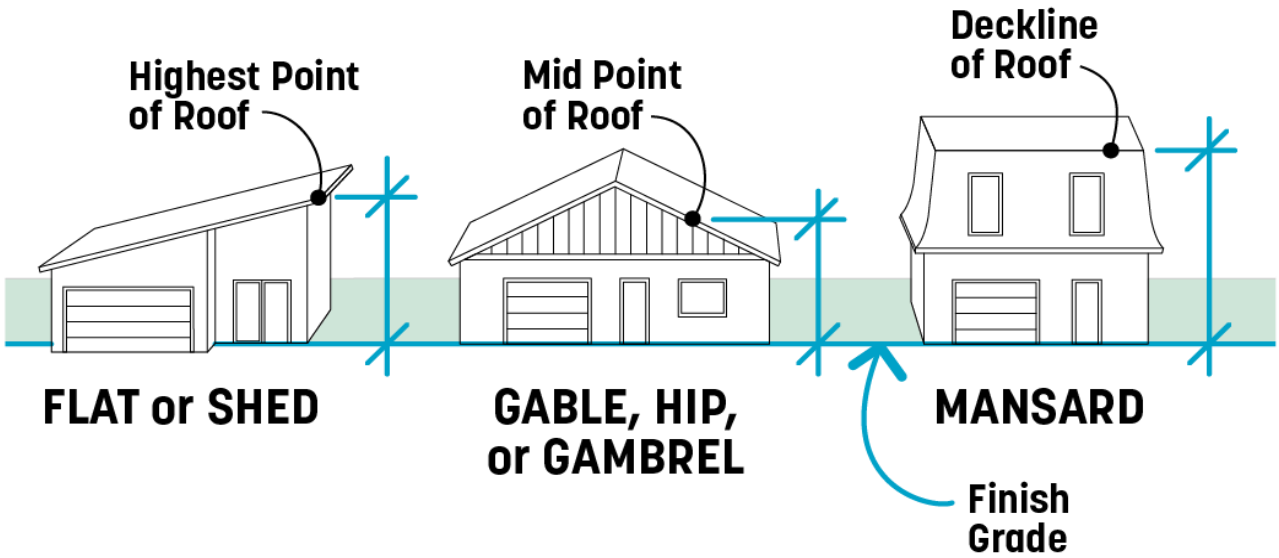
***BUILDING ENVELOPE*** shall mean the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable requirements have been met.

***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
- the average height of the highest point of a gable, hip, or shed roof,

measured from the highest adjoining sidewalk or ground surface within a five feet horizontal distance of the exterior wall of the building.

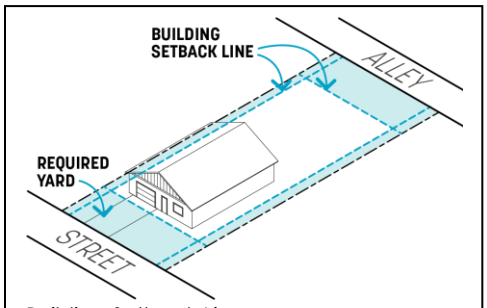
*Example of Building Envelope*




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

***BUILDING, PRINCIPAL*** *see Principal Structure*.

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




*Building Setback 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 nonresidential 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

***CALCIUM CHLORIDE*** shall mean a liquid solution consisting of various percentages of water and calcium chloride. This solution can be applied to the road surface to provide dust control or mix with the road base material in larger ratios to provide road base stabilization. Roads treated with calcium chloride are not considered as pavement.

***CAMPER*** shall mean any coach, 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. *See also Recreational Vehicle (RV) Park*.

*Example of a Campground*

***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.

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

***CAREGIVER*** shall mean a person nineteen years of age or older who is designated by a patient or a patient's legal guardian to provide aftercare

***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.

***CASINO*** shall mean a facility for Games of Chance--any game which has the elements of chance, prize, and consideration, including any wager on a slot machine, table game, counter game, sports book or card game, a keno lottery conducted in accordance with the Nebraska County and City Lottery Act, or sports wagering. Game of chance does not include any game the operation of which is prohibited at a casino by federal law.

***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.

***CENTERLINE*** shall have the same meaning as "street or road center line".

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

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

***CERTIFICATE OF ZONING COMPLIANCE*** shall mean a written certificate issued by the Zoning Administrator, stating the structures and/or use of a property are in compliance with the applicable requirements of the Zoning Regulations.

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

***CHANGE OF USE*** shall mean the replacement of an existing use type by a new use type.

***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 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. Child Care Homes shall meet all requirements of the State of Nebraska. *See also Family Child Care Home*.

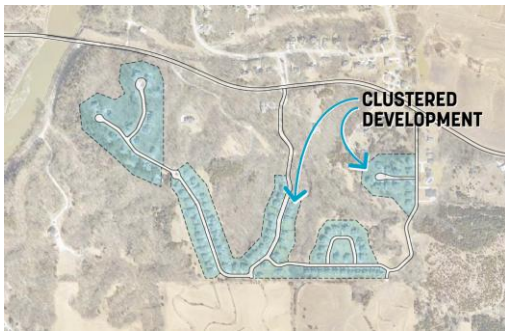
***CHURCH*** shall mean a permanently located building commonly used for religious worship with fully enclosed with walls (including windows and doors) and having a roof.

***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 municipality, including cities and villages.

***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.



*Cluster Development*

***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.

***COMBINED DWELLING UNIT***, see Dwelling Unit, Special Types.

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

***COMMISSION*** shall mean the Planning Commission of Seward 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.

***COMMON SEWER SYSTEM*** shall mean a sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environment and Energy for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

***COMMON WATER SYSTEM*** shall mean a water system which provides for supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.

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

***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.

*Outdoor Manure Composting Process*

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

***CONDITIONAL USE PERMIT (CUP)*** shall mean a permit authorizing the recipient to make use of property in accordance with the provisions of these regulations, when reviewed in accordance with the provisions of Article 6, with any additional conditions placed upon or required by said permit. A Conditional Use Permit (CUP) may be a specific form called a "Conditional Use Permit" or by another name specifying a specific type of use such as a "Livestock Feeding Operation 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).

***CONE OF DEPRESSION*** shall mean the three-dimensional area of water table created by a pumping well. The pumping well creates an artificial discharge area by drawing down (lowering) the water table around the well.

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

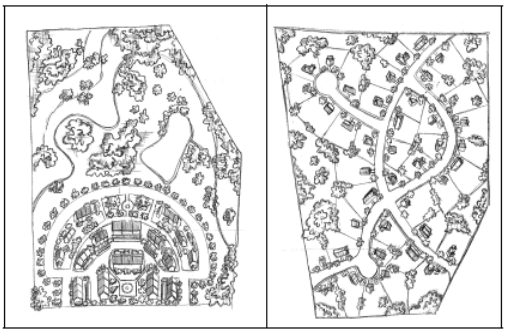
***CONFINEMENT*** shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens,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

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

***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 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.*

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

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

***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.

***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.

***CONTAINMENT*** shall mean structures used to control runoff of precipitation that comes into contact with manure, feed and other wastes on open feedlots. Examples of containment structures are lagoons and holding ponds

***CONTIGUOUS*** *see Abut*.

***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.

*Convenience Store*

***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.

***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 a city or village.

***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 Seward County, Nebraska.

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

***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.

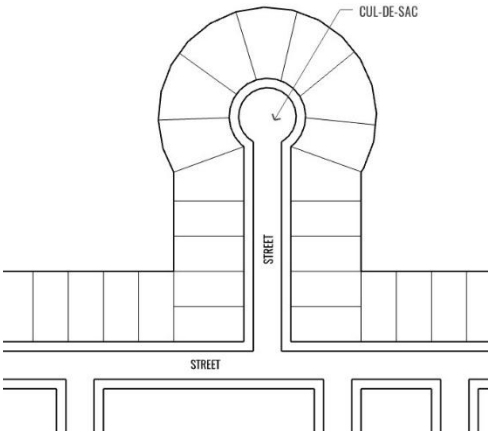
***COURT, OUTER*** shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

***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 which, while complying with the Subdivision Regulations, diverges from nominal compliance with site development regulations therein. 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 commercial agricultural field and orchard uses including production of: field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

***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.

***CURB LEVEL*** shall mean the level of the curb in front of the lot, or in the case of a corner lot, along that abutting street where the curb level is the highest.

***CURVE LOT*** see Lot, Curve.

# D

***DAIRY FARM*** shall mean any 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 the 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.

*Deciduous Screen*

***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.

***DENSITY*** shall mean the number of dwelling units per unit 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*

***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 AREA*** shall mean an area of land which may or may not have been subdivided containing three or more homes per nine acres.

***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.

***DEVELOPMENT OF LIVESTOCK CONFINEMENT OPERATION*** shall mean the work of but not limited to contacting NDWEE, an engineer, a contractor, and/or NRCS, or by doing dirt work, excavation, or construction.

***DIRT SURFACE*** shall mean, in the context of roads, the type of road typically found in non-residential areas only provided minimum design characteristics.

***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*.

***DOMESTIC WELL*** shall mean a well providing well water used for human consumption and/or household purposes.

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

***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 drainageway, it shall be presumed to be a watercourse.

*Drainageway or Surface Drain*

***DRAWDOWN*** shall mean a lowering of the groundwater caused by pumping.

***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.

***DRY LOT (DRY OPERATION)*** shall mean an operation using confinement buildings and handling manure and bedding exclusively as dry material, an operation using a building with a mesh or slatted floor over a concrete pit, or an operation scraping manure to a covered waste storage facility is referred to as a "dry" operation. When such practices are used and are not combined with liquid manure handling systems such as flushing to lagoons or storage ponds, these operations are referred to as "other than liquid manure handling systems" or "dry" manure systems, or "dry" operations.

***DRY WASTE*** shall mean manure (urine or feces), litter, bedding, or feed waste from animal feeding operations.

***DRY WASTE MANAGEMENT SYSTEM*** shall mean a system where animal waste in the lots, pens and/or buildings of a CAFO is not removed by flushing out such waste by water but is removed by shoveling out such waste by hand and/or machinery.

***DUDE RANCH*** shall mean a ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities and offering only temporary rental accommodations for vacation use by nonresidents.

***DUMP*** 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 for residential purposes, excluding mobile homes. *See also Dwelling Unit*.

***DWELLING, COMBINATION***: *See Dwelling Unit, Special Types.*

***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.

***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.

*Duplex*

*Dwelling, Courtyard Building*

***DWELLING, FARM*** shall mean a single-family dwelling located on and used in connection with a farm as defined herein.

***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).

*Dwelling, Manufactured Home*
Source: http://transportablehomesspecialist.com/

A HUD Code Manufactured Home should be considered a single-family dwelling within the requirements of this regulation.

***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.

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

*Example of a Dwelling, Mobile Home*

*Dwelling, Modular*
*Source: https://www.claytonhomes.com*

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*.

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, which meets the following standards:

1. All building standards shall apply to the current international building code standards.
2. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
3. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed.
4. Permanent foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

***DWELLING, SINGLE-FAMILY ATTACHED (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, either attached or detached.

***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.

*Single-Family Attached*

***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 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. **Combined Dwelling:** A combination of a dwelling unit and machine shed under a common or connected roofing system.
2. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping.
3. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of dwelling unit above.
4. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
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 of the unit is based on one or more tree clusters.

Cargo Container Apartment

Cargo Container Home

Cargo Container Home

Grain Bin Home

Grain Bin Home

Combined Dwelling

Combined Dwelling

Grain Elevator Apartment

Tiny House

Tiny House

Tree House

Tree House

Quonset home

Quonset home

Quonset home

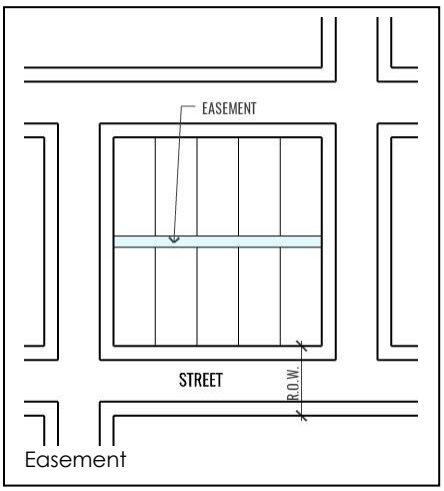
*Dwelling Types*

# 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.

Types of easements:

1. Utility: for utility infrastructure such as utility poles, structures, or other facilities used for the distribution of utility service
2. Private: Created by the property owner to another party, usually a neighbor. A private easement can give your neighbor access to your driveway, run sewage runoff pipes through your property or require a buffer on a portion of land.



Easement

3. By Necessity: means the courts deem it essential that third parties access your land.
4. Prescriptive: comes into effect when one party has used the other's property for a particular purpose over an extended period of time — with or without permission
5. Public: created when the space or a lot or parcel of land is reserved for or used for public utilities or public or private uses

An easement does not constitute legal access.

***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 resolution as a result of such adoption or amendment.

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

***ELECTRIC DISTRIBUTION SUBSTATION*** shall mean an electric substation with distribution circuits served therefrom. *See also Utilities, Local Distribution System*

***ELECTRIC TRANSMISSION SUBSTATION*** shall mean an electric transformation or switching station intended primarily for transmission, without distribution circuits served therefrom. *See also Utilities, Local Distribution System*

***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.

***ENCLOSED*** shall mean a roofed or covered space fully surrounded by walls.

***ENCROACHMENT*** shall mean an obstruction or illegal or unauthorized intrusion into a delineated floodway, easement, yard, 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.

***ENVIRONMENTALLY CONTROLLED HOUSING*** shall mean any livestock operation meeting the definition of a Livestock Feeding Operation (LFO) and is contained within a building which is roofed and may or may not have open sides and contains floors which are hard surfaced, earthen, slatted or other type of floor. The facility is capable of maintaining and regulating the environment in which the livestock are kept.

***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.

***EQUESTRIAN CENTER*** shall mean a commercial horse, donkey, or mule facility including: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations. This land use includes barns, stables, corrals, and paddocks customarily accessory and incidental.

***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.

***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.

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

***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.

***EXPRESSWAY*** shall mean a street or road providing fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

***EXTRATERRITORIAL JURISDICTION (ETJ)*** shall mean the area beyond the corporate limits, in which a city or village has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

# 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.

***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, not including any Livestock Feeding Operation (LFO), in accordance with §23-114.03 Nebraska Revised Statutes.

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

***FARM PRODUCTS*** shall mean the usual products produced on a Farm by a Farm Operation in the county, such as hay, vegetables, fruit, grain, and plants, as well as animals when not defined as a Livestock Feeding Operation.

***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.

*Farmer's Market*
***Copyright American Planning Association***

***FARMSTEAD*** shall mean a tract of land upon which includes an inhabitable residence and improvements used for residential purposes and which is located outside of urban areas or outside a platted and zoned subdivision.

***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.

***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.

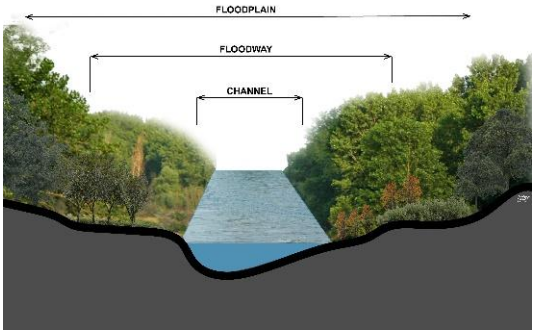
***FIREWORKS STAND*** shall mean any structure used for the retail sale of fireworks, on a temporary basis.

***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.

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

***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 (or Flood Plain)*** 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.

*Freestanding Canopy*

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

# G

***GARAGE, PRIVATE*** shall mean a detached accessory building, including carports, on the same lot as a principal structure, used to house vehicles of the occupants of the principal building. 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 principal structure, used to house vehicles, recreational vehicles, and other consumables owned by the occupants of the principal structure.

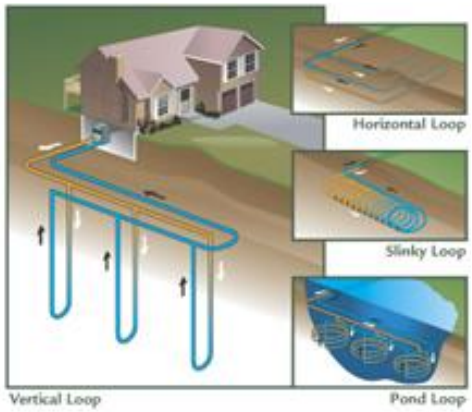
***GARBAGE*** shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock. *See also Solid Waste.*

***GARDEN CENTER*** shall mean any place of business where retail and whole-sale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

***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.

***GEOTHERMAL 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.




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

***GLACIAL TILL*** shall mean the unsorted deposits of glacial debris pushed to piles by the last advance of the glaciers. They consist of an unsorted mixture of all sizes of soil and rock fragments and are usually not very porous or permeable – i.e., not good aquifers.

***GOVERNMENT FACILITY*** shall mean a structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

***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.
4. Any wall approximately parallel to and not more than five feet from a street line is considered as facing a street.

***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.

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

***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*

***GRASSED WATERWAY*** shall mean areas planted with grass or other permanent vegetative cover where water usually concentrates as it runs off a field. They can be either natural or man-made channels. Grass in the waterway slows the water and can reduce gully erosion and aid in trapping sediment.

***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, 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.

*Greenhouse*

***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.

***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.

*Greenway*

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

Groundcover

***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.

***GROUNDWATER HEAT PUMP WELL*** See Geothermal Heat Pump System.

***GROUNDWATER RECHARGE*** shall mean the filling of groundwater aquifers by rain and melting snow percolating into the ground and saturating the pores between rock and soil particles.

***GROUP CARE HOME*** 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.

***GUN CLUB*** shall mean an organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

***GUN RANGE*** shall mean an area designated for the firing of firearms at stationary or mobile targets within the area.

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

***HAZARDOUS 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 CARE FACILITY*** shall mean a facility licensed or approved by the state or an appropriate agency, if required. Health Care Facility may be any of the following:

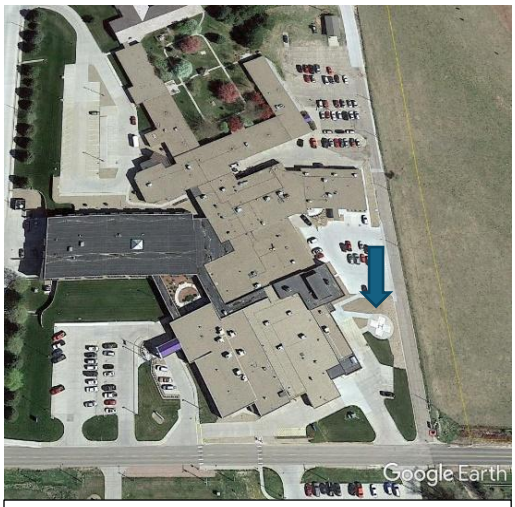
1. Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of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

***HEALTH CLUB*** 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 a 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.



*Example of a Heliport*

***HIGHWAY, MAJOR INTER-REGIONAL*** shall mean a "U.S." or "State" designated highway with 100 feet right-of-way or more on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.

***HIGHWAY SETBACK LINE*** shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this future right-of-way line.

***HISTORIC SITE*** shall mean one or more parcels, structures, or buildings that is either: Included on a local listing of historic properties covered by an historic property overlay zoning district, included on the state register of historic properties, designated on the National Register of Historic Places,

or authenticated as historic in a survey and report by a registered architect or an architectural historian and the report accepted by the County. The historic survey and report include dating the property from a specified period, associating the property with significant events or outstanding past people or groups, determining the distinguishing architectural characteristics or style of the buildings, and demonstrating the role of the building in the community's heritage.

***HISTORIC STRUCTURE*** shall mean any structure which is:

1. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered district.
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   A. By an approved state program as determined by the Secretary of the Interior or
   B. Directly by the Secretary of the Interior in states without approved programs.

***HOLDING POND*** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots, trailer washouts and contributing drainage area.

***HOME-BASED BUSINESS*** shall mean a use accessory to a residential dwelling, similar to a Home Occupation, with employees who are not residents of said dwelling.

***HOME OCCUPATION*** shall mean an "in-home" or "home based" or entrepreneurial business operating accessory to a residential dwelling within the zoning jurisdiction, where all employees are residents of said dwelling. 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.

***HOOP BUILDING*** shall mean AN anchored building erected for the purpose of storing materials, including but not limited to machinery and vehicles.

***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.

***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 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.

# I

***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 the land.

***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.

***INDIVIDUAL SEPTIC SYSTEM*** See Onsite Wastewater Treatment System (OWTS).

***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.

***INDUSTRIAL PARK*** shall mean the planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, and orientation and open space.

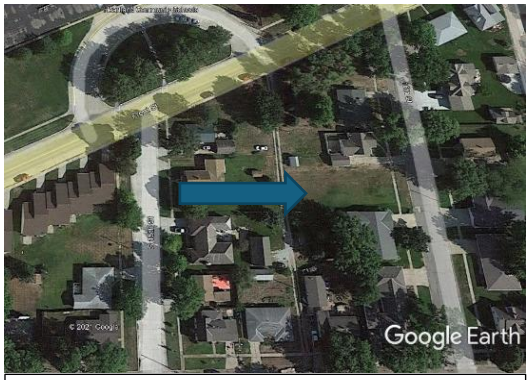
***INDUSTRIAL WASTE*** shall mean any waste material resulting from a production or manufacturing operation having no net economic value to the source producing it.

***INDUSTRIAL WASTE DISPOSAL*** shall mean the discarding of any Industrial Waste in either a legal or illegal manner.

***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 and where water, sewer, streets, schools, and fire protection have already been constructed or are provided. a predominately built-up area.

***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.




*Potential Infill Site*

***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.

***INSTITUTIONAL BUILDING/USE*** shall mean a nonprofit or quasi-public use or building, such as a religious institution, library, public, or private school, cemetery, hospital, or government-owned/government-operated structure, or land used for public purpose.

***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.

**An Example of an Institutional Use/Building**

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

***INTERCHANGE*** shall mean grade separated intersection providing transfer of motor vehicles from one roadway to another.

***INTERMITTENT STREAM*** shall mean a watercourse with flowing water only during certain periods of time, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall or snowmelt is a supplemental source of water for the stream flow.

***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 where four or more dogs or cats or any combination thereof, at least four months of age, are boarded, bred, or trained for a fee.

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

***KENNEL, PRIVATE*** shall mean any premises used for the keeping of dogs, cats, or a combination thereof, or other non-farm/non-domestic animals by the owner/occupant or occupant of the premises for the purpose of show, hunting, or as pets.

# 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 NDWEE 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; 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.

***LAW ENFORCEMENT CENTER*** shall mean governmental facility working directly with the enforcement of laws through a municipality or county. A law enforcement center may be the base of operations for a sheriff, police department, or state agency, or may be an incarceration facility (temporary or long-term), or a combination of all.

***LEAPFROG DEVELOPMENT*** shall mean new development separated from existing development by vacant land.

***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*.

***LIFE ESTATE*** shall mean an interest in real property, including the right to use and occupy the property for the duration of the lifetime of the life estate holder. A life estate terminates upon the death of the holder. The owner of life estate is called a life tenant. After the death of the life tenant the estate either reverts back to the title holder or to the survivor or remaindermen mentioned in the deed bestowing life estate.

***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.

***LINER*** shall mean a barrier in the form of a layer, membrane, or blanket, naturally existing, constructed or installed to prevent a significant hydrologic connection between liquids contained in retention structures and waters of the United States.

***LIQUID MANURE*** shall mean the type of livestock waste in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface.

***LIQUID MANURE STOREAGE PITS*** shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production.

***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 used for more than six months in any one calendar year.

- 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 LFOs 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.
- LFOs having more than one type of feeding operation at one location shall be categorized according to the total number of animal units.

**Example of a Livestock Feeding Operation**

***LIVESTOCK PASTURING OPERATION*** shall mean a livestock operation which uses pasture, as defined under this regulation, as the primary source of feed for animals.

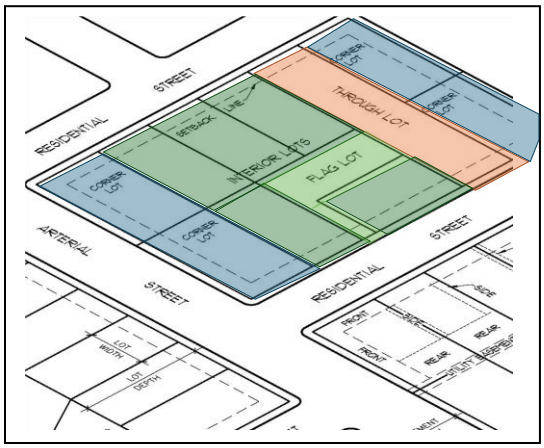
***LIVESTOCK SALES YARD*** shall mean the use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

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

***LOCAL STREET OR HIGHWAY*** shall mean a street or road primarily for service to abutting property.

***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".

***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 or road.

***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 a point midway between the front and rear lot lines.

# M

***MACHINE SHOP*** shall mean a work shop, including tool and die shops, that turns, shapes, planes, laser metal cutting, mills or otherwise reduces or finishes metal by machine-operated tools

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

***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 Park*

***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.

***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.

***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 Seward 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.

***MICRO-DISTILLERY*** shall mean a distillery licensed to distill liquor on the premises of the distillery licensee and produces 10,000 or fewer gallons of liquor annually.

***MILKING PARLOR*** shall mean the area of a dairy farm where milking takes place.

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

***MINING AND MINERALS EXTRACTION*** shall mean the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; gases, such as natural gas. Mining also includes quarrying; groundwater diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine location or as part of a mining activity. *See also Quarry*.

*Aerial of Mining and Mineral Extraction*
*Source: Google Earth*

***MISCELLANEOUS STRUCTURES*** shall mean accessory 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 Buildings*

***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*.

***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

***NATURE CENTER/PRESERVE*** shall mean areas intended to remain in a predominately natural or undeveloped state, with or without animals and other wildlife, to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

***NEBRASKA REVISED STATUTES (NRS)*** shall mean the laws passed by the Nebraska State Senate, adopted, and revised by chapter.

***NET ACREGE*** shall mean the area of a tract of land exclusive of street, roadway, or alley easements.

***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*.

***NO-TILL FARMING*** shall mean an agricultural method in which soil is left undisturbed from harvest to planting except for nutrient and seed injection. Weed control is accomplished primarily with herbicides.

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

***NON-FARM DWELLING*** shall mean any dwelling not part of a farm, regardless of lot size.

***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 which 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 structure.

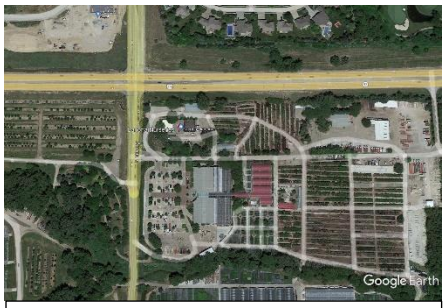
***NONCONFORMING USE*** shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure, or land but is no longer allowed.

***NONPOINT SOURCE*** shall mean a diffuse pollution source (i.e. without a single point of origin or not introduced into a receiving stream from a specific outlet). The pollutants are generally carried off the land by storm water. Common non-point sources are agriculture, forestry, urban, mining, construction, dams, channels, land disposal, saltwater intrusion, and streets.

***NORMAL GROWING SEASON*** shall mean time period, usually measured in days, between the last freeze in the spring and the first frost in the fall. Growing seasons vary depending on local climate and geography. It can also vary by crop as different plants have different freezing thresholds.

***NUISANCE*** shall mean anything which 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 HOME OR CONVALESCENT HOME*** 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

***OCCUPIED DWELLING*** shall mean any dwelling unit which has been in use at any time during the 12-month period immediately prior to a zoning action.

***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.

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

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

***OFFICE PARK*** shall mean a tract of land which has been planned, developed, and operated as an integrated facility for a number of office buildings and supporting accessory uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

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

***ONSITE WASTEWATER TREATMENT SYTSTEM (OWTS)*** small 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 storage of materials, parts, or products which are related to the primary use of a site, not in an enclosed structure, for a period exceeding 24 hours.

***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 with title to land and/or structures legally recorded with the County Register of Deeds.

# *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 legal 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. A Wildlife Management Area (WMA) is not considered a park.

***PARKING AREA, PRIVATE*** shall mean an area, other than a street, used for the parking of 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 or light truck, such space having a dimension not less than 10 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.

***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.

***PERMEABILITY*** shall mean the ability of a material to transmit water. Permeability determines its ability to yield water.

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

***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 Seward 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.

***PETROLEUM DISTRIBUTION PIPELINE*** shall mean facilities for the conveyance of crude petroleum, refined petroleum products such as gasoline and fuel; natural gas; mixed, manufactured, or liquified petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pumping stations, bulk storage, surge and storage tanks.

***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.

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

***PIPELINE, MAJOR OIL,*** shall mean pipeline which is larger than six inches in inside diameter and which is constructed in Nebraska for the transportation of petroleum, or petroleum components, products or wastes, including crude oil or any fraction of crude oil, within, though, or across Seward County.

***PLANNING COMMISSION*** shall mean the Planning Commission of Seward County, Nebraska, as established in accordance with §23-114 NRS and with the powers and authority therein granted.

***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.

***POLLUTANT*** shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

***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.

***POROSITY*** shall mean the ratio of the volume or pore space to the volume of solids in a material. Porosity determines the capacity of the material to hold water -- the more pores, the more water.

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

***POULTRY, COMMERCIAL FEEDING,*** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

***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.

***PRESCHOOL***: *See School, Day, Pre-, or Nursery.*

***SCHOOL, DAY, PRE-, OR NURSERY***

***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.

***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 primary use of land or structure, as distinguished from an accessory use.

***PRIVATE CLUB*** shall mean a non-profit association of persons who are bona fide members paying dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. A private club may include the serving of food and meals on said premises while providing adequate dining room space and kitchen facilities. A

private club may include the sale of alcoholic beverages to members and their guests provided the activity is secondary and incidental to the promotion of some common objective by the organization; and, said sale of alcoholic beverages is in complete compliance with all municipal, state and federal laws.

***PRIVATE WELL*** shall mean a well which provides water supply to less than 15 service connections and regularly serves less than 25 individuals.

***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.

***PROFESSIONAL OFFICE*** shall mean a building or part thereof used by one or more persons engaged in the practice of law, medicine, accounting, architecture, engineering or other occupation customarily considered as a profession.

***PROGRESS, CONTINUED*** shall mean showing evidence of timely completion of key development milestones that move a project from concept to finished construction and community use.

***PROMOTIONAL DEVICE*** shall mean any display, 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 which 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 CONSERVATION LAND*** shall mean any land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this Regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations

***PUBLIC 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. *See also Mining and Mineral Extraction.*

***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.

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

***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.

# R

***RACETRACK*** shall mean a measured course where machines (usually automobiles), dogs, horses, or other animals, are entered in competition against one another or against time.

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

***RAILROAD RIGHT-OF-WAY*** shall mean a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses or car yards.

***RANGELAND*** shall mean an open region over which livestock may roam and feed. The plant cover is principally native grasses, grass like plants, and shrubs. It includes natural grasslands, savannahs, certain shrubs and grass like lands, most deserts, tundra, alpine communities, coastal marshlands, and wet meadows. It also includes lands that are re-vegetated naturally or artificially and are managed like native vegetation.

***RAW MATERIALS STORAGE AREA*** shall mean the area which includes but is not limited to feed silos, silage bunkers, and bedding materials.

***RECHARGE AREAS*** shall mean the time required to add to or replenish water in an aquifer or water table.

***RECHARGE RATE*** shall mean places where rain and snow melt percolate into the ground, refilling the groundwater aquifers.

***RECREATION, ACTIVE*** shall mean leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.

***RECREATION EQUIPMENT*** shall mean play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures including tree houses, swimming pools, playhouses, or sheds utilized for storage of equipment.

***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.

***RECREATION, PASSIVE*** shall mean leisure-time activities which involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games. This includes open space for nature, and areas for nature walks and observation.

***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 include

- amphitheater
- events center
- museum
- racetrack including all motor-powered vehicles
- racetrack for horses
- theater
- theme parks
- wildlife conservation areas (used for public viewing)

***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 AND BOAT REPAIR*** shall mean a business/facility solely for the repair and servicing of Recreational Vehicles (RVs) and Boats, to include the sale of related parts and supplies.

***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*** shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. 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 PLANT/PROCESSING*** shall mean any site other than a junkyard 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.

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

***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.

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

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

***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.

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

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

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

***RIGHT-OF-WAY*** shall mean 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.

***RIPARIAN BUFFER*** shall mean a strip of vegetation planted along the bank of a body of water which slows the rate of flow of runoff from adjoining uplands, causing sediment and other materials to fall out onto the land before the runoff enters and pollutes the body of water.

***ROAD, IMPROVED*** shall mean a street, county road, and/or State/Federal Highway that are graded, surfaced and maintained on a regular basis with an approved granular material or hard-surfacing material.

***ROAD, PRIVATE*** 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*.

***ROAD, UNIMPROVED*** shall mean an officially declared minimum maintenance road as well as any road that is not generally graded, crowned or contain a surfacing material of either a granular or hard-surfaced nature.

***ROADSIDE STAND*** shall mean a temporary structure or vehicle used primarily for the sale of farm products produced on the premises or adjoining premises. Others basic crafts and drinks may be sold by the same vendor on-site.

***RODEO GROUNDS*** shall mean a tract of land used for the public performance featuring ordinary rodeo contests. These grounds are often used for other public benefits and performances when sponsored by clubs and organizations of the community.

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

***ROOMING HOUSE*** shall mean a dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals.

***RUNOFF*** shall mean a part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface-water. It can carry pollutants from the air and land into receiving waters.

# 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.

*Aerial of a Sand and Gravel Operation*

***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.

*Aerial view of a Sanitary Landfill*

***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.*

***SCENIC EASEMENT*** shall mean an easement for the purpose of limiting land development in order to preserve a view or scenic area.

***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.

***SCHOOL, ELEMENTARY, JUNIOR HIGH, OR HIGH*** shall mean a public and other non-profit institution conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.

***SCHOOL, PRIVATE*** shall mean an institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with Nebraska Statutes.

***SCHOOL, TRADE*** shall mean an institution offering extensive instruction in technical, commercial, or trade skills, and operated by a non-governmental organization.

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

***SEDIMENT*** shall mean solid material, which is in suspension, is being transported, or has been moved from its original location by air, water, gravity or ice.

***SEDIMENTATION*** shall mean THE addition of soils to lakes, a part of the natural aging process, making lakes shallower. The process can be greatly accelerated by human activities.

***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.

***SEMI-SOLID MANURE*** shall manure which contains little bedding and usually no extra water added. In most cases, little drying occurs before handling. During wet weather the manure scraped from open lots can also be semi-solid in nature.

***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.*

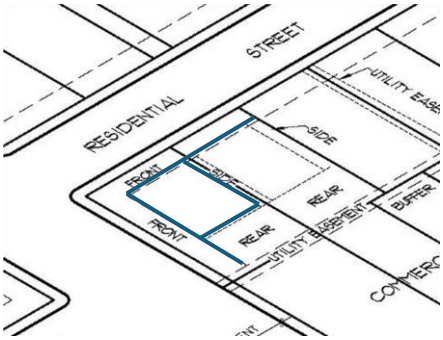
***SERVICE STATION*** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, 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*



*Setback Lines*

***SHOOTING RANGE*** shall mean use of land for an archery range or gun range, including discharge of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

***SHORT-TERM RENTALS*** shall mean any dwelling or condominium or portions thereof, in which the owner does or 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.

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

***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.

***SILO*** shall mean a structure or storage area to confine livestock feed.

***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 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 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.

***SKETCH PLAN*** shall mean sketch preparatory to preparation of the preliminary plat to enable a subdivider to review proposed development prior to a formal application.

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

***SOIL EXCAVATION, COMMERCIAL,*** shall mean the process of altering the natural (grade) elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated to be used on a private project for a fee. *See also Mining and Mineral Extraction.*

***SOIL EXCAVATION, PUBLIC,*** shall mean the process of altering the natural (grade) elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated by a governmental unit for a governmental purpose.

***SOLID MANURE*** shall mean a combination of urine, bedding, and feces with little or no extra water added. It is usually found in loafing barns, calving pens, and open lots with good drainage.

***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 usually 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.

***STABLE, PRIVATE*** shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

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

***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**. *See also Outdoor Storage*.

***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*.

*Storage Container*

***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.

***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 designated for and 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.

***STRUCTURE, TEMPORARY*** shall mean a structure without any foundation or footing and removed when the designated time period for which the temporary structure was erected has ceased.

***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.

***SUBDIVISION REGULATIONS*** shall mean the official Subdivision Regulations of the County, together with all amendments thereto, adopted pursuant to Nebraska State Statutes.

***SUBSTANTIAL IMPROVEMENT*** shall mean repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

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

***SUBSTATION*** shall mean any electrical facility to convert electricity to a voltage for interconnection with public utility high voltage transmission lines.

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

***SURFACE WATERS*** 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 STRUCTURE*** *see Structure, Temporary*.

***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*** 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.

***TRANSFER STATION*** shall mean a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an infectious waste incineration facility.

***TRANSIENT*** shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one year.

***TRANSITIONAL HOUSING*** shall mean a project designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living. The housing is short-term, typically less than 24 months. In addition to providing safe housing for those in need, other services are available to help participants become self-sufficient.

***TRANSITIONAL USE*** shall mean a permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.

***TRANSMISSION LINE*** shall mean electrical power lines which are primarily used to carry electric energy over medium to long distances rather than distribution lines directly interconnecting and supplying electric energy to retail customers.

***TRANSMISSIVITY*** shall mean the ability of an aquifer to yield a certain output of groundwater over a set period of time

***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.

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

***USE REGULATIONS*** shall mean the text of the Resolution identifying permitted and exceptional uses, accessory uses, use limitations and use conditions.

***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 dimensional provisions of this regulation, other than use regulations, as applied to a specific piece of property, to avoid undue hardship to a property owner and where the public interest will be served.

***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. 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.

***VINEYARD*** shall mean an area planted with grape vines.

# W

***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.

***WASTE HANDLING SYSTEM*** shall mean any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems:

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

***WASTE, INDUSTRIAL*** *see Industrial Waste.*

***WASTEWATER LAGOON*** *see Lagoon.*

***WASTE UTILIZATION AREA*** shall mean Land used or reserved for the application of animal wastes from an LFO.

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

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

***WATER TABLE*** shall mean the upper limit of the portion of the soil that is completely saturated with water. The seasonal high-water table is the highest level to which the soil is saturated.

***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.

***WATERSHED*** shall mean the surrounding land area draining into a lake, river, or river system.

***WEATHER, SEVERE,*** shall mean a weather event resulting in winds in excess of 58 miles per hour (95 km/h or 50 knots).

***WELLFIELD*** shall mean a tract of land which contains a number of wells supplying water.

***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 additional 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

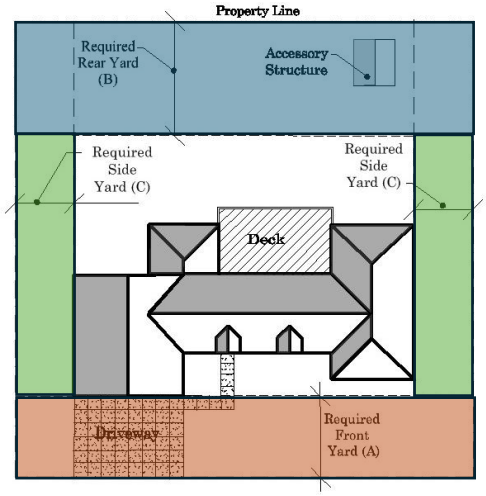
***YARD*** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.

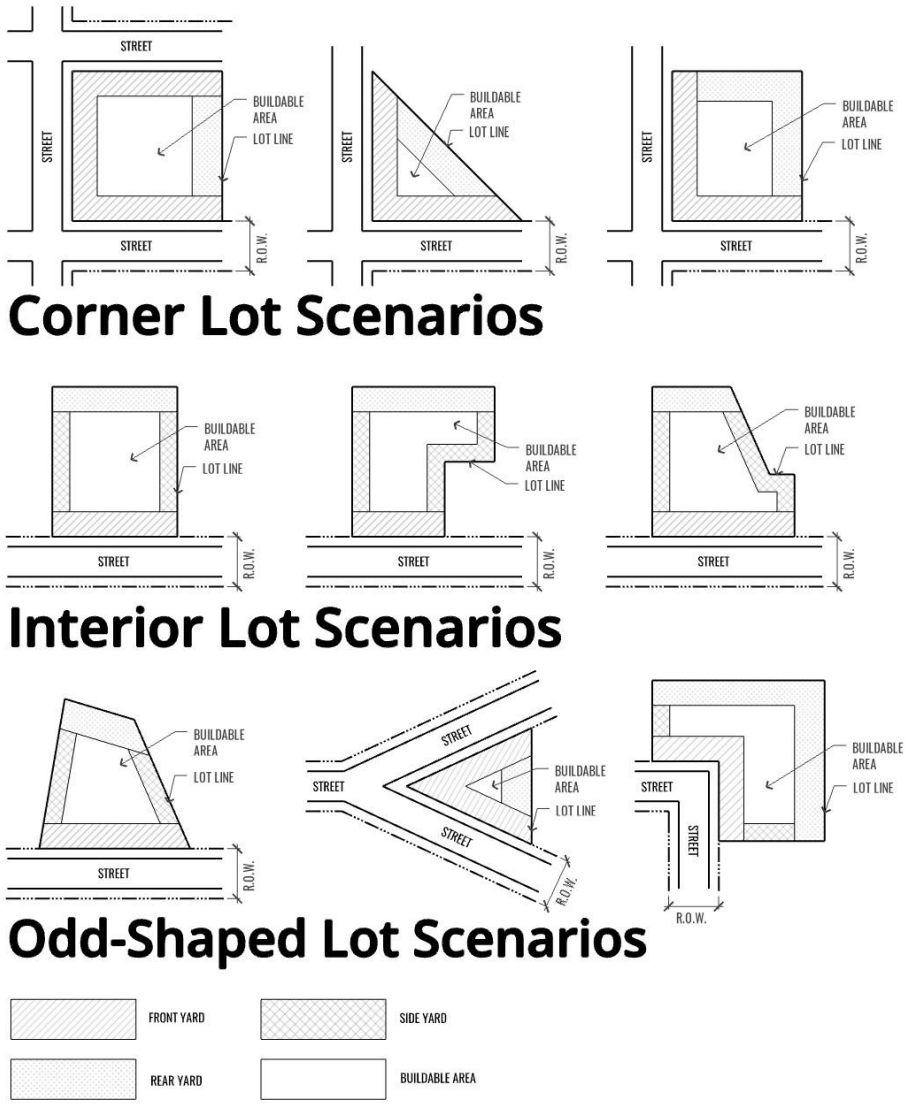
***YARD, FRONT*** shall mean a yard space between the front yard setback line and the front lot line or right-of-way, and extending the full width of the lot. *See also Lot Frontage*.

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

***YARD, SIDE*** shall mean a yard space extending from the front yard to the rear yard, or rear lot line, between a side lot line and the side yard setback line. *See also Lot Line, Side*.

***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.






*Yards for Odd-Shaped Lots*

# Z

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

***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. *Also known as Rezoning.*

# 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 allowed on land in Seward County, the County is hereby divided into zoning 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 Regulation.

1. The Official Zoning Map shall be identified by the signature of the Chairperson, 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 Article 3 of Resolution No. _____ of Seward County, Nebraska", together with the date of the adoption of this Resolution.
2. If, in accordance with the provisions of this Regulation, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board.

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.

1. The new Official Zoning Map shall be identified by the signature of the Chairperson, attested by the County Clerk and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____, Resolution No _____ of Seward County, Nebraska."
2. 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.

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# Article 4: General Provisions

## Section 4.01 Zoning Affects Every Structure and Land Use

No structure or land in Seward County's jurisdiction 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 12 of this regulation (Non-Conformities).

## Section 4.02 Scope of Zoning Regulations

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 road, or approved private street or access easement, constructed to Seward County standards.
2. 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 or tract unless otherwise provided.

1. More than one principal building may be located as part of site plan review.
   A. Public, Civic, and Institutional buildings
   B. Cottage Court and multiple-family dwellings
   C. Manufactured and Mobile homes as part of a Manufactured Home Park
   E. Commercial or Industrial buildings
2. Multiple non-residential agricultural buildings may be located on a lot or tract in zoning districts where permitted.

4.02.03 Any Principal Structure shall be attached to a permanent foundation, in conformance with the Building Code, unless waived by the Zoning Administrator.

4.02.04 Minimum Maintenance Roads: No zoning permits for any livestock facilities or other non-farm agricultural principal uses, including residential dwellings, mobile home, or manufactured home, shall be issued on any property adjoining a county/township road which has been classified by the County Board as a minimum maintenance road, or is an unimproved road. Other non-residential agricultural structures may be built without an improved public access.

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

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

4.02.06 All uses and structures requiring water and sanitary sewer systems shall have water and on-site wastewater treatment systems on the same legal lot as the principal use or shall be connected to municipal water and sanitary sewer system or community water/sewage disposal system.

## Section 4.03 Reductions in Lot Area Prohibited

4.03.01 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.

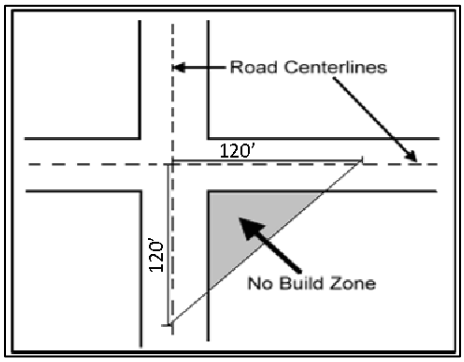
1, This section shall not apply when a portion of a lot is acquired for a public purpose.

4.03.02 In circumstances where a parcel of ground owned by one individual or party was split into two or more parcels by action taken by a Public Entity and one or more of the resulting lots has been made a non-conforming tract(s) for development, the required minimum lot size may be less than required and may be approved administratively. However, in all circumstances, the minimum setback requirements shall be observed. In addition, said tract(s) was conforming prior to said action.

## Section 4.04 Obstructions to Vision at Road Intersections

4.04.01 A Sight Triangle shall be maintained at every road or street intersection.

4.04.02 On a corner lot, within the area formed by the center line of roads at a distance of 75 feet from their intersections, nothing shall be erected in such a manner as to materially impede vision between a height of two and a half and 10 feet above the grades of the centerline of the intersecting street or road, from the point of intersection 120 feet in each direction measured along the centerline of the streets or roads.




## Section 4.05 Yard Requirements (Setbacks)

4.05.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk regulations 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. Minimum yards (building setback lines) shall be determined by measuring the horizontal distance from the property line to the nearest exterior wall of an existing or proposed structure.
2. Where the property line cannot be specifically identified, said setback shall be from the centerline of the road plus ½ the width of the right-of-way or easement.

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

4.05.04 Yards adjacent to a different use

1. Any yard for a commercial or industrial use, which is adjacent to any residential use or district, shall be increased to at least 40 feet and shall contain landscaping and planting suitable to provide effective screening.

## 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
- Chimneys projecting 24 inches or less into the yard
- Eaves, cornices, other 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 required yard

4.06.02 Front Yards:

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

4.06.03 Rear and Side Yards:

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

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

4.06.05 Fire Escapes: Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard, may be permitted by the Zoning Administrator for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct lights and ventilation.

4.06.06 Irrigation Equipment: The setback for irrigation wells, affixed irrigation accessory equipment, irrigation re-use pits and livestock pollution control facilities (the road dam structure being excluded) shall be 50 feet from the centerline of any local, primary, or collector county road.

1. These facilities shall be located a minimum of 10 feet from the right-of-way line of a State Highway.

## Section 4.07 Fences and Screening

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 posts are located at least 6 inches off the property line. Within any required Front yard no fence, wall or hedge shall be over two and one-half feet in height.

1. Fences for Industrial uses may exceed a height of six feet; however, such fences or walls shall be no closer than 33 feet to the centerline of the county road.
2. No hedges shall be permitted to encroach onto public rights-of-way or across property lines. No fence or hedge shall obscure the required corner sight triangle. *(See Section 4.04 for corner lots and intersections.)*
3. Agricultural fencing shall be exempt from permitting.
4. Fences under six feet shall not require a permit (exempt from permit) when in conformance with this section.

4.07.02 Trees may be permitted in any required yard or along the edge of any yard.

4.07.03 Screening

1. All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.
2. Junkyards
   A. 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.
   A. 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 any property line common to a railroad right-of-way.
3. All holding or incineration areas of dead livestock shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas. No storage or incineration of dead livestock shall be in the road right-of-way or on any other land not owned or leased by the livestock operation.

## Section 4.08 Accessory Buildings and Uses

4.08.01 Construction of an Accessory Building shall meet the following:

1. No accessory building shall be constructed before a permit is approved for construction of the principal building.
2. Detached accessory buildings or structures shall be located no closer to any principal building than **ten feet**.

4.08.02 Yards: Except as herein provided, no accessory building shall project beyond a required yard line.

1. No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.

4.08.03 Specific Provisions for Accessory Dwellings: *See Section 9.09*.

## 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 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 of Seward County have been installed as required per state and life-safety codes.

## Section 4.11 Drainage

4.11.01 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.

4.11.02 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 4.12 Swimming Pools

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

## Section 4.13 Temporary Uses

4.13.01 Temporary uses may be allowed as designated in Section 5.06 and provided for in Article 9**, not to exceed 120 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.
   A. Such use shall continue only during the duration of the project and additionally the contractor's office and equipment sheds shall be removed within 30 days after the project is complete.
2. Temporary occupancy of a manufactured home for residential purposes may be permitted in conjunction with construction/re-construction of a dwelling, when removed within 30 days of occupancy of said dwelling.
3. 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.
4. 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.
5. Christmas tree or other holiday-related merchandise sales lots.
6. Seasonal sale of farm produce (including Christmas trees) grown on the premises on districts where permitted, to continue for not more than four months per year; structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used
7. Fireworks stands outside a permanent structure.
8. 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.

4.13.02 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.

## Section 4.14 Utility Requirements

4.14.01 Any new home, or commercial, industrial, or public building shall be provided with domestic water and electric utility service prior to habitation or human occupation.

4.14.02 It shall be unlawful to occupy a residential, ~~or~~ commercial, industrial, or public structure or any building for ~~living~~ purposes of habitation or human occupation that does not have an approved waste treatment system.

1. For purposes of this Regulation, any new OWTS shall be located on the same legal lot as the structure which it serves.
   A. An approved system shall meet or be equivalent to criteria as defined by "Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems in Nebraska," as published by the Nebraska Department of Water, Environment and Energy (NDWEE).
2. Soil percolation tests shall be conducted in the area where the system will be located for those soils having severe limitations for such systems as identified by the Seward County Soil Survey and Seward County Comprehensive Plan.
3 A waste disposal system evaluation shall be required for septic systems serving all new residential, ~~or~~ commercial, industrial, or public structures. Evaluations shall be on forms furnished by the office of the Zoning Administrator.

## 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.

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# Article 5: Zoning Districts

## Section 5.01 Districts: Use

5.01.01 For the purpose of this regulation, Seward 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) Agricultural District
   (TA-1) Transitional Agriculture District
2. The following districts are residential districts:
   (R-1) Residential Estates District
   (R-2) Residential Suburban District
3. The following districts are commercial and industrial districts:
   (MU-1) Light Mixed-Use District
   (MU-2) General Mixed-Use District
   (I-1) Light Industrial District
   (I-2) 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
(GWC) Groundwater Conservation Overlay District
(FHO) Flood Hazard Overlay District
(ODO) Over-Density Overlay District
(WPO) Wellhead Protection Overlay District
(CORPOD) Carbon Dioxide Recovery Pipeline Overlay District

## Section 5.02 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 Chairperson 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.

No changes shall be made on the Zoning District Map except as may be required by amendments to this Regulation. Such changes shall be promptly indicated on the Zoning District Map with the Resolution number, nature of change, and date of change noted on the map.

## Section 5.03 Rules for Interpretation of District Boundaries on the Official Zoning Map

5.03.01 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 shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line;
6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
7. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) to (6) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Zoning 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 Regulation, The Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

## Section 5.04 Land Use Categories Matrix Explanation

5.04.01 The Matrix found in Section 5.06 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.

5.04.02 The different uses within the Land Use Matrix in Section 5.06 (following) are:

- Exempt from Permits (E)
- Permitted (P),
- Allowed upon approval of a Conditional Use Permit (C),
- Temporary (T), or
- Not permitted (-).

5.04.03 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) may be used as a resource to classify different types of Land Use.

5.04.04 The Table in Section 5.06 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 5.05 Annexation Rule

Annexation of land to any incorporated municipality within or adjoining Seward 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.

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## Section 5.06 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) Agricultural District
(TA-1) Transitional Agriculture District
(R-1) Residential Estates District
(R-2) Residential Suburban District
(MU-1) Light Mixed-Use District
(MU-2) General Mixed-Use District
(I-1) Light Industrial District
(I-2) General Industrial District

| Use Category | Use Type | Land Use District | | | | | | | | Additional Requirements |
|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| **Agriculture & Horticulture Uses** | | | | | | | | | | |
| | Agricultural buildings for general ag use | P | P | - | - | | - | P | P | |
| | Agricultural operations, other than LFOs | E | E | - | - | - | - | E | E | |
| | Application of livestock manure/waste products | E | E | - | - | - | - | E | E | |
| | Aquaculture | P | P | - | - | - | - | P | P | |
| | Class I Livestock Feeding Operation (LFO) | P | P | - | - | - | - | - | - | Section 9.23 |
| | Class II Livestock Feeding Operation (LFO) | C | - | - | - | - | - | - | - | Section 9.23 |
| | Class III Livestock Feeding Operation (LFO) | C | - | - | - | - | - | - | - | Section 9.23 |
| | Class IV or larger Livestock Feeding Operation (LFO) | C | - | - | - | - | - | - | - | Section 9.23 |
| | Community Gardens | E | E | E | E | E | E | E | E | |
| | Conservation Easement | C | C | C | C | C | C | C | C | Section 9.17 |
| | Composting of dead livestock or manure as part of ag operations | C | - | - | - | - | - | C | C | Section 9.24 |
| | Crop Production | E | E | - | - | - | - | E | E | |
| | Horses and other non-commercial livestock on residential lots | E | E | - | P | - | - | E | E | |
| | Irrigation facilities | P | P | - | - | - | - | P | P | |
| | Livestock for 4-H purposes as a Secondary use | E | E | - | - | - | - | E | E | |
| | Livestock auction sales | C | C | - | - | - | - | C | C | |
| | Plant Nursery | P | P | - | - | P | P | P | P | |
| | Stockpiling of dead livestock, manure, or sludge | C | C | - | - | - | - | - | - | Section 9.24 |
| | Tree farms and forestry | E | E | - | - | - | - | E | E | |
| | Vineyard | E | E | - | - | - | - | E | E | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Agricultural Sales & Service** | | | | | | | | | | |
| | Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use. | C | C | - | - | - | C | C | C | |
| | Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for on-farm use. | E | E | - | - | - | - | E | E | |
| | Agricultural Cooperative Production/Distribution Facility | C | C | - | - | - | - | C | C | Section 9.03 |
| | Agriculture feed mixing and blending, seed sales, and grain handling operations (retail/wholesale) | P | P | - | - | - | C | C | 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) Agricultural District
(TA-1) Transitional Agriculture District
(R-1) Residential Estates District
(R-2) Residential Suburban District
(MU-1) Light Mixed-Use District
(MU-2) General Mixed-Use District
(I-1) Light Industrial District
(I-2) General Industrial District

| Use Category | Use Type | Land Use District | | | | | | | | Additional Requirements |
|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Agricultural implement & vehicle sales | C | C | - | - | - | C | C | P | Section 9.04 |
| | Agricultural implement & vehicle service and repair | P | P | - | - | P | P | P | P | Section 9.04 |
| | Agricultural research farm | P | P | - | - | - | - | P | P | |
| | Greenhouse, public or retail | P | C | - | - | P | P | C | P | |
| | Equestrian centers and stables | C | C | - | - | - | - | C | P | |
| | Landscaping/Tree Service | P | P | - | - | - | - | P | P | |
| | On-farm Agricultural Processing | C | C | - | - | - | - | C | P | |
| | Winery | C | C | - | - | C | C | C | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Residential Living** | | | | | | | | | | |
| | Dwelling, Single-Family Detached | P | P | P | P | P | P | C | - | |
| | Manufactured Home Dwelling (HUD Code) | P | P | P | P | P | P | C | - | Section 4.02.03 |
| | Manufactured Home Park | - | - | - | - | C | - | - | - | Section 9.10 |
| | Attached, Two-family/Duplex (2 units) | C | C | P | P | P | P | C | - | |
| | Attached, Two-family Stacked (2 units) | C | C | C | P | P | P | C | - | |
| | Attached, Single-family dwelling (up to 4 units) | - | - | C | C | P | P | C | - | |
| | Attached, Single-family dwelling (5+ units) | - | - | - | C | C | C | C | | |
| | Dwellings, Cottage Court | - | - | - | C | C | C | C | - | |
| | Dwelling, Special Types | C | C | C | C | C | C | C | - | Section 9.11 |
| | Dwelling, Triple Stacked | - | - | C | C | P | P | C | - | |
| | Multi-family dwelling (up to 4 units per parcel) | - | - | C | C | P | P | C | - | |
| | Multi-family dwelling (5+ units per parcel) | - | - | - | C | C | C | C | - | |
| | Upper story housing | - | - | - | - | P | P | - | - | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Residential/ Commercial Institutions** | | | | | | | | | | |
| | Adult care home | P | P | P | P | P | P | P | - | |
| | Assisted Living Facility | - | - | P | P | C | C | C | - | |
| | Bed and Breakfast Inn | C | C | C | C | C | C | - | - | Section 9.12 |
| | Convent or Monastery | C | C | C | C | C | C | C | - | |
| | Emergency Residential Shelter/Services | C | C | - | - | P | P | P | C | |
| | Group Care Home | P | P | P | P | P | P | P | - | |
| | Group Home | P | P | P | P | P | P | P | - | |
| | Hospice | P | P | - | - | P | P | P | - | |
| | Life Care Facility | - | - | - | - | C | C | C | - | |
| | Nursing Home | - | - | - | - | C | C | C | - | |

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| Use Category | Use Type | Land Use District | | | | | | | | Additional Requirements |
|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Retirement Residence Facility | - | - | - | - | C | C | C | - | |
| | Transitional Housing | P | P | P | P | P | P | P | - | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Community Services/Civic Uses** | | | | | | | | | | |
| | Airport/Heliport | C | - | - | - | - | - | - | C | Section 5.16 |
| | Animal shelters | P | P | - | - | C | C | C | P | |
| | Cemetery | C | C | C | C | C | C | C | - | |
| | Churches, synagogues, temples & similar | C | C | P | P | P | P | P | C | |
| | Community center or building | C | C | C | C | P | P | P | P | |
| | Fire and Rescue facilities | P | P | P | P | P | P | P | P | |
| | Fraternal Organization | C | C | C | C | P | P | P | P | |
| | Governmental offices and uses | P | P | P | P | P | P | P | P | |
| | Law Enforcement Center | P | P | P | P | P | P | P | P | |
| | Preservation Easement | C | C | C | C | C | C | C | C | Section 9.17 |
| | Public Library, Museum, or Planetarium | P | P | P | P | P | P | P | P | |
| | Philanthropic organizations | C | C | C | C | P | P | P | P | |
| | Senior Citizen Centers | C | C | C | C | P | P | P | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Treatment, Rehabilitation, Incarceration Facilities** | | | | | | | | | | |
| | Community correction center | C | C | - | - | - | C | C | C | |
| | Drug & alcohol rehabilitation center | C | C | C | - | C | C | C | C | |
| | Halfway house | P | P | P | P | P | P | P | P | |
| | Public Detention Center | C | C | - | - | - | - | C | C | |
| | Juvenile Detention Center | C | C | - | - | - | - | C | C | |
| | Private Prison | C | C | - | - | - | - | - | C | |
| | Public Prison | C | C | - | - | - | - | - | C | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Day-Care, Public & Private Schools** | | | | | | | | | | |
| | Adult day-care home | P | P | P | P | P | P | C | - | |
| | Child Care Center | C | C | C | C | C | C | C | - | |
| | Child Care Home | P | P | P | P | P | P | P | - | |
| | Colleges and Universities | C | C | C | C | P | P | P | - | |
| | Family Child Care Home II | C | C | C | C | C | C | C | - | |
| | Family Child Care Home I | P | P | P | P | P | P | P | - | |
| | Preschools | C | C | P | P | P | C | C | - | |

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(I-1) Light Industrial District
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| Use Category | Use Type | Land Use District | | | | | | | | Additional Requirements |
|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Public & private schools (K-12) | C | C | C | C | P | P | P | - | |
| | Trade, career & technical schools | C | C | C | C | P | P | P | - | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Public Parks & Open Space** | | | | | | | | | | |
| | Arboretums | P | P | P | P | P | P | P | - | |
| | Athletic fields | P | P | P | P | P | P | P | - | |
| | Campground | C | C | C | C | - | C | C | - | Section 9.14 |
| | Nature centers | P | P | - | - | - | P | P | - | |
| | Parks, trails, picnic areas, & playgrounds | P | P | P | P | P | P | P | - | |
| | Public pools and/or water parks | P | P | P | P | P | P | P | - | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Public/Private Utilities & Communication Services** | | | | | | | | | | |
| | Battery Energy Storage Systems (BESS) Teir 1 | P | P | P | P | P | P | P | P | Section 10.02 |
| | Battery Energy Storage Systems (BESS) Teir 2 | C | C | C | C | C | C | C | C | Section 10.02 |
| | Oil & natural gas facilities | C | C | - | - | - | - | C | C | |
| | Pipelines | C | C | C | C | C | C | C | C | |
| | Private Wells | P | P | P | P | P | P | P | P | *Permits by the NRD* |
| | Public works facilities incl. storage/maintenance | P | P | P | P | P | P | P | P | |
| | Amateur radio and tower transmitter (Shortwave and Ham operations) up to 75 feet in height | P | P | P | P | P | P | P | P | Section 9.21 |
| | Amateur radio and tower transmitter (Shortwave and Ham operations) over 75 feet in height | C | C | C | C | C | C | C | C | Section 9.21 |
| | Solar Energy Conversion System, Class II | C | - | - | - | - | - | C | C | Section 10.03 |
| | Solar Energy Conversion System, Class III | C | - | - | - | - | - | - | C | Section 10.03 |
| | Solar Energy Conversion System, Class IV | C | - | - | - | - | - | - | C | Section 10.03 |
| | Wind Energy Conversion Systems (WECS) – Commercial/Utility Scale | C | - | - | - | - | - | - | C | Section 10.05 |
| | Wireless telecommunication facilities - new tower | C | C | C | C | C | C | C | C | Section 9.20 |
| | Wireless telecommunication facilities - collocated | P | P | P | P | P | P | P | P | Section 9.20 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Animal Care** | | | | | | | | | | |
| | Animal hospital/veterinarian | C | C | - | - | P | 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 | |

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|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Kennel, private | P | P | C | - | - | - | C | P | |
| | Pet cemetery | C | C | - | - | - | - | C | C | |
| | Pet crematorium | C | C | - | - | - | - | C | P | |
| | Pet grooming and training | P | P | C | C | P | P | P | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Business and Household Services** | | | | | | | | | | |
| | 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 | P | P | P | |
| | Locksmiths and key duplication | C | C | - | - | P | P | P | P | |
| | Pest control services | C | C | - | - | C | P | P | P | |
| | Septic services and tank cleaning | C | C | - | - | - | C | P | P | |
| | Small appliances & household equipment repair | C | C | - | - | P | P | P | P | |
| | Well drilling | C | C | - | - | - | C | P | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Financial Services** | | | | | | | | | | |
| | Banks | - | - | - | - | P | P | P | - | |
| | Automatic Teller Machine (ATM) | - | - | - | - | P | P | P | - | |
| | Brokerages | - | - | - | - | P | P | P | - | |
| | Credit Unions | - | - | - | - | P | P | P | - | |
| | Insurance offices | - | - | - | - | P | P | P | - | |
| | Financial advisory services | - | - | - | - | P | P | P | - | |
| | Specialty loan services | - | - | - | - | C | C | C | - | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Food And Beverage Services** | | | | | | | | | | |
| | Banquet hall/reception facility | C | C | - | - | P | C | C | - | |
| | Bar or tavern | - | - | - | - | P | P | C | - | |
| | Brew-on Premises Store | - | - | - | - | P | P | P | C | |
| | Brewery | - | - | - | - | C | C | C | C | |
| | Brew pub | C | C | - | - | P | P | C | - | |
| | Craft Brewery (Commercial) | C | C | - | - | P | P | C | C | |
| | Micro-brewery (Commercial) | C | C | - | - | P | P | C | C | |
| | Micro-distillery | C | C | | | P | P | C | C | |
| | Catering service | C | C | - | - | P | P | C | C | |
| | Coffee house, coffee shop | - | - | - | - | P | P | P | - | |

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|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Coffee kiosks | - | - | - | - | P | P | P | - | |
| | Restaurants – Indoor seating | C | C | - | - | P | P | P | - | |
| | Restaurants – Outdoor seating | C | C | - | - | P | P | C | - | |
| | Restaurants – Drive-In | C | C | - | - | - | C | C | - | Section 7.07 |
| | Roadside stands | T | T | T | - | T | T | T | T | Section 9.15 |
| | Winery | C | C | - | - | C | C | C | C | |
| | Mobile Food Units | T | T | - | - | T | T | T | T | Section 9.15 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **General Commercial** | | | | | | | | | | |
| | Antiques and collectables shop | P | P | - | - | P | P | P | - | |
| | Art galleries and studios | C | C | - | - | P | P | P | - | |
| | Artisan production shop | C | C | - | - | P | P | P | - | |
| | Bicycle sales & service | - | - | - | - | P | P | P | - | |
| | Book, card, and articles stores | - | - | - | - | P | P | P | - | |
| | Business Center | - | - | - | - | P | P | P | P | |
| | Clothing & accessories | - | - | - | - | P | P | P | - | |
| | Computer hardware/software sales | - | - | - | - | P | P | P | - | |
| | Dance studios & schools | - | - | - | - | P | P | P | - | |
| | Electronic/appliance sales & service | - | - | - | - | P | P | P | - | |
| | Equipment sales/storage/rental | - | - | - | - | P | P | P | - | |
| | Equipment repair services | - | - | - | - | P | P | P | P | |
| | Fabric and sewing supply stores | - | - | - | - | P | P | P | - | |
| | Farmer's Market | P | P | - | - | P | P | P | - | |
| | Firearms and ammunition sales | C | C | - | - | C | C | C | C | |
| | Florists | C | C | - | - | P | P | P | - | |
| | Food store (specialty) including bakeries, butchers (no slaughter on-site), | C | C | - | - | P | P | P | - | |
| | Funeral homes and mortuaries, including crematoriums | C | C | - | - | P | P | P | P | |
| | Garden center | C | C | - | - | C | P | P | P | |
| | Gift store | C | C | - | - | P | P | P | - | |
| | Grocery | - | - | - | - | P | P | P | - | |
| | Hardware store | - | - | - | - | P | P | P | P | |
| | Lawn and garden equipment sales and service | - | - | - | - | P | P | P | P | |
| | Photographic equipment & supplies | - | - | - | - | P | P | P | - | |
| | Pottery store | - | - | - | - | P | P | P | - | |
| | Secondhand store, thrift or consignment store | - | - | - | - | P | P | P | - | |
| | Self-services laundry and Laundromat | - | - | - | - | P | P | P | - | |

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|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Tanning Studio | - | - | - | - | P | P | P | - | |
| | Taxidermy Services | P | P | - | - | P | P | P | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Special Commercial** | | | | | | | | | | |
| | Barber Shop or Hairdresser | C | C | C | C | P | P | P | - | |
| | Building materials and garden supply | - | - | - | - | P | P | P | P | |
| | Concrete and cinder block sales | - | - | - | - | C | P | P | P | |
| | Convenience store | - | - | - | - | C | C | C | C | |
| | Fencing dealers | C | - | - | - | C | P | P | P | |
| | Fireworks stands (permanent structures) | C | - | - | - | C | P | P | P | |
| | Heating and cooling sales and services | - | - | - | - | C | P | P | P | |
| | Liquor stores/sales | - | - | - | - | C | P | P | P | |
| | Monument sales | - | - | - | - | C | P | P | P | |
| | Motels and hotels | - | - | - | - | C | C | - | - | |
| | Nurseries, retail sales | C | C | - | - | P | P | C | P | |
| | Piercing Studio | - | - | - | - | - | C | P | P | |
| | Tattoo Parlor | - | - | - | - | - | C | P | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Medical Uses** | | | | | | | | | | |
| | Acupuncture offices | - | - | - | - | P | P | P | - | |
| | Chiropractor offices | - | - | - | - | P | P | P | - | |
| | Dental offices incl. orthodontics | - | - | - | - | P | P | P | - | |
| | Hospital | - | - | - | - | C | C | C | - | |
| | Massage therapy | C | C | C | C | P | P | P | - | |
| | Medical offices and clinics | - | - | - | - | P | P | P | - | |
| | Optical sales & services | - | - | - | - | P | P | P | - | |
| | Rehabilitation facilities including out-patient services | - | - | - | - | P | P | P | - | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Office Uses** | | | | | | | | | | |
| | Accountant and investment counseling | - | - | - | - | P | P | P | - | |
| | Business offices | - | - | - | - | P | P | P | P | |
| | Consultant offices | - | - | - | - | P | P | P | P | |
| | Lawyer/Attorney offices | - | - | - | - | P | P | P | P | |
| | Photographic studios | - | - | - | - | P | P | P | P | |
| | Real Estate offices | - | - | - | - | P | P | P | P | |

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|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Utility and telephone company offices | C | C | - | - | P | P | P | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Recreational Commercial** | | | | | | | | | | |
| | Amusement arcade | - | - | - | - | P | P | P | C | |
| | Bowling alley | - | - | - | - | P | P | P | C | |
| | Casino | - | - | - | - | - | C | - | - | |
| | Golf courses, public & private | P | P | C | - | P | P | - | - | |
| | Golf driving ranges | P | P | - | - | - | P | P | C | |
| | Miniature golf courses | - | - | - | - | P | P | C | C | |
| | Paintball Course | C | C | - | - | - | - | C | C | |
| | Recreational facility, Indoor | C | C | - | - | P | P | C | C | |
| | Recreational facility, outdoor | C | C | - | - | C | C | C | C | |
| | Recreational Vehicle (RV) Park | C | C | - | - | C | C | C | C | Section 9.14 |
| | Shooting Range, Gun Range, or Archery Range | C | - | - | - | C | - | - | C | |
| | Shooting Sports (Archery or Gun Club) Indoors | C | C | - | - | C | C | P | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Auto Services/ Commercial** | | | | | | | | | | |
| | Auto body repair | - | P | - | - | C | C | P | P | Section 7.07, 9.05 |
| | Automotive repair shop | P | P | - | - | C | C | P | P | Section 7.07, 9.05 |
| | Automobile/truck sales, rental & leasing | - | - | - | - | C | C | P | P | Section 9.04, 9.05 |
| | Automobile/truck wash, self-services or automatic (car wash) | - | - | - | - | - | C | P | P | Section 7.07, 9.05 |
| | Gasoline/EV filling stations | - | - | - | - | C | C | C | C | Section 7.07 |
| | Motor home dealers | - | - | - | - | - | C | P | P | Section 9.05 |
| | Motorcycle dealers, incl. moped and scooters | - | - | - | - | C | C | P | P | Section 9.05 |
| | Muffler sales & services | - | - | - | - | C | C | P | P | Section 7.07, 9.05 |
| | Recreational vehicle sales & rentals | - | - | - | - | - | C | P | P | Section 9.04, 9.05 |
| | Transmission repair shops | - | - | - | - | C | C | P | P | Section 7.07, 9.05 |
| | Travel trailer dealers | - | - | - | - | - | C | P | P | Section 9.05 |
| | Vehicle Storage | P | - | - | - | - | C | P | P | Section 9.05 |
| | Trailer, RV, & boat storage | P | - | - | - | - | C | P | P | Section 9.05 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Adult Uses** | | | | | | | | | | |
| | Adult Entertainment | - | - | - | - | - | - | C | P | Section 9.18 |
| | | | | | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| **Warehousing & Storage.** | | | | | | | | | | |
| | Fireworks storage | - | - | - | - | - | - | C | P | |
| | Mini-warehousing & self-service storage | C | C | - | - | - | C | C | P | Section 9.07 |
| | Motor Freight Terminals | - | - | - | - | - | C | C | C | |
| | Outdoor Storage | C | C | - | - | - | C | P | P | Section 9.06 |
| | Portable on-demand storage (PODS) facility | C | C | - | - | - | C | P | P | Section 9.07 and 9.08 |
| | Wholesale distribution and warehouse | C | C | - | - | - | C | P | P | |
| | Warehousing (enclosed) | C | C | - | - | - | C | P | P | |
| | Warehousing (open) | C | C | - | - | - | - | C | C | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Contractors, Contractor Yards, Storage & Supply** | | | | | | | | | | |
| | Bulk materials or machinery storage (enclosed) | C | C | - | - | - | C | P | P | |
| | Carpenters | C | C | - | - | C | P | P | P | |
| | Carpet & rug cleaning plants | C | C | - | - | - | C | P | P | |
| | Construction batch plants | C | C | - | - | - | C | P | P | |
| | Construction yards incl. offices & equipment storage yards excl. heavy machinery | C | C | - | - | - | C | P | P | |
| | Electricians | C | C | - | - | C | P | P | P | |
| | Heating & ventilating contractors | C | C | - | - | C | P | P | P | |
| | Masons & bricklayers | C | C | - | - | C | P | P | P | |
| | Plumbers | C | C | - | - | C | P | P | P | |
| | Trade shops (incl. cabinet makers) | C | C | - | - | C | P | P | P | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Large Contracting/ Materials Manufacturing** | | | | | | | | | | |
| | Asphalt contractors | C | - | - | - | - | - | C | P | |
| | Concrete block manufacturing | C | - | - | - | - | - | C | P | |
| | Concrete contractors | C | - | - | - | - | - | C | P | |
| | Concrete products | C | C | - | - | - | - | C | P | |
| | Excavating contractors | C | C | - | - | - | - | C | P | |
| | Heavy construction companies | C | C | - | - | - | - | C | P | |
| | Highway/street construction contractors | C | C | - | - | - | - | C | P | |
| | Manufactured housing fabrication | - | C | - | - | C | C | C | P | |
| | Prefabricated buildings & components manufacturing | - | - | - | - | C | C | C | P | |
| | Wrecking & demolition contractors | C | - | - | - | - | - | C | 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) Agricultural District
(TA-1) Transitional Agriculture District
(R-1) Residential Estates District
(R-2) Residential Suburban District
(MU-1) Light Mixed-Use District
(MU-2) General Mixed-Use District
(I-1) Light Industrial District
(I-2) General Industrial District

| Use Category | Use Type | Land Use District | | | | | | | | Additional Requirements |
|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| **Food Processing** | | | | | | | | | | |
| | Bakery Products Manufacturing | C | - | - | - | C | C | C | P | Section 9.03 |
| | Beverage Blending and Bottling (Except Breweries) | - | - | - | - | C | C | C | P | Section 9.03 |
| | Butcher or Meat Locker with on-site slaughter | C | - | - | - | C | C | C | P | Section 9.03 |
| | Coffee, Tea and Spice Processing and Packaging | - | - | - | - | C | C | C | P | Section 9.03 |
| | Creamery and Dairy Operations | C | - | - | - | C | C | C | P | Section 9.03 |
| | Dairy Products Manufacturing | C | - | - | - | C | C | C | P | Section 9.03 |
| | Egg Processing Plants | C | - | - | - | C | C | C | P | Section 9.03 |
| | Pet Food Processing | - | - | - | - | C | C | C | P | Section 9.03 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Mining & Excavation** | | | | | | | | | | |
| | Brick, firebrick, and clay products manufacturing | C | - | - | - | - | - | C | C | Section 9.03 |
| | Monument & architectural stone manufacturing | C | - | - | - | - | - | C | C | Section 9.03 |
| | Quarry or Sand/Gravel Pit | C | - | - | - | - | - | C | C | Section 9.16 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Metal Manufacturing** | | | | | | | | | | |
| | Agriculture machinery manufacturing | - | - | - | - | - | C | P | P | Section 9.03 |
| | Culvert manufacturing | - | - | - | - | - | C | P | P | Section 9.03 |
| | General manufacturing | - | - | - | - | C | C | P | P | Section 9.03 |
| | Welding | C | C | - | - | C | C | P | P | Section 9.03 |
| | Wire Rope and cable manufacturing | - | - | - | - | - | C | P | P | Section 9.03 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Waste Handling** | | | | | | | | | | |
| | Landfill, Construction Material | - | - | - | - | - | - | - | - | |
| | Landfill, Solid Waste | - | - | - | - | - | - | - | - | Section 9.27 |
| | Junkyard or Salvage Yard | - | - | - | - | - | - | - | C | Section 9.08 |
| | Recycling Center | - | - | - | - | - | C | P | P | |
| | Recycling Processing | - | - | - | - | - | - | C | P | |
| | Sanitary Transfer Station | C | - | - | - | - | - | - | C | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **General Manufacturing** | | | | | | | | | | |
| | Agricultural Processing (other than Food) | C | - | - | - | - | C | P | P | Section 9.03 |
| | Electronics manufacturing | - | - | - | - | - | C | P | P | Section 9.03 |
| | Machinery manufacturing | - | - | - | - | - | C | P | P | Section 9.03 |

E = Exempt from Permits
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Overlay District and Floodplain regulations shall also be met.

(A-1) Agricultural District
(TA-1) Transitional Agriculture District
(R-1) Residential Estates District
(R-2) Residential Suburban District
(MU-1) Light Mixed-Use District
(MU-2) General Mixed-Use District
(I-1) Light Industrial District
(I-2) General Industrial District

| Use Category | Use Type | Land Use District | | | | | | | | Additional Requirements |
|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Millwork manufacturing | - | - | - | - | - | C | P | P | Section 9.03 |
| | Musical instruments manufacturing | - | - | - | - | - | C | P | P | Section 9.03 |
| | Tool, die, gauge, and machine shops | - | - | - | - | - | C | P | P | Section 9.03 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Manufacturing (High Hazard)** | | | | | | | | | | |
| | Bio-fuels and Distillation Manufacturing, including Ethanol | C | - | - | - | - | - | C | C | Section 9.03 and Section 9.19 |
| | Data Center | C | C | - | - | - | - | - | C | Section 9.22 |
| | Grain Elevator and Storage Facilities | C | C | - | - | - | C | P | P | |
| | Distillery | C | C | - | - | - | - | C | C | Section 9.03 and Section 9.19 |
| | Scrap or Salvage Operations/Yards | - | - | - | - | - | - | - | C | Section 9.08 |
| | Wind turbine manufacturing | - | - | - | - | - | - | - | C | Section 9.03 |
| | Wood Preserving Treatment | - | - | - | - | - | - | - | C | Section 9.03 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| **Accessory Uses** (See Section 4.07) | | | | | | | | | | |
| | Barns | P | P | P | P | P | P | P | P | |
| | Battery Energy Storage Systems (BESS) Teir 1 | E/P | E/P | E/P | E/P | E/P | E/P | E/P | E/P | Section 10.02 |
| | Bins, silos, grain storage | P | P | - | - | - | - | P | P | |
| | Dwelling, Accessory | P | P | P | C | - | - | - | - | Section 9.11 |
| | Dwelling, Special Types (ADU-accessory to Principal structure) | P | P | P | P | P | P | P | P | Section 9.11 |
| | Decks, gazebos, patios (elevated or on-grade) | P | P | P | P | P | P | P | P | |
| | Drive-Throughs | - | - | - | - | C | C | P | P | Section 7.07 |
| | Fences below 6 feet | E | E | E | E | E | E | E | E | Sections. 4.04, 4.06, 4.07 |
| | Fences, 6 feet or taller | P | P | P | P | P | P | P | P | Sections. 4.04, 4.06, 4.07 |
| | Firearms and ammunition sales (home-based) | C | C | C | C | C | C | C | C | Section 9.01 and 9.02 |
| | Freestanding canopy | P | P | P | P | C | P | P | P | |
| | Fuel tanks and dispensing equipment | P | P | - | - | C | P | P | P | |
| | Garage, Private and Storage | P | P | P | P | P | P | P | P | Section 4.07 |
| | Carports | P | P | P | P | P | P | P | P | Section 4.07 |
| | Greenhouses, Non-commercial | P | P | P | P | P | P | P | P | |
| | Home Occupations | E | E | E | E | E | E | E | E | Section 9.01 and 9.02 |
| | Home-based Businesses | P | P | P | P | P | P | P | P | Section 9.01 and 9.02 |
| | Household pets accessory to a dwelling | P | P | P | P | P | P | P | P | |
| | Roadside Produce Stand (Accessory to Principal use) | P | P | P | P | P | P | P | - | Section 9.15 |
| | Storage shed | P | P | P | P | P | P | P | P | |
| | Storage (cargo) Container | P | P | T | T | C | C | C | P | Section 4.13 and 9.08 |
| | Swimming pool | P | P | P | P | C | C | C | C | Section 4.12 |

E = Exempt from Permits
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"-" = not permitted

Overlay District and Floodplain regulations shall also be met.

(A-1) Agricultural District
(TA-1) Transitional Agriculture District
(R-1) Residential Estates District
(R-2) Residential Suburban District
(MU-1) Light Mixed-Use District
(MU-2) General Mixed-Use District
(I-1) Light Industrial District
(I-2) General Industrial District

| Use Category | Use Type | Land Use District | | | | | | | | Additional Requirements |
|---|---|---|---|---|---|---|---|---|---|---|
| | | A-1 | TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 | |
| | Tennis courts | P | P | P | P | P | P | P | P | |
| | Solar Energy Conversion Systems, Individual (Class I) | P | - | - | - | - | - | P | P | Section 10.03 |
| | Small Wind Energy System | P | P | C | C | C | P | P | P | Section 10.04 |
| | | | | | | | | | | |
| | | | | | | | | | | |

## Section 5.07 A-1 Agricultural District

5.07.01 Intent:

1. The A-1 Agricultural District is intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses; to prevent encroachment of uses that could be mutually incompatible and continue to provide for agricultural uses as a major use to the economy of the area for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses.
2. The A-1 Agricultural 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 them from incompatible land uses and to provide for their timely utilization. The district intends to provide for the location and to govern the establishment and operation of land uses that are compatible with agriculture and are of such nature that their location away from residential, commercial, and industrial areas is most desirable. In addition, to provide for the location and to govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and to govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses that are named as permitted or conditional uses in this district and are appropriate to other property in the area.
3. The nature of the A-1 Agricultural District and the uses allowed as a permitted use or by Conditional Use Permit (CUP) precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 Agricultural District regulations afford such services, amenities and protection to residential uses located therein.

5.07.02 Permitted Uses:
Permitted Uses are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of Section 5.07.06 below.

5.07.03 Conditional Uses:
Conditional Uses are allowed according to the table in Section 5.06, as recommended by the Planning Commission and approved by the County Board.

5.07.04 Temporary Uses:
Temporary uses may be allowed as provided in Section 4.13.

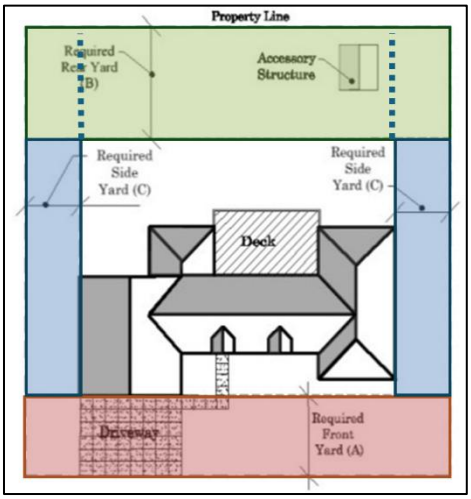
5.07.05 Accessory Uses and Structures:
Accessory uses and structures are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of the district. See also Section 4.07.

5.07.06 Height and Lot Requirements:
Bulk 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 Uses | 1.0 | 100 | 35 | 35 | 35 | 35** | 10 |
| Other Permitted Uses | 5.0 | 100 | 35 | 35 | 35 | 35** | 10 |
| Conditional Uses | 5.0 | 100 | 35 | 35 | 35 | 35** | 10 |
| Accessory Structures | - | - | 35 | 35 | 5 | - | 10 |

* Front/rear/side yard setback shall be 68 feet from the centerline of a County Road or shall be 35 feet when abutting any other platted street, road, or highway.
See also Section 5.07.08(2) below.
In no case are residential, commercial, or industrial uses permitted on tracts without direct legal access to an improved road.

** Maximum height standard applies only to structures intended for human occupancy; other structures have no maximum requirement.




5.07.07 Supplemental Residential Regulations:

1. The residential density within any ¼-section of ground shall not exceed **two dwelling units**. Each parcel shall be given the opportunity for a dwelling unit until the zoning density has been met.
   A. If a parcel of ground is within two different ¼-sections, then the applicant shall declare to which ¼-section the residence will be attached.
2. New non-farm dwellings and Livestock Feeding Operations (LFOs) shall maintain separation distances as required by Section 9.23.

5.07.08 Other Applicable Provisions:

1. Agricultural operations include the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
   A. State agencies shall govern all use of farm chemicals, including application of pesticides and herbicides, and applicants using restricted-use pesticides shall be required to be certified as required by law.
   B. LFOs of less than 1,000 A.U.'s are considered a Farm use as listed in the Land Use Matrix in Section 5.06, provided other requirements in this district are met and submission of a no-fee livestock registration permit to the Seward County Zoning Administrator is done.
2. Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
   **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

5.07.09 Residential Development Regulations

1. Seward County supports agricultural practices in the A-1 District and therefore, all people seeking to construct a new dwelling unit in the A-1 District shall do so only after:
   A. Making Application for a Zoning Permit for a dwelling unit in A-1 with the Zoning Administrator.
   B. 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 Seward County including but not limited to:
      1) Noise from tractors or other farm equipment and aerial spraying at all hours and noise from livestock at all hours.
      2) Dust from animal pens, field work, harvesting, and gravel roads.
      3) Increased flies, mosquitoes, or other insects that are attracted to crops, livestock, or manure.
      4) Odor from livestock operations and animal confinement operations, and order 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.
      5) Smoke from burning ditches or other approved burning.
      6) The use and application practices for all livestock waste, herbicides, pesticides, fertilizer and other chemicals, including drift by aerial spraying or other applications of such products.
      7) All field preparation, harvest practices, and all livestock animal husbandry practices.
      8) The movement of livestock, farm products, manure, machinery and equipment on public roads; and
      9) All other similar or related farming practices or farming operations, and all matter in any way related or incidental thereto.

## Section 5.08 TA-1 Transitional Agriculture District

5.08.01 Intent:
The TA-1 Transitional Agriculture District is established to recognize the transition between agricultural uses of land and communities; to encourage the continued use of land, which is suitable for agriculture, but limit the land uses which may be a detriment to the efficient pursuit of agricultural production. The district is designed to limit urban sprawl and protect agricultural operations.

5.08.02 Permitted Uses:
Permitted Uses are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of Section 5.08.06 below.

5.08.03 Conditional Uses:
Conditional Uses are allowed according to the table in Section 5.06, as recommended by the Planning Commission and approved by the County Board.

5.08.04 Temporary Uses:
Temporary uses may be allowed as provided in Section 4.13.

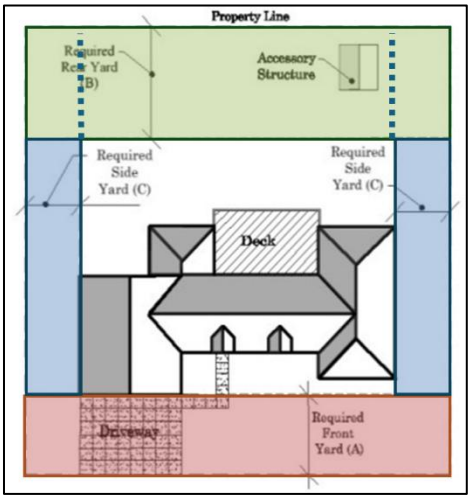
5.08.05 Accessory Uses and Structures:
Accessory uses and structures are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of the district. See also Section 4.07.

5.08.06 Height and Lot Requirements:
Bulk 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 | 5.0 | 200 | 35 | 25 | 25 | 35 | 25 |
| Other Permitted Uses | 5.0 | 200 | 35 | 25 | 25 | 35** | 25 |
| Conditional Uses | 5.0 | 200 | 35 | 25 | 25 | 35** | 25 |
| Accessory Structures | - | - | 35 | 25 | 5 | 20 | 20 |

* Front/rear/side yard setback shall be 68 feet from the centerline of a County Road or shall be 35 feet when abutting any other platted street, road, or highway.
See also 5.08.08(2) below.
In no case are residential, commercial, or industrial uses permitted on tracts without direct legal access to an improved road.

** Maximum height standard applies only to structures intended for human occupancy; other principal structures have no maximum requirement.



5.08.07 Supplemental Residential Regulations:

1. The residential density within any ¼-section of ground shall not exceed **four dwelling units**. Each parcel shall be given the opportunity for a dwelling unit until the zoning density has been met.
   A. If a parcel of ground is within two different ¼-sections, then the applicant shall declare to which ¼-section the residence will be attached.
2. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.

5.08.08 Other Applicable Provisions:

1. Agriculture, farming, dairy farming, livestock, and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises. Livestock may be allowed in this district provided the following ratio is met:
   A. One A.U. for the first acre
   B. One A.U. for each additional one-half acre of ground
   C. No more than 400 A.U.'s will be allowed on any tract of land
2. Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes). **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

5.08.09 Residential Development Regulations

1. Seward County supports agricultural practices in the TA-1 District and therefore, all people seeking to construct a new dwelling unit in the TA-1 District shall do so only after:
   A. Making Application for a Zoning Permit for a dwelling unit in TA-1 with the Zoning Administrator.
   B. 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 Seward County including but not limited to:
      1) Noise from tractors or other farm equipment and aerial spraying at all hours and noise from livestock at all hours.
      2) Dust from animal pens, field work, harvesting, and gravel roads.
      3) Increased flies, mosquitoes, or other insects that are attracted to crops, livestock, or manure.
      4) Odor from livestock operations and animal confinement operations, and order 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.
      5) Smoke from burning ditches or other approved burning.
      6) The use and application practices for all livestock waste, herbicides, pesticides, fertilizer and other chemicals, including drift by aerial spraying or other applications of such products.
      7) All field preparation, harvest practices, and all livestock animal husbandry practices.
      8) The movement of livestock, farm products, manure, machinery and equipment on public roads; and
      9) All other similar or related farming practices or farming operations, and all matter in any way related or incidental thereto.

## Section 5.09 R-1 Residential Estates

5.09.01 Intent:
The R-1 Residential Estates District is for the purpose of low-density single-family dwellings and to allow certain public facilities. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes. The intent of this district is to recognize the gradual urbanization near cities and to provide for the proper development and facilities necessary for future growth.

5.09.02 Permitted Uses:
Permitted Uses are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of Section 5.10.06 below.

5.09.03 Conditional Uses:
Conditional Uses are allowed according to the table in Section 5.06, as recommended by the Planning Commission and approved by the County Board.

5.09.04 Temporary Uses:
Temporary uses may be allowed as provided in Section 4.13.

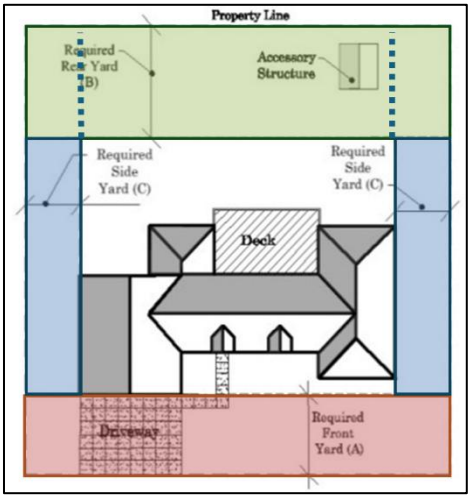
5.09.05 Accessory Uses and Structures:
Accessory uses and structures are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of the district. See also Section 4.07.

5.09.06 Height and Lot Requirements:
Bulk 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 | 5.0 | 100 | 25 | 30 | 30 | 35 | 25 |
| Other Permitted Uses | 5.0 | 100 | 25 | 30 | 30 | 35** | 25 |
| Conditional Uses | 5.0 | 100 | 25 | 30 | 30 | 35** | 25 |
| Accessory Structures | - | - | 25 | 5 | 5 | 20 | 10 |

* 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 5.09.07 and 5.09.08 below.
In no case are residential, commercial, or industrial uses permitted on tracts without direct legal access to an improved road.

** Maximum height standard applies only to structures intended for human occupancy; other principal structures have no maximum requirement.



5.09.07 Supplemental Residential Regulations:

1. The residential density within any ¼-section of ground shall not exceed **eight dwelling units**. Each parcel shall be given the opportunity for a dwelling unit until the zoning density has been met.
   A. If a parcel of ground is within two different ¼-sections, then the applicant shall declare to which ¼-section the residence will be attached.
2. All new dwellings, including Residential Acreage Developments, shall be on hard-surfaced or maintained Roads/Street/Highways. Dwelling shall not be permitted on an officially designated minimum maintenance Road/Street/Highways.
3. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.

5.09.08 Other Applicable Provisions:

1. All access shall meet County Highway Superintendent's specifications.
2. Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
   **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

## Section 5.10 R-2 Residential Suburban District

5.10.01 Intent:
The R-2 Residential Suburban District is intended for the purpose of suburban density single-family dwellings and to allow certain public facilities. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes. The intent of this district is to recognize the gradual urbanization near cities and to provide for the proper development and facilities necessary for future growth.

5.10.02 Permitted Uses:
Permitted Uses are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of Section 5.11.06 below.

5.10.03 Conditional Uses:
Conditional Uses are allowed according to the table in Section 5.06, as recommended by the Planning Commission and approved by the County Board.

5.10.04 Temporary Uses:
Temporary uses may be allowed as provided in Section 4.13.

5.10.05 Accessory Uses and Structures:
Accessory uses and structures are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of the district. See also Section 4.07.

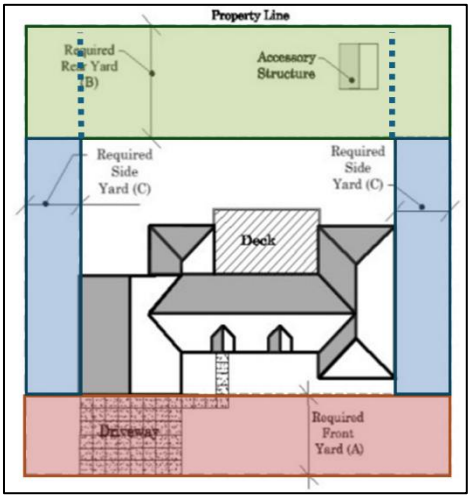
5.10.06 Height and Lot Requirements:
Bulk requirements shall be as follows.

| 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 | 100 | 25 | 25 | 25 | 35 | 25 |
| Other Permitted Uses | 3.0 | 100 | 25 | 25 | 25 | 35 | 25 |
| Conditional Uses | 3.0 | 100 | 25 | 25 | 25 | 35 | 25 |
| Accessory Structures | - | - | 25 | 5 | 5 | 20 | 10 |

\# All uses and structures requiring water and sanitary sewer systems shall be connected to municipal water and sanitary sewer system, or community water/sewage disposal system; minimum lot size may be greater if required by NDWEE.

* 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 5.10.07 and 5.10.08 below.
In no case are residential, commercial, or industrial uses permitted on tracts without direct legal access to an improved road.



5.10.07 Supplemental Residential Regulations:

1. The residential density within any ¼-section of ground shall not exceed **12 dwelling units**. Each parcel shall be given the opportunity for a dwelling unit until the zoning density has been met.
   A. If a parcel of ground is within two different ¼-sections, then the applicant shall declare to which ¼-section the residence will be attached.
2. All new dwellings, including Residential Acreage Developments, shall be on hard-surfaced or maintained Roads/Street/Highways. Dwelling shall not be permitted on an officially designated minimum maintenance Road/Street/Highways.
3. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.

5.10.08 Other Applicable Provisions:

1. All access shall meet County Highway Superintendent's specifications.
2. Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
   **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

## Section 5.11 MU-1 Light Mixed-Use District

5.11.01 Intent:
The MU-1 Mixed-Use District is intended to accommodate communities where development has occurred, but the community is not incorporated, especially the areas of **Tamora and Ruby**. This district is also intended to provide for Manufactured Home Parks and development. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

5.11.02 Permitted Uses:
Permitted Uses are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of Section 5.11.06 below.

5.11.03 Conditional Uses:
Conditional Uses are allowed according to the table in Section 5.06, as recommended by the Planning Commission and approved by the County Board.

5.11.04 Temporary Uses:
Temporary uses may be allowed as provided in Section 4.13.

5.11.05 Accessory Uses and Structures:
Accessory uses and structures are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of the district.

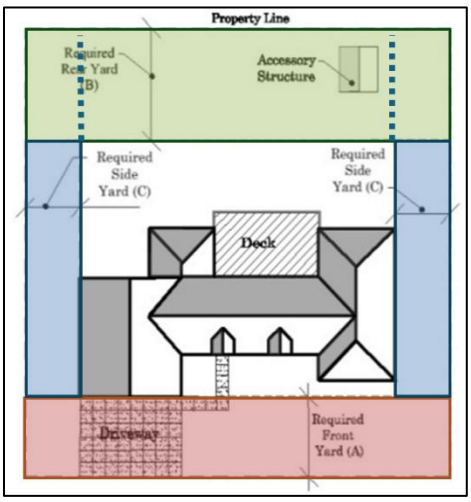
5.11.06 Height and Lot Requirements:
Bulk requirements shall be as follows.

| Use | Lot Area (square feet)# | Lot Width (feet) | A Front Yard (feet)* | B Rear Yard (feet)* | C Side Yard (feet)* | Max. Height (feet) | Max. Building Coverage (%) |
|---|---|---|---|---|---|---|---|
| Dwellings | 12,000 | 100 | 15 | 15 | 15 | 35 | 50 |
| Other Permitted Uses | 12,000 | 100 | 15 | 15 | 15 | 35 | 50 |
| Conditional Uses | 12,000 | 100 | 15 | 15 | 15 | 35 | 50 |
| Accessory Structures | - | - | 15 | 5 | 5 | 20 | 25 |

\# All uses and structures requiring water and sanitary sewer systems shall be connected to community/public water/sewage disposal system; minimum lot size may be greater if required by NDWEE.
Lots over three acres can be served with private wells and approved sanitary systems

* Front/rear/side yard setback shall be 48 feet from the centerline of a County Road or shall be 15 feet when abutting any other platted street, road, or highway.

See also Section 5.11.07 and 5.11.08 below.
In no case are residential, commercial, or industrial uses permitted on tracts without direct legal access to an improved road.



5.11.07 Supplemental Residential Regulations:

1. All new dwellings, including Residential Acreage Developments, shall be on hard-surfaced or maintained Roads/Street/Highways. Dwelling shall not be permitted on an officially designated minimum maintenance Road/Street/Highways.
2. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.

5.11.08 Other Applicable Provisions:

1. All access shall meet County Highway Superintendent's specifications.
2. Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
   **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

## Section 5.12 MU-2 General Mixed-Use District

5.12.01 Intent:
The MU-2 General Mixed-Use District is intended to accommodate mixed uses at or near key intersections with high traffic volume. Regulations are intended to control density of population and to provide adequate open space around buildings, separation of non-compatible uses and structures in the district to accomplish these purposes.

5.12.02 Permitted Uses:
Permitted Uses are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of Section 5.12.06 below.

5.12.03 Conditional Uses:
Conditional Uses are allowed according to the table in Section 5.06, as recommended by the Planning Commission and approved by the County Board.

5.12.04 Temporary Uses:
Temporary uses may be allowed as provided in Section 4.13.

5.12.05 Accessory Uses and Structures:
Accessory uses and structures are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of the district.

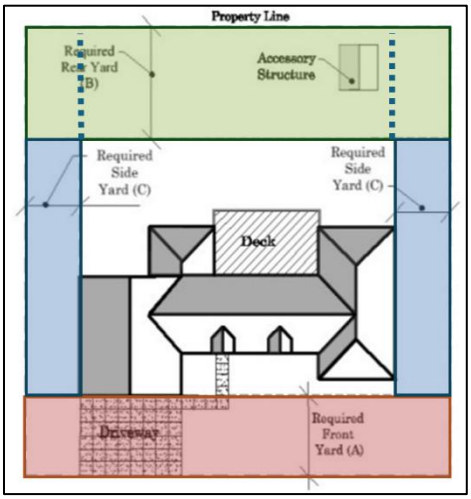
5.12.06 Height and Lot Requirements:
Bulk requirements shall be as follows.

| Use | Lot Area (square feet)# | Lot Width (feet) | A Front Yard (feet)* | B Rear Yard (feet)* | C Side Yard (feet)* | Max. Height (feet) | Max. Building Coverage (%) |
|---|---|---|---|---|---|---|---|
| Permitted Uses | 21,780 | 100 | 15 | 15 | 15 | 35 | 50 |
| Conditional Uses | 21,780 | 100 | 15 | 15 | 15 | 35 | 50 |
| Accessory Structures | - | - | 15 | 5 | 5 | 20 | 25 |

\# Minimum lot area 0.5 acre. All uses and structures requiring water and sanitary sewer systems shall be connected to municipal water and sanitary sewer system, or community water/sewage disposal system; minimum lot size may be greater if required by NDWEE..
Lots over three acres can be served with private wells and approved sanitary systems

* Front/rear/side yard setback shall be 48 feet from the centerline of a County Road or shall be 15 feet when abutting any other platted street, road, or highway.

See also Section 5.12.07 and 5.12.08 below.
In no case are residential, commercial, or industrial uses permitted on tracts without direct legal access to an improved road.



5.12.07 Supplemental Residential Regulations:

1. All new dwellings, including Residential Acreage Developments, shall be on hard-surfaced or maintained Roads/Street/Highways. Dwelling shall not be permitted on an officially designated minimum maintenance Road/Street/Highways.
2. Manufactured Homes (HUD Code) shall be placed on a permanent foundation.

5.12.08 Other Applicable Provisions:

1. All access shall meet County Highway Superintendent's specifications.
2. Standalone residential development shall be separated from standalone commercial development with a 30-foot landscape buffer (15 feet on each side) and vice-versa).
3. Standalone residential development shall be separated from standalone industrial development with a 50-foot landscape buffer (25 feet on each side) and vice -versa).
4. Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
   **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

## Section 5.13 I-1 Light Industrial District

5.13.01 Intent:
The I-1 Light Industrial District is intended to provide a wide range of industrial and commercial uses which shall be able to meet comparatively rigid specifications as to nuisance-free performance. Certain uses which are incompatible or would interfere with industrial development are excluded.

5.13.02 Permitted Uses:
Permitted Uses are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of Section 5.13.06 below.

5.13.03 Conditional Uses:
Conditional Uses are allowed according to the table in Section 5.06, as recommended by the Planning Commission and approved by the County Board.

5.13.04 Temporary Uses:
Temporary uses may be allowed as provided in Section 4.13.

5.13.05 Accessory Uses and Structures:
Accessory uses and structures are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of the district.

5.13.06 Height and Lot Requirements:
Bulk 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 | 5.0 | 100 | 50 | 20 | 10 | 50 | 50 |
| Conditional Uses | 5.0 | 100 | 50 | 20 | 10 | 50 | 50 |
| Accessory Structures | - | - | 50 | 20 | 10 | 20 | 10 |

\# If lot is connected to municipal water or municipal sewer, then the minimum lot size may be reduced to 20,000 square feet; unless greater if required by NDWEE.

* Front/rear/side yard setback shall be 83 feet from the centerline of a County Road.
See also Section 5.13.07 below.
In no case are residential, commercial, or industrial uses permitted on tracts without direct legal access to an improved road.

** Maximum height standard applies only to structures intended for human occupancy; other principal structures have no maximum requirement.

5.13.07 Other Applicable Provisions:

1. All access shall meet County Highway Superintendent's specifications.
2. Supplementary district regulations shall be complied with as defined herein. All uses within this district shall meet the minimum performance standards for light industry as defined herein.
3. Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
   **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

## Section 5.14 I-2 General Industrial District

5.14.01 Intent:
The I-2 General 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.

5.14.02 Permitted Uses:
Permitted Uses are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of Section 5.14.06 below.

5.14.03 Conditional Uses:
Conditional Uses are allowed according to the table in Section 5.06, as recommended by the Planning Commission and approved by the County Board.

5.14.04 Temporary Uses:
Temporary uses may be allowed as provided in Section 4.13.

5.14.05 Accessory Uses and Structures:
Accessory uses and structures are allowed according to the table in Section 5.06, provided the use and/or structure meet the minimum bulk regulations of the District.

5.14.06 Height and Lot Requirements:
Bulk 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 | 5.0 | 100 | 50 | 20 | 10 | 50 | 50 |
| Conditional Uses | 5.0 | 100 | 50 | 20 | 10 | 50 | 50 |
| Accessory Structures | - | - | 50 | 20 | 10 | 20 | 10 |

\# If lot is connected to municipal water or municipal sewer, then the minimum lot size may be reduced to 20,000 square feet; unless greater if required by NDWEE.

* Front/rear/side yard setback shall be 83 feet from the centerline of a County Road.
See also Section 5.14.07 below.
In no case are residential, commercial, or industrial uses permitted on tracts without direct legal access to an improved road.

** Maximum height standard applies only to structures intended for human occupancy; other principal structures have no minimum requirement.

5.14.07 Other Applicable Provisions:

1. All access shall meet County Highway Superintendent's specifications.
2. Supplementary district regulations shall be complied with as defined herein. All uses within this district shall meet the minimum performance standards for light industry as defined herein.
3. Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
   **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

## Section 5.15 AHO Airport Hazard Overlay District

In accordance with Neb. Rev. Stat. §3-303, every political subdivision which 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.

5.15.01 AA Airport Approach Zone

1. Intent: This overlay district provides airport facilities. They apply around airports which are licensed by the Nebraska Department of Aeronautics, as designated on the Official Zoning Map of Seward County, Nebraska and on the Airport Zoning Maps prepared by the Nebraska Department of Transportation, Division of Aeronautics for the Seward Municipal Airport.

5.15.02 Designated Public Airport: The designated public airports for which these regulations have been prepared are the airports located in Seward County and the Seward Municipal Airport located in Seward County which are or partly within the planning and zoning jurisdictional area of Seward County, Nebraska. Information on the Seward Municipal Airport can be obtained from the Nebraska Department of Transportation, Division of Aeronautics at www.aero.nebraska.gov or at www.airnav.com/airports/.

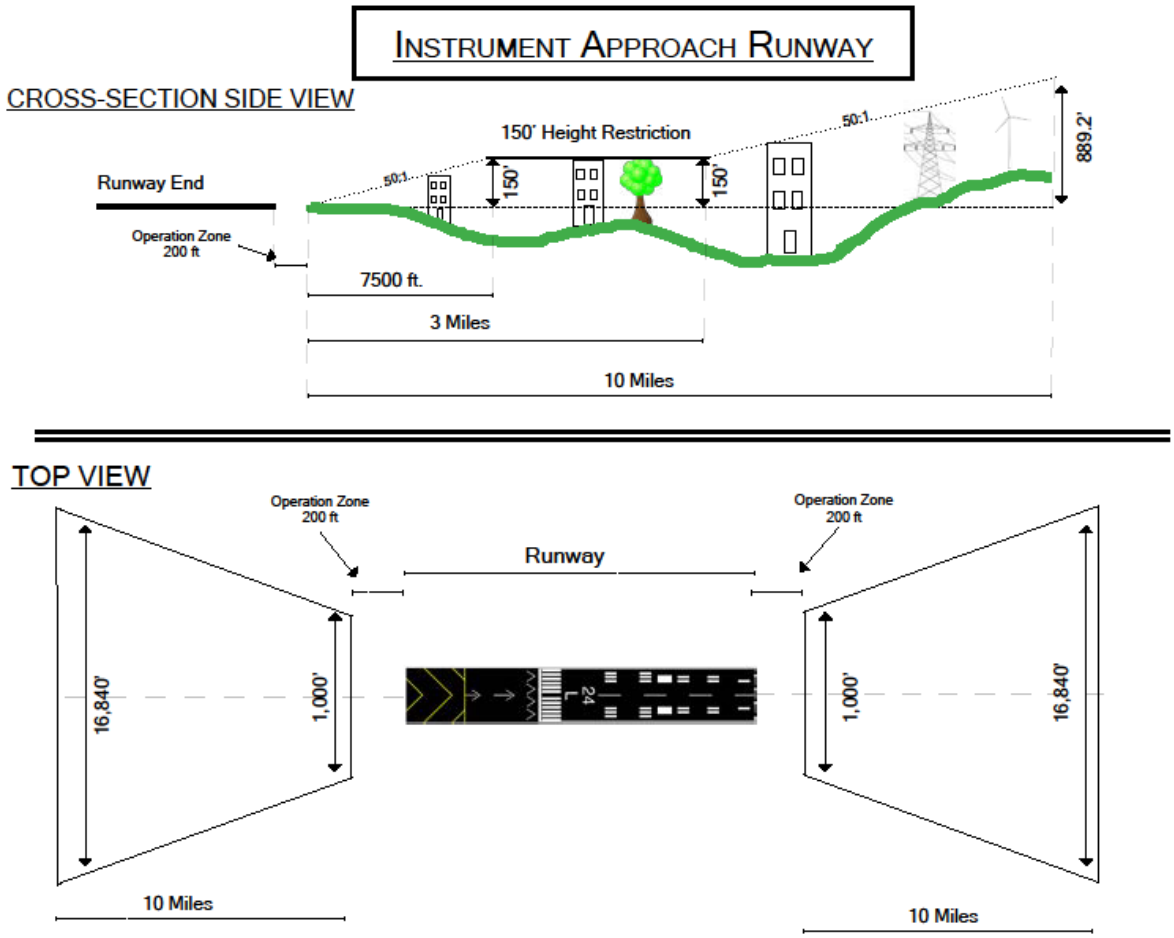
5.15.03 Hazard Area Description.

1. The airport hazard area consists of Operation Zones, Approach Zones, Turning Zones, and Transitional Zones.
   A. The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones.
   B. The inner boundary of the hazard area is a boundary line consisting of a series of intersecting tangents five hundred (500) feet from and parallel to the centerline of the instrument runway or landing strip and two hundred fifty (250) feet from and parallel to the respective centerlines of all other runways or landing strips and connecting the inner boundaries of adjacent Approach Zones at the ends of the runways, landing strips or proposed runways or landing strips.

5.15.04 Zone Descriptions and Regulations:

1. Operation Zones are longitudinally centered on each existing or proposed runway:
   A. Length: For existing and proposed paved runways, the operation zone extends two hundred (200) feet beyond the ends of each runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends;
   B. Width: For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline; and
   C. Height: The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.
2. Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. The dimensions of the zones are as follows.

3. For an existing or proposed instrument runway:
   A. Length and Width: An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is 1,000 feet wide at the end of the zone nearest the runway and expands uniformly to 16,840 feet wide at the farthest end of the zone; and
   B. Height Limit: The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 50 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three miles from such AN operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the ten-mile limit.
   C. Instrument Approach Runway Diagram:

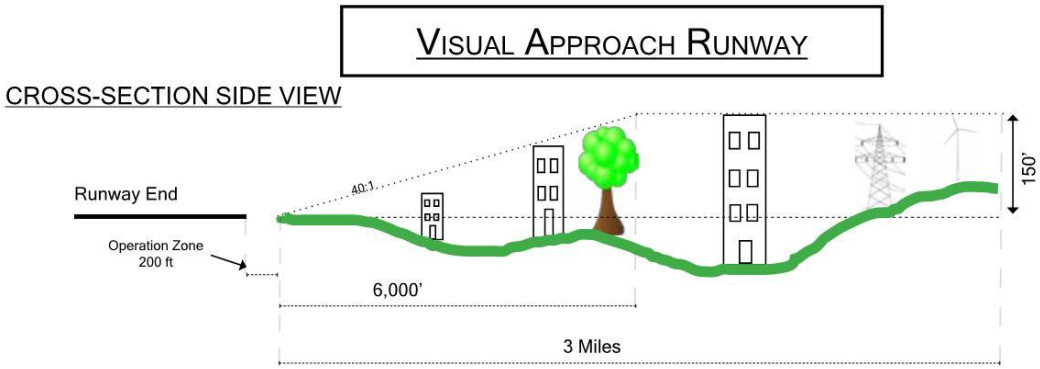


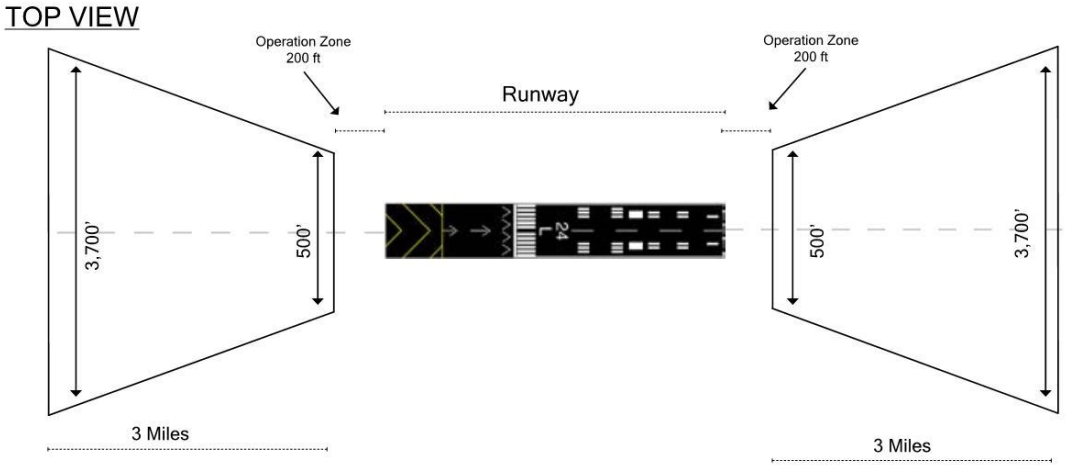

4. For an existing or proposed visual runway:
   A. Length and Width: An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is 500 feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide; and
   B. Height: The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 40 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end.

C. 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.

D. Turning Zones extend three miles as a radius from the corners of the operation zone of each runway and connect 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.

E. Visual Approach Runway Diagram:




5.. Height Restrictions:

A. No building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto 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 this Section or in the diagrams included.

5.15.05. Location Sketch and Zoning Map:

A. The boundaries, Operation Zones, Approach Zones, Transition Zones, and Turning Zones of the Seward Municipal Airport are as indicated on the maps identified in this Section, which accompany and are hereby made a part of these regulations, copies of which shall at all times be on file in the offices of the County Clerk and Zoning Administrator of Seward County, Nebraska.

5.15.06 Permit Required, Exceptions, Application Forms and Permit Fees

1. Permit Required: It shall hereafter be unlawful to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth within the boundary of the zoned airport hazard area of the Seward Municipal Airport without first obtaining a zoning permit from the Seward County Planning Director and review of the Seward Airport Authority, and/or the Nebraska Department of Transportation, Division of Aeronautics for the appropriate airport.
2. Exceptions: In the outer area of Approach Zones and within Turning Zones, no such permit shall be required for construction of planting which is no higher than seventy-five feet above the elevation of the end of the nearest runway or landing strip, except for any permits required by other sections of these regulations.
3. Application Forms: Application for a zoning permit as required under these regulations shall be made upon a form or forms to be available in the office of the Planning Director and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting (Mean Sea Level Elevation).
4. Permit Fees: The fee for each zoning permit shall be the normal fee charged by the county plus any other additional fees determined by the county, Seward Airport Authority, or the state for the appropriate airport.

5.15.07 Non-Conforming Uses and Structures:

1. Within the zoned airport hazard area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations where adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of eighty (80) percent or more of their original condition, or abandoned for a period of twelve (12) consecutive months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys, and all other equipment necessary for the operation and maintenance of the same within the airport hazard zone.
2. Except as provided 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. 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.
      1) 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 exceedingly 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.

B. 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.
   1) Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such an electric facility, shall require a permit from the political subdivision adopting such regulations.
   2) The permit shall be granted only upon 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.

3. Marking of Non-Conforming Structures: Whenever the Planning Director shall determine, or shall be notified by the Nebraska Department of Transportation, Division of Aeronautics or the Seward Airport Authority, that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the airport hazard zoned area at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the Planning Director and shall, within a reasonable time, permit the marking thereof by suitable lights or other signals designated by the Planning Director as is based on recommendations of the Nebraska Department of Aeronautics, and/or Seward Airport Authority. The cost of such marking shall not be assessed against the owner or lessee of the said premises.

5.15.07 Administrative Agency:

1. The Zoning Administrator or his/her designee of Seward County, Nebraska, shall administer and enforce these regulations, and the Seward Airport Authority shall be the administrative agency for their appropriate airport provided for in Neb. Rev. Stat. Section 3-319 (Reissued 2007), and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act within the zoning jurisdictional area of the county regarding the Seward Airport Authority shall be the administrative agency within the zoning jurisdictional area of the county regarding the Seward Municipal Airport.

5.15.08 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 State Statute, 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.

3. The Board of Adjustment shall be the board of zoning adjustment with respect to these regulations, to have and to exercise the powers conferred by Neb. Rev. Stat. Section 3-320, et. Seq. (Reissued 2007), and such other powers and duties as are conferred and imposed by law.

5.15.09 Conflicts:

In the event of any conflict between these airport hazard regulations and any other regulations established by these or other regulations, whether the conflict is with respect to the height of structures or trees, the use of land or any other matter, the more stringent or restrictive limitation shall govern and prevail.

5.15.10 Violation:

Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
**Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

## Section 5.16 GWC Groundwater Conservation Overlay District

5.16.01 Intent

The intent of this overlay district is to protect the environmentally sensitive lands, and the limited supply of groundwater found within the approximately eastern 1/3 of Seward County. The overlay is intended to provide standards for uses which are water intensive, including but not limited to residential development(s) and confined feeding operations.

5.16.02 Purpose

1. The purpose of this overlay district is to provide additional criteria in the eastern 1/3 of Seward County.
   A. This overlay is intended to implement protections regarding groundwater availability, drawdown, and usage.
   B. Applicants are required to demonstrate mitigation of impacts prior to approval of any requested use, including any uses which are considered as permitted and/or as conditional uses.
2 The requirements of this overlay district include several mechanical testing and monitoring techniques as well as common sense practical conservation methods.
   A. The combination of these two approaches is intended to create an area of Seward County where a mixture of desirable uses can be established and/or expanded, while maintaining and conserving a current depleting natural resource of the area, groundwater.

5.16.03 Specific Conditions Required

The following are specific requirements and guidelines for placing any water intensive use within this overlay district.

1. The specific conditions of this overlay shall be considered when:
   A. In the "A-1" Agricultural District when a rezoning is considered for the purpose of increasing residential density;
   B. In the "TA-1" Transitional Agricultural District for purposes of plating or establishing five or more lots within the same or adjoining ¼ sections.
2. No new subdivisions shall be platted within this overlay unless developments of more than four lots per ¼ section are supplied by a regional system or rural water district and are required to construct a central distribution system to supply water to the individual lots of the development.
   A. The central water system shall meet all county, state, and federal guidelines.
   B. The developer shall demonstrate that the proposed central water system will not create an impact upon existing properties and wells surrounding the development.
   C. The central water system shall be designed to provide fire protection flows to the development.
3. Subdivision developments will be required to maintain a minimum of 15% of the development in green space or crop ground, as defined in above.
   A. Subdivisions shall meet all requirements in the Subdivision Regulations and the items within this Section.
   B. The developer shall provide the County with a site plan and construction plan for such developments.
4. All other uses including commercial and industrial developments shall be required to meet the requirements of this Section.
5. No construction on slopes of 15% or more shall be allowed in this overlay district.
6. Wetlands within this area shall not be disturbed or mitigated and shall be maintained and conserved as part of any construction project.

7. Only CAFOS under 401 AUs shall be allowed within the overlay district, but all confined pens and shelters shall be for purposes of short-term confinement including back grounding and calving. The open grazing of livestock within this overlay is highly encouraged.
8. No wells shall be utilized for filling existing or new ponds.
9. Replacement wells for existing residences shall meet all regulations of the Nebraska Department of Natural Resources, subsequent agencies.
10. All ground source heat pump systems shall be a closed loop system.
11. All rural water districts shall be required to construct all wells outside of this overlay district.

5.16.04 Review and Approval

Approval of an application within this overlay district shall only occur upon the Applicant complying with and meeting the requirements of this Section. Failure to meet the requirements and conditions of this Section shall result in an application being denied.

5.16.05 Fines and Penalties

1. Violation of this section—whether by development as defined without approval, or development not in conformance with the form of approval—shall be considered a violation of this regulation and shall constitute a misdemeanor.
2. Construction or any type of development as defined without required approvals and zoning permits is a violation of this zoning regulation, and shall be liable to enforcement action as specified in Section 13.04 and 13.05 of this regulation. **Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

## Section 5.17 FHO Flood Hazard Overlay District

5.17.01 Statutory Authorization, Findings of Fact, and Purpose

1. Statutory Authorization
   The Nebraska Legislature delegated the responsibility to local governmental units to adopt regulations designed to protect the public health, safety, general welfare, and property of the people of the state. In Neb. Rev. Stat. §§ 31-1001 to 31-1022, the Nebraska Legislature further delegated the responsibility to such local governments to adopt, administer, and enforce floodplain management regulations which meet or exceed the standards adopted by the Nebraska Department of Water, Energy, and Environment (DWEE). Therefore, the County Board of Commissioners of Seward County, Nebraska ordains as follows:

2. Findings of Fact
   A. Flood Losses Resulting from Periodic Inundation
      The flood hazard areas of Seward County, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
   B. General Causes of Flood Losses
      These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

3. Statement of Purpose
   It is the purpose of this regulation/regulation to promote the public health, safety, and general welfare and to minimize those losses described in Section 5.17.01(2) by applying the provisions of this regulation/regulation to:
   A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities
   B. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction;
   C. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding;
   D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program (NFIP).

4. Adherence to Regulations and Laws
   The regulations of this regulation are in compliance with the NFIP regulations as published in Title 44 of the Code of Federal Regulations (CFR), the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1, and the floodplain management statutes (Neb. Rev. Stat. §§ 31-1001 to 31-1023). Prior to Seward County's adoption of these regulations, this regulation must have been reviewed by the DWEE Floodplain Management Division for compliance with NFIP and State minimum standards.

5.17.02 General Provisions

1. Compliance
   Within identified special flood hazard areas of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

2. Abrogation and Greater Restrictions
   This regulation does not intend to repeal, abrogate, or impair any existent easement, covenants, or deed restrictions. However, where this regulation imposes greater restrictions, the provisions of this regulation shall prevail. All other regulations inconsistent with this regulation are hereby repealed to the extent of the inconsistency only.

3. Interpretation
   In their interpretation and application, the provisions of this regulation shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

4. Warning and Disclaimer of Liability
   The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This regulation does not imply that areas outside floodway and flood fringe boundaries or land uses permitted within such areas will be free from flooding or flood damage. This regulation shall not create liability on the part of Seward County or any officer or employee thereof for any flood damages that may result from reliance on this regulation, or any administrative decision lawfully made thereunder.

5. Severability
   If any section, clause, provision, or portion of this regulation is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby.

5.17.03 Regulated Flood Hazard Areas

1. Lands to Which Regulation Applies
   This regulation shall apply to all lands within the unincorporated area of Seward County identified on the Flood Insurance Rate Map (FIRM) panels 31159C0025D, 31159C0050D, 31159C0075D, 31159C0100D, 31159C0125D, 31159C0150D, 31159C0175D, 31159C0200D, 31159C0225D, 31159C0250D, 31159C0268D, 31159C0270D, 31159C0275D, 31159C0300D, 31159C0350D, 31159C0375D, 31159C0400D, 31159C0425D, 31159CIND0A, as Zones A, A1-30, AE, AO, or AH and within the Flood Fringe and Floodway established in Section 5.17.03 (2) of this regulation. In all areas covered by this regulation, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator as identified in Section 5.17.04 (1) of this regulation, or the governing body under such safeguards and restrictions as the governing body or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and where specifically noted in Sections 5.17.05 and 5.17.06.

2. Establishment of Flood Hazard Area Boundaries
   Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following areas: a floodway and a flood fringe, as identified in the Flood Insurance Study (FIS) 31159CV000A dated 05/01/2020 on accompanying FIRM panels as established in Section 5.17.03 (1). The flood fringe shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on the FIRM panels. The floodway shall correspond to floodway areas in Zone AE that are identified on the FIRM panels. Within the floodplain, all uses not meeting the standards of this regulation and those standards of the floodplain, flood fringe, and floodway shall be prohibited.

3. Establishment of the Floodway
   Located within special flood hazard areas established in Section 5.17.03 (2) are areas designated as floodways. The floodway must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. The floodway boundary, where identified within the special flood hazard area, is as illustrated on the referenced maps and studies. Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the floodway to the extent that they are not prohibited by Section 5.17.05 of this regulation or by any other regulation adopted by Seward County.

4. Flood Data Required
   A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this regulation. If FIS data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
   B. In Zone A areas where base flood elevations are not provided, the DWEE Floodplain Management Division may determine base flood elevations and provide such data to the floodplain administrator upon request for applicable projects. Such base flood elevation data may not be used for the design of developments greater than 5 acres or 50 lots or for the design of hydraulic structures.
   C. In Zone AE areas where base flood elevations have been established, the community shall utilize the FIS referenced in Section 5.17.03 (2) of this regulation for purposes of determining the elevation of the base flood.

5. Interpretation of Regulated Flood Hazard Area Boundaries
   The boundaries of the floodplain, including the floodway and flood fringe, shall be determined by scaling distances on the official zoning map or on the FIRM. Where interpretation of the exact location of floodplain boundaries as shown on the zoning or other community map is needed, the floodplain administrator shall make the necessary interpretation. In such cases where interpretation is contested, the Seward County Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the floodplain boundary on the land. The person contesting the location of the boundary shall be given reasonable opportunity to present their case to the Seward County Board of Adjustment and to submit their own technical evidence, if so desired.

6. Alteration of a Regulated Flood Hazard Area
   A. Alteration or Relocation of a Watercourse
      1) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying capacity characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
      2) The community responsible for the alteration or relocation of a watercourse or drainway or for approving any such alteration or relocation shall notify the DWEE and adjacent communities prior to commencing or approving such activity.
   B. Encroachments
      1) Any floodplain development permit application proposing any of the following encroachments shall not be approved by the floodplain administrator unless the standards of Section 5.17.03 (6)(B)(2) and 5.17.03 (6)(B)(3) are met:
         a. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one (1) foot in the base flood elevation when combined with all other existing and reasonably anticipated developments or substantial improvements; or
         b. Any development that will cause a rise in the base flood elevations within the floodway; or

c. Alteration or relocation of a stream; then

2) The applicant shall apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision (CLOMR) process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments. When applying to FEMA for a conditional approval, the following information must be included:
   a. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
   b. Documentation of individual legal notice to all impacted property owners within and outside of the community, explaining the impact of the proposed action on their property.
   c. An evaluation of alternatives that would not result in an unacceptable base flood elevation increase that demonstrates why such alternatives are not feasible;
   d. The floodplain administrator may represent the permit authority for any necessary applications, approvals or endorsements such as the FEMA Community Acknowledgement Form to FEMA where affecting the special flood hazard area;
   e. Any other supporting information and data as needed for approval. (44 CFR 65.12)

3) The permit applicant shall supply the full package approved by FEMA to the floodplain administrator including any required notifications to potentially affected property owners.

7. Annexation or Detachment
   Upon occurrence, the floodplain administrator shall notify the DWEE and FEMA in writing whenever the boundaries of Seward County have been modified by annexation or the community has assumed authority over an area or no longer has authority to adopt and enforce floodplain management regulations for a particular area. The floodplain administrator must include within such notification a copy of a map of Seward County suitable for reproduction, clearly showing the new corporate limits or the new area for which the community has assumed or relinquished floodplain management regulatory authority.

5.17.04 Floodplain Management Administration

1. Designation of the Floodplain Administrator
   The Zoning Administrator of Seward County is hereby designated as the community's local Floodplain Administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this regulation. The floodplain administrator must serve to meet and maintain the commitments pursuant to 44 CFR 59.22(a) to remain eligible for National Flood Insurance for individuals and business within the political subdivision. If the local floodplain administrator position is unfilled, Seward County's Chief Executive or Chief Elected Official shall assume the duties and responsibilities herein.

2. Permits Required
   A floodplain development permit shall be required before any development, construction, substantial improvement, or other development including placement of manufactured homes is undertaken within the lands regulated by this regulation. No person, firm, corporation, government agency, or other entity shall initiate floodplain development without first obtaining a floodplain development permit from the local floodplain administrator.

3. Duties of the Floodplain Administrator
   A. Duties of the floodplain administrator shall include, but not be limited to the following:
      1) Review, approve, or deny all applications for floodplain development permits from any entity, including permits for structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, improvements, repairs;

2) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this regulation have been satisfied;
3) Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required;
4) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
5) Notify adjacent communities and the DWEE prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;
6) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished;
7) Along watercourses where FIS data is provided, determine the elevation of the base flood utilizing the FIS referenced in Section 5.17.03 (2) of this regulation. In Zone A areas where base flood elevation data is not provided, request such data produced by a registered, professional engineer or architect from the applicant or the DWEE.
8) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain;
9) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed;
10) Verify, record, and maintain record of all improvements or repairs to existing structures to ensure compliance with Section 5.17.07 of this regulation;
11) Ensure the comprehensive development plan as amended is consistent with this regulation;
12) In the event the floodplain administrator discovers work done that does not comply with applicable laws or regulations, the floodplain administrator shall revoke the permit and work to correct any possible violation. Procedures for violations and enforcement actions are established in Section 5.17.08 of this regulation.

B. Regarding the implementation of Neb. Admin. Code Title 455 Ch. 1 §002.21 "Substantial Damage", duties of the floodplain administrator in times of disaster shall include, but not be limited to the following:
1) Review areas within the regulatory floodplain for damages to existing structures or other developments;
2) Review, approve, or deny all applications for floodplain development permits to complete any repairs in the floodplain.
3) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the damage occurred and before any repairs are made;
4) Compare the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
5) Determine and document whether the proposed work constitutes repair of substantial damage; and
6) Notify the applicant if it is determined that the work constitutes repair of substantial damage and that compliance with the provisions of Section 5.17.07 of this regulation is required;

C. Regarding the implementation of Neb. Admin. Code Title 455, Ch. 1 §002.22 "Substantial Improvement", duties of the floodplain administrator reviewing permits to improve structures, including additions, alterations, reconstruction, or improvements of any kind including repairs, shall include, but not be limited to the following:
1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work;

2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3) Determine and document whether the proposed work constitutes substantial improvement; and
4) Notify the applicant if it is determined that the work constitutes substantial improvement and that compliance with the provisions of Section 5.17.07 of this regulation is required.

D. Application for Permit and Demonstration of Compliance
1) To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
   a. Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit;
   b. Describe the land on which the proposed development is to occur by lot, block, tract, house and street address, or similar description that will readily identify and definitively locate the proposed building or development;
   c. Indicate the use or occupancy for which the proposed development is intended;
   d. Be accompanied by plans and specifications for proposed construction; and
   e. Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority
2) If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
   a. All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
   b. Structures will be anchored to prevent flotation, collapse, or lateral movement;
   c. Construction materials are resistant to flood damage;
   d. Appropriate practices to minimize flood damage have been utilized; and
   e. Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
3) For all new construction, substantial improvements, or repairs to substantial damage, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator. Such certification shall be completed by a licensed land surveyor, professional engineer or architect.
4) When floodproofing is utilized for a non-residential structure, a floodproofing certificate shall be provided to the floodplain administrator. Such certification shall be completed by a licensed professional engineer or architect.
5) For all development proposed in the floodway, a certification shall be provided to the floodplain administrator demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. Such certification shall be completed by a licensed professional engineer or architect.
6) For all development involving storage of materials or equipment, the applicant shall provide the floodplain administrator with plans and specifications for the operation consistent with Section 5.17.06 (3)(F) "Storage of Materials and Equipment".
7) For all development involving the placement of recreational vehicles, the applicant shall provide plans and specifications for the operation consistent with the provisions of Section 5.17.06 (3)(G) "Recreational Vehicles".
8) The floodplain administrator may request any other documentation or information related to the proposal as may reasonably be required to support

5.17.05 Standards for Floodway Development

1. General Floodway Provisions
   A. New structures for human habitation are prohibited. If the floodplain administrator determines that improvements or repairs to a lawfully existing structure for human habitation constitutes substantial improvement or substantial damage as described in Section 5.17.07, then the structure must comply with the floodplain management requirements for new construction.
   B. All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 5.17.06.
   C. A community may permit encroachments within the regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements of such revisions as established under the provisions of Section 5.17.03 (6)(B)(2) of this regulation, and receives FEMA approval.

5.17.06 Standards for Floodplain Development

1. General Floodplain Provisions
   A. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the FIS or on base flood elevation determinations.
   B. A community may permit encroachments within the floodplain that would result in an increase in base flood elevations of more than one (1) foot, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements of such revisions as established under the provisions of Section 5.17.03 (6)(B)(2) of this regulation, and receives FEMA approval.

2. Elevation and Floodproofing Requirements
   A. Residential Structures
      1) In Zones A, AE, A1-30, and AH, all new construction, substantially improved, or substantially damaged residential structures shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor, professional engineer or architect.
      2) In Zone AO, all new construction, substantially improved, or substantially damaged residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified on the FIRM. If no depth number is specified on the FIRM, at least as high as three (3) feet above the highest adjacent grade.
      3) New residential structures are prohibited in the floodway. If the floodplain administrator determines that improvements or repairs to a lawfully existing residential structure constitute substantial improvement or substantial damage, as described in Section 5.17.07, then the structure must comply with the floodplain management requirements for new construction.
   B. Nonresidential Structures
      1) In Zones A, AE, A1-30, and AH, all new construction, substantially improved, or substantially damaged nonresidential structures shall:
         a. Have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor, professional engineer or architect; or

b. Be dry-floodproofed so that below one (1) foot above the base flood elevation, the structure along with attendant utility and sanitary facilities:
   i. Is watertight with walls substantially impermeable to the passage of water;
   ii. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
   iii. Is certified by a registered professional engineer or architect to meet the standards of Section 5.17.06 (2)(B)(1)(b)(i-ii). A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 5.17.04 (4)(D) of this regulation.

2) In Zone AO, all new construction, substantially improved, or substantially damaged nonresidential structures shall:
   a. Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM, or if no depth number is specified on the FIRM, elevated at least as high as three (3) feet; or
   b. Be dry-floodproofed so that below the required flood protection elevation defined in Section 5.17.06 (2)(B)(1)(a), the structure along with attendant utility and sanitary facilities:
      i. Is watertight with walls substantially impermeable to the passage of water;
      ii. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
      iii. Is certified by a registered professional engineer or architect to meet the standards of Section 5.17.06 (2)(B)(2)(b)(i-ii). A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.44 of this regulation.

C. Enclosures Below Lowest Floor
   1) For all new construction, substantially improved, or substantially damaged structures, fully enclosed areas below the lowest floor (excluding basements) and below one (1) foot above the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
   2) For all new construction, substantially improved, or substantially damaged structures, fully enclosed areas below the lowest floor (excluding basements) and below one (1) foot above the base flood elevation shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
      a. A minimum of two openings on different sides of each enclosed area having a net total open area of not less than one (1) square inch for every one (1) square foot of enclosed space;
      b. The bottom of all openings shall not be higher than one (1) foot above the interior or exterior grade, whichever is higher; and
      c. Openings may be equipped with screens, louvers, valves, or other coverings provided that they allow the automatic entry and exit of floodwaters and shall be accounted for in the determination of net total open area.

D. Manufactured or Mobile Homes
   1) All new, substantially improved, or substantially damaged manufactured or mobile homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, shall be installed using methods and practices that minimize flood damage. For the purposes of meeting this requirement, all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement in accordance with local building codes or FEMA guidelines. If over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
      a. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations

and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

b. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four additional ties per side; and

c. Any additions to the manufactured home be similarly anchored.

2) All new, substantially improved, or substantially damaged manufactured or mobile homes located within floodplains on sites:

a. Outside of a manufactured or mobile home park or subdivision;

b. In a new manufactured or mobile home park or subdivision;

c. In an expansion to a new manufactured or mobile home park or subdivision; or

d. In an existing manufactured or mobile home park or subdivision on which a manufactured or mobile home has incurred substantial damage as the result of a flood

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.17.06 (2)(D)(1).

3) All new, substantially improved, or substantially damaged manufactured or mobile homes on sites in an existing manufactured or mobile home park or subdivision within floodplain areas that are not subject to the provisions of Section 5.17.06 (2)(D)(2) must be elevated so that either:

a. The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor, professional engineer or architect; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade, and is securely anchored to an adequately anchored foundation system in accordance with Section 5.17.06 (2)(D)(1).

4) New manufactured or mobile home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.17.06 (3)(H) "Subdivisions".

3. Design and Construction Standards

A. Anchoring

1) All new construction and substantial improvements, including repairs to substantial damage, must be designed and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Building Materials and Utilities

1) All new construction and substantial improvements, including repairs to substantial damage, must be constructed with materials and utility equipment resistant to flood damage.

2) All new construction and substantial improvements, including repairs to substantial damage, must be constructed by methods and practices that minimize flood and flood-related damages.

3) All new construction and substantial improvements, including repairs to substantial damage, must be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Drainage
   1) Within Zones AO and AH, adequate drainage paths around structures on slopes are required in order to guide floodwaters around and away from proposed structures.
   2) Within any flood prone area, subdivision proposals or other new development proposals including manufactured or mobile home parks or subdivisions must have adequate drainage to reduce exposure to flood hazards.

D. Water Supply and Sanitary Sewer Systems
   1) All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
   2) All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
   3) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

E. Other Utilities
   1) All public utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.
   2) Recreational vehicles placed in flood prone areas must only be attached to the site by quick-disconnect type utilities as established in Section 5.17.06 (3)(G) of this regulation.

F. Storage of Materials
   1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
   2) The storage of other material or equipment may be allowed if the stored materials or equipment:
      a. Are not subject to major damage by flood; and
      b. Are firmly anchored to prevent flotation and lateral movement resulting from hydrodynamic and hydrostatic loads; or
      c. Are readily removable from the flood prone area within the time available after flood warning.

G. Recreational Vehicles
   1) Recreational vehicles to be placed on sites within the floodplain must:
      a. Be on site for fewer than one hundred and eighty (180) consecutive days; and
      b. Be fully licensed and ready for highway use. A recreational vehicle that is ready for highway use:
         i. Must be on its wheels or jacking system;
         ii. Must be attached to the site only by quick-disconnect type utilities and security devices; and
         iii. Must not have any permanently attached additions.
      c. Recreational vehicles that cannot meet the provisions of Section 5.17.06 (3)(G)(1)(a – b) must meet the permit requirements and elevation and anchoring requirements for manufactured homes established in Section 5.17.06 (2)(D) of this regulation.
   2) Evidence to support that the recreational vehicles are not located on site for longer than the allowable period or that they are ready for highway use may be requested by the floodplain administrator as established in Section 5.17.04 (4)(F) and Section 5.17.04 (4)(G) of this regulation.

H. Subdivisions
   1) Subdivision proposals and other proposed new development in the floodplain or partially in the floodplain, including manufactured or mobile home parks or subdivisions, are required to assure that:
      a. All such proposals are consistent with the need to minimize flood damage;

b. All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
d. Proposals for development (including proposals for manufactured or mobile home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, must be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and Letters of Map Revision.

5.17.07 Existing and Nonconforming Use Structures

1. Damage to Existing or Nonconforming Use Structures
   A. The provisions of this regulation do not require any changes or improvements to be made to lawfully existing or nonconforming use structures. However, when a structure in the floodplain incurs damage by any means, including flood, a floodplain development permit is required for any repairs completed, and the following provisions apply:
      1) If any existing or nonconforming use structure is destroyed by any means, including flood, it shall not be reconstructed if the cost to return the structure to pre-damaged conditions when combined with any additional proposed improvements is equal to or exceeds fifty (50) percent of the pre-damage market value of the structure except that if the structure and any additions are (re)constructed in conformity with the provisions of this regulation. Such damage shall constitute "substantial damage" as defined in Section 5.17.11 of this regulation.
      2) Any repairs to an existing or nonconforming use structure in the floodway shall comply with the provisions of Section 5.17.05 of this regulation.
      3) These limitations do not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
   B. Improvements to Existing or Nonconforming Use Structures
      1) The provisions of this regulation do not require any changes or improvements to be made to lawfully existing or nonconforming use structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required, and the following provisions apply:
         a. Any additions, alterations, reconstruction, or improvements of any kind including repairs to an existing or nonconforming use structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall require the structure and any additions to fully comply with the provisions of this regulation. Such improvements shall constitute a "substantial improvement" as defined in Section 5.17.11 of this regulation.
         b. Any addition, alteration, reconstruction, or improvement of any kind to an existing or nonconforming use structure in the floodway shall comply with the provisions of Section 5.17.05 of this regulation.
         c. Any addition, alteration, reconstruction, or improvement of any kind to an existing or nonconforming use structure that will change the compliance requirements of the structure shall require the structure and the addition to comply with the provisions governing such uses.
         d. These limitations do not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
   C. Discontinued Use of Existing or Nonconforming Use Structures
      1) A structure or use of a structure or premises that was lawful before the passage or amendment of this regulation, but that is not in conformity with the provisions of this regulation may be continued subject to the following conditions:

a. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this regulation.
b. The Utility Department shall notify the floodplain administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.

5.17.08 Violations and Enforcement

1. Violations
   A. Failure by any person, firm, corporation, government agency, or other entity to obtain a floodplain development permit from the floodplain administrator prior to any floodplain development shall constitute a violation of Section 5.17.04 (2) of this regulation.
   B. Failure of a structure or other development to be fully compliant with the applicable provisions of this regulation shall constitute a violation.
   C. A structure or other development without a floodplain development permit, elevation certificate, applicable certification by a licensed professional engineer, or other evidence of compliance with these regulations is presumed to be in violation until the time at which such documentation is provided.

2. Notices
   A. When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this regulation, the floodplain administrator shall provide the alleged violator with a notice of such alleged violation. Such notice shall:
      1) Be in writing;
      2) Include a location and description of the development;
      3) Include an explanation of the alleged violation, including a reference to the local, state, or federal regulation the development is allegedly violating;
      4) Provide an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this regulation;
      5) Allow a reasonable time for the performance of any remedial act required;
      6) Include a warning of the penalty that may ensue for any unresolved confirmed violations;
      7) Include contact information for the community's designated floodplain administrator or other authorized community representative; and
      8) Be served upon the property owner or their agent as the case may require;

3. Penalties
   A. Violation of the provisions of this regulation or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granted variances or special exceptions) shall constitute a misdemeanor.
   B. Any person, firm, corporation, government agency, or other entity that violates this regulation or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
   C. The imposition of such fines or penalties for any violation or non-compliance with this regulation shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
   D. Nothing herein contained shall prevent Seward County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy violation.

5.17.09 Floodplain Management Variance Procedures

1. Variance and Appeals Procedures
   A. The Seward County Board of Adjustment, established by Seward County shall hear and decide appeals and requests for variances from the requirements of this regulation.
   B. The Seward County Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this regulation.
   C. Any person aggrieved by the decision of the Seward County Board of Adjustment, or any taxpayer may appeal such decision to the District Court.
   D. In evaluating such appeals and requests, the Seward County Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this regulation, and:
      1) The danger of life and property due to flooding or erosion damage;
      2) The danger that materials may be swept onto other lands to the injury of others;
      3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
      4) The importance of the services provided by the proposed facility to the community;
      5) The necessity of the facility to have a waterfront location, where applicable;
      6) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
      7) The compatibility of the proposed use to the comprehensive plan and the floodplain management program for that area;
      8) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
      9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
      10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and
      11) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

2. Conditions for Variances
   A. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in exceptional hardship to the applicant.
   B. Variances shall only be issued based upon a determination that the granting of the variance will not result in increased flood heights.
   C. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.
   D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided items Section 5.17.09 (2)(E-I) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
   E. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and that the variance is the minimum necessary to preserve the historic character and design of the structure.
      F. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.

G. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
H. The applicant shall be given a written notice signed by a community official that:
   1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for every $100 of insurance coverage; and
   2) Such construction below the base flood elevation increases risks to life and property.
   3) Such notification shall be maintained with a record of all variance actions as required in this Section.
I. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by Seward County.

5.17.10 Amendments

1. The regulations, restrictions, and boundaries set forth in this regulation may from time to time be amended, supplemented, changed, or appealed to reflect any changes in federal, state, or local regulations provided, however, that no such action may be taken until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Seward County. At least 10 days shall elapse between the date of this publication and the public hearing.
2. A copy of such amendments will be provided to the DWEE and FEMA for review and approval before being adopted.

5.17.11 Definitions

The terms defined below are considered necessary for the enforcement of this regulation. Unless specifically defined below, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application. Unless otherwise specified, all terms defined below follow the definitions established in Title 44 of the Code of Federal Regulations Part 59.1 and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455:

***1% Annual Chance Flood Hazard.*** See "Base Flood".

***Addition.*** An extension or increase in floor area, number of stories, or height of an existing building or structure.

***Alteration.*** Any construction or renovation to an existing structure other than a repair or addition. (Nebraska Existing Building Code 2018, Chapter 202)

***Appeal*** means a request for a review of the local enforcement officer's interpretation of any provision of this regulation or a request for a variance.

***Area of Shallow Flooding.*** A designated AO or AH zone on a community's FIRM with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

***Base Flood.*** The flood having a one (1) percent chance of being equaled or exceeded in magnitude in any given year.

***Base Flood Elevation.*** The elevation to which floodwaters are expected to rise during the base flood.

***Base Flood Elevation Determination.*** A determination by the local floodplain administrator of the elevation of the base flood using data provided by federal, state, or other sources.

***Basement.*** Any area of the building having its floor subgrade (below ground level) on all sides.

***Building.*** See definition for "structure."

***Community.*** Any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

***Development.*** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. See also "obstruction."

***Drainway.*** Any depression two feet or more below the land which serves to give direction to a current of water less than nine (9) months of the year, and which has a bed and well-defined banks.

***Existing Construction.*** Any structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by the community as a basis for that community's participation in the NFIP. "Existing construction" may also be referred to as "existing structures."

***Existing Manufactured Home Park or Subdivision.*** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

***Existing Structures.*** See "existing construction."

***Expansion to an Existing Manufactured Home Park or Subdivision.*** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

***Flood or Flooding.***

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   A. The overflow of inland or tidal waters;
   B. The unusual and rapid accumulation or runoff of surface waters from any source;
   C. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(B) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(A) of this definition.

***Flood Fringe.*** The portion of the floodplain of the base flood which is outside of the floodway.

***Flood Hazard Boundary Map.*** An official map of a community where the boundaries of the special flood hazard area have been designated as Zone A.

***Flood Insurance Rate Map (FIRM).*** An official map of a community delineating both the areas of special flood hazard and the risk premium zones applicable to the community.

***Flood Insurance Study (FIS).*** An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

***Floodplain.*** Any land susceptible to being inundated by water from any source (see definition for "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this regulation.

***Floodplain Management.*** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

***Floodplain Management Regulations.*** Zoning regulations, subdivision regulations, building codes, health regulations, special purpose regulations (such as a flood plain regulation, grading regulation and erosion control regulation) and other applications of police power. The term describes such regulations which provide standards for the purpose of flood damage prevention and reduction.

***Floodproofing.*** Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

***Flood damage resistant material.*** Any building product capable of withstanding direct and prolonged contact with floodwaters, without sustaining significant damage. Prolonged contact is defined as at least 72 hours. (FEMA Technical Bulletin 2)

***Floodway or Regulatory Floodway.*** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

***Freeboard.*** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

***Highest Adjacent Grade.*** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

***Historic Structure.*** Any structure that is:

1. Listed individually in the National Register of Historic Places maintained by the U.S. Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   A. By an approved state program as determined by the Secretary of the Interior; or
   B. Directly by the Secretary of the Interior in states without approved programs.

***Letter of Map Change (LOMC).*** An official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

*A.* ***Letter of Map Amendment (LOMA).*** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.

*B.* ***Conditional Letter of Map Revision Based on Fill (CLOMR-F).*** A determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

*C.* ***Letter of Map Revision Based on Fill (LOMR-F).*** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

*D.* ***Conditional Letter of Map Revision (CLOMR).*** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.

*E.* ***Letter of Map Revision (LOMR).*** Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

***Lowest Floor.*** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

***Manufactured Home.*** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" shall include "mobile home" but does not include "recreational vehicle."

***Manufactured Home Park or Subdivision.*** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

***Mobile Home.*** See definition for "Manufactured Home."

***New Construction.*** Any developments for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

***New Manufactured Home Park or Subdivision.*** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

***Nonresidential Structure.*** A commercial or mixed-use building where the primary use is commercial or non-habitational.

***Obstruction.*** Any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained by the DWEE pursuant of the Safety of Dams and Reservoirs Act (Neb. Rev. Stat. §§46-1601 to 46-1670, as amended).

***Post-FIRM Structure.*** A building that was constructed or substantially improved after December 31, 1974, or on or after the community's initial FIRM dated [Initial FIRM Effective Date], whichever is later.

***Pre-FIRM Structure.*** A building that was constructed or substantially improved on or before December 31, 1974, or before the community's initial FIRM dated [Initial FIRM Effective Date], whichever is later.

***Principally Above Ground.*** At least fifty-one (51) percent of the actual cash value of the structure is above ground.

***Recreational Vehicle.*** A vehicle which is:
1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured from the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

***Regulatory Flood Elevation.*** The Base Flood Elevation (BFE) plus a freeboard factor as specified in this regulation.

***Repetitive Loss.*** Any flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

***Residential Structure.*** A non-commercial structure designed for habitation by one or more families or a mixed-use building that qualifies as a single-family, two-to-four family, or other residential structure.

***Special Flood Hazard Area (SFHA).*** The floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

***Start of Construction.*** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also included substantial improvement, and means the date the building permit was issued, provided the actual start of

construction, repair reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparations, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

***Structure.*** A walled and roofed building that is principally above ground, as well as a manufactured home and a gas or liquid storage tank that is principally above ground.

***Subdivision.*** The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development.

***Substantial Damage.*** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

***Substantial Improvement.*** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

***Variance.*** A grant of relief to an applicant from the requirements of this regulation that allows construction in a manner otherwise prohibited by this regulation where specific enforcement would result in exceptional hardship.

***Violation.*** A failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer, or other evidence of noncompliance with these regulations is presumed to be in violation until such time as documentation is provided.

***Watercourse.*** Any depression two (2) feet or more below the surrounding land that serves to give direction to a current of water at least nine (9) months of the year and that has a bed and well-defined banks. See also "drainway".

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## Section 5.18 OD Over-Density Overlay District

5.18.01 Intent

The intent of the Over-Density (OD) overlay is to identify areas at or over the maximum residential density of the base zoning district. For the most part, these residential dwellings were built prior to adoption of zoning in Seward County, or prior to re-zoning areas of the county. Dwellings built without proper zoning permits have no vested rights under this regulation.

5.18.02 Establishment and Delineation of Over-Density Overlay District

1. Boundaries for the Over-Density (OD) overlay are shown on published maps entitled "Seward County Overlay District Zone Map" in conformance with Article 3, adopted and updated in conformance with Article 14.
   A. Said map is hereby adopted by reference as part of this regulation as if the map is fully described herein.
   B. The overlay district will be utilized by the Zoning Administrator and Planning Commission for the purpose of reviewing zoning permits, any variances that come before the Board of Adjustment, and in the enforcement of the Seward County Zoning Regulations.
2. The OD overlay shall map existing residential density as best documented at the time of mapping.
   A. The following categories shall be mapped:
      1) BELOW — Below (not at) permitted density
      2) PENDING — Density pending further review at time of mapping
      3) AT — At permitted density
      4) OVER — Over permitted density

5.18.03 Requirements for Application

1. Pre-Application Meeting. Prior to submittal of any zoning application in an OD Overlay District, the Applicant shall complete a pre-application meeting with the Zoning Administrator to review the proposal and necessary review procedures.

5.18.04 Re-Zoning Review

1. Re-zoning shall be reviewed by the Planning Commission for a recommendation to the Board of Commissioners shall follow the procedures and criteria outlined in Article 14 of this regulation.
2. As this district is intended for property built prior to adoption of zoning, future Zone Map Amendment (re-zoning) into the OD Overlay District is not anticipated without good reason.
3. Any up-zoning (to a more intensive zoning district) of the underlying zoning in the OD Overlay District shall require specific justification of conformance with criteria in sections 15.02.02 and 15.04, and avoid any resemblance to improper “spot zoning”.

5.18.05 Nonconforming Density of Residential Dwellings

1. A residential dwelling may be enlarged or reconstructed In the A-1, TA-1, or R-1 districts where the maximum density of residential dwellings has been exceeded at the time of adoption of this regulation, and the residential dwelling has been lived in (not abandoned--site cannot be vacant for 12 consecutive months or more) during the year prior to the adoption of this regulation.
2. This is allowed provided the residential density at the time of the adoption of this regulation is not exceeded.
3. If a dwelling is demolished prior to approval of a new zoning permit, a new dwelling must be in complete conformance with the underlying zoning district density limits.

5.18.06 Penalties

Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).

## Section 5.19 WPO Wellhead Protection Overlay District

5.19.01 Intent

The intent of this district is to assist municipalities which maintain and operate public water wells in the county, serving municipalities within or adjoining the county. In addition, the Overlay District assists rural water districts maintaining and operating semi-public water wells in the county that serve rural areas and municipalities within Seward County, as well as neighboring counties. In order to providing protection for such wells, the regulation of land uses having the potential for contamination of the groundwater source(s) is necessary near and adjacent to said wells.

5.19.02 Prerequisite Requirements for Application of this District

Prior to the application of this district to any lands in Seward County, the municipality or rural water district which maintains and operates water supply wells within the County shall make application to the county seeking application of this district to specified lands within the county. Prior to making such application and approval of any application of this district to any lands within the county by the County Board of Commissioners, the municipality or rural water district making such application shall have first complied with all other requirements of the Wellhead Protection Act (Neb. Rev. Stat. 46-1501 through 46-1509). These requirements include, but are not limited to the following:

1. Delineation of the Wellhead Protection Area based upon a 20-year time of travel recharge zone,
2. Approval of such Wellhead Protection Area by the Nebraska Department of Environment and Energy
3. Completion and mapping of an inventory of potential contamination sources within the Wellhead Protection Area,
4. Formulation of emergency / contingency / long-range plans in the event of disruption of supply of water from the wells in the Wellhead Protection Area,
5. Formulation of and ability to implement an on-going Public Involvement / Education Program to permit public comment in the establishment of the Wellhead Protection Program and to provide information to the public regarding the program and voluntary cooperation with said program,
6. Development of a program to install and maintain Wellhead Protection Area signs on roadways around the Wellhead Protection Area,
7. Willingness to execute an inter-local agreement with Seward County for the administration and enforcement of the regulations of this Wellhead Protection District, willingness to accept the regulations set forth in this District, willingness to pay any administrative fees to the County which the parties involved agree, willingness to provide legal counsel to address any legal question or legal challenge to the Wellhead Protection District regulations, together with other terms and conditions which are acceptable to the parties involved in such agreement.

5.19.03 Limitation on Application of This District

This district may be applied only to Wellhead Protection Areas officially approved by the Nebraska Department of Environment and Energy. In the event the boundaries of any such officially approved Wellhead Protection Areas do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such area shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries.

5.19.04 Prohibited Uses and Structures

1. All other uses and structures which are not permitted in the underlying district either as a permitted use, accessory use or conditional use is prohibited. These shall include both new and expanding uses. Furthermore, the following uses and/or structures shall be specifically prohibited:
2. All classes of open lot or environmentally controlled housing facilities as defined in Article 2 of this Resolution.
3. All waste handling facilities as defined in Article 2 of this Resolution.
4. All commercial or industrial uses that utilize or generate any materials determined by the United States Department of Environmental Protection, as hazardous materials, which store petroleum products or anhydrous ammonia or other fertilizers in excess of 50 gallons, shall be prohibited.
5. Domestic, irrigation and any other water wells closer than 1,000 feet to the water wells being protected in this Wellhead Protection Agricultural District.
   A. Sanitary Landfills
   B. Storage of Hazardous Waste

5.19.05 Penalties

Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).

## Section 5.20 CORPOD Carbon Dioxide Recovery Pipeline Overlay District

5.20.01 Purpose

The Seward County Planning Commission and the Board of County Commissioners recognize the carbon dioxide recovery pipeline is critical to the long-term economic survival of ethanol plants in Nebraska and other states; and Seward County can implement safety measures to protect its citizens and sensitive environmental areas within the borders of Seward County though Nebraska State Statutes §§23-174.10, 81-543, 57-1402.

1. The Seward County Planning Commission and the Board of County Commissioners recognize:
   A. Third-party damage and pipeline right of way (ROW) encroachment are significant threats to pipeline safety:
   B. Transmission pipelines may pose a risk to public safety and or the environment if ruptured or damaged;
   C. Certain land use practices can reduce the likelihood of accidental damage to carbon dioxide pipelines and reduce adverse impacts of pipeline failures located within Seward County.
2. The purpose of the Carbon Dioxide Recovery Pipeline Overlay District (CORPOD) is to protect the public health and safety by reducing the likelihood of pipeline damage and reducing the adverse impact of pipeline failures through risk-based land management decisions. It is the intent to accomplish this, as much as possible by public education, early consultation among stakeholders and securing public cooperation.
3. The CORPOD will be incorporated into Seward County Geographic Information Systems (GIS) mapping and used primarily when issuing Zoning permits to facilitate discussions among developers, landowners and pipeline operators.
4. The CORPOD will enhance and not preclude the requirement of the Nebraska Call Before You Dig System.
5. The CORPOD and the provisions of this article will be applied to federally and state regulated transmission pipelines but will exclude gas gathering or distribution pipelines.
6. Seward County reserves the right to implement the CORPOD on new direct pipelines constructed for non-agricultural and non-residential facilities such as power plants.
7. Appropriate land use regulations will be imposed, however, which are in addition to those imposed in the underlying zoning districts or in other county regulations.

5.20.02 Establishment and Delineation of Carbon Dioxide Recovery Pipeline Overlay Districts

1. Boundaries for the Carbon Dioxide Recovery Pipeline Overlay Districts (CORPO) are to be shown on published maps entitled "Seward County Carbon Dioxide Recovery Pipeline Zone Map" dated _____ and adopted as part of this regulation.
   A. This map will be updated as needed. Said map is hereby adopted by reference as part of this regulation as if the map is fully described herein.
   B. The overlay district will be utilized by the Zoning Office and Planning Commission for the purpose of issuing all zoning permits; any variances that come before the Board of Adjustment; and in the enforcement of the Seward County Comprehensive Plan and Zoning Regulations.
2. The boundaries of the overlay shall require the applicant to meet the following requirements:
   A. Said overlay shall be established through the map amendment process, requiring two public hearings prior to approval.
   B. All properties/property owner of record shall be a party to the rezoning.
   C. Applicant shall provide all legal descriptions tied to a GIS base map.

5.20.03 Depth of pipelines

All new pipelines built after the adoption of this regulation shall be maintained at a depth of at least five feet from top of pipe to the existing grade, unless a deeper depth is negotiated by individual landowners as part of their easement agreement and 15 feet below major waterways.

5.20.04 Setback from existing structures and water wells

1. All new construction in the Overlay District shall maintain the following separation distances (from centerline of pipeline) from any existing:
   A. Habitable dwelling 1,000 feet
   B. Licensed business 400 feet
   C. Other structures (Machine sheds, barns, similar structure) 1,000 feet
   D. Potable and/or irrigation, livestock water wells 400 feet
   E. Wetlands, 400 feet
   F. Livestock facilities 1,000 feet
2. Said Overlay District shall be extend a distance of 200 feet on each side of the centerline of the pipeline location.
3. All new structures and/or water wells constructed after the establishment of the CORPOD shall also maintain a 200-foot separation from the Overlay District.

5.20.05 Special Criteria For CO2 Pipelines

1. All structures within 500 feet of the CO2 pipeline shall be equipped with exterior grade CO2 detectors.
2. The CO2 pipeline shall be required to have one alarm enabled CO2 detector on every property it crosses.
3. The pipeline owner shall be required to establish a Countywide Emergency Response Plan with the local Emergency Management Officer. The plan shall include:
   A. Training procedures for local Fire Departments and EMS providers.
   B. Schedules of necessary safety equipment needed to engage a CO2 leak and/or rupture.
   C. Knowledge of the equipment being used to monitor the pressure of said pipeline.
4. Individual landowners shall be allowed to plant crops in the overlay district; however, if a leak or rupture occurs the pipeline company shall remove the minimum number of crops to access and repair the leak or rupture. Payment for the lost crop shall be determined by an independent appraiser or crop adjuster.
5. Special effort shall be made to avoid disturbing existing tiling in fields.
6. The developer shall negotiate any road crossing through or under with the County or appropriate Township Board.
   A. During construction or repairs, Applicant shall install temporary fencing to control access, and minimize hazards associated with an open trench & heavy equipment in a residential area.
7. These provisions shall be supplemented by any future legislation passed by the Nebraska Unicameral and signed into law by the Governor.

5.20.06 Decommissioning

1. If the need for the CO2 capture pipeline is no longer viable for use, the development company shall be responsible for the removal of all underground pipes within Seward County within one-year of final supply movement.
2. In case of future defaults by the developer, the developer shall maintain a $100,000.00 bond for every mile of pipeline in Seward County. Upon default of the initial development company, future companies shall be required to maintain the bond or relinquish all bonds to Seward County for future clean up activities.

5.20.07 Severability

Should any article, section or provision of this regulation be declared invalid, such decision shall not affect the validity of this regulation as a whole or any other part thereof.

5.20.08 Special Definitions for this Section

Unless specifically defined below, words or phrases used in this section shall be as defined in Article 2 of this regulation, or interpreted so as to give them the meaning they have in common usage and to give this regulation it's most reasonable application:

- Carbon Dioxide: a chemical compound occurring as a colorless gas with a density about 53% higher than that of dry air. Carbon dioxide molecules consist of a carbon atom covalently double bonded to two oxygen atoms. It occurs naturally in Earth's atmosphere as a trace gas. Carbon dioxide has a sharp and acidic odor and generates the taste of soda water in the mouth, but at normally encountered concentrations it is odorless.
- Consultation zone: An area extending a minimum of 500 feet from each side of the transmission pipeline.
- Development Permit: For the purposes of the Consultation Zone requirements, means any permit for development activity that involves construction, grade modification, excavation, blasting, land clearing, or the deposit of earth, rocks or other materials that places an additional load upon the soil. Construction that involves work totally within an existing building footprint and does not involve excavation, such as residential remodeling projects, is specifically exempted from these Construction Zone requirements.
- Easement: (1) a legal instrument giving a transmission pipeline operator a temporary or permanent right to use a right-of-way for the construction, operation, and maintenance of a pipeline. It may also include temporary permits, licenses, and other agreements allowing the use of one's property. (2) an easement is an acquired privilege or right, such as a right-of-way, afforded a person or company to make limited use of another person or company's real property. For example, the municipal water company may have an easement across your property for the purpose of installing and maintaining a water line. Similarly, oil and natural gas pipeline companies acquire easements from property owners to establish rights-of-way for construction, maintenance and operation of their pipelines. (3) A legal right, acquired from a property owner, to use a strip of land for installation, operation and maintenance of a transmission pipeline.
- Encroachment: (1) A human activity, structure, facility or other physical improvement that intrudes onto a transmission pipeline right-of-way. (2) Encroachment refers to the unauthorized use of a right-of-way in violation of the easement terms.
- Ethanol Plant: An agricultural processing facility which converts corn or other plants into ethanol for use in powering motorized vehicles.
- Excavation: Any operation in which earth, rock or other material, in or on the ground, within 12 inches of grade level is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation, back-filling, grading, trenching, digging, ditching, drilling, pulverizing, rubblizing, well-drilling, augering, boring, tunneling, scraping, cable or pip plowing, plowing-in, pulling-in, ripping, driving, and demolition of structures, except that, the use of mechanized tools and equipment to break and remove pavement and masonry down only to the depth of such pavement or masonry. The tiling of soil for agricultural or seeding purposes shall not be deemed excavation.

- Nebraska One Call Notification (also known as Diggers Hotline or 811):to protect underground facilities, the excavating public, and the general public. Creates one point of communication between the excavating public and the Nebraska member underground utilities regarding any upcoming excavation projects in the State of Nebraska.
- Person: Any individual, firm, joint venture, legal entity, partnership, corporation, association or cooperative, public or private.
- Petroleum: an oily flammable bituminous liquid that may vary from almost colorless to black, occurs in many places in the upper strata of the earth, is a complex mixture of hydrocarbons with small amounts of other substances, and is prepared for use as gasoline, naphtha, or other products by various refining processes
- Pipeline: An underground or above ground system of pipes for the transmission of liquids or gases from one point to another.
- Pipeline Facility: Means all parts of those physical facilities through which gas, hazardous liquids or carbon dioxide are moved.
- Planning Zone: An area around a transmission pipeline.
- Pump Station: A facility tied into the pipeline in order to push
- Right-of-Way (ROW): For purposes of this section
  (1) A piece of property, usually consisting of a narrow, unobstructed strip or corridor of land of a specific width, which a company and the fee simple landowner both have legal rights to use and occupy.
  (2) A defined strip of land on which an operator has the right to construct, operate and maintain a specific use. The operator may own a right-of-way outright or an easement may be acquired for specific use of the right -of-way.
- Right-of-Way agreement: see easement.
- Rural: An area outside the limits of any incorporated or unincorporated city, town, village or any other designated residential or commercial area such as a subdivision, a business or shopping center or community development.
- Structure: Any building including a habitable dwelling, machine shed, grain bin, livestock confinement, sheds, etc.

5.20.09 Penalties

Violation of these requirements shall be subject to enforcement action provided in Article 14 and as provided in §23-114.05 (Nebraska Revised Statutes).
**Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.**

# Article 6: Conditional Use Permits

## Section 6.01 Purpose and Intent

The conditional use permit process provides for public review and discretionary approval by the Commission and Board for uses and projects with unique site development or operating characteristics; have potentially negative effects on surrounding properties; or substantial impact on the County's development objectives or realization of its Comprehensive Plan. This Section is designed to incorporate complete review of such projects and to specify conditions for compatible and sound development.

## Section 6.02 Definitions

***Application, Complete:*** An application determined by the Zoning Administrator that meets all of the requirements for a Conditional Use Permit Application.

***Minor Modifications:*** Changes meeting the following requirements:

- Movement of any structure identified in the original CUP that may be allowed by a specific distance and in a specific direction

***Significant Change:*** Any change that modifies:

- The intent of the application
- Relocation of the use and structures originally proposed
- Items not identified as possible minor modifications
- Items deemed by the County Board, as allowed by §23-114.01

## Section 6.03 Application Requirements

1. Completion of the Pre-Application Process as defined in this Article unless waived by the County.
2. If the Application is for a livestock operation or other permitted conditional use, the Applicant may request a determination of the special conditions or requirements to be imposed by the county planning commission/County Board who shall issue such determination of the special conditions or requirements to be imposed in a timely manner prior to filing the Application. Such special conditions or requirements to be imposed may include, but are not limited to, the submission of information that may be separately provided to state or federal agencies in applying to obtain the applicable state and federal permits.
3. If a determination of the special conditions or requirements to be imposed has been made if the application is for a livestock operation, final permit approval may be withheld subject only to a final review by the commission or county board to determine whether there is a substantial change in the applicant's proposed use of the property upon which the determination was based and that the applicant has met, or will meet, the special conditions or requirements imposed in the determination. For purposes of this section, substantial change shall include any significant alteration in the original application including a significant change in the design or location of buildings or facilities, in waste disposal methods or facilities, or in capacity.
4. Production of signed agreements negotiated as part of the pre-application process.
5. All required forms per CUP Application
6. All fees paid in full.

## Section 6.04 Pre-Application Process

The Pre-Application Process shall include the following steps and requirements found in Section 6.03, unless waived by the County.

1. Schedule meeting with Zoning Administrator and other pre-determined county officials (to be determined by individual counties) (i.e. County Attorney, County Board Chair, County Planning Commission Chair, Highway Superintendent, Emergency Management)
2. A list of all anticipated local, state and/or federal permits that will be necessary for the conditional use being applied for
3. Determine specific draft agreements and plans needed to be submitted with the application process such as:
4. Buildable Area Map
5. Road maintenance agreements during construction and future usage
6. Grading and Erosion Control Plan
7. Decommissioning Plan
8. Project Contact List
9. Wetlands and Floodplain Identification
10. Emergency Response Plan
11. First Responder Training Plan
12. Vegetation Management and Landscape Screening Plan
13. Any other information as predetermined by the specific use.

## Section 6.05 Procedure

The following is the procedure for a Conditional Use Permit as stated in NRS §23-114.01.

Filing of the Application

1. Applicant submits a formal Conditional Use Permit application to the Zoning Administrator.
2. The submission must include all information required by county zoning regulations for the specific special use category. For livestock operations, the applicant may request a determination of special conditions that might apply unless determined in the Pre-Application Process.

Initial Completeness Review by Zoning Administrator

1. Within 30 days of receiving the application, the zoning administrator shall determine whether the application is complete.
2. If the application is incomplete:
   - The county must notify the applicant in writing within 10 days, listing all missing required information.
3. After the applicant submits additional information, the county has 30 more days to determine completeness.
4. Once the Application has been accepted as complete the Zoning Administrator shall distribute the application and other materials to the Planning Commission and County Board.

Planning Commission Review and Recommendation / Action

Once the application is deemed complete, the Planning Commission must act within 90 days:

- The planning commission shall submit such statement with its recommendation to the county board as to whether to approve or deny a conditional use permit with specific findings of fact.
- If the Planning Commission does not make a recommendation for approval or denial, the application shall move to the County Board with no recommendation.

County Board Completeness Review

When the County Board receives the Commission's recommendation:

1. The Board has 30 days to determine if the application is complete.
2. If determined incomplete:

- Applicant must be notified within 10 days, with required missing information required.

3. The Board then has 30 days after receiving additional information to determine completeness.

County Board Final Decision

1. As per §23-114.01, once the county board has received the recommendation of the planning commission, the board shall have 30 days to make its own determination if the application is complete.
2. If the board determines the application is incomplete, within 10 days following such determination, the board shall notify the applicant in writing as to what information is required to make the application complete.
3. The board shall have 30 days after receipt of any additional information provided by the applicant to redetermine if the application is complete.
4. The board shall have 90 days after receiving a complete application as determined by the board to decide whether to grant or deny a conditional use permit.
5. If the board has not granted or denied a conditional use permit by the end of such 90-day period, the conditional use permit shall be deemed granted.
6. If the County board receives information that "materially affects" an application after receiving the Commission's recommendation and before the 90-day period expires, it may, during an open meeting, require the submission of a new application or additional information. The board must then schedule a public hearing, at least 90 days after taking such action. After receiving the new application or information, the board has 90 days to decide whether to grant or deny the permit or exception. If no action is taken within 90 days, the permit or exception is deemed granted. "Materially affect" refers to having a significant or substantial impact relating to state law, compliance with county zoning regulations, or the rights of any affected party.

## Section 6.06 Legal Publication and Notice Requirements for all Bodies

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

In addition, the county shall notify all parties within at least one mile of the exterior boundaries, by mail not less than 10 days prior to the date of hearing. All parties shall consist of all residents and title holders. These parties shall be determined by name and address as shown upon the records of the County Assessor. The notification area of property owners may be increased based upon the application of use and the required distances in each district or otherwise specified in these Regulations. The Zoning Administrator reserves the right to give notice to any other person(s) or agency as deemed necessary. Failure to receive such notice shall not invalidate any proceedings in connection with the application for conditional use.

## Section 6.07 Coordination with Other Entities

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

## Section 6.08 Planning Commission Public Hearing

Upon receipt of a completed application, and payment of fees as specified by this Regulation, the Commission will hold a hearing after the publication requirements found in 5.06 have been met. The Commission recommendation, along with the Zoning Administrators, shall be

transmitted to the Board. Such recommendations for the CUP shall be in the form of approval, disapproval, or approval with conditions.

## Section 6.09 Board of Commissioners Public Hearing

The Board shall hold a public hearing on the CUP, after the publication requirements found in 5.06 have been met, to act upon the Commission's recommendation. The Board shall consider the Commission's recommendation and shall approve the CUP without conditions, approve with conditions, apply with the Commission for further consideration of specified matters, continue the request, or deny the application. If the Commission fails to submit their recommendation within 90 days from the date of application, the Board shall hold a public hearing and act on the CUP without the Commission's Recommendation.

## Section 6.10 Conditions of Approval

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

## Section 6.11 Compliance Review

An approved CUP shall submit all State and Federal permits to the County in order to only ensure compliance with the County's approved permit requirements and that the approved application and other permits are not in conflict.

## Section 6.12 Scope of Approval

A CUP granted pursuant to this Section applies to the project area as defined in the approved application.

## Section 6.13 Standards for Review

In reviewing requests for CUP's, the following may be considered by the Commission and Board: The primary review shall be conducted against the written county zoning regulations and requirements.

## Section 6.14 Revocation of Permits

1. The Commission may, after notifying the permit holder via certified mail or civil service, publication and public hearing, make a recommendation to the Board to revoke a conditional use permit if it determines whether the use and/or structure is in violation of the terms and conditions of the conditional use permit or other applicable regulations and resolutions.
2. The Board may, after publication and public hearing, revoke a CUP if it determines the use and/or structure is in violation of the terms and conditions of the CUP.
3. The decision to revoke a CUP shall be effective immediately.

## Section 6.15 Modification of Conditional Use Permit Requirements

1. The Zoning Administrator may approve minor modifications, as defined by the County per these regulations, in a CUP if it is determined the modification does not affect the findings related to the conditions for approval as contained in this Section
2. Other than minor modifications, a CUP must be amended through the normal process followed for initial approval.

## Section 6.16 Effective Date

The effective date of this CUP shall be the date it is approved by the County. Effective date may not constitute permission to begin construction.

## Section 6.17 Conditional Use Permits Approved Under Previous Regulations

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

## Section 6.18 Conditional Use Permit Inspections

1. Any required inspections schedule shall be set forth within the original approved Conditional Use Permit.
2. Inspection times of CUP's shall be established by the Board, on the recommendation of the Commission and Planning Department.
3. CUP inspection application forms shall be obtained from the Zoning Administrator.
4. Inspections of CUP's shall be performed administratively by the Zoning Administrator and qualified experts acting on behalf of the Zoning Administrator through the completion of a CUP application form.
5. The Commission/County Board reserves the right to contact any federal, state, or local agency after having receiving copies of all permits granted by any federal, state, or local agency to inquire as to the applicant's compliance with all local, state, and federal requirements to ensure the presumption granted by Neb. Rev. Stat. § 23-114.01 (5)(c) is and continues to be complied with. In the event that the Commission/County Board is informed by any local, state, or federal agency that the applicant is noncompliant for any reason, the Commission/County Board shall consider this to be factual evidence of a material breach of the applicant presumption and may request the local, state, or federal agency to review the permit(s) so granted and consider the amending or revocation of any said permit(s), or amending or revoking the CUP by the Commission/County Board.
6. Notice of a hearing instituted as a result of Subsection 6 above shall be by publication and notifications from the initial CUP application.

## Section 6.11 Issuance of CUP

6.11.01 The Zoning Administrator shall issue a Conditional Use Permit consistent with the terms of the conditional use approval and other applicable ordinances, regulations, and resolutions.

6.11.02 Planning Commission Review for Non-Compliance

1. No annual review of a Conditional Use Permit is required unless a complaint has been filed with the Zoning Administrator. If a complaint is received, the Zoning Administrator shall review the application for compliance with conditions set in the original approval. If a finding of noncompliance exists, the administrator shall forward the application to the Planning Commission for hearing and action.
2. The Commission may, after notice and public hearing, make a recommendation to the Board to revoke a conditional use permit if it determines the use, structure is in violation of the terms and conditions of the conditional use permit or other applicable ordinances, regulations and resolutions.

6.11.03 The Board may, after publication and public hearing, revoke a CUP if it determines the use or structure is in violation of the terms and conditions of the CUP or other applicable ordinances, regulations, and resolutions.

1. The decision to revoke a CUP shall be effective immediately.

## Section 6.12 Modification of Conditional Use Permit Requirements

A Conditional Use Permit is applicable to the specific use as specified and described in the application and County Board approval. Any change in use requires a new CUP.

## Section 6.13 Scope of Approval

Any Conditional Use Permit issued after passing of this regulation, granted pursuant to this Section, applies to a specific applicant, and shall run with the land unless otherwise specified by the Board.

## Section 6.14 Effective Date

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

6.14.02 Development of any authorized conditional use shall be commenced within **six months** of the date of approval of such conditional use by the Board, unless otherwise provided in the Board's approval.

1. Development of said authorized conditional use shall be completed within **one year** from the date of approval of such conditional use by the Board, unless otherwise provided in the Board's approval, or such authorization is automatically revoked.
2. Development or completion of any conditional use that has been revoked due to expiration shall be allowed only after reapplication and approval of a new CUP application by the Board, in the manner herein described.

# 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. Unless otherwise provided, required parking and loading spaces shall not be located in the required front yard, other than for single-family homes, but may be located within a required side yard or rear yard.
   A. All parking spaces for Residential, Rooming houses, convalescent homes, and other dwellings within an R-2 district and Mobile Home Parks shall be paved with asphalt or concrete. However, no lot shall pave more than 25 percent of the Front Yard or the designated Front Yard setbacks on a corner lot.
4. 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.
5. All parking spaces shall be hard surfaced with gravel or paved with brick, pavers, asphalt, or concrete.

7.02.02 In the R-1 and R-2 residential districts, required off-street parking for residential uses shall be provided on the lot on which the use is located.

1. In all other Districts, 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 Minimum parking requirements herein do not apply to the MU-1 Light Mixed-Use District.

7.02.06 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 |
|---|---|---|
| **Commercial & Related Uses including but not limited to:** | | |
| 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 |
| Auditorium/Stadium/Arena | 1 space/4 seats in main assembly area | 1 space/facility |
| 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<br>- waived if no indoor seating area | 1 space/establishment |
| Food Service (Restaurants) w/drive-thru | Greater of the two:<br>-1 space/40 s.f. of dining area, or<br>-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/300 s.f. of gross floor area + 1 space/2 employees | None required |
| Offices | 1 space/300 s.f. of gross floor area + 1 space/2 employees | 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 | 3 spaces/repair stall – Parking not to be used for storage | None required |
| | | |
| | | |
| **Industrial & Related Uses including but not limited to:** | | |
| 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 |
| **Community & Related Uses including but not limited to:** | | |
| 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 |
| **Residential Uses including but not limited to:** | | |
| 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

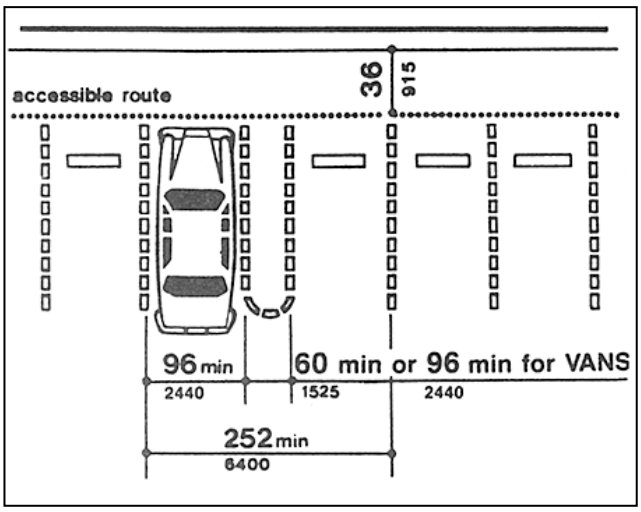
7.04.01 Notwithstanding the provisions of Section 7.03, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be waived in part by the 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.

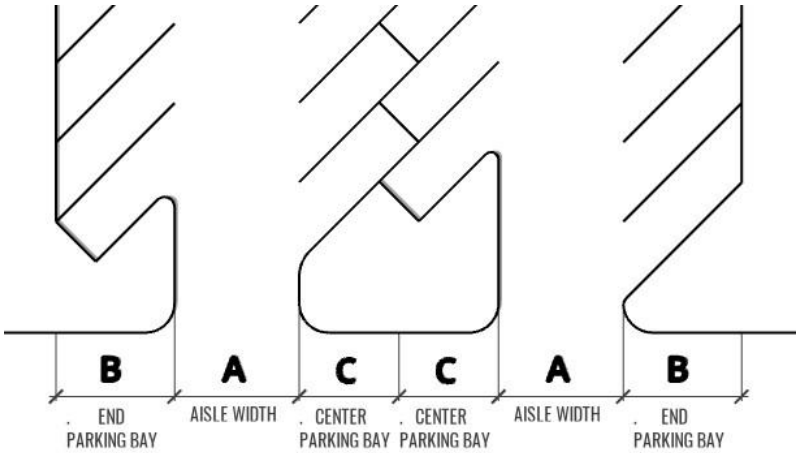
7.05.05 Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with Section 7.05.02(1), provide minimum vertical clearance of 98 inches at the parking space 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 20 feet**, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

| Parking Configuration | | | |
|---|---|---|---|
| | 90-degree | 60-degree | 45-degree |
| **Aisle Width (A)** | | | |
| One-way traffic | ----- | 18 feet | 14 feet |
| Two-way traffic | 24 feet | 20 feet | 20 feet |
| **End Parking Bay Depth (B)** | | | |
| Without overhang | 18 feet | 20 feet | 19 feet |
| With overhang | 16 feet | 18 feet | 17 feet |
| **Center Parking Bay Depth (C)** | 18 feet | 18 feet | 16 feet |




7.06.02 Minimum dimensions for a parallel parking space shall be ten feet by 23 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.

7.06.09 Application Site Plan:

1. Any development requiring off-street parking shall include with the application a site plan, drawn to scale, indicating how the off-street parking, and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled.
   A. Delineation of individual parking and loading spaces.
   B. Circulation area necessary to serve spaces.
   C. Access to streets and property to be served.
   D. Curb cuts.
   E. Dimensions, continuity, and substance screening.
   F. Grading, drainage, surfacing and subgrade details.
   G. Delineation of obstacles to parking and circulation in finished parking area.
   H. Specifications as to signs and bumper guards.
   I. Other pertinent details.
2. Design Requirements for parking lots
   A. Areas used for standing and maneuvering of vehicles shall be composed of suitable surface material, subject to review and approved by the Planning Commission and County Board.
   B. Said surfacing shall be maintained adequately for all weather use and drained in a manner to avoid the flow of water across sidewalks.
   C. The structural load capacity of the surfacing should be analyzed and designed accordingly. In some instances, thicker or reinforced sections may be desirable.
   D. Artificial lighting, when provided, shall be deflected so the light does not create a shine or glare in any residential district or adjacent residential use.
   E. Access aisles shall be of a sufficient width for all vehicles to turn and maneuver.
   F. Except for dwelling units, parking spaces shall be located and served by a driveway that will not require any backing movements or other maneuvering within a street right-of-way other than an alley.
   G. Drainage of all parking lots shall be designed to develop proper site drainage. Proper site drainage is required to dispose of all storm water that is accumulated on the site.
   H. The completion schedule for constructing the parking lot shall be provided to the County as part of the application. The schedule must be reviewed and agreed to by the County prior to construction. Said schedule shall be reasonable for all parties and the completion time shall be followed by the applicant. Extensions of the schedule may be granted by the Zoning Administrator only in the case of inclement weather delays.

## 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 5.06 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.

7.07.03 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances.

| Uses | Minimum Stacking Space* |
|---|---|
| Financial Institution--ATM | Two vehicles per lane |
| Financial Institution—Personal Teller | Three vehicles per window or kiosk |
| Car Wash—Self Service | Two vehicles per bay at entrance |
| | One vehicle per bay at exit |
| Car Wash—Automatic/Conveyor | 200 feet per bay at entrance |
| | One vehicle per bay at exit |
| Drive-through Restaurant | Five vehicles per window |
| Coffee Kiosk | Four vehicles per lane |
| Drive-through Pharmacy | Two vehicles per lane |
| Service Stations | |
| -Service Island | Two vehicles per pump lane |
| - Service bay | One vehicle per bay |
| - Quick lube | Two vehicles per bay |
| Gated parking lot entrance | One vehicle per gate |
| Garage Unit | One vehicle per door |
| Other Units | As necessary |

* Stacking requirements are in addition to vehicle being served.
Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by specific approval of the County Board following site plan review by the Planning Commission, as a Conditional Use. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

## Section 7.08 Recreational Vehicle Parking in Residential districts

7.08.01 No Recreational Vehicles (RVs) as herein defined shall be parked or stored on any lot in an R-1 or R-2 residential district except in a carport or enclosed building.

1. RVs shall not 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.

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 Nebraska 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.

***ANIMATED SIGN*** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

***ANNOUNCEMENT SIGN*** shall mean a freestanding sign structure whose announcement is limited to an activity, event, or service offered only by a non-profit organization which conducts its activities, events, or services within the county.

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

***AWNING OR CANOPY SIGN*** shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

***BANNER SIGN*** shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.

***BILLBOARD SIGN*** shall mean a sign structure used for the display of posters, printed or painted advertising matter which directs attention to commercial goods or services.

***BUILDING SIGN*** shall mean any sign supported by, painted on or otherwise attached to any building or structure.

***BUILDING MARKER SIGN*** shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

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

***CHANGEABLE COPY SIGN*** shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this regulation. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this regulation.

***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.

***DOUBLE-FACED SIGN*** shall mean a single sign structure where two sides are separated by not more than 24 inches generally parallel to each other—a freestanding sign can have a single face or be double-faced for example; only one face shall be used to calculate sign area.

***ELECTRONIC MESSAGE BOARD SIGN*** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

***FLASHING SIGN*** shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

***FREESTANDING SIGN*** shall mean any sign (such as a pylon sign) supported by multiple uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

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

***INCIDENTAL SIGN*** shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

***MARQUEE SIGN*** shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

***MONUMENT SIGN*** shall mean a sign mounted directly to the ground without poles.

***MULTI-FACED SIGN*** shall mean a single sign structure with multiple faces, exceeding the definition of a Double-faced sign; each face shall be used to calculate sign area.

***NAMEPLATE SIGN*** shall mean a sign not exceeding 2 square feet for each dwelling.

***NON-CONFORMING SIGN*** shall mean any sign that does not conform to the requirements of this regulation.

***OBSOLETE SIGN*** shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of **six months** after the termination of the existence of such business or the termination of sale of the product advertised.

***OFF-PREMISES SIGN*** shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

***ON-PREMISE SIGN*** shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

***OPEN SIGN*** shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

***PENNANT SIGN*** shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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

***PORTABLE SIGN*** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

***PROJECTING SIGN*** shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.

***PYLON SIGN*** shall mean a tall freestanding sign—typically over 8 feet—supported by one or more poles, often illuminated, and used to provide high-visibility branding for businesses along roads and commercial areas.

***ROOF SIGN*** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

***ROOF-INTEGRAL SIGN*** shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches; includes parapet signs.

***SANDWICH BOARD SIGN*** shall mean a type of temporary sign which may have a message on one or two connected sides.

***SIGN SETBACK*** shall mean the horizontal distance from the property line to the nearest projection of an existing or proposed sign.

***SUBDIVISION SIGN*** shall mean a sign erected on a subdivision lot which identifies the platted subdivision where the sign is located.

***SIGN SURFACE*** shall mean the entire area of a sign.

***SUSPENDED SIGN*** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

***TEMPORARY SIGN*** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

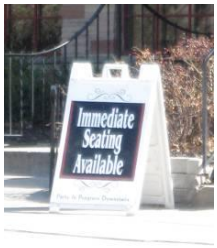
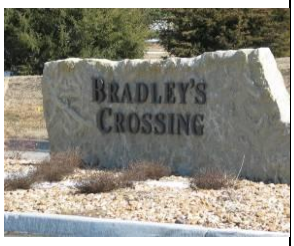
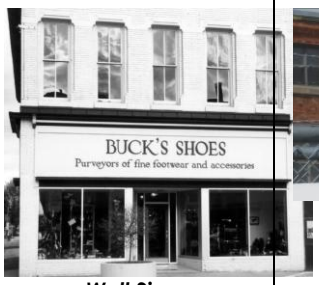
***VEHICLE SIGN*** shall mean a sign mounted, painted, or otherwise placed on a vehicle or equipment, such as a truck or trailer, which is not moved regularly, nor situated at a location with proper zoning permit for the sale or rent of machinery, equipment or vehicles.

***WALL SIGN*** shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

***WINDOW SIGN*** shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

## Sign Examples

| | | | |
|---|---|---|---|
| <br>***Animated Sign*** | <br>***Awning Sign*** | <br>***Banner/Flag Sign*** | <br>***Banner Sign (Commercial)*** |
| <br>***Building Marker Sign*** | <br>***Canopy Sign*** | <br>***Changeable Copy Sign*** | <br>***Commemorative Sign*** |
| <br>***Construction Sign*** | <br>***Electronic Message Sign*** | <br>***Gas Station Price (Monument) Sign*** | <br>***Marquee Sign*** |
| <br>***Monument Sign*** | <br>***Muli-faced Sign*** | <br>***Off-Premises Signs*** | <br>***Painted Wall Sign*** |
| <br>***Parapet Wall Sign*** | <br>***Pennant Sign*** | <br>***Pole Sign*** | <br>***Political Sign*** |

| | | | |
|---|---|---|---|
| *Projecting Sign* | *Pylon Sign* | *Roof Sign* | *Roof-Integral Sign* |
|   *Sandwich Board Sign* | *Sign Stacking* |   *Subdivision Sign* | *Suspended Sign* |
| *Temporary Sign* |   *Wall Sign* | *Warning Sign* | *Window Sign* |

## Section 8.03 Sign Area Computation

8.03.01 Computation of Area of Individual Signs

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

8.03.02 Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

## Section 8.04 Sign Schedules

8.04.01 Signs shall be permitted in each district according to the following schedule:

| | A-1/ TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 |
|---|---|---|---|---|---|---|---|
| **Animated** | - | - | - | C | C | C | C |
| **Announcement** | + | + | + | + | + | + | + |
| **Banner** | + | - | - | + | + | + | + |
| **Canopy** | - | - | - | + | + | + | + |
| **Changeable Copy** | + | - | - | + | + | + | + |
| **Destination** | + | + | + | + | + | + | + |
| **Electronic Message Board** | - | - | - | + | + | + | + |
| **Flashing** | - | - | - | - | - | - | - |
| **Freestanding (Other than Pole Sign)** | C | C | C | + | + | + | + |
| **Illuminated** | C | - | - | + | + | + | + |
| **Incidental** | + | + | + | + | + | + | + |
| **Marquee** | - | - | - | + | + | + | + |
| **Monument** | + | C | C | + | + | + | + |
| **Nameplate** | + | + | + | + | + | + | + |
| **Off-Premises (Billboard)** | - | - | - | - | - | C | C |
| **Pennant** | + | - | - | + | + | + | + |
| **Pole/Pylon Sign** | - | - | - | C | C | + | + |
| **Projecting** | + | - | - | + | + | + | + |
| **Portable** | T | T | T | T | T | T | T |
| **Roof** | - | - | - | - | - | - | - |
| **Roof-Integral** | - | - | - | C | C | C | C |
| **Subdivision** | C | C | C | C | C | C | C |
| **Suspended** | + | - | - | + | + | + | + |
| **Temporary** | T | T | T | T | T | T | T |
| **Wall** | + | - | - | + | + | + | + |
| **Window** | + | - | - | + | + | + | + |

+: permitted -: not permitted C: Conditional Use T: Temporary

8.04.02 Signs shall be permitted in each zoning district at the listed square footage and heights according to the following schedule:

| | A-1/ TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 |
|---|---|---|---|---|---|---|---|
| **Animated** | | | | | | | |
| **Max. Square Ft.** | - | - | - | 200 | 200 | 200 | 200 |
| **Max. Height Ft.** | - | - | - | 45 | 45 | 45 | 45 |
| **Max. Number** | - | - | - | 1 | 1 | 1 | 1 |
| **Announcement** | | | | | | | |
| **Max. Square Ft.** | 32 | 6 | 6 | 32 | 32 | 32 | 32 |
| **Max. Height Ft.** | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| **Max. Number** | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| **Banner** | | | | | | | |
| **Max. Square Ft.** | 32 | - | - | 32 | 32 | 32 | 32 |
| **Max. Height Ft.** | NA | - | - | NA | NA | NA | NA |
| **Max. Number** | NA | - | - | NA | NA | NA | NA |
| **Canopy** | | | | | | | |
| **Max. Square Ft.** | - | - | - | 250 | 250 | 250 | 250 |
| **Max. Height Ft.** | - | - | - | - | - | - | - |
| **Max. Number** | - | - | - | - | - | - | - |
| **Changeable Copy** | | | | | | | |
| **Max. Square Ft.** | 32 | - | - | 32 | 32 | 32 | 32 |
| **Max. Height Ft.** | NA | - | - | NA | NA | NA | NA |
| **Max. Number** | NA | - | - | NA | NA | NA | NA |
| **Destination** | | | | | | | |
| **Max. Square Ft.** | 16 | 16 | 16 | 16 | 16 | 16 | 16 |
| **Max. Height Ft.** | 8 | 8 | 8 | 8 | 8 | 8 | 8 |
| **Max. Number** | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

| | A-1/ TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 |
|---|---|---|---|---|---|---|---|
| **Electronic Message Board** | | | | | | | |
| **Max. Square Ft.** | - | - | - | 100 | 100 | 100 | 100 |
| **Max. Height Ft.** | - | - | - | 15 | 20 | 20 | 20 |
| **Max. Number** | - | - | - | 1 | 1 | 1 | 1 |
| **Flashing** | | | | | | | |
| **Max. Square Ft.** | - | - | - | - | - | - | - |
| **Max. Height Ft.** | - | - | - | - | - | - | - |
| **Max. Number** | - | - | - | - | - | - | - |
| **Freestanding (other than Pole Sign)** | | | | | | | |
| **Max. Square Ft.** | 32 | - | - | 40 | 40 | 80 | 160 |
| **Max. Height Ft.** | 10 | - | - | 15 | 20 | 30 | 40 |
| **Max. Number** | 1 | - | - | 1 | 1 | 1 | 1 |
| **Illuminated*** | | | | | | | |
| **Max. Square Ft.** | NA | NA | NA | NA | NA | NA | NA |
| **Max. Height Ft.** | | | | | | | |
| **Max. Number** | | | | | | | |
| **Incidental** | | | | | | | |
| **Max. Square Ft.** | 25 each | 10 each | 10 each | 25 each | 25 each | 25 each | 25 each |
| **Max. Height Ft.** | 10 | 6 | 6 | 10 | 10 | 10 | 10 |
| **Max. Number** | NA | NA | NA | NA | NA | NA | NA |
| **Marquee** | | | | | | | |
| **Max. Square Ft.** | - | - | - | 250 | 250 | 250 | 250 |
| **Max. Height Ft.** | - | - | - | 45 | 45 | 45 | 45 |
| **Max. Number** | - | - | - | 1 | 1 | 1 | 1 |
| **Monument** | | | | | | | |
| **Max. Square Ft.** | 50 | 32 | 32 | 40 | 40 | 80 | 160 |
| **Max. Height Ft.** | 10 | 6 | 6 | 8 | 10 | 12 | 14 |
| **Max. Number** | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| **Nameplate** | | | | | | | |
| **Max. Square Ft.** | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| **Max. Height Ft.** | - | - | - | - | - | - | - |
| **Max. Number** | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| **Off-Premises (Billboard)**** | | | | | | | |
| **Max. Square Ft.** | - | - | - | 500 | 500 | 500 | 500 |
| **Max. Height Ft.** | - | - | - | 15 | 20 | 20 | 20 |
| **Max. Number** | - | - | - | 1 | 1 | 1 | 1 |
| **Pennant** | | | | | | | |
| **Max. Square Ft.** | 32 | - | - | 32 | 32 | 32 | 32 |
| **Max. Height Ft.** | 8 | - | - | 8 | 8 | 8 | 8 |
| **Max. Number** | NA | - | - | NA | NA | NA | NA |
| **Pole/Pylon Sign** | | | | | | | |
| **Max. Square Ft.** | - | - | - | - | 120/120 | 120/120 | 120/120 |
| **Max. Height Ft.** | - | - | - | - | 20/20 | 20/20 | 30/20 |
| **Max. Number** | - | - | - | - | 1/1 | 1/1 | 1/1 |
| **Projecting** | | | | | | | |
| **Max. Square Ft.** | 16 | - | - | 16 | 16 | 16 | 16 |
| **Max. Height Ft.** | 20 | - | - | 40 | 40 | 40 | 40 |
| **Max. Number** | 1 | - | - | 1 | 1 | 1 | 1 |
| **Portable** | | | | | | | |
| **Max. Square Ft.** | 32 | 32 | 32 | 32 | 32 | 32 | 32 |
| **Max. Height Ft.** | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| **Max. Number** | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| **Roof** | | | | | | | |
| **Max. Square Ft.** | - | - | - | - | - | - | - |
| **Max. Height Ft.** | - | - | - | - | - | - | - |
| **Max. Number** | - | - | - | - | - | - | - |
| **Roof-Integral** | | | | | | | |
| **Max. Square Ft.** | 16 | - | - | 125 | 125 | 250 | 250 |
| **Max. Height Ft.** | 45 | - | - | 45 | 45 | 45 | 45 |
| **Max. Number** | 1 | - | - | 1 | 1 | 1 | 1 |
| **Subdivision** | | | | | | | |
| **Max. Square Ft.** | 500 | 500 | 500 | 500 | 500 | 500 | 500 |
| **Max. Height Ft.** | 35 | 35 | 35 | 35 | 35 | 35 | 35 |
| **Max. Number** | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| **Max. Lot area s.f.** | 5,000 | 5,000 | 5,000 | 5000 | 5,000 | 5,000 | 5,000 |
| **Suspended***** | | | | | | | |
| **Max. Square Ft.** | 20 | - | - | - | 20 | 20 | 20 |
| **Max. Height Ft.** | 10 | - | - | - | 10 | 10 | 10 |
| **Max. Number** | 1 | - | - | - | 1 | 1 | 1 |
| **Temporary****** | | | | | | | |
| **Max. Square Ft.** | 32 | 6 | 6 | 32 | 32 | 32 | 32 |
| **Max. Height Ft.** | - | - | - | - | - | - | - |
| **Max. Number** | - | - | - | - | - | - | - |
| **Wall** | | | | | | | |
| **Max. Square Ft.** | 200[1] | - | - | 200[1] | 200[1] | 200[1] | 200[1] |
| **Max. Height Ft.** | 15 | - | - | 45 | 45 | 45 | 45 |
| **Max. Number** | 1 | - | - | 1 | 1 | 1 | 1 |

| | A-1/ TA-1 | R-1 | R-2 | MU-1 | MU-2 | I-1 | I-2 |
|---|---|---|---|---|---|---|---|
| **Window** | | | | | | | |
| **Max. Square Ft.** | 200[1] | - | - | 200[1] | 200[1] | 200[1] | 200[1] |
| **Max. Height Ft.** | - | - | - | - | - | - | - |
| **Max. Number** | - | - | - | - | - | - | - |

* *See Section 8.06 below.*
** *See Section 8.05.01 below.*
*** *See Section 8.05.04 below.*
**** *See Section 8.05.06 below.*
1. Wall/Window signs shall not exceed 10% of the total wall area, or the area indicated whichever is greater.

NA = Not Applicable – Refer to specific structural sign types

## Section 8.05 Signs, Special Conditions

8.05.01 Billboard Signs (Off-Premises).
Billboards, signboards, and other similar Off-Premises outdoor advertising signs shall be subject to the same height and location requirements as other primary 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 County jurisdiction 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 100 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, and not within 1,000 feet of another billboard.

8.05.02 Stand-alone ATMs may have the following:

1. One wall sign on each exterior wall provided each wall sign does not exceed 10% of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
4. All signs are subject to the required permitting process of these Regulations.
5. Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

8.05.03 Coffee Kiosks and other Kiosks may have the following:

1. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10% of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the Coffee Kiosks/Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk/Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk/Kiosk, painted within a drive lane or in any curbing defining a drive lane
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
5. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.

8.05.04 Hanging Signs

Any suspended sign hung from a canopy or awning shall maintain 80 inches of clear space, as measured from the bottom edge of the sign to the grade below.

8.05.05 Reserved

8.05.06 Temporary Signs

Temporary signs may be placed without a permit, within the following criteria:

1. No temporary sign shall be of such size, message, or character so as to harm the public health, safety, or general welfare.
2. Temporary signs may be for a continual period; however, in no event shall a Temporary sign be up for more than seven days prior to an event and shall be removed within five days after the event, except those exempt by Section 8.05.08 below.
   A. Temporary signs may be erected no more than 30 days before an election and shall be removed no later than 10 days after an election.
3. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off-premises business and/or organization.
4. Temporary signs shall not be placed within a public right-of-way, unless authorized by the jurisdictional authority.

8.05.07 Other Signs Forfeited

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

8.05.08 Signs Exempt from 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 and/or a collision hazard to the public:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance, including emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- 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

8.05.09 Signs Prohibited Under These Regulations

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

1. Audible signs
2. Beacons
3. Roof signs

4. Obsolete signs and signs that are not in substantial good repair.
5. Signs not securely affixed to a substantial structure.
6. Signs which attempt to direct the movement of traffic or which obscure or interfere with the effectiveness of or imitate or resemble any official traffic signal or sign.
7. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaches to intersections or block any access way.
8. Signs erected or maintained upon trees or utility poles, or on natural formations or features.
9. Signs which move or have any animated or moving parts, including video signs.
10. Vehicle signs, which are painted, printed, or mounted on parked automobiles, trucks, trailers, or other movable structures, as defined in this section.

8.05.10 Signs to be Removed

All sign faces shall be removed by the property owner within six months of the close of any business advertised on the site.

## Section 8.06 Sign Lighting

8.06.01 Signs may be illuminated subject to the following standards.

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, or weather, provided such public service information signs shall not contain or incorporate beacons, strobe lights, or other bright flashing lights.
2. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the federal aid highway system or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle are prohibited.
3. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
4. Illuminated signs shall be designed as to reflect or direct light away from any residence; and any illuminated sign located on a lot adjacent to, in front of, or across the street from any residential district shall not be illuminated between the hours of 11 p.m. and 7 a.m.
5. Signs constructed of metal and illuminated by any means requiring wiring shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame shall also maintain a clearance of nine (9) feet to grade.
   A. No metal sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than forty-eight (48) volts.

8.06.02 All such lighting shall be subject to any other provisions relating to lighting of signs applicable to highways under the jurisdiction of state and local governmental agencies.

# Article 9: Supplemental Regulations

## Section 9.01 Home Occupations/Home-Based Businesses in R-1/R-2 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 small artisan manufacturing
2. Professional Offices
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. Kennel, stable, veterinarian clinic
2. Medical or dental clinic, hospital
3. Restaurant, club, drinking establishment
4. Motor vehicle / small engine repair
5. Undertaking or funeral parlor
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) shall not be constructed for the purpose of conducting the home occupation or home-based business.
7. 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.

8. No retail sales are permitted from the site other than incidental sales related to services provided.
9. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
10. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
11. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.
12. 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. Professional Offices.
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. Kennel, stable, veterinarian clinic
2. Medical or dental clinic, hospital
3. Restaurant, club, drinking establishment
4. Motor vehicle / small engine repair
5. Undertaking or funeral parlor
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 Seward 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. 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.
8. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

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 these regulations 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 13 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 operated in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person.

## Section 9.02 Home Occupations and Home-Based Businesses within Ag Districts

9.02.01 Intent:
A home occupation or home-based business shall be permitted when said occupation or business is conducted on agriculturally 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. Professional Offices.
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 more than two 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) 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 signs as specified in Article 8 above.
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.
15. 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. Professional Offices.
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 five 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 Seward 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. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to store more than five 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 discreet and match the residential design.
10. Additional off-street parking or loading facilities, beyond the parking provided for the residence, may be provided.
11. The display of goods and/or external evidence of the home-based business shall not be permitted, except signs as specified in Article 8 above.
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 13 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 operated in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person.

## Section 9.03 Performance Standards for Industrial Uses

9.03.01 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.

9.03.02 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 Seward County.

9.03.03 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.

9.03.04 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.

9.03.05 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.

9.03.06 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 Mixed-Use 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.

| **Maximum Permitted Sound Levels at Residential Boundaries** | | |
|---|---|---|
| Originating Zoning District | Time | Maximum Noise Level (dbA |
| MU-1 Light Mixed-Use<br>MU-2 General Mixed Use | 6:00 a.m. - 10:00 p.m.<br>10:00 p.m. - 6:00 a.m. | 55<br>60 |
| I-1 Industrial | 6:00 a.m. - 10:00 p.m.<br>10:00 p.m. - 6:00 a.m. | 60<br>60 |
| I-2 Industrial | 6:00 a.m. - 10:00 p.m.<br>10:00 p.m. - 6:00 a.m. | 70<br>60 |

## Section 9.04 Standards for Outdoors Sales Display and Storage

9.04.01 Open-air sales display and storage, including used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or other equipment sales and storage shall meet the requirements of this section.

1. The Zoning Permit application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements.
   A. The open-air sales, display, and storage area shall be surfaced with aggregate, crushed stone, or rock material for a uniform depth of at least 3 inches.
   B. The side and rear lot lines, when abutting properties used for residential dwellings, shall be screened with a wall or fence with its surface at least 50 percent solid and at least 6 feet high.
   C. The County's lighting standards shall be followed.

9.04.02 Aside from following the County's sign regulations in Article 8 above, no lighted flashing signs, or revolving beacon lights shall be permitted.

9.04.03 The open-air area shall be maintained free of weeds, debris, trash, and other objectionable materials.

## Section 9.05 Vehicle and Equipment Repair, Rental, and Sales

9.05.01 Where permitted in Mixed-Use 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 maintained as required in Section 9.04 above.

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 County 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.
2. See Section 4.07 for Screening requirements.

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 any 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;
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. Site development shall include provisions for stormwater management in accordance with the regulations of Seward County and the State of Nebraska.

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 within the requirement of Section 4.13.

9.08.02 Storage Containers may be used as a principal 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 Mixed-Use 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.
5. Storage containers in Mixed-Use or Industrial districts shall be placed on a concrete slab, or white rock/stones, and must be kept in good repair, with any signage removed.
   A. Any storage container which becomes unsound, unstable, or otherwise dangerous shall be immediately repaired or removed from the property to a location which can legally accept it.
6. No storage containers shall be modified for habitation except as a Special Type Dwelling Unit (Section 9.11). 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.

## Section 9.09 Accessory Dwelling Units

9.09.01 One accessory dwelling unit (ADU) per lot may be allowed as permitted in Section 5.06 under the following conditions:

1. The accessory dwelling unit shall fit within the developable area of the lot and not exceed maximum lot coverage.
2. Any ADU shall not be larger than the primary dwelling, nor exceed 800 square feet, whichever is smaller.
   A. Any unfinished space in additional levels and basements is included in the square footage to allow it to be furnished in the future.
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 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, must not be closer to the street right-of-way than the principal dwelling, and shall have the same address as 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 Residential Manufactured Home Parks

9.10.01 Manufactured home developments 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.

9.10.02 Mobile and Manufactured Homes
Where allowed according to the Land Use Matrix table in Section 5.06, Manufactured Homes meeting the HUD Code and pre-1976 Mobile Homes (as defined) may be placed on sites in Manufactured Home Parks in the County's zoning jurisdiction, with customary accessory structures.

9.10.03 Height and Lot Requirements

1. Manufactured homes places outside a conforming or non-conforming Manufactured Home Park shall meet all requirements of the underlying zoning district.

9.10.04 Site Plan Requirements

1. All legal lots must be platted in accordance with the Subdivision Regulations of Seward County.
2. Any new or expanded Manufactured Home Park shall require approval as provided by the Land Use Matrix table in Section 5.06.
3. 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.

9.10.05 Special Design Criteria for this District

1. A Manufactured Home Park shall have a site lot area of not less than two acres.
   A. 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.
   B. The setback on all other park property lines shall be 10 feet. These areas shall be landscaped.
   C. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for the occupation 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, in accordance with design standards for the County. 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.

## Section 9.11 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 Seward County.

9.11.01 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.
2. RV/Park Model/Camper
   A. The unit shall be constructed upon a single chassis;
   B. The unit shall have 400 sf or less of living space 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;
3. Tiny House Villages/Communities
   A. Tiny house villages/communities may be allowed as part of a Manufactured Home Park or development in an MU-1 District.

9.11.02 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 plans for modifications needed to convert the grain bin(s) into a dwelling unit shall be stamped by a licensed architect and/or professional engineer;
14. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

9.11.03 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 plans for modifications needed to convert the cargo container(s) into a dwelling unit shall be stamped by a licensed architect and/or professional engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
16. No Cargo Container Homes shall be constructed in any floodplain.

9.11.04 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 and/or professional engineer.

9.11.05 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 plans for modifications needed to convert the Quonset into a dwelling unit shall be stamped by a licensed architect and/or professional engineer;
14. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

## Section 9.12 Bed and Breakfast Inn

9.12.01 Bed and Breakfasts shall meet the following requirements:

1. The bed and breakfast shall be within a conforming single-family dwelling.
   A. Owner must reside on the premises.
   B. Guest rooms shall be within the principal residential building only and not within an accessory building
2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
3. Breakfast must 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 for lodging as required by Article 7.
5. One identification sign on not more than four square feet of the sign area shall be permitted, even if more restrictive than Article 8 above.

## Section 9.13 Short-term Rentals

This section is intended to protect the public health and safety, within the requirements of Neb. Rev. Stat. §18-1758.

9.13.01 Performance Standards

1. A short-term rental shall be located in a residential structure.
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.

9.13.02 Remedies

Failure to comply with the standards in Section 9.13.01 may result in any permit for a short-term rental to be revoked.

## Section 9.14 Recreational Vehicle (RV) Park/Campground

9.14.01 An RV Park and/or Campground may be established where permitted by the Land Use Matrix in Section 5.06 under the following conditions:

1. The lot area shall be not less than one (1) acre.
2. A campground shall provide minimum facilities including central sanitary and water stations, toilets, and refuse containers.
3. Certification of compliance with all ordinances and regulations regarding zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and 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.

9.14.02 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 9.15 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 120 days in any one year.

## Section 9.16 Sand and Gravel, Mineral, Stone, Rock, or Soil Extraction and Quarries

9.16.01 It shall be unlawful for any owner or owners of property to extract, mine, quarry, or remove soil for commercial purposes without the proper permits, except for use by public entities.

1. When soil 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 shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than 3:1 as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
   H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public;
   I. 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 or escrow account contingent on the size of the operation, removal, or extraction may be required to be posted with the County.

9.16.02 Mining Exceptions

1. Removals, extractions, and operations that remove less than 100 cubic yards from a given location, are exempt from this section and permits are not required.
2. This Section does not apply to owners who donate soil to a municipality, county, or state.
3. This Section 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. In order to minimize conflicts with land-use planning, each conservation or preservation easement shall be approved by the appropriate governing body. Such approving body shall first refer the proposed acquisition to and receive comments from the local planning commission with jurisdiction over such property. 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.[1]

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 specified 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 if 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 on which the easement is proposed.

[1] Sixty day shot-clock specified by §76-2,112(3) NRS.

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 Adult Entertainment

9.18.01 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. Bindings, 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 concerning secondary effects occurring in and around adult establishments.

9.18.02 Definitions

***ADULT CABARET*** shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.

***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 of 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."

***JUICE BAR*** *see Adult Establishment*

***MASSAGE PARLOR*** *see Adult Establishment*

***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.

9.18.03 Specific Requirements for Adult Entertainment establishments[2]

1. No adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district/use, religious uses, educational uses and recreational uses.
   A. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district/use, religious use, educational uses and recreational use.
   B. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
   C. Doors, curtains, and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the zoning permit.
   D. No adult business shall be open for business between the hours of 12 midnight and six a.m.
   E. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
   F. Such use shall not impair an adequate supply of light and air to surrounding property,
   G. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
   H. Such use shall not diminish or impair established property values in adjoining or surrounding property,
   I. Such use shall be in accord with the intent, purpose and spirit of this Resolution and the Comprehensive Development Plan of Seward County.
   J. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.
   K. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of 18 of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.

[2] Current zoning requirements (Section 4.10.03(6)).

L. 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.

M. 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 9.19 Bio-fuels and Distillation Facilities

9.19.01 The following conditions shall be met when locating a biofuels or distillation facility within the zoning jurisdiction of Seward 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 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 ordinance regulations.

9.19.02 Site plan review is required through the Zoning Permit process, prior to development, as required by the Land Use Matrix in Section 5.06.

## Section 9.20 Radio, Television, and Wireless Communications Towers

9.20.01 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 Seward 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.

9.20.02 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 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, waive guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
a. Any Conforming Commercial Earth Station antenna two meters or less in diameter;
b. Any earth station antenna or satellite dish antenna of one meter or less in diameter.

***Tower*** shall mean any structure built for the sole or primary purpose of supporting any 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 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.

9.20.03 Tower Construction Standards

1. Towers shall be a permitted use of land in only those zoning districts where specifically listed and authorized in Section 5.06 of this regulation.
2. No proposed tower shall be located **within five miles** of any existing tower, without approval of the Seward County Board of Commissioners.
   A. Applicants must prove a documented hardship for the Board to consider a new tower location closer than this standard.
3. 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 by the Board and issuance of the permit by the Zoning Administrator.
4. 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 County, state, and federal 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.

9.20.04 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 Tower Zoning Permit and shall include the following:

   A. Name, address, and phone 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 phone numbers of all owners of other towers or useable antenna support structures within a **five-mile** radius of the proposed tower, including publicly and privately owned towers and structures.
      1) Application shall include proof of notification of proposed project, to these owners.
   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, including clear documentation of efforts to date, and written technical evidence from an engineer that that states why 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. Acknowledgement Seward County shall require an appropriate space for its operational and emergency services communication equipment at no cost to the County as negotiated between the tower owner and the County.
I. Decommissioning Plan including proposed financial guarantee.
The amount of each tower security guarantee shall be the average of at least two independent demolition removal quotes, obtained by the applicant, reviewed by the Planning Commission, and approved by the Board of Commissioners. If the quantity of quotes obtained is two, the formula shall be ((quote 1 + quote 2)/2)*1.30 divided by 10 to come up with the yearly payment that would be put into a surety bond over the next 10 years.

9.20.05 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 waiver reducing 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 100% of the tower height.
4. Towers of 100 feet or less may be located in residentially zoned districts, as specified in Section 5.06, 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 one hundred percent (100%) of the height of the tower.
   A. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100% of the height of the proposed tower, whichever is greater.
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.

9.20.06 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.

9.20.07 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.

9.20.08 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 by the Planning Commission and approval by the County Board of Commissioners.
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.

9.20.09 Landscaping:

All tracts of land on which towers, antenna support structures, telecommunications facilities, and/or antennas are located shall be landscaped and maintained.

9.20.10 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."

9.20.11 Substantial Change

Seward County requires an amended permit for changes or modifications to a telecommunication tower/system.

1. A new permit shall be required for any of the following:
   A. Towers outside the public right-of-way,
      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,

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
1) involves installation of new equipment cabinets for the technology involved;
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, these changes are measured cumulatively.

9.20.12 Inspections

The County reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the County's Zoning Codes and any other construction standards set forth by local, 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.

9.20.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

9.20.14 Abandonment

1. Any tower shall be considered a discontinued use after one year without active use of any antennae, unless a maintenance plan has been submitted to the Zoning Administrator showing active work in conformance with any required permits. The tower owner shall notify the Zoning Administrator immediately when a tower is no longer active.
2. Each tower shall have a Decommissioning Plan outlining the anticipated means and cost of removing an abandoned tower at the end of serviceable life, or upon becoming a discontinued use.
A. Applicant shall provide at least two cost estimates by a competent party, acceptable to the County Board of Commissioners.

9.20.15 Decommissioning

A decommissioning performance guarantee is required upon approval of a permit granted for the installation of Commercial renewable energy generation facilities.

The County Board may consider acceptance of a surety bond or other instrument; however, the default guarantee shall be a surety bond unless otherwise approved.

1. Determination of Guarantee Amount
   Surety bonds by the Applicant and project owner(s) in the amount of the estimated cost to Seward County as if the County Board had to perform the decommissioning and reclamation work required of an owner. This amount is based on the cost estimated in the Decommissioning Plan to ensure compliance with this section.
   A. The guarantee amount must be based on:
      1) the estimated costs submitted by the Applicant in accordance with this section and at least two cost estimates, by using current machinery production handbooks and publications or other documented costs acceptable to the Commission and Board;
      2) estimated costs to Seward County that may arise from applicable public contracting requirements or the need to bring personnel and equipment to the telecommunications facility after its abandonment by the owner to perform decommissioning and reclamation work;
      3) estimated costs to Seward County that may arise from management, operation, and maintenance of the site upon temporary or permanent operator insolvency or abandonment, until full bond liquidation can be affected;
      4) unless the provisions of the bond provide otherwise, the line items in the guarantee calculations are estimates only and are not limits on spending of any part of the bond to complete any particular task subsequent to forfeiture of the bond or settlement in the context of forfeiture proceedings; and
      5) such other cost information as may be required by or available to Seward County staff, Commission, and/or Board.
   B. In determining the amount of the guarantee required, the Commission and Board shall consider:
      1) the character and nature of the site where the telecommunications facility is located; and;
      2) the current market salvage value of the telecommunications facility.

2. Guarantee Deadline
   Except as provided below, and in accordance with this section, the owner shall submit bond to Seward County in a sum determined by the Board, conditioned on the faithful decommissioning of the telecommunications facility.
   A. If a telecommunications facility is repurposed, as determined by the Commission and Board in consultation with the owner, any existing bond must be maintained or a new bond submitted.
3. Penalties for Failure to Submit Guarantee
   If Applicant does not submit surety bond to Seward County within 30 days of approval or in the timeframe required by conditions of approval, the zoning permit shall be revoked by the Board. The project owner shall submit a new application for approval prior to resuming operations.
4. Adjustment of Bond
   A. Once every 5 years, an owner may request a reduction of the required bond amount upon submission of evidence to the Board of County Commissioners proving that decommissioning work, reclamation, or other circumstances will reduce the maximum estimated cost to Seward County to complete decommissioning and therefore warrant a reduction of the bond amount.
   B. The Board of County Commissioners shall review each decommissioning plan and bond amount every 5 years. The Board may increase the required bond if the cost of decommissioning a telecommunications facility increases.

C. Seward County shall notify the owner of any proposed bond increase and provide the owner with an opportunity for an informal conference on the proposal. The owner shall increase the bond within 90 days of receiving the Seward County Board of Commissioners' revised bond amount.
D. If an owner does not submit bonds to the County within the timeframe required by conditions of approval, the CUP shall be revoked by the Board.

5. Effect of Forfeiture
   A. The written determination to forfeit all or part of the bond, including the reasons for forfeiture and the amount to be forfeited, is a final decision by Seward County.
   B. Seward County may forfeit any or all bond deposited for an entire telecommunications facility. Liability under any bond, including separate increments or indemnity agreements applicable to a single owner must extend to the owner's entire telecommunications facility.
   C. In the event the estimated amount forfeited is insufficient to pay full cost of decommissioning and reclamation, the owner shall be liable for the remaining costs. Seward County may complete or authorize completion of decommissioning of the guarantee area and may recover from the owner all costs of decommissioning in excess of the amount forfeited.

9.20.16 Review Denial Procedures for Permit

1. Any decision to deny an application to place, construct or modify a wireless telecommunications 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;

## Section 9.21 Amateur Radio Towers

9.21.01 Noncommercial radio towers not exceeding 50 feet in height are not considered Wireless Communications Towers by definition.

9.21.02 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).

9.21.03 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).

9.21.04 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.
2. In the TA-1 district, the antenna installation shall be set back from public streets abutting the antenna installation site by a distance equal to or greater than the antenna installation height. The distance between the antenna installation and site boundary shall be equal to or greater than 50% of the antenna installation height. The distance between the anchors of the antenna installation and site

boundaries shall be equal to or greater than the setback requirements established in the underlying zoning district.

9.21.05 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.

9.21.06 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 9.22 Reserved

## Section 9.23 Ag and Livestock Regulations

9.23.01 Intent.

This Section is written specifically to provide regulations for Livestock Feeding Operation (LFO), also known as Confined Animal Feeding Operations (CAFO), in Seward County.

9.23.02 LFO Setbacks and Design Standards

1. The following setbacks and design standards are minimum sanitation and odor practices for Seward 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. 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 = 401-999 animal units;
   Class II Facility = 1,000-2,499 animal units;
   Class III Facility = 2,500-4,999 animal units;
   Class IV Facility = 5,000-9,999 animal units;
   Class V Facility = 10,001 – 19,999 animal units; and
   Class VI Facility = 20,000 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 401 animal units or more shall be located at a distance as specified in the following Table from a platted residential area, occupied dwelling, public park, recreational area, church, cemetery, religious area, school, historical site, other LFO not owned by the applicant and residential district.

**Table 9.23.02 LFO Spacing and Distance**

| Size of Proposed LFO in Animal Units. | Setback from Non-farm, other Residence and/or other LFOs (feet) |
|---|---|
| **Under 401** | 1,320 |
| **Class I 401-999** | 1,320 |
| **Class II 1,000 to 2,499** | 2,640 |
| **Class III 2,500-4,999** | 2,970 |
| **Class IV 5000-9,999** | 3,300 |
| **Class V 10,000 – 19,999** | 3,960 |
| **Class VI 20,000+** | 5,280* |

**"*"** The setbacks under this section shall increase by one-fourth (1/4) mile or 1,320 feet for each 5000 AU (or fractional portion thereof) of authorized capacity above 20,000 AU not to exceed a setback of 2 miles. No Class V LFO shall be located within two miles of a municipality.

9.23.03 LFO Permit and Permit Requirements

1. All LFOs with the required permits as shown on the Land Use Matrix (Section 5.06) as provided and meeting the requirements of this section:
   A. The minimum setbacks/separation distance requirements shall be met resulting in 25 points being tabulated in the Livestock Siting Matrix below (or have impact easements).
   B. NDWEE requirements of the Livestock Siting Matrix below (Section 9.23.04) being met for an additional 25 points being tabulated in the Table below (NDWEE requirements shall be met prior to operation).
   C. LFOs requiring an NDWEE Construction Permit shall score at least 25 additional points for a minimum score of 75 points on the Livestock Siting Matrix below.
2. LFOs are subject to the license requirements, waste disposal requirements and recommendation of the State of Nebraska and the Land Use specifications in the Seward County Comprehensive Plan.
3. A Livestock Conditional Use Permit (CUP) may be approved after public notice has been given and public hearings have been conducted as required by law and this regulation; and the applicant has met the minimum point totals required in the Livestock Siting Matrix below.
4. All existing LFOs previously granted a conditional use permit may expand within their designated level without applying for another conditional use permit; except for the 20,000 and above which requires a new Conditional Use Permit for each expansion beyond 20,000 A.U.'s and shall meet the new separation requirements as outlined in Table 9.23.02.
5. All LFOs expanding to the next level shall require a zoning permit as identified in the Land Use Matrix in Section 5.06. The LFO shall not be located less than the required distance from non-farm residences or other residences not on the owner's property in any affected Zoning District as hereafter described. In addition, these facilities shall be required to meet the minimum requirements described above.
6. All LFOs over 20,000 Animal Units shall be required to obtain a new zoning permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section below.

## 9.23.04 Livestock Siting Matrix

### BASIC INFORMATION

| A | Livestock Operation Information | Number | | Points | Score |
|---|---|---|---|---|---|
| | **Operation Name:** | | | | |
| | **Type of Livestock:** | | | | |
| 1 | Number of animals (for multiple species or production phases, record separately) | | | | |
| 2 | Animal Units (see Animal Units tab for calculator) | | | | |
| 3 | Class IV or larger livestock operation (5,001 animal units or more) | | | | |

### NDWEE STATUS

| B | Environmental Protection Plans | Yes | No | Points | Score |
|---|---|---|---|---|---|
| 1 | NDWEE has issued letter that no construction and/or operating permit is required<br>OR | | | 25 | |
| 2 | All NDWEE construction and operating permit(s) will be in place prior to operation, as required, including the following (if not applicable, write NA): | | | 25 | |
| 3 | Nutrient Management Plan | | | | |
| 4 | Animal Mortality Management Plan | | | | |
| 5 | Request for Inspection of Animal Feeding Operation (Title 130 - Form A) | | | | |
| 6 | Permit Application (Title 130 - Form B) | | | | |
| 7 | Applicant Disclosure (Title 130 - Form C) | | | | |
| 8 | Livestock Feeding Operation Narrative | | | | |
| 9 | Livestock Feeding Operation Site Plan, Construction Drawings, and Maps | | | | |
| 10 | Construction Quality Assurance Plan | | | | |
| 11 | Manure Production and Storage/Treatment Calculations | | | | |
| 12 | Operation and Maintenance Plan | | | | |
| 13 | Chemical Management Plan | | | | |
| 14 | Emergency Response Plan | | | | |
| 15 | Sludge Management Plan | | | | |
| 16 | Livestock Operation Closure Plan | | | | |
| 17 | Best Management Practices for Odor Control | | | | |
| | *SUBTOTAL (subtotal not to exceed 25 points for this section)* | | | | |

### SETBACKS/SEPARATION DISTANCES

| C | Siting Relative to County Setback. | Distance | | | |
|---|---|---|---|---|---|
| | | Yes | No | Points | Score |
| 1 | Separation meets or exceeds county setbacks, or an impact easement / distance waiver is in place. 25 points if "Yes". | | | 25 | |
| | | | | | |
| | *SUBTOTAL* | | | | |

### OTHER CONSIDERATIONS

| D | Environmental and Zoning Compliance Record | Yes | No | Points | Score |
|---|---|---|---|---|---|
| 1 | Owner has operated a livestock feeding operation (LFO) for at least 5 years AND is in good standing with County, State or Federal enforcement agencies and have not had any violation citations during that time period. | | | 5 | |
| | *SUBTOTAL* | | | | |

| E | Water Quality Protection - Livestock Facilities | Yes | No | Points | Score |
|---|---|---|---|---|---|
| 1 | The majority of animals housed within a confinement building | | | 2 | |
| | For only the facility that contains the majority of manure or effluent, select any that describe the livestock waste control facility: | | | | |
| 2 | Open lot with stockpile | | | 0 | |
| 3 | Vegetative treatment system for runoff | | | 1 | |
| 4 | Runoff containment structures | | | 1 | |
| 5 | Roofed manure containment | | | 2 | |
| 6 | Concrete-equivalent containment structure | | | 1 | |
| 7 | Clay-lined or Geomembrane-lined containment structure | | | 0 | |
| 8 | Compact concrete pens (cattle) | | | 3 | |
| 9 | Deep Pit Waste System | | | 3 | |
| 10 | Water Catchment below chickens | | | 0 | |
| 11 | Chickens with bedding laid on floor and composting facilities on site | | | 6 | |
| | | | | | |
| 12 | Hoop building systems with bedding and composting on site | | | 3 | |
| 13 | Additional storage capacity (25% or more than NDWEE requirements) | | | 3 | |
| 9 | Select the smallest separation distance between any well used for domestic purposes and a Livestock Waste Control Facility: | | | | |
| | 0 to 99 feet | | | -75 | |
| | 100 to 150 feet | | | -10 | |
| | 151 to 300 feet | | | -5 | |
| | 301 feet to 1,000 feet | | | 2 | |
| | More than 1,000 feet | | | 10 | |
| | *SUBTOTAL (total not to exceed 10 points for this section)* | | | | |
| **F** | **Odor and Dust Control for Facilities** | **Yes** | **No** | **Points** | **Score** |
| | Check all that apply for the majority of animal confinement or manure storage: | | | | |
| 1 | Biofilter treatment of exhaust air from fans (primarily for odor control) | | | 3 | |
| 2 | Oil/water sprinkling for dust control in animal areas | | | 2 | |
| 3 | Electrostatic/Ionization system for dust control in animal areas | | | 2 | |
| 4 | Windbreaks placed to intercept air emissions | | | 2 | |
| 5 | Solids routinely separated from liquids and: | | | 1 | |
| | Stockpiled for later application to land | | | 0 | |
| | Composted, dried and used for bedding, or equivalently treated. | | | 4 | |
| 6 | Cover on manure storage or first (settling) cell of multi-cell system | | | 2 | |
| 7 | Impermeable cover with flare or gas treatment | | | 5 | |
| 10 | Other supplemental odor reduction measures (supported by verifiable scientific data) | | | 2 | |
| | *SUBTOTAL* | | | | |

| G | Manure Application Practices | Yes | No | Points | Score |
|---|---|---|---|---|---|
| 1 | Select the primary method of manure application under normal conditions for the majority of manure applied and indicate any control practices followed for application to 50% or more of the land receiving manure: | | | | |
| 1a | Subsurface application (also referred to as "injection", "knifing in manure", etc.) | | | 3 | |
| 1b | Surface-applied solids | | | 0 | |
| | Incorporated within 2 days of application | | | 5 | |
| | Incorporated within 3 to 7 days of application | | | 2 | |
| | Incorporated prior to planting but more than 7 days after application | | | 1 | |
| 1c | Surface-applied slurry or effluent (excl. sprinkler irrigation) | | | -5 | |
| | Application equipment discourages drift and encourages entry into soil | | | 2 | |
| | Incorporated within 2 days of application | | | 3 | |
| | Incorporated within 3 to 7 days of application | | | 1 | |
| 1d | Sprinkler irrigation of concentrated livestock waste | | | -10 | |
| 1e | Sprinkler irrigation for dewatering | | | -3 | |
| | Utilize drop nozzles or distribution hoses | | | 1 | |
| | Utilize a monitoring and alarm system | | | 1 | |
| | Irrigation distribution system has a complete disconnect from the water source or appropriate mechanical devices, as specified by NDWEE, during application | | | 1 | |
| | Irrigation distribution system does NOT have a complete disconnect from the water source during application or appropriate mechanical devices, as specified by NDWEE | | | -2 | |
| 2 | Cover conditions for manure application (Indicate all that apply for the selected method and majority of land receiving manure) | | | | |
| | Conservation tillage is implemented | | | 1 | |
| | No-till farming is implemented | | | 2 | |
| | Application is primarily to fields with a growing crop | | | 1 | |
| | Application is primarily to fields with an established crop canopy | | | 2 | |
| | Cover crops or additional approved erosion-control practices are used | | | 2 | |
| | *SUBTOTAL (total not to exceed 6 points for this section)* | | | | |
| **H** | **Manure Application Separation** | **Yes** | **No** | **Points** | **Score** |
| 1 | Additional separation provided, above and beyond minimum requirements, from land application areas to closest dwelling or public place. Applies to all application areas. | | | | |
| | Additional 50 to 100 feet | | | 1 | |
| | Additional 101 to 500 feet | | | 2 | |
| | Additional 501 to 1,320 feet | | | 3 | |
| | Additional 1,321 to 2,640 feet | | | 4 | |
| | Additional 2,641 feet and greater | | | 5 | |
| 2 | Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any dwellings or public places | | | 2 | |
| 3 | Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any surface waters | | | 3 | |
| 4 | Vegetative buffers present on 25 to 50% of natural surface drains on all application areas | | | 1 | |
| 5 | Vegetative buffers present on 51 to 100% of natural surface drains | | | 3 | |
| | *SUBTOTAL* | | | | |
| **I** | **Additional Assurance of Environmental Protection** | **Yes** | **No** | **Points** | **Score** |
| 1 | Assurance that the following plans will be kept current, displayed and/or readily accessible on site, and included in training procedures during operation: | | | | |
| | Operation and Maintenance Plan | | | 1 | |
| | Animal Mortality Composting Plan | | | 1 | |
| | Chemical Management Plan | | | 1 | |
| | Emergency Response Plan | | | 1 | |
| | BMP for Odor Control Plan | | | 1 | |
| | Nutrient Management Plan | | | 1 | |
| 2 | Assurance that earthen livestock waste control facilities having compacted-soil liners will be constructed to meet and be verified as having a permeability rate ≤ 0.125 inch/day | | | 1 | |
| 3 | Assurance that earthen livestock waste control facilities having geomembrane liners will be installed according to the construction quality assurance / quality control plan and documentation will be maintained | | | 1 | |
| | *SUBTOTAL* | | | | |
| **J** | **Traffic** | **Yes** | **No** | **Points** | **Score** |

| | | | | | |
|---|---|---|---|---|---|
| 1 | Main entrance to livestock operation located on minimum maintenance road | | | -3 | |
| 2 | Livestock operation has a cost-share agreement with the county for road maintenance | | | 5 | |
| 3 | Vehicle entrance and turnaround is designed so that traffic will not be required to back into the livestock operation from the county road | | | 3 | |
| 4 | Heavy vehicle route established that avoids bridges or roads with weight restrictions | | | 3 | |
| 5 | For the primary application method under normal conditions, the livestock operation can avoid county roads to apply: | | | | |
| | Up to 25% of manure nutrients generated | | | 1 | |
| | 25 to 50% of manure nutrients generated | | | 2 | |
| | More than 50% manure nutrients generated | | | 3 | |
| | *SUBTOTAL* | | | | |
| **K** | **Authorized Representative and Manager Residency** | **Yes** | **No** | **Points** | **Score** |
| 1 | Authorized representative/Manager lives or will live within one year of beginning operation: | | | | |
| 2 | On the site or within the separation distance for LFO | | | 5 | |
| 3 | Between separation distance for LFO and 10 miles of the livestock operation | | | 3 | |
| 4 | Between 10 miles and 50 miles of the livestock operation | | | 1 | |
| | *SUBTOTAL* | | | | 0 |
| **L** | **Neighbor - Community Communication** | **Yes** | **No** | **Points** | **Score** |
| 1 | Communication with 100% of the property owners within a one-mile radius | | | 5 | |
| | *SUBTOTAL* | | | | |
| **M** | **Economic Impact Factors** | **Yes** | **No** | **Points** | **Score** |
| 1 | Will add property value as of county permit issue date by: | | | | |
| | $50,000-$250,000 | | | 1 | |
| | $250,000-500,000 | | | 2 | |
| | $500,000-$1,000,000 | | | 3 | |
| | More than $1,000,000 | | | 4 | |
| 2 | Will create the following number of new full-time or equivalent jobs: | | | | |
| | 1 to 3 | | | 1 | |
| | 4 to 9 | | | 2 | |
| | 10 or more | | | 3 | |
| | *SUBTOTAL* | | | | |
| **N** | **Landscape and Aesthetic Appearance** | **Yes** | **No** | **Points** | **Score** |
| | Check all that will apply: | | | | |
| 1 | Landscaping plan will be implemented in the current or next growing season | | | 2 | |
| | Landscaping will include trees at least 2 years old | | | 2 | |
| | Landscaping will include trees less than 2 years old | | | 0 | |
| 2 | Visual barriers (i.e. fences, gating, trees) will be put in place prior to occupancy | | | 2 | |
| 3 | Animal mortality will be managed so as to not be viewable from a public road | | | 1 | |
| | Handling of animal mortalities will be viewable from public road | | | -5 | |
| 4 | Site designed to facilitate clean surface water drainage away from livestock operation | | | 2 | |
| 5 | Separation distance of at least 1.5 times county required distance from centerline of frontage road to livestock facility | | | 3 | |
| | *SUBTOTAL* | | | | |
| | **Cumulative Points** | | | | |

**Total Score (A project that reaches <u>75 points</u> or above may be considered for a CUP) =**

9.23.05 Application Procedures and Minimum Requirements

1. The producer shall have a Pre-submission meeting with the Zoning Administrator to discuss tentative plans and layouts prior to formal submission of any zoning application for an LFO.
2. The application material shall include:
   A. A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the NDWEE or any other applicable State Agency.
   B. The applicant shall submit all pertinent materials and designs.
   C. The applicant shall file a copy of the proposed Operation and Maintenance Plan, the proposed Manure Management Plan, and all approved NDWEE plans and permits. The approved plans shall be submitted after NDWEE approval. Said plans shall be filed with the Zoning Administrator and reviewed prior to final issuance of the permit for consistency.
   E. An annual manure management plan shall be submitted to the Zoning Administrator which shall follow "best possible management practices" as specified by NDWEE in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
   F. If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 8.10.01 of this Section. Said area shall also be located on the proposed site plan indicated in letter A above.
   G. All ground surfaces within outside livestock pens shall be maintained to ensure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
   H. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
   I. All runoff or waste generated by an LFO facility shall be contained within the associated farming operation, or, on the premises upon which the LFO is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution and avoid surface and groundwater contamination as regulated by the State of Nebraska.
   J. The applicant shall provide information regarding all monitoring wells to the local NRD for review and comment.
   K. Applicant shall enter into a haul route agreement with the Seward County Road Department. If haul routes are not followed applicant may be subjected to penalties and fees or revocation of permit.

9.23.06 Permit Review Timeline

1. If Seward County deems the application to be incomplete, the County shall notify the applicant of the incompleteness within 10 days of the initial filing.
   A. The County shall clearly and specifically delineate the missing information.
   B. The applicant may have up to six months to begin construction or request an extension from the Zoning Administrator.

9.23.07 New Residential Uses/Developments near Livestock Feeding Operations
The setbacks from a new non-farm residence to an existing LFO are as shown in the following table.

**Table 9.23.07 Non-Farm Residence Spacing and Distance**

| | SIZE OF EXISTING AGRICULTURAL OPERATION AND/OR LFO IN A.U. (feet) | | | | | | |
|---|---|---|---|---|---|---|---|
| | **100-400** | **401-999** | **1,000-2,499** | **2,500 – 4,999** | **5,000-9,999** | **10,000 – 19,9999** | **20,000 +** |
| **New Non-Farm** | n/a | 1,980 | 3,940 | 4,455 | 4,950 | 5,940 | 7,920 |

9.23.08 Exceptions

1. Any Class I Livestock Feeding Operation use in existence as of the effective date of these Regulations, and which is located within the minimum spacing distance in Table 9.23.02 to any church, school, public use, other LFO or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area following the requiring permitting process, provided the proposed expansion complies with all of the following limitations:
   A. Such expansion will not decrease the distance from the LFO use to any church, school, public use, other LFO or single-family dwelling not of the same ownership and not on the same premises with said LFO which is less than the minimum prescribed spacing distance.
   B. Any physical expansion of the existing LFO shall be immediately contiguous with the facilities of the existing LFO.
   C. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in an LFO that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a Conditional Use Permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the County Board of Commissioners.
   D. If such expansion results in such LFO being required to obtain a new construction permit from NDWEE, introduction of additional animals shall be prohibited until said permit is issued by NDWEE or other applicable or successor agency has been issued and such LFO shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this Resolution.

9.23.09 Impact Easements

1. The owner of a proposed new or expanded LFO requesting to build closer than allowed in Table 9.23.02 shall be required to obtain an Impact Easement from any operations and/or other uses within the required separation distance, and shall be held to the minimum conditions, as well as any others agreed upon by both parties;
   A. An owner or owners of an existing LFO or residence and associated facilities that will be encroached upon may be allowed to expand in the future even though the expansion may encroach into their required separation distances.
   B. Such minimum distance shall be measured from the nearest point of the area used or approved under this Resolution for the animal feeding or waste handling use, to such dwelling.
   C. Application of waste which is in solid form to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.

2. The owner of a proposed dwelling unit requesting to build closer than allowed in Table 9.23.07 shall be required to obtain an Impact Easement from the LFO owner within the required separation distance, and shall be held to the minimum conditions, as well as any others agreed upon by both parties.
   A. The owner(s) of an existing LFO and associated facilities that will be encroached upon may be allowed to expand the operation and facilities in the future even though the expansion may encroach into their required separation distances.
   B. Such minimum distance shall be measured from the nearest point of the area used or approved under this Regulation for the animal feeding or waste handling use, to such dwelling.
   C. Application of waste which is in solid form to the surface of the land, application of composted waste, or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.

## Section 9.24 Manure Regulations

9.24.01 Composting of Manure

1. These regulations shall provide direction for the composting of manure to encourage the activity, while minimizing adverse impacts to people and property.
2. Manure Conversions
   - One animal unit (AU) produces approximately 55 lbs. of dry manure per day
   - One cubic foot of manure = 62 lbs. wet or 55 lbs. dry
   - One AU =one cubic foot of dry manure
   - One cubic yard = 27 cubic feet
   - One cubic yard of dry manure = approximately 1500 lbs. dry manure
   - 10,000 cubic yards of dry manure = the yearly dry manure production from 750 AU
   - 20,000 cubic yards of dry manure = the yearly dry manure production from 1500 AU
3. Off-site Class Size Equivalents
   - Class I = 4,000 cubic yards, up to 13,000 cubic yards
   - Class II = greater than Class I up to 67,000 cubic yards
   - Class III = greater than Class II up to 268,000 cubic yards
   - Class IV – greater than Class III
4. Composting Setback Requirements
   Composting setbacks shall be defined by Class Size.
   - The composting location may be closer than the defined setback to the owner's residence.
   - Setbacks may be reduced with impact easements as provided in Section 9.23 above.

9.24.02 Stockpiling of Manure

1. These regulations shall provide direction for the stockpiling of manure to encourage the activity, while minimizing adverse impacts to people and property.
2. Manure Stockpiling Requirements
   A. Compost or raw manure stockpiling shall be part of a manure management plan.
   B. Any product stockpiled must be used within an 8-month period.

9.24.03 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 Seward 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 Seward 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 Regulation, certain terms and words are defined as set forth in this Section. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular shall include the plural; unless the natural construction of the wording indicates otherwise.
   Applicant: 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 Seward County for the storage and disposal of any paunch manure without first making application for and securing a required permit to do so. The permit shall be issued by the Board of Commissioners pursuant to procedures in the Seward County Zoning Regulations.
   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 Seward 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 Seward 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 Seward County Board of Commissioners.
   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 Environmental and Energy guidelines.
   E. A comment letter from the County Highway Superintendent.

## Section 9.25 Kennels

9.25.01 Kennel 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.

9.25.02 Disposal of kennel 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.

9.25.03 Kennel License. The owner of any kennel shall have a license/permit for a kennel as required by the State of Nebraska

## Section 9.26 Grain Bin Placement

9.26.01 Purpose
The National Electrical Safety Code (NESC) specifies horizontal and vertical line clearance requirements for grain bins located close to power lines. If the required distance is not met, either the power line or the grain bin must be moved.

9.26.02 For a grain bin or building used for grain storage which requires filling by use of a portable auger, elevator or conveyor or requires overhead probing of stored grain, the minimum setback from any existing primary voltage electric power distribution line owned and maintained by a public utility shall be equal to the height of the highest filling or probing opening on such bin or building plus eighteen (18) feet, or the distance prescribed in Section 234 of the latest published edition of the National Electrical Safety Code, whichever is greater.

## Section 9.27 Waste Disposal Sites and Landfills

9.27.01 A permit may be granted for any waste material disposal, composting site, garbage disposal, or land fill 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 (EPA) and/or the Nebraska Department of Water, Energy, and Environment (NDWEE), in the event approval is required by these agencies.

## Section 9.28 Above-Ground Storage Tanks

9.28.01 All above ground storage tanks (AGST) in commercial use shall comply with the following requirements.

1. All Commercial AGSTs shall be on a minimum site of 1 acre of land.
2. All Commercial AGSTs 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 AGSTs 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 AGSTs shall be set back a minimum of 100 feet from any right-of-way.
5. All Commercial AGSTs shall have a minimum separation distance of 300 feet from any structure not on the applicant's property or development.

6. All Commercial AGSTs 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 AGSTs 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 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.

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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 *Seward County Comprehensive Plan*, while ensuring adequate protection of public health, safety, and welfare.

10.01.02 Definitions
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.

Example of a standalone BESS Facility
Source: American Planning Association

**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 *Seward County*.

**Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.

**Solar Energy Conversion System (SECS)** 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 Energy Conversion System, Commercial** shall mean a commercial solar energy conversion system (CSECS) as 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 CSECS shall have a one-way connection to the power grid.

**Solar Energy Conversion System, Ground-Mounted** shall mean any SECS which is directly supported and attached to the ground.

Example of a Solar Conversion System, Ground-mounted

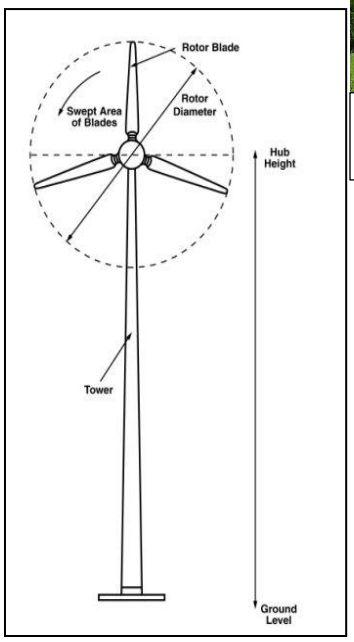
**Solar Energy Conversion System, Individual** shall mean an individual solar conversion system (ISECS) shall be for the specific use of an individual residential, commercial, public or industrial use.

**Structurally-mounted System** shall mean an energy production system designed to be mounted on a building, including residential dwellings.

Example of a Solar Conversion System, Structure-mounted

**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.

## 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 SEWARD 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.[3]

10.02.02 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.

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 5.06.
2. All BESS installations shall meet NFPA 855 standards safety code thresholds for batteries.
3. Non-utility on-site power lines shall be buried 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 principal or accessory use as they may be determined by the Zoning Administrator, except as provided herein:
   A. A ground-mounted BESS may be located in a required rear yard only, provided it does not exceed 12-feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
   B. 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 60 dBA, as measured at the closet neighboring inhabited dwelling unit.

[3] See Brian Ross, AICP, and Monika Vadali, PhD. "Battery Energy Storage Systems". *American Planning Association Zoning Practice*, 41(3), March 2024.

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 SEWARD 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, Seward County reserves the right to require financial guarantee in conformance with Section 10.06 for 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. Decommissioning Plan including proposed financial guarantee, as required by Section 10.06 below.

## Section 10.03 Solar Energy Facilities

10.03.01 Purpose.

No solar panel, neighborhood solar, or solar farm shall be installed or constructed within the zoning jurisdiction of Seward County, Nebraska, unless the proper zoning permit has been issued. Large-scale solar projects are only allowed as provided in the Zoning Matrix in Article 5 with the required zoning permits. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices which include electrical, plumbing and/or heating constructions, the applicable State permits shall also be obtained. Solar panels shall meet the requirements found in this section.[4]

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.

***Agrivoltaics*** shall mean the use of land for both agriculture and solar photovoltaic energy generation.[5]

**Concentrated Solar Power** shall mean a solar energy conversion system (SECS) 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 ISECS, 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.

***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.

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[4] See *Solar @ Scale: A Local Government Guidebook for Improving Large-Scale Solar Development Outcomes*. American Planning Association (APA) and International City/County Management Association (ICMA), Third Edition, December 2023.

[5] See USDA Climate Hubs, Agrivoltaics. https://www.climatehubs.usda.gov/hubs/northeast/topic/agrivoltaics-coming-soon-farm-near-you accessed May 10,2024.

***Solar Energy Conversion System Classes*** shall mean specific categories of SECS facilities

1. **Class I or Individual SECS** have a rated capacity of up to 100 kilowatts and is incidental and subordinate to a principal use on the same parcel. A system is considered a small solar energy system only if it supplies energy for site use, except when a parcel on which the system is installed received electrical power supplied by a utility company, excess electrical power generated and not presently needed for onsite use may be sold back to the utility company. To be used in conformance with Nebraska State Statutes 70-2001 through 70-2005, regarding the net metering of distributed generation systems of 25 kilowatts and less.
2. **Class 2 CSECS** have a rated capacity greater than 100 kilowatts to one megawatt, under a common or aggregated ownership which includes substations, cables/wire, converters, and other building accessories. The main purpose is to supply electricity to on and off-site customers. CSECS 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 CSECS 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.
3. **Class 3 CSECS** have a rated capacity greater than one (1) megawatt to two (2) megawatts, under a common or aggregated ownership that includes substations, cables/wire, converters, and other building accessories, the main purpose of which is to supply electricity to off-site customers. CSECS 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 CSECS 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.
4. **Class 4 CSECS** have a rated capacity greater than two (2) megawatts, under a common or aggregated ownership that includes substations, cables/wire, converters, and other building accessories, the main purpose of which is to supply electricity to off-site customers. CSECS 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 CSECS 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

***Solar Glare*** shall mean the glare effect that occurs when the sun reflects on the conversion system and that can affect people or near-by properties.

***Solar Skyspace*** shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

1. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.
2. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

***Solar 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 ISECS and/or CSECS

The following provisions shall apply, typically, to two or more of the different solar energy 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 SECS:** 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.
3. **For Commercial SECS:** Applicant shall comply with specific requirements of the local fire department.
4. **Maintenance:**
   All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SECS shall be kept in a presentable manner based upon the ground cover decided.
5. **Decommissioning:**
   All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan which has been agreed to by the Seward County Board, the electric utility, and the owner/developer (10.06 below.)
6. **Repowering:**
   If any SECS is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SECS that is 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 Conditional Use permit or permit amendment if the footprint of the SECS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
7. **Other Requirements:**
   A. Any applicant for a SECS project shall demonstrate they have met the requirements of the electric utility and 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 CSECS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
   D. SECS 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 SECS shall be constructed in the identified Floodway.
8. **Concentrated Solar Power (CSP) systems** are prohibited within Seward County's jurisdiction.

10.03.04 **Individual Solar Energy Conversion Systems** (ISECS, Class I)

1. **General Requirements for ISECS:**
   ISECS's shall conform to the required front, side, and rear lot setback requirements except as provided herein:
   A. The applicant for any ISECS shall provide evidence that they have a valid Net Metering agreement with the electric utility.
   B. An ISECS 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. Minimum Lot Size and Setbacks:
      1. Minimum Site Size: Located on a legal lot or parcel of at least five acres.
      2. No ground-mounted ISECS shall be located in the required side yard or front yard.
         A. Ground-mounted ISECS shall be set back at least 75 feet from the centerline of any road or highway right-of-way.
      3. A ground-mounted ISECS may be located in the required rear yard provided it does not exceed 12-feet in height and is located not less than 12 feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
   D. All ISECS'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 SECS 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. **Applications Requirements**: Applications for a zoning permit must include:
   A. Name of Applicant, and legal description and address of installation.
   B. Description of the installation, including number of panels, type, nameplate capacity, and means of interconnecting with the electrical grid (Net Metering).
   C. 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.
   D. Certification by a Professional Engineer competent in disciplines of solar energy.
   E. Discontinuation and Decommissioning Plan stating all equipment will be removed upon the discontinuance of systems operation.
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 Seward County, may continue to be utilized so long as it is maintained in operational condition.
5. **Decommissioning**
   A. Whenever an SECS 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 SECS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SECS shall be returned to a usable state based upon the surrounding property.

10.03.05 **Commercial Solar Energy Conversion Systems (CSECS)**

**1. Applicability**

The purpose of this subsection is to provide standards tor fixed-panel photovoltaic solar farms or CSECS 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 CSECS facility may include under common or aggregated ownership that includes substations, cables/wire, convertors, and other accessory structures, whose main purpose is to supply electricity to on and off-site customers. CSECS 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 CSECS 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. Site Development Standards:**

A. Minimum Site Size: Located on a legal lot or parcel of at least:
   1. Class II: five acres in size.
   2. Class III: ten acres in size.
   3. Class III: twenty acres in size.

B. Setbacks by Class

**Table 10.03.05(2)B**

| | CSECS | | |
|---|---|---|---|
| | Class II | Class III | Class IV |
| From Public Road | 75 ft from centerline of road or highway right-of-way | 75 ft from centerline of road or highway right-of-way | 75 ft from centerline of road or highway right-of-way |
| From any paved road | 5,280 feet | 5,280 feet | 5,280 feet |
| Participating property | None | None | None |
| Non-participating property | 75 feet from property line | 150 feet from property line | 660 feet from property line |
| Non-Participating Existing Dwelling | 660 feet from property line | 1,320 feet (1/4 mile) from property line | 2,640 feet (1/2 mile) from property line |
| Churches & Public Schools | 1,320 feet (1/4 mile) | 2,640 feet (1/2 mile) | 3,960 feet (3/4 mile) |
| Federal, state, or local park property line | 1,320 feet (1/4 mile) | 2,6400 feet (1/2 mile) | 2,640 feet (1/2 mile) |
| Wildlife Management Areas and State Recreational Areas | 1,320 feet (1/4 mile) | 2,6400 feet (1/2 mile) | 2,640 feet (1/2 mile) |
| Approved Platted Subdivisions | 1,320 feet (1/4 mile) | 2,6400 feet (1/2 mile) | 2.640 feet (1/2 mile) |
| Distance to any city or village within Seward County which does not have zoning regulations | 1,320 feet (1/4 mile) | 2,6400 feet (1/2 mile) | 2,640 feet (1/2 mile) |

C. No structure shall be placed within the high-water mark of waterways in designated district, as identified by the Flood Insurance Rate Map (FIRM) as Special Flood Hazard Areas, unless the base or footings to such structure are at least one (1) foot above such high-water mark.
D. Structures shall meet applicable industry structural codes, shall be neutral in color and shall not be used to display advertising.
E. All CSECS shall use either anti-glare or anti-reflective panels.
F. CSECS shall meet all requirements for placement with the Federal Aviation Administration (FAA).
G. Screening.
CSECS shall provide visual screening for adjacent non-participating, public park uses and school uses.
    1. Fences, walls, berming, vegetation or some combination thereof to provide visual screening shall be used. Fencing, walls or berming may be used to supplement other screening methods, but shall not account for over fifty percent (50%) of the screening. Existing natural features, topography and vegetation may be used to achieve visual screening if provided in accordance to the visual screening requirements provided herein.
        a. If the visual screening is for adjacent non-participating residential uses, it shall be provided as follows:
            i. If the screen is required, the screen shall cover one hundred percent (100%) of the surface area of a vertical plane extending along the property line adjacent to the CSECS at an amount equal to or greater than the surface area of the dwelling to be visually screened, plus seventy five (75) feet in both directions or until it reaches a public road right-of-way, which comes first, and from the ground to a height of at least eight (8) feet above the adjacent ground.
        b. If the visual screening is for adjacent non-participating public park or school uses, it shall be provided as follows:
            i. The screen shall cover at least seventy percent (70%) of a vertical plane extending along the entire property line adjacent to the CSECS from the ground to a height of at least eight (8) feet above the adjacent ground.
        c. If the visual screening is achieved through a fence or wall, it shall be provided along the property line and the front road as follows:
            i. Acceptable fence and wall materials for visual screening include masonry, stone and wood, but exclude chain link fences (with or without slats.) Alternative fence and materials being used for screening must be approved the Zoning Administrator.
        d. If the visual screening is achieved through berming it shall be provided along the property line as follows:
            i. The side slopes shall not exceed three to one (3 to 1), horizontal to vertical.
            ii. The mounded ground surface shall be protected to prevent erosion through the use of turf lawn or other alternative groundcovers.

e. If the visual screening is achieved through vegetation, it shall be provided along the property line as follows: At a rate of at least four (4) trees everyone hundred (100) linear feet. Of the four (4) trees every one hundred (100) linear feet, at least one (1) shall be a deciduous shade tree and three (3) shall be evergreen or ornamental trees. The trees shall be evenly distributed within each one hundred (100) linear feet section.
   i. At least two-thirds (2/3), but no more than three quarters (3/4) of the total ornamental/evergreen trees along the property line shall be made up of evergreen trees.
   ii. Each tree shall have a minimum mature height of fifteen (15 feet).
   iii. Must maintain the original standard of planting.
f. Visual screening is not required along the property line adjacent to a Participating property.

H. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. All electrical wires associated with a CSECS other than the wires necessary to connect the disconnect junction box and the grounding wires shall be located underground.
I. The owner of a CSECS shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone, internet or television signals caused by the facility.
J. Construction sites must be re-graded and re-vegetated to minimize environmental impacts and the plan must be submitted with the application.
K. The CSECS shall comply with any and/or all State and Federal regulations, if applicable.
L. Each CSECS must have a 911 address
M. The CSECS shall be designed and placed in such a manner to minimize adverse visual and noise impacts on adjacent areas. Such things as screenings, fencing, vegetation, trees, shrubs and pollinator plantings can be used, however such design should be included in the application documents.
N. Structures for the CSECS project must provide a structural analysis, stamped by a Professional Engineer registered in the State of Nebraska.
O. Reasonable measures shall be taken to mitigate specific adverse visual impacts such as potential glints or reflections which affect residences within or immediately adjacent to the project area.
P. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any solar energy facility.

**3. Application Requirements:**

All Plans for CSECS applications shall contain the following:

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 solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines, completed by a Licensed Surveyor or Professional Engineer.
   1. The site plan shall also include roads, electric lines, and/ or overhead utility lines.
B. A survey map illustrating the location and dimensions of all existing structures and uses of property within one mile of the CSECS, and location of all known communications towers within two miles of the proposed CSECS.
   1. Include 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 at a distance of 5,280 feet (one mile).

C. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District.
   1. Provide a map illustrating all Transmission Lines connecting to the substation for the project.
   2. A copy of the interconnection agreement with the local electric utility.
D. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant.
   1. Structural engineering analysis for a solar panel array and its foundation, as applicable.
   2. Manufacturer's recommended installations, if any.
E. Consultations:
   1. Provide minutes from meeting(s) with the Seward Airport Authority Board to discuss and review the proposed CSECS site plan
   2. Results of consultation with the National Oceanic and Atmospheric Administration (NOAA), National Weather Service, or any other relevant weather monitoring in the CSCES project areas, when applicable.
   3. Results of consultation regarding potential interference with existing communication facilities within the project area.
F. Applicant shall identify potential effects in terms of constraints or benefits the solar 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
G. Application shall meet all requirements of NDWEE, NRCS and NRD Districts in the project area. 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;
   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;
   11. Present an acceptable weed or vegetation plan at the time of permit.
H. 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 U.S. Fish and Wildlife Service.

I. A pre-construction noise and glare study shall be conducted; and shall include all property within one (1) mile (5,280 ft) of the CSECS. Projections of any glare on a structure shall include the extent and duration of the glare on the existing structure. The protocol, methodology and modeling shall be included in the study. The complete results and full study report shall be submitted to the Seward County Planning Commission for review at the time of the application.

J. Certification by a registered Professional Engineer licensed in the State of Nebraska that shows:
   1. There is a substantial need for the proposed use of CSECS, greater than one hundred (100) KW;
   2. All applicable local, state and federal building, structural and electrical codes have been followed;
   3. The site is feasible for a CSECS; and can be successfully operated in the climate conditions found in Seward County;
   4. The design and safety of the proposed CSECS can withstand weather related events.

K. Documentation of land ownership and/or legal authority to construct on the property.

L. Decommissioning Plan including proposed financial guarantee, as required by Section 10.06 below.

**4. Construction and Operations:**

A. All public roads to be used for the purpose of transporting CSECS substation materials, cement or equipment for construction, operation or maintenance of the CSECS shall be identified and applicable weight and size permits from the impacted road authority(ties) shall be obtained prior to construction. A pre-construction survey must be conducted with the appropriate jurisdictions to determine existing road conditions. Those included are Applicant(s); Land Owner(s); City/Village Representative(s); Highway Superintendent(s) and/or Zoning Administrator(s). The survey shall include photographs and a written agreement to document the conditions of the public roads and facilities. All expenses of the survey shall be the Applicant's responsibility

B. Prior to the commencement of construction, the Applicant shall enter into an agreement with the Seward County Highway Department regarding use of county roads during construction. The agreement shall include traffic routes, time-of-year use, staging areas and any other physical sites related to the CSECS. All roads shall be constructed and maintained to allow access, at all times, by any emergency service vehicles. The CSECS owner shall be responsible for immediate repair of damage to public roads and drainage systems stemming from construction, operation or maintenance of the CSECS. Any violation of the agreement will incur an assessment against the Applicant for damages as determined by the Applicant and the Board of Commissioners.

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.

**5. Safety Measures**

A. Each CSECS shall be equipped with both manual and automatic controls to limit the power so it does not exceed the design limits.

B. CSECS shall include no sign or advertising of any kind, except for one sign not to exceed two (2) square feet posted near the entrance to the facility, 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;
5. Emergency shutdown procedures;

C. Each CSECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electric Code.

D. Any CSECS facility shall be equipped with anti-climbing devices if applicable. Tower climbing apparatus shall not be located within fifteen (15) feet of the ground and site shall be enclosed with a locked protective fence at least eight (8) feet high around the site.

E. The CSECS 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 any part or parts of the generation and transmission facility. The amount of said policy shall be established as a condition of approval. The CSECS shall be warranted against any system failures reasonably expected in severe weather operation.

F. An Emergency Operations Plan (EOP) must be placed on file and kept current with the Seward County Zoning Administrator, Seward County Emergency Management, and the local Fire and Rescue Department (s) serving the project jurisdiction.

1. The plan shall include an all-hazards planning approach, based on an emergency incident or disaster of any magnitude or geographic size that may cause disruption to the function of CSECS and include contacts for notification.

G. Upon completion of the CSECS project the Applicant shall meet with local Fire and Rescue jurisdiction to review the Emergency Operations Plan.

**6. Noise**

A. No CSECS shall exceed 55 dBA 10-minute leq at the nearest structure occupied by a Participant. In the event of periods of severe weather, as defined by the United States Weather Service, a CSECS may exceed 55 dBA. A Participating landowner may waive a noise limitation by written agreement, which shall be submitted at the time of the application.

1. No CSECS shall exceed 40 dBA during day time and 37 dBA at night (night hours are 10:00 p.m. to 7:00 a.m.) at the nearest residence of a nonparticipating property; or
   a. Three (3) dBA maximum 10-minute leq allowed above ambient noise level.
   b. In the event of periods of severe weather, as defined by the United States Weather Service, a CSECS may exceed 55 dBA.
2. A non-participating landowner can waive a noise requirement by written agreement. A written waiver shall be submitted at the time of the application. Such an agreement must be filed with the Register of Deeds and proof of that filing shall be provided to the Seward County Planning & Zoning Administrator prior to approval of the permit.

B. The Seward County Planning and Zoning Administrator and the Seward County Board of Commissioners shall require post-construction noise level measurements at the expense of the holder of the permit within one (1) year of completion. The testing shall be completed by a licensed, independent acoustic engineer, and the results shall be forwarded to the Seward County Board. The results will be a public document subject to Nebraska's public records laws.

C. All noise complaints regarding the operation of any CSECS shall be referred, in writing, to the Seward County Planning and Zoning Administrator and the Seward County Board of Commissioners.

D. The Seward County Board of Commissioners shall determine whether a violation has occurred.

**7. Discontinuation.**

The Decommissioning Plan shall conform with Section 10.06 following.

A. A CSECS shall be considered abandoned after six months without energy production. The solar equipment owner shall remove all SECS equipment and appurtenances within 90 days of abandonment.

B. The Decommissioning Plan shall ensure that facilities are properly removed after their useful life.

1) Decommissioning of solar panels must occur in the event they are not in use for six consecutive months.

2) The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.

C. Seward County reserves the right to review and increase the amount of any bond to ensure proper decommissioning.

## Section 10.04 Small Wind Energy Systems (WECS)

10.04.01 Purpose and Findings

It is the purpose of this regulation to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. The County, through this regulation, will permit small wind energy systems for individual "Net Metering" use.[6]

10.04.02 Definitions

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

**Small Wind Energy System** shall mean a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

10.04.03 Requirements

One small wind energy system shall be permitted on a legal lot/parcel of record as an Accessory Use within any district where the use is listed and allowed in the Land Use Matrix in Section 5.06. The following requirements shall also apply:

1. Tower Height
   A. For property of ½ acre to one acre, the tower height shall be limited to 80 feet.
2. Noise
   A. Small wind energy systems shall not exceed 50 dBA, as measured at the closet neighboring inhabited dwelling unit.
   B. The noise level may be exceeded during short term weather events such as severe windstorms.
3. Approved Wind Turbines
   A. Small wind turbines must have been approved under a small wind certification program recognized by the American Wind Energy Association (AWEA).
4. Compliance with Building and Zoning Codes
   A. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
   B. An engineering analysis of the tower showing compliance with the adopted building code of the governing body and/or the State of Nebraska and certified by a Nebraska professional engineer shall also be submitted. The manufacturer frequently supplies this analysis. Wet stamps shall not be required.
5. Compliance with National Electrical Code
   A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to demonstrate the manner of installation conforms to the National Electrical Code. The manufacturer frequently supplies this analysis.
6. Compliance with FAA Regulations
   A. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

[6] See Suzanne Rynne AICP, Larry Flowers, Eric Lantz, and Erica Heller AICP, Editors. "Planning for Wind Energy". *American Planning Association Planning Advisory Service Report*, 566, 2011.

7. Utility Notification
   A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
   B. Off-grid systems shall be exempt from this requirement.
8. Setbacks
   A. No part of the wind system structure, including guy-wire anchors, may extend closer than 50 feet to the property lines of the installation site, while still meeting the required setbacks for structures.
   B. All towers shall adhere to the setbacks established in the following table (most restrictive shall apply):

**Table 10.04.03(8)B**

| | **Wind Turbine – Small WECS** |
|---|---|
| Property lines | One times the total height |
| Neighboring dwelling units* | 1.25 x total height[7] |
| Road rights-of-way** | One times the tower height |
| Road easements** | One times the tower height |
| Wildlife Management Areas and State Recreational Areas | NA |
| Wetlands, USFW Types III, IV, and V | NA |
| Other structures and cemeteries adjacent to the Applicant's site | NA |
| Other existing WECS not owned by the Applicant | |
| River bluffs of over 15 feet | NA |

* The setback for dwelling units shall be reciprocal.
** ROW setback shall be measured from edge of the road easement for a County/Township Road or the edge of a platted street, road, or highway.

[7] Danielle Preziuso, Alice Orrell, Charles Godreau. "A Framework for Characterizing the Risk of Ice Fall and Ice Throw from Small Wind Turbines". Pacific Northwest National Laboratory, September 2022.

## Section 10.05 Commercial/Utility Scale Wind Energy Conversion Systems (WECS)

10.05.01 Purpose and Findings

In order to balance the need for clean, renewable energy resources with the protection of the health, safety, and welfare of the residents of Seward County, Nebraska, the County finds these regulations are necessary in order to ensure that wind energy conversion systems (WECS) are appropriately designed, sited and installed. These regulations pertaining to all wind energy conversion systems are intended to respond to equipment available at the time of adoption. Seward County recognizes that 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.[8]

10.05.02 Definitions

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

**Abandon** shall mean, for purposes of this section, failure to have a power purchase agreement in place for 90 days and decommissioning has not commenced, or any turbine has not been actively generating and selling power for 183 days.

**ADLS Lighting System** shall mean an Aircraft Detection Lighting System (ADLS) which provides reliable, continuous 360-degree radar surveillance of the airspace around sites and automatically activates obstruction lighting only when aircraft is detected within outer perimeter area.

**Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

**Bond, Collateral** shall mean, for purposes of this section, an indemnity agreement for a fixed amount, payable to Seward County, executed by the owner and supported by the deposit with Seward County of cash, negotiable bonds of the United States (not treasury certificates), state or municipalities, negotiable certificates of deposit or an irrevocable letter of credit of any bank organized or authorized to transact business in the United States or other surety acceptable to the Commission.

**Bond, Surety** shall mean, for purposes of this section, an indemnity agreement in a certain sum, payable to Seward County, executed by the owner which is supported by the performance guarantee of a corporation licensed to do business as a surety in Nebraska.

**Commercial WECS** shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

[8] See Suzanne Rynne AICP, Larry Flowers, Eric Lantz, and Erica Heller AICP, Editors. "Planning for Wind Energy". *American Planning Association Planning Advisory Service Report*, 566, 2011.
Nebraska Wind and Wildlife Working Group. *Guidelines for Avoiding, Minimizing, and Mitigating Impacts of Wind Energy on Biodiversity in Nebraska*. Nebraska Game and Parks Commission and US Fish and Wildlife Service, March 2016.

**Commenced Commercial Operation** shall mean, for purposes of this section, the signed date on the turbine completion certification for the turbine whose capacity first brings the wind generation facility's cumulative generating capacity to 100 kW or more.

**Decommission/Decommissioning** shall mean, for purposes of this section:

(a) the removal of aboveground wind turbine tower(s) after the end of a wind generation facility's useful life or abandonment;
(b) except as provided in rule, the removal of all buildings, cabling, electrical components, roads, or any other associated facilities; and
(c) except as provided in rule, reclamation of all surface lands to the previous grade and to comparable productivity in order to prevent adverse hydrological effects.

**Expansion** shall mean, for purposes of this section, the addition of one or more additional wind turbines to operation of a wind generation facility after commencing commercial operation.

**Facility, WECS** shall mean, for purposes of this section, any component of a Wind Energy Conversion System (WECS).

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

**Infrastructure, WECS** shall mean, for purposes of this section, the physical structures, and facilities (e.g. buildings, roads, towers, power supplies, transformers, etc.) needed for the operation of the WECS enterprise.

**Meteorological Tower** shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a renewable energy facility. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

**Owner, WECS** shall mean, for purposes of this section, a person(s) or entity who owns turbines, towers, and/or other components of a wind energy conversion system.

**Person** shall mean, for purposes of this section, any individual, firm, partnership, company, association, corporation, city, town, or local governmental entity or any other state, federal, or private entity, whether organized for profit or not.

**Public Conservation Lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to Natural Resource District (NRD) recreation areas, State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

**Small Wind Energy System** *See Section 10.04 above.*

**Substation** shall mean any electrical facility to convert electricity produced by wind turbines to a voltage for interconnection with high voltage transmission lines.

**Shadow Flicker** shall mean the visual strobe-like effect that occurs when the rotating blades of wind turbines cast repeating shadows.

**Transmission Line** shall mean the electrical power lines that carry voltages primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**Wind Farm**—See WECS.

**Wind Generation Facility**—See WECS.

10.05.03 Application Requirements

Commercial/Utility Scale wind energy systems (WECS) shall be permitted as a conditional use within any district where the use is listed and allowed in the Land Use Matrix in Section 5.06. Meteorological Tower(s) may be approved separately from or together with an aggregated Wind Farm application. The following requirements and information shall be met and supplied:

1. The name(s) and contact information of project applicant with proof of signature authority.
2. The name(s) and contact information of project owner(s).
3. Names of property owner(s) and legal description of the project area.
4. Narrative: A description of the project including number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines, and means of interconnecting with the electrical grid.
   A. Include the name of turbine manufacturers and models, and BESS specifications if any.
5. Site layout plan(s):
   A. The site plan(s) shall be drawn so that North is to the top, and include:
      1) Legal description, including tax identification/parcel numbers,
      2) Location of property lines and setbacks,
      3) Proposed location of wind turbine towers, indicating the location, height, and distance to nearest existing or proposed structures and property lines,
      4) Direction of prevailing winds,
      5) Electrical grid, including one-line diagram of the interconnection,
      6) Location of all underground structures including septic tanks and wells,
      7) Easements, right-of-way (names included), building locations, setback lines, and overhead utilities lines on project property,
      8) Proposed road access points,
      9) Related accessory structures including any proposed battery systems.
   B. The site plan shall show adjacent property and structures, noting existing structures, land use and zoning designations, to extent of required setbacks.
   C. The latitude and longitude of individual wind turbines shall be noted.
   D. Site layout shall be drawn to scale, stamped, and sealed by a Nebraska Professional Engineer or Licensed Surveyor.

7. A USGS topographical map, or maps, showing:
   A. Any other WECS or turbines within 10 rotor distances of the proposed WECS facility;
   B. Location of all known communication towers within two miles of the proposed WECS facility
   C. Location of water bodies, waterways, wetlands, bluffs, historic sites, scenic areas, parks, and wildlife management areas within two miles of the proposed WECS facility.
8. Description of potential impacts on nearby WECS facilities and wind resources on adjacent properties.
9. Documentation required by Section 10.05.07 below of:
   A. Land ownership and/or legal control of the property.
   B. Easement agreements.
   C. Copies of required federal permits and notifications
10. Acoustical and Infrasound Analysis certifying the noise requirements in this regulation can be met.
11. Shadow Flicker Analysis required by Section 10.05.07(08) below.
12. Professional Engineer's certification required by Section 10.05.07(10) below.
13. Road Reports required by Section 10.05.08 below.
14. Decommissioning Plan including proposed financial guarantee, as required by Section 10.06 below.

10.05.04 *Reserved.*

10.05.05 Performance Standards

All WECS facilities shall adhere to the following performance standards:

1. **Area:** Any WECS facility shall be located on a lot or parcel of at least 20 acres.
2. **Visual and Noise Impacts:** 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
   A. No commercial/utility WECS shall exceed **50 dBA** at the nearest inhabitable dwelling.
   B. Noise may exceed 50 dBA during periods of severe weather as designated by the US Weather Service.
3. **Monopole:** All wind turbines which are a part of a commercial/utility WECS shall be installed with a tubular, monopole type tower.
4. **Height and Clearance:**
   A. CWECS shall not exceed four hundred (400) feet in height of total system (to tip of blade).
   B. Rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
5. **Color and finish:** All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
   A. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.

6. **Lighting:** Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the Federal Aviation Administration (FAA) permits and regulations.
   A. All CWECS projects, which require notice to the FAA via 14CFR, Part 77 obstruction evaluation process, will be required by Seward County to submit to the FAA a request for **Aircraft Detection Lighting System (ADLS)** Marking and Lighting (M&L) Study.
      1) Upon completion of the M&L Study, the ADLS shall be installed, commissioned, and maintained to the extent allowed by the FAA. ADLS shall be operational within 12 months of the start of construction.
   B. Lighting should be positioned or shielded to avoid visual impact to neighboring properties to the extent possible conforming to FAA rules. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
7. **Feeder Lines:** All electrical lines equal to or less than 34.5 kV in capacity installed as part of a WECS shall be buried at least six feet below finished grade, unless proven infeasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
8. **Ownership notice:** The owner of record of any WECS shall notify the Seward County Zoning Administrator of any subsequent change of ownership.

10.05.06 Setbacks

1. All towers shall adhere to the setbacks established in the following table (**the most restrictive shall apply**):

**Table 10.05.06(1)**

| | Commercial/Utility WECS or Meteorilogical Tower |
|---|---|
| Participating landowner property line | Underlying structure setback. |
| Non-Participating property line | Two miles |
| Distance to participating dwelling unit | N/A |
| Distance to neighboring, inhabitable dwelling* | One mile |
| Distance to any public road right-of-way** | 1.1 x total height or turbine manufacturer's recommendation, whichever is greater |
| Distance to any city or village within Seward County which do not have zoning regulations | Two miles |
| Federal, state, or local park property line | Two miles |
| Public school property line | Three miles |
| Church | Two miles |
| Between turbines within an aggregated project | 2.0 x total height |

* The setback for dwelling units shall be **reciprocal** in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** ROW setback shall be measured from edge of the road easement for a County/Township Road or the edge of a platted street, road, or highway. The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known.

2. Setback Waivers. A non-participating landowner can waive a setback requirement by written agreement which shall be submitted at the time of the application. Such an agreement must be filed with the Seward County Clerk and proof of that filing shall be provided to the Seward County Zoning Administrator prior to approval of the permit

10.05.07 Safety and Design Standards and Additional Requirements

All WECS facilities shall adhere to the following safety and design standards:

1. **Signage:** All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
   A. All other signage shall comply with the sign regulations found in these regulations.
2. **Waste Disposal:** Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
3. **Interference:** The Applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to Seward County for a Conditional Use Permit.
4. **Drainage System:** The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the WECS.
5. **FAA:** Applicant shall provide copies of FAA notices of determination of no hazard to air navigation.
6. **FCC:** Applicant shall provide evidence appropriate FCC permits have been filed.
   A. Every turbine or any associated structure should be designed, constructed, and operated so as not to cause radio, internet, and television or other communication interference. If verified interference is experienced, and confirmed by a licensed engineer, the Applicant must produce confirmation that said interference had been resolved to residents' satisfaction within 90 days of the receipt of the complaint.
7. **Easements**: Easement agreements for transmission lines, feeder lines and substations required for the operation of the WECS, shall be in place prior to application for a permit.
   A. Easements shall be filed with the Seward County Register of Deeds.
   B. Voluntary easements for the crossing of any form of neighboring properties shall be required and filed with the Application.
8. **Shadow Flicker:** Applicant shall conduct an analysis on potential shadow flicker at any occupied building with direct line- of-sight to the WECS.
   A. The analysis shall identify the locations of shadow flicker that may be caused by the project and expected durations of the flicker at these locations from sun-rise to sun- set over the course of a year.
   B. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year and describe measures that shall be taken to eliminate or mitigate the problems.
   C. Under no circumstances shall a CWECS produce shadow flicker, or strobe-effect, on properties without a signed release from affected non-participating landowners. Such releases shall be recorded with the Seward County Clerk waiving these requirements. Documents in full shall be recorded with the Seward County Clerk.
9. **Incident Plan:** Applicant shall prepare an Incident Response Plan which ensures their employees have the necessary equipment and training to effectively handle emergencies such as oil spills, turbine fires, turbine structural damage (or collapse) or equipment, including access to heavy equipment needed for rescue of trapped personnel.
   A. The Emergency Management Director shall sign-off on the Incident Response Plan prior to beginning operations.

10. **Engineer's Certification:** Certification shall be provided by a Professional Engineer competent in disciplines of wind energy conversion systems and approved by Seward County Planning Commission and Seward County Board of Commissioners, including the following:
    A. Design specifications of the wind energy unit, including the tower, base, and footings, and unit components.
    B. For buildings or structurally-mounted units, the certified and sealed engineering plans prepared by a Professional Engineer registered in the State of Nebraska must show how the wind energy unit will be installed for the portions of the structure proposed for use in the mounting of the unit, and must state and show that the proposed wind energy unit is compatible with the portions of the mounting structure proposed for use, and does not impose a safety hazard to the main structure or adjacent property or their occupants.
    C. Drawings that indicate the total finished wind energy unit height from the grade level of each structure prior to any modifications and including any engineered break points on the tower.
    D. The wind survival speed of the entire unit, including the supporting structure, turbine, rotor blades, covers, and other components.
    E. Data pertaining to the tower or supporting structure's safety and stability, including any safety results from test facilities.

10.05.08 Roads and WECS projects

1. Applicants shall apply for a unique 911 address for each WECS tower.
    A. The 911 address shall be posted at the road entrance for each tower, and on or at each tower, no higher than fifteen feet above ground level.
2. Prior to the start of construction, Applicants shall:
    A. Identify haul routes for all municipal, township, or county roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation, or maintenance of the WECS, and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
    B. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions, to determine existing road conditions.
        1) The survey shall include photographs and a written agreement to document the condition of the public facility.
    C. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.
    D. Provide material safety data sheets (MSDS) to the Zoning Administrator pertaining to materials utilized on the project.

10.05.09 A WECS shall be considered a discontinued use after six months without energy production, unless a continuation plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service.

1. The Zoning Administrator may refer the continuation plan to the Planning Commission for consideration of revocation under Section 6.10.02.
2. An amended permit is required when the height of any tower is changed, or when new equipment, BESS, or additional towers are added to the project.

## Section 10.06 Discontinuation and Decommissioning

10.06.01 Each commercial-scale renewable energy generation project shall have a 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:
   A. The manner in which the facility will be decommissioned;
   B. A decommissioning schedule;
      1) All above-ground structures, including Meteorological Towers, shall be removed within 90 days of the discontinuation of use as defined.
   C. Detailed estimate of the cost of decommissioning the facility by a professional engineer licensed in the State of Nebraska, including:
      1) dismantling and removal of all structures
         a) for any WECS this includes towers, turbine generators, transformers, cables and debris of the facility;
      2) removal of all underground cables
      3) removal of foundations, buildings, and ancillary equipment to a minimum depth of 10 feet below grade;
      4) site restoration and reclamation to the approximate original topography that existed prior to the construction of the facility with grading, topsoil respread over the disturbed areas at a depth similar to that in existence prior to the disturbance, and reseeding at achieve the same utility of native vegetation of the surrounding area to prevent adverse hydrological effects,
      5) repairs and reconstruction from damage to public roads, culverts and natural drainage ways resulting directly from the decommissioning of a wind generation facility;
      6) the current salvageable value of the facility, as determined by an independent evaluator.
   D. All access roads shall be removed, cleared, and graded, unless a property owner agreement indicates otherwise, or the County through official action of the County Board agrees to keep the road.
   E. The cost estimates shall be made by a competent party, with two quotes required.
      1) The plan shall also identify the financial resources available to pay for decommissioning and removal of the WECS and accessory facilities.
      2) Expenses related to the decommissioning shall be the responsibility of the facility owner, including any expenses related to releasing any easements.

10.06.02 Applicant shall provide as-built plans including structural and electrical drawings of all facilities and all disturbances associated with any commercial-scale renewable energy generation facility. The as-built plans must be certified by a professional engineer licensed in the State of Nebraska as complete and accurate.

10.06.03 The Board may, after hearing the Commission's recommendation, reject a decommissioning plan if:

1. the plan does not provide for decommissioning as defined in this section; and
2. the plan does not adequately describe the cost of decommissioning.

10.06.04 Decommissioning Guarantee.

A decommissioning performance guarantee is required upon approval of a permit granted for the installation of Commercial renewable energy generation facilities. The County Board may consider acceptance of a surety bond or other instrument; however, the default guarantee shall be a surety bond unless otherwise approved.

1. Determination of Guarantee Amount
   Bond by the Applicant and project owner(s) in the amount of the estimated cost to Seward County as if the County Board had to perform the decommissioning and reclamation work required of an owner. This amount is based on the cost estimated in the Decommissioning Plan to ensure compliance with this section.
   A. The guarantee amount must be based on:
      1) the estimated costs submitted by the Applicant in accordance with this section and at least two cost estimates, by using current machinery production handbooks and publications or other documented costs acceptable to the Commission and Board;
      2) estimated costs to Seward County that may arise from applicable public contracting requirements or the need to bring personnel and equipment to the facility after its abandonment by the owner to perform decommissioning and reclamation work;
      3) estimated costs to Seward County that may arise from management, operation, and maintenance of the site upon temporary or permanent operator insolvency or abandonment, until full bond liquidation can be affected;
      4) unless the provisions of the bond provide otherwise, the line items in the bond calculations are estimates only and are not limits on spending of any part of the bond to complete any particular task subsequent to forfeiture of the bond or settlement in the context of forfeiture proceedings; and
      5) such other cost information as may be required by or available to Seward County staff, Commission, and/or Board.
   B. In determining the amount of the guarantee required, the Commission and Board shall consider:
      1) the character and nature of the site where the wind generation facility is located; and;
      2) the current market salvage value of the facility.
2. Guarantee Deadline
   Except as provided below, and in accordance with this section, the owner shall submit bond to Seward County in a sum determined by the Board, conditioned on the faithful decommissioning of the wind generation facility.
   A. If a wind generation facility is repurposed, as determined by the Commission and Board in consultation with the owner, any existing bond must be maintained or a new bond submitted.
3. Penalties for Failure to Submit Guarantee
   If Applicant does not submit surety bond to Seward County within 30 days of approval or the timeframe required by conditions of approval, the zoning permit shall be revoked by the Board. The project owner shall submit a new application for approval prior to resuming operations.
4. Adjustment of Bond
   A. Once every 5 years, an owner may request a reduction of the required bond amount upon submission of evidence to the Board of County Commissioners proving that decommissioning work, reclamation, or other circumstances will reduce the maximum estimated cost to Seward County to complete decommissioning and therefore warrant a reduction of the bond amount.
   B. The Board of County Commissioners shall review each decommissioning plan and bond amount every 5 years. The Board may increase the required bond if the cost to decommission a wind generation facility increases.

C. Seward County shall notify the owner of any proposed bond increase and provide the owner an opportunity for an informal conference on the proposal. The owner shall increase the bond within 90 days of receiving the Seward County Board of Commissioners' revised bond amount.
D. If an owner does not submit bond to the County within 30 days of approval or the timeframe required by conditions of approval, the CUP shall be revoked by the Board.

5. Effect of Forfeiture
   A. The written determination to forfeit all or part of the bond, including the reasons for forfeiture and the amount to be forfeited, is a final decision by Seward County.
   B. Seward County may forfeit any or all bond deposited for an entire wind generation facility. Liability under any bond, including separate bond increments or indemnity agreements applicable to a single owner must extend to the owner's entire wind generation facility.
   C. In the event the estimated amount forfeited is insufficient to pay full cost of decommissioning and reclamation, the owner shall be liable for the remaining costs. Seward County may complete or authorize completion of decommissioning of the guarantee area and may recover from the owner all costs of decommissioning in excess of the amount forfeited.

# Article 11: Addressing

## Section 11.01 General Provisions

This section provides for official roadway names and address numbering system for all rural development, both new and existing, and eliminating unit numbers with same address numbers, in the unincorporated areas of Seward County, Nebraska. This system is intended to be used as the 911 emergency locater system and is meant to also be used for U.S. Postal delivery, and for other uses such as utility, and private delivery services.

11.01.01 Roadway Names and Numbers

1. County Road Names. The ending of "Road" shall be reserved for County roadways and shall follow the naming and numbering system that has been assigned by the County Commissioners.
2. Private Road Names
   A. All private roadways that serve more than one residence and that take direct access from a County Road will be designated a name or number, which shall end in "Drive" and be on a blue road sign.
   B. Property owners using the roadway shall be given the opportunity to name the roadway, provided it conforms to the County naming theme. The property owners must agree on a name and must submit the name to the County Commissioners for approval.
   C. If the property owners do not submit a name or cannot agree on a name within the required time frame, the Commissioners will designate a name or number by County Resolution. Any changes to the approved name or number will be at the cost of the property owner.
   D. All private roadways that take access onto an East/West County Road shall be given a number that will follow the County Road numbering sequence and end in "Drive."
   E. All private roadways that take access onto a North/South County Road shall be given a name that shall end in 'Drive". If the private roadway enters into an approved or existing subdivision, the name of the roadway will be the name of the subdivision.
   F. All private roadways that serve more than one residence and take access from a private roadway will be designated a name, which shall end in "Circle, Lane, Trail, or Way" and be on a blue road sign. The ending designation will start with "Circle' for the roadway closest to the County Road and progress in alphabetical order. If said private roadway is in an approved or existing subdivision, the name of the roadway will be the name of the subdivision.
3. Address numbers shall only be assigned to parcels on which a structure is legally present or permitted.

11.01.02 Existing and New Roadway Names

1. Existing Roadway Names. Existing rural developments with interior roadways, names of which are recorded on the legal acreage development plat in the office of the Seward County Clerk, may need to be changed by County Resolution to meet the current addressing regulations.
2. New Roadway Names. The proposed name of all new roadways shall be shown on the preliminary and final plat of a new development. Such roadway names or numbers shall fit the present theme of the roadway naming system. Numbers will be applied to properties fronting on private roadways as on public roads.

## Section 11.02 Addressing Administration

11.02.01 Road signs

1. Road Signs at County Road Intersections
   A. All private roadways that serve more than one residence and take direct access from a County Road shall have a road sign placed at the entrance showing the private roadway name in blue.
   B. All road signs and posts shall remain the property of Seward County.
   C. No person shall remove, alter, destroy, deface, or move from its original location any road sign or post.
   D. All road signs and posts shall be maintained by the Seward County Road Department.
2. Road signs at Private Road Intersections
   A. All private roadways that serve more than one residence and take direct access from a private roadway shall have a road sign placed at the intersection of the roadway showing the names of the roadways in blue. The road sign shall be placed as determined by the Seward County Road Department.
   B. All private road signs and posts that are placed at intersections of private roadways shall remain the property of the property owners using the roadway.
   C. No person shall remove, alter, destroy, deface, or move from its original location any private road sign or post.
   D. All private road signs and posts shall be maintained by the property owners.

11.02.02 Parcel Markers

1. All properties and parcels assigned an E-911 address shall display a parcel marker as described herein.
2. All parcel markers are and shall remain the property of Seward County.
3. No person shall alter, move, remove, destroy, or deface a parcel marker without the written consent of Seward County.
4 Seward County shall install the initial parcel marker for all properties. The property owner shall maintain their parcel marker and ensure that it is kept clear from obstruction. If the parcel marker needs to be replaced, the cost of replacing the parcel marker will be the responsibility of the property owner.
5. Appearance: the three- or four-digit address will be placed on a plate. The address plate shall be 6" x 14" in dimension with a blue reflective background on each side. The address consisting of numeric characters 4" in height shall be of white reflective material.
6. Location: the required address plate shall be located at or near the driveway entrance along the property line of the building tract as determined by the Seward County Road Department. The address plate shall be located at a height of 48" to 60" above the road surface grade. The plate shall be displayed flag style with an unobstructed view from the road and shall have a clear view triangle of 45° on either side of the centerline of the address plate.
7. Any applicable fees for parcel markers shall be paid to the Seward County Roads Department.

## Section 11.03 Addressing Implementation

11.03.01 Zoning Administrator Responsibilities

The Zoning Administrator shall:

1. Verify the accuracy of the location of property access points that shall be used in the assignment of addresses.
2. Make all necessary corrections and updates to addressing base maps and official Seward County E- 911 Maps, including names for private development roads and residence addresses
3. Have printed the official Seward County E-911 map showing all roadway names and numbers and the scheme of the address system, to be available at a cost set by the Seward County Commissioners in a size no larger than required to show the above detail and yet suitable for general use. Map printings after the original print shall be as determined by the Seward County Commissioners, per recommendation of the Zoning Administrator.
4. Notify the public and all Seward County offices, post office, providers of emergency services and similar offices in the adjoining counties that provide overlap services into Seward County, of the availability of these maps.
5. Coordinate all new address assignments with the U.S. Postal Service.

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# Article 12: Non-Conformities

## Section 12.01 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 12.02 Nonconforming Lots of Record

12.02.01 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.

12.02.02 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 12.03 Nonconforming Structures

12.03.01 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.

12.03.02 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 permit unless otherwise approved or as specified in the District.

12.03.03 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 is not allowed 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.

12.03.04 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 12.04 Nonconforming Uses

12.04.01 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.

12.04.02 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. 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;
4. 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;
5. 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 12.05 Repairs and Maintenance

12.05.01 On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing of the building as it existed at the time of passage or amendment of this regulation.

12.05.02 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 12.06 Uses under Conditional Use Permit Not Nonconforming Uses

12.06.01 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.

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# Article 13: Board of Adjustment

## Section 13.01 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 13.02 BOA Membership

13.02.01 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 13.03 Rules and Meetings

13.03.01 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 Chairperson and at such other times as the Board may determine. Said Chairperson, or in their absence the acting Chairperson, 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.

13.03.02 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.

13.03.03 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 13.04 Powers

13.04.01 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.

13.04.02 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 13.05 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 14: Administration and Enforcement

## Section 14.01 Zoning Administrator

14.01.01 As provided in §23-114.04 et seq. (Nebraska Revised Statutes), a Zoning Administrator shall be appointed by the Seward 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.

14.01.02 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 Resolution 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 14.02 Zoning Permit Required

14.02.01 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 and agricultural irrigation facilities, as defined in Article Two, shall be subject to the requirements of this zoning regulation, and shall require a zoning permit prior to construction.
3. Any waste handling facility, as defined in Article Two of this Regulation, 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.
4. No permit application will be accepted for a non-agricultural structure with access on a Minimum Maintenance Road, until the County Board has re-classified the road, as required in Section 4.02.04 of this regulation.
5. A zoning permit shall be required for any structure over eight feet by eight feet or 64 square feet, unless specially exempted by these regulations.

14.02.02 It shall be unlawful to use or occupy or permit the use or occupancy of any building, land, or premises, or construction or connection to water or sewer facilities or part thereof, without approval of a Certificate of Zoning Compliance by the Zoning Administrator.

## Section 14.03 Application for a Zoning Permit

14.03.01 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. Any Seward County Zoning Permit Application Form shall be signed by a property owner of record. If the owner is a corporation or trust, proof of signature authority shall be provided with the application.
2. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such zoning permits as may be granted.
3. 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.
4. A copy of any necessary well permit, approved by the DNR, may be required by the Zoning Administrator as part of the Zoning Permit.

14.03.02 The Zoning Administrator shall issue a written permit, or denial, thereof, with reasons in writing within 30 days from the date of the acceptance of the application.

1. When a proposed use must also be reviewed for additional criteria, such as a conditional use, use in a floodplain, use in an Airport Hazard Overlay, etc., review must yield time until such use is permitted or denied as may be required by this regulation, or state/federal regulations and statute.

14.03.03 Except where an extension has been obtained in writing from the Zoning Administrator, permits issued shall expire if work has not started **within three months** with substantial progress within six months. All works shall be completed within one year, or a new zoning permit will be required.

1. Zoning permits are specific to each applicant, and are not transferable.

## Section 14.04 Enforcement by the Zoning Administrator

14.04.01 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 Seward County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of these regulations and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of these Regulations.
2. Any person 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.

14.04.02 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.

14.04.03 Remedies

1. Withhold Permits.
   A. The Zoning Administrator may deny or withhold approval of a Zoning Permit or Certificate of Zoning Compliance, 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.

14.04.04 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 Seward County.

14.04.05 Unpermitted fees for new homes/dwellings and zoning development shall DOUBLE within the Water Conservation District and to any area in which the unpermitted property is Over Density in the respective Zoned Area, as designated by the Seward County Zoning Regulations. Unpermitted zoning fees shall be in addition to any fines or penalties imposed by the Seward County Zoning Regulations.

1. Failure to obtain a permit or pay any unpermitted fees as assessed by the Seward County Zoning Administrator shall result in a referral to the Seward County Attorney's Office for criminal prosecution or other civil enforcement action.
2. The Property Owner and/or the Agent of the Property Owner is responsible for any Unpermitted Zoning Fee assessment. All Seward County Unpermitted Zoning Fees are non-refundable.

3. The Seward County Sheriff's Department may issue a Cease-and-Desist order at the request of the Seward County Zoning Administrator, until all permit costs, and unpermitted fees have been paid in full for any fee schedule item.

## Section 14.05 Enforcement Procedures

14.05.01 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.

14.05.02 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 14 days from the date of the notice to correct the violation.
   B. Notice shall be given in person, by US mail to the address of the owner of record in the Seward 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.

14.05.03 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.

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# Article 15: Amendment Process

## Section 15.01 Zoning Amendments

15.01.01 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.

15.01.02 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.

15.01.03 Form of Proposed Amendment:
Such proposals shall be made on a form provided by the Zoning Administrator and shall be accompanied by a filing fee as set by the Seward 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 15.02 Planning Commission Consideration of Amendment:

15.02.01 Planning Commission Recommendation:

1. All proposed amendments shall first be submitted to the Planning Commission for recommendation and report prior to public hearings.

15.02.02 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 Chairperson 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 15.03 Board Consideration of Amendment:

15.03.01 Action by County Board:

1. The County Board shall not act upon a proposed amendment to these Regulations until it shall have received a 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 and required by law.
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.
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 (Neb. Rev. Stat. §23-165 (Reissue 1997)).

15.03.02 Adoption of Amendments:

Upon adoption of an amendment to these Zoning Regulations, a clear and correct copy shall be added to these zoning regulations by the Zoning Administrator.

## Section 15.04 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 16: Legal Status Provisions

## Section 16.01 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 16.02 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 16.03 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 16.04 Effective Date

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

APPROVED AND ADOPTED by the Board of Commissioners of Seward County, Nebraska.

This _____ day of _____, 2026

_____ (CHAIRPERSON, COUNTY BOARD OF COMMISSIONERS)

(Seal)

ATTEST:

_____ (COUNTY CLERK)

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