Howard County Nebraska

Planning and Zoning Regulation

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HOWARD COUNTY, NEBRASKA
ZONING REGULATIONS
RESOLUTION NO. 33-98

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

Be it resolved by the Howard-county Board of Commissioners that:

TITLE

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

REPEAL

Any zoning resolution and all amendments thereto are hereby repealed.

SCOPE

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

COPY

RESOLUTION NUMBER 18-99

A RESOLUTION ADOPTING AND INCORPORATING BY REFERENCE SUBDIVISION REGULATIONS FOR HOWARD COUNTY, NEBRASKA AND REPEALING THE HOWARD COUNTY SUBDIVISION RESOLUTION DATED SEPTEMBER 26, 1984, ANY AND ALL AMENDMENTS AND ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH.

BE IT RESOLVED BY THE HOWARD COUNTY BOARD OF COMMISSIONERS:

Section 1. That the Howard County Board of Commissioners, after a public hearing, hearing, hereby adopts and incorporates by reference the Howard County Subdivision Regulations prepared and published in book form. Not less than three (3) copies of said Subdivision Regulations, marked or stamped "Official Copy as Adopted by Resolution No. 18-99", and to which shall be attached a published copy of this Resolution, and shall be filed with the Howard County Clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. Jurisdiction. The area of jurisdiction shall be all land within Howard County outside the jurisdiction of all cities and villages exercising zoning jurisdiction.

Section 3. Repeal. The Resolution dated September 26, 1984 adopting subdivision and all other Resolutions or parts of Resolutions in conflict with the Subdivision Regulations herein adopted and incorporated by reference, are hereby repealed.

Section 4. Effective Date. This Resolution shall take effect and be in force from and after the date of its adoption.

Passed by the Howard County Board of Commissioners this 29th day of July, 1999.

Larry Kier
Howard County Board Chairman

ATTEST:

Marge Palmberg
Howard County Clerk

(seal)

COUNTY CLERK HOWARD COUNTY
SEAL
NEBRASKA

STATE OF NEBRASKA
HOWARD COUNTY, ss.
FILED FOR RECORD
MO. July DAY 29 19 99
AT 2 O'CLOCK P M. RECORDED
IN BOOK ___ OF Resolutions PAGE 18
Marge Palmberg COUNTY CLERK
BY [illegible] DEPUTY

HOWARD COUNTY, NEBRASKA
ZONING REGULATIONS
RESOLUTION NO. 2009-16

Public Hearing – Waste Regulations

Motion was made by Seifert and seconded by Sack to open the public hearing on the waste regulations at 10:00 am. Roll Call: All Ayes.

Dr. Robert Wicht and Dan Smydra were also present for this discussion and expressed their concerns and had some questions for the Board. The changes for A-1 and A-2 were reviewed.

Motion was made by Seifert and seconded by Lierman to close the public hearing at 10:24 am. Roll Call: All Ayes.

Discussion was held about an implementation date. Dr. Wicht commented that this was a good improvement over what had been proposed and was a good compromise in the regulations.

Motion was made by Seifert and seconded by Lierman to approve the waste regulations with an effective date of January 1, 2010. Roll Call: All Ayes.

AMENDMENTS

The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. At least 10 days shall elapse between the date of this publication and the public hearing.

AMENDMENTS TO THE PLANNING AND ZONING REGULATIONS

Date	Resolution #	Page	Section	Paragraph	Changes Made
6-20-12		15	Matrix	Under E	Added Easements, Preservation
		40	Definitions	8	Added to conservation easements, (see Preservation)
		64	Definitions	3	Added definition for Preservation easement
		87	A-1, Sec 1	2	Added 2nd paragraph for easements
		123	A-3, Sec 2	1	Added 1st paragraph for easements
8-15-12		133	A-3,Sec 3	1	Proofreading error
12-20-12		89	A-2, Sec 2	6	Added "e" Commercial livestock stockpiling
		93	A-2, #7	8	Added "d" Commercial livestock stockpiling
		111	A-2, #16	8	Added "d" Commercial livestock stockpiling
		114	A-2,# 21	11	Added "d" Commercial livestock stockpiling
		214	Sect 6	1	Deleted wording intended to be "dedicated for public use, or"
		224	Sect 11-#3a	4	Deleted wording after curb. "County streets & roadways shall be improved in accordance with the requirements & specifications of the county engineer and shall include drainage ways.
		225	Sect 3, g	1	Proofreading error
3-20-13	#	33	Definitions	12	Added Administrative Single lot subdivision definition
		60	Definitions	17	Added Multiple Subdivision definition
		71	Definitions	9	Added Single lot subdivision definition
		74	Definitions	3	Added to Sub definition " See also-Adm, Multi-Lot & Single lot"
		214	Sub sect 6	1	Added to end of sentence "except Administrative Single lot subdivision which do not go before the Planning Commission.
6-25-13	#2013-16	8-30	Matrix	All	Updated entire matrix
7-23-13	#2013-20	89	A-2, Sec 2	6	Updated "e" from 30 days to 6 months livestock stockpiling
		93	A-2, #7	8	Updated"d" from 30 days to 6 months livestock stockpiling
		111	A-2, #16	8	Updated"d" from 30 days to 6 months livestock stockpiling
		114	A-2,# 21	11	Updated"d" from 30 days to 6 months livestock stockpiling
10-22-13	#	37	Definitions	13	Added CAFO,Waste Setback to definitions
		40	Definitions	4 - 5	Added Concentrated AFO, Commercial Waste Setback, & Farm
		88	A-1, #9	3rd	Added "waste" to setback
		111	A-2, #16	4th	Added ¼ Setback definition
		123	A-3 d	1st	Added set back to Commercial feedlots
8-12-14	2014-9	159	11		Added regulations on Radio, Television and Wireless Communication Towers
8-26-14	2014-10	38	Definitions		Changed the word "waste" to "material" and added to end of sentence "including, and not necessarily limited to, sludge, Soilbuilder I, Soilbuilder II, paunch, etc."
	2014-10	92	A-1, Sec. 2	Subpart 8	Amended paragraph to read "The spreading of Commercial Biodegradable Material, including and not necessarily limited to sludge, Soilbuilder I, Soilbuilder II, paunch, etc., on land within Howard County shall be subject to the following regulations:"
	2014-10	92-94 98-100	A-1, Sec. 2		Change the word "waste" to "material"
	2014-10	98	A-1, Sec. 2	Subpart 8 L2b1	Add "and/or spread without incorporation" to the sentence
	2014-10	99	A-1, Sec. 2	Subpart 8 Ld1	Change "10% slope" to "11% slope"
2-10-15	2015-4	89	A-1, Sec. 2	Subpart 6a6	Add "or a Commercial Feedlot Nuisance Easement form is attached".
		104	A-1, Sec. 5	Subpart 5a	Add "unless a Commercial Feedlot Nuisance Easement form is attached".
		113	A-2, Sec. 2	Subpart 6	Add "or a Commercial Feedlot Nuisance Easement form is attached".

AMENDMENTS TO THE PLANNING AND ZONING REGULATIONS

Date	Resolution #	Page	Section	Paragraph	Changes Made
2-10-15	2015-4	117	A-2, Sec. 5	Subpart 5a	Add "unless a Commercial Feedlot Nuisance Easement form is attached".
		126	A-3, Sec. 5	Subpart 5	Add "unless a Commercial Feedlot Nuisance Easement form is attached".
2-24-15	2015-7	104	A-1, Sec. 5	Subpart 5a	Add "farm or"
		117	A-2, Sec.5	Subpart 5a	Add "farm or "
		125	A-3, Sec.5	Subpart 5a	Add "farm or" No farming feedlot shall be located within 1,320 feet of a feedlot or livestock confinement…….
3-24-15	2015-8				Howard County to be recognized as a Livestock Friendly County.
5-12-15	2015-9	15	Matrix		Add Land use Condominium – C for Conditional Use
		54	Matrix		Dwelling, Multi-family- added C for Conditional Use Dwelling, two-family –added non-ag and C for Conditional Use
		110	Definitions	Section 2	Home Occupation wording updated
		126	A-3, Sec 5	Subpart 5a	Wording for farm feedlots
6-9-15	2015-11				Adopted the Howard County & Communities Comprehensive Plan. & added Village Zoning regulations
7-28-15	2015-13		Definitions		Add Firework Stands wording
10-13-15	2015-19		Matrix		Add Advertising Displays and Signs- A-1 to C-S=C; I-1, I-2 Permitted
1-26-16	2016-3	201	Signs	Entire Sign regulations	Updated Sign regulations
2-23-16	2016-7	45-73	Definitions	Signs	Updated Sign definitions
		103	A-1, Sec 2	Subpart 10	Removal of sign permit
		111	A-2, Sec 2	Sub part 2e	To be repealed
		124	A-3, Sec 2	Subpart 6e	To be repealed
		133	R-S, Sec 2	Subpart 2d	To be repealed
		181	Supplementary Sec 12	Subpart 2	To be repealed
6-28-16	2016-14	103	A-1, Sec 2 Cond. Uses	Subpart Add 14	Add 14 Adult Establishments
		258	Adult Establishments	Entire Sec.	Added Adult Establishment Regulations.

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MATRIX FOR LAND USE

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
A						
Abrasive, & miscellaneous non-metallic mineral products - manufacturing						P
Abstracting services		C		P		
Accounting & bookkeeping services		C		P		
Accounting, computing & office machines – manufacturing					P	P
Advertising displays & signs	C	C	C	C	P	P
Advertising displays & signs – manufacturing					P	P
Advertising services, direct mail		C		P	P	
Advertising services, general					P	
Agricultural, business & personal credit services including credit union		C		P	P	
Agricultural chemicals & fertilizers – manufacturing						P
Agricultural chemicals & fertilizers – wholesale					P	P
Agricultural fertilizers, hazardous – retail	C			C	C	C
Agricultural fertilizers, non-hazardous – retail	C			C	P	P
Air conditioning, heating & plumbing contracting		C		P	P	P
Air conditioning, refrigerated equipment & supplies – wholesale		C			P	P
Aircraft & accessories – retail		C			P	P
Aircraft & parts – manufacturing					C	P
Aircraft storage & equipment maintenance	C	C			C	P
Airports & flying fields	C	C	C		C	C
Airport freight terminals	C	C	C		P	P
Airport passenger terminals	C	C	C		P	P
Alcoholic beverages, beer & wine – wholesale	C	C		C	P	P
Alteration, pressing & garment repair services		C		P		
Ambulances services		C		C	P	P
Ammunition manufacturing & complete assembly of guided missiles & space vehicles						C
Ammunition, small arms – manufacturing						C
Amphitheaters	C	C			P	P
Amusement, athletic & sporting goods & toys – manufacturing		C			P	P
Amusement parks		C			C	P
Animal & Marine fats & oils including grease & tallow, rendering – manufacturing						C
Animal hospital services	C	C	C			
Antiques - retail	C	C		P	P	
Apiary farms & processing	P	P	P			P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Apparel & accessories- manufacturing					P	P
Apparel & accessories - retail		C		P	P	P
Apparel & accessories - retail		C		P	P	P
Apparel belts - manufacturing					P	P
Apparel finding & related products - manufacture					P	P
Appliances (household) -manufacturing					P	P
Appliances (household) - retail		C		P	P	P
Appliances (electrical), TV, phonographs, tape players, radio sets, CD's, DVD's - wholesale		C		C	P	P
Appliance repair services		C		P	P	P
Aquarium	C	C	C		P	P
Arboretums & botanical gardens	P	P	P	P	P	P
Architectural, engineering & planning – professional services		C		P	P	P
Arenas & field houses					P	P
Amateur rewinding services					P	P
Armed forces reserve center	C	C		P	P	P
Art galleries		C		P		
Artists – painters, sculptors, composers & authors		C		P		
Asphalts felts & coating - manufacturing						P
Asphalt mixing plants						C
Athletic, amusement & sporting goods & toys - manufacturing				C	P	P
Athletic field or playfield	P	P	C	C		
Auditing, accounting & bookkeeping services		C		P		
Auditoriums		C		C		
Automatic temperature controls - manufacturing					P	P
Automobile & other motor vehicles & equipment - manufacturing						P
Automobile & other motor vehicle repair services		C		C	P	P
Automobile & other motor vehicles - retail		C		C		
Automobile & other motor vehicles - wholesale					P	P
Automobile & truck rental services					P	P
Automobile equipment - wholesale					P	P
Automobile parking		C		C	P	P
Automobile parts & supplies - retail		C		P	P	P
Automobile wash services		C		C	P	P
B						
Bags, except textile bags, - manufacturing				C	P	P
Bait shops		P		P	P	P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Bakeries manufacturing - retail				P	P	P
Bakeries non-manufacturing - retail				P	P	P
Bed & Breakfast Residence	C	C	C			
Banking services		C		P		
Barber services		C		P		
Beauty services		C		P		
Beer, wine, & alcoholic beverages - wholesale	C	C		C	P	P
Bicycles - retail		C		P		
Biological products - manufacturing					P	P
Blacksmith & welding services				C	P	P
Blank-books, loose-leaf binders & devices - manufacturing					P	P
Blast furnaces, steel works & the rolling of ferrous metals						P
Blueprinting & photocopying services		C		P	P	
Boarding & rooming houses	C	C	C			
Boat building & repair services					P	P
Boat rentals		C	C		P	P
Bus garaging & equipment maintenance						
Boat building & repair, fiberglass					P	P
Bookbinding & misc. related work - manufacture		C		P	P	P
Bookkeeping, auditing & accounting services		C		P		
Books, magazines & newspapers distributing - wholesale					P	P
Books – publishing & printing					P	P
Books - retail		C		P		
Boot & shoe cut stock & findings - manufacturing					P	P
Botanical gardens & arboretums	P	P	P	P		
Bottled gas - retail				P	P	P
Bottling & canning soft drinks & carbonated waters					P	P
Bowling				P		
Boxes & paperboard containers - manufacturing					P	P
Brandy, brandy spirits & wine - manufacturing	C	C			P	P
Brick & structural clay tile manufacturing						P
Brooms & brushes - manufacturing					P	P
Building construction – general contracting services					P	P
Building materials - retail				P	P	P
Building materials & lumber - wholesale					P	P
Building paper & building board - manufacturing						P
Bulk petroleum stations & terminals - wholesale					C	C
Bus garaging & equipment maintenance					P	P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Bus passenger terminals		C		P	P	P
Business & management consulting services				P		
Business offices not elsewhere listed				P		
Business associations				P		
Business forms - manufacturing					P	P
Butter - manufacturing					P	P
C						
Cabinet making - manufacturing					P	P
Cable TV maintenance yard					P	P
Cameras & Photographic supplies - retail		C		P		
Camp grounds - general	C	C	C			
Camp grounds - group	C	C	C			
Candy & other confectionery products – Mfg.					P	P
Candy, nut & & confectionery - retail		C		P		
Canes, parasols & umbrellas - manufacturing					P	P
Canning & preserving of fruits, vegetables & seafood's - manufacturing					P	P
Canvas products - manufacturing					P	P
Carbon black - manufacturing						C
Cardboard, paperboard & die-cut paper - manufacturing					P	P
Carpentry & wood flooring services					P	P
Carpet & rug cleaning & repair services		C		P	P	P
Carpet & rug manufacturing					P	P
Cement (hydraulic) - manufacturing						C
Cemeteries	C	C	C			
Ceramic wall & floor tile - manufacturing					P	P
Cereal preparations - manufacturing					P	P
Charitable & welfare services		C		P		
Cheese (natural & processed) - manufacturing	C	C			P	P
Chemical & fertilizers - mining	C	C	C		C	C
Chemicals, agricultural - wholesale					P	P
Chemicals, industrial - wholesale					C	P
Chemicals, industrial organic & inorganic - manufacturing						C
Chewing gum - manufacturing						P
China, glassware& metal ware - retail		C		P		
Chiropractors, optometrists & other similar health services		C		P		
Chocolate & cocoa products - manufacturing					P	P
Churches, synagogues & temples	P	P	C	P		
Cigarettes & cigars - manufacturing					C	C

Cigarettes & cigars - retail		C		P		
P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Civic, social & fraternal associations		C		P		
Civil defense & related activities		C		P	P	P
Clay, ceramic & refractory minerals - mining						P
Clay refractories - manufacturing						P
Cleaning, polishing & sanitation preparations except soap & detergents - manufacturing						P
Clock, watch & jewelry repair services		C		P		
Clocks, watches, clockwork operated devices & parts - manufacturing					P	P
Clothing, leather & fleece lined - manufacturing					P	P
Coal mining	C					C
Coal mining services					C	P
Coffee roasting & coffee products-manufacturing					P	P
Commercial & industrial machinery, equipment & supplies - wholesale					P	P
Commodity & security brokers, dealers & exchanges & services		C		P		
Communication equipment - manufacturing					P	P
Composting plants	C					C
Computing, accounting, office machines - manufacturing					P	P
Concrete brick & block – manufacturing						P
Concrete products, manufacturing						C
Concrete, ready-mix plants						C
Concrete construction & paving services					C	P
Condominium		C				
Confectionery products & candy - manufacturing					P	P
Confectionery, nut & candy - retail		C		P		
Confectionery - wholesale					P	P
Construction & lumber materials - wholesale					P	P
Construction, mining & materials handling machinery & equipment - manufacturing						P
Construction equipment - retail					P	P
Convalescent, nursing & rest home services	C	C				
Convents	C	C	C			
Convenience store		C		P		
Cosmetics, perfume & other toiletries - manufacturing					P	P
Cotton ginning & compressing						P
Cotton, manmade fibers, silk & wool – weaving & manufacturing					P	P
Cottonseed oil milling						P
Cotton - wholesale					P	P

Country club	C	C	C			
P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Crating & packing services					P	P
Credit reporting, adjustment & collection services		C		P		
Credit unions & agricultural business & personal credit services	C			P		
Crematory, funeral & mortuary services		C		C	P	
Curtains & draperies - manufacturing					P	P
Curtains, draperies & upholstery - retail		C		P		
Cutlery, hand tools & general hardware - manufacturing					P	P
Cut stone & stone products - manufacturing						P
D						
Dairy products - retail		C		P		
Dairy products - wholesale					P	P
Day care centers	P	P		P		
Dental equipment & supplies - manufacturing					P	P
Dental laboratory services		C		P		
Dental services		C		P		
Department stores - retail		C		P		
Detective & protective services		C		P		
Diaper services		C		P	P	P
Direct mail advertising services		C		P		
Direct selling organizations – retail		C		P		
Discount & variety stores – retail		C		P		
Disinfecting & exterminating services					P	P
Distilling, rectifying & blending liquors					P	P
Dormitories college		C				
Draperies, curtains & Upholstery – manufacturing					P	P
Draperies, curtains & Upholstery – retail		C		P		
Drawing, rolling & extrusion of non-ferrous metals – manufacturing						C
Drugs & proprietary – retail		C		P		
Drugs, drug proprietaries & druggist sundries – wholesale					P	P
Dry cleaning & laundering pickup services		C		P		
Dry cleaning & laundering, self service		C		P		
Dry cleaning, laundering & dyeing services, except rugs					P	P
Dry goods & general merchandise – retail		C		P		
Dry goods & notions – wholesale					P	P
Dude ranches	C	C	C		P	
Duplicating, mailing & stenographic services		C		P		
Dwelling, elderly	C	C		P		
Dwelling in nonresidential structure		C		C		

Dwelling, mobile home not permanent foundation						
P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Dwelling, accessory use to farming operation	P	P	P			
Dwelling, mobile home on permanent foundation	P	P				
Dwelling, multi-family		C				
Dwelling, single-family attached						
Dwelling, single-family detached	P	P	C			
Dwelling, two-family non-ag		C				
Dying & finishing of textiles					P	P
Dying, dry cleaning & laundry services, except rugs					P	P
E						
Earthenware, table & kitchen articles - manufacturing					P	P
Easements, Conservation	C		C			
Easements, Preservation (added 6-20-2012)	C		C			
Educational & scientific research services		C		P	P	P
Eggs & poultry - retail		C		C		
Electrical apparatus & equipment wiring supplies & construction materials - wholesale					P	P
Electrical contractor services					P	P
Electrical appliances, phonographs, TV's, tape players, CD & DVD players & radio-wholesale					P	P
Electrical industrial apparatus - manufacturing					P	P
Electrical repair service, except radio & TV's				P	P	P
Electrical supplies - retail				P	P	
Electrical transmission & distribution equipment - manufacturing					P	P
Electric generation plants	C				C	P
Electric utilities maintenance yard					P	P
Electricity regulating substations	C	C	C	C	P	P
Electric lighting & wiring equipment - manufacturing					P	P
Electrometallurgical products & processing - manufacturing					P	P
Electronic components & acc. manufacturing					P	P
Electronic parts & equipment - wholesale					P	P
Electrotyping & Stereotyping					P	P
Employment services		C		P		
Engineering, planning architectural prof. services		C		P		
Engineering, laboratory & scientific & research instruments & ass. Equipment - manufacturing					P	P
Engines & turbines- manufacturing						P
Envelope - manufacturing					P	P
Equipment & supplies for service establishments - wholesale					P	P

Equipment rental & leasing services				P	P	P
P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Executive, legislative & judicial functions				P		
Exhibition halls		C		P	P	P
Explosives – manufacturing						C
Exterminating					P	P
Extracts & flavoring syrups – manufacturing					P	P
Extrusion, drawing & rolling of non-ferrous metals – manufacturing						P
F						
Fabricated structural metal products-manufacture						P
Fabricated wire products – manufacturing						P
Fairgrounds	C	C	C		P	
Farm machinery & equipment – retail				C	P	P
Farm machinery & equipment – manufacturing					P	P
Farm machinery & equipment – wholesale					P	P
Farm products warehousing & storage excluding stockyards					P	P
Farm supplies – retail		C		P	P	P
Farm & ranches livestock other than dairy	P	P	P			
Farms & commercial forestry	P	P	P			
Farms, dairy	P	P	P			
Farms, grain crops	P	P	P			
Farms, hay & alfalfa	P	P	P			
Farms, fiber crops	P	P	P			
Farms, fruits, nuts or vegetables	P	P	P			
Farms, nursery stock	P	P	P			
Feedlots	C	C				
Feed preparation for animals & fowls	C			P	P	P
Feeds, grains & hay – retail	P	P		P	P	P
Felt goods – manufacturing					P	P
Fertilizers, agricultural hazardous – retail	C			C	C	C
Fertilizers, agricultural non-hazardous – retail	C			C	P	P
Fertilizers & chemicals – mining	C	C	C		C	C
Field-houses & arenas		C		C	P	P
Fire protection& related activities	P	P	C	P	P	P
Fish & seafood's - retail		C		P		
Fish & seafood's – wholesale					P	P
Fish farms	P	C	C			
Fish hatcheries	C	C				
Fishing & hunting clubs	C	C	C			
Flat glass - manufacturing						P
Floor covering - retail		C		P		
Florists - retail		C		P		
Flour & other grain mill products - manufacturing					P	P

Floor blending & preparing - manufacturing						P
P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Food lockers & storage services					P	P
Foundries, iron & steel - manufacturing						C
Foundries, nonferrous metal - manufacturing						C
Fraternal, civic & social associations		C		P		
Fraternity & sorority houses						
Freight forwarding services					P	P
Frozen desserts & ice cream – manufacturing	C	C			P	P
Fruits & Vegetables (fresh) - wholesale					P	P
Fruits & vegetables - retail		C		P		
Fuel, except fuel oil & bottled gas - retail				P	P	P
Fuel oil - retail				P	P	P
Funeral, mortuary & crematory services		C		C	P	
Fur dressing & dyeing - manufacturing					P	P
Fur goods - manufacturing					P	P
Fur repair & storage services					P	P
Furniture & home furnishings - wholesale					P	P
Furniture (household) - manufacturing					P	P
Furniture - retail		C		P		
Furniture repair & reupholstery services					P	P
Furies & fur apparel - retail		C		P		
Furs (raw), hides & skins - wholesale					P	P
G						
Garden supplies & landscape nursery – retail	C	C		P		
Garment repair, alteration & pressing services		C		P		
Gas & petroleum (crude) drilling	C	C	C		C	C
Gas & petroleum (crude) field services					P	P
Gasoline service stations – retail		C		P	P	P
Gas pressure control stations	C	C	C		C	P
Gas production plants						C
Gas storage & distribution points						C
Gas utility maintenance yard					C	P
Gelatin & glue - manufacturing						P
General contracting & building construction services					P	P
General stores - retail		C		P		
Gifts, novelties & souvenirs - retail		C		P		
Glass & glassware, pressed or blown – manufacturing					P	P
Glass containers – manufacturing					P	P
Glass, flat - manufacturing						P
Glass, paint & wallpaper – retail		C		P		
Glue & gelatin - manufacturing						P
Go-cart tracks	C				C	

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Golf courses, public	C	C	C			
Golf driving ranges	C	C	C			
Gravel & sand quarrying	C	C	C		C	C
Grain – wholesale					P	P
Grains, feeds & hay – retail	P	P		P	P	P
Grain mill products & flour - manufacturing					P	P
Greases & lubricating oils - manufacturing						P
Green houses	C	C		C	P	P
Greeting card – manufacturing					P	P
Grist milling services						P
Groceries - retail		C		P		
Groceries – wholesale					P	P
Group care home	C	C	C	C		
Gum & wood chemicals - manufacturing						P
Guns, howitzers, mortars & related equipment - manufacturing						C
Gymnasiums & athletic clubs				P		
Gypsum products - manufacturing						P
H						
Handbags & other personal leather goods - manufacturing					P	P
Hardware – retail		C		P		
Hardware – wholesale					P	P
Hardwood dimension & flooring – manufacturing					P	P
Harvesting services	C	C			P	P
Hats, caps & millinery – manufacturing					P	P
Hay, grains & feeds – retail	P	P		P	P	P
Health resorts	C	C				
Health & exercise spas		C		P		
Hearing aids, optical goods, orthopedic appliances & other similar devices - retail		C		P		
Heating, air conditioning & plumbing contracting services				C	P	P
Heating & plumbing equipment & supplies- retail		C		P		
Heating apparatus (except electrical) & plumbing fixtures - manufacturing					P	P
Heliport pads	C	C	C	C	C	C
Hides, skins & raw furs - wholesale					P	P
Historic & monument sites	P	P	P	P	P	P
Hobby supplies – retail		C		P		
Holding & investment services		C		P		
Hospital services		C		P		
Hotels, tourist courts & motels		C		P	P	

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
House furnishing, textile (except curtains & draperies) - manufacturing					P	P
Household appliances – retail		C		P		
Hunting & fishing clubs	C	C	C			
I						
Ice cream & frozen desserts – manufacturing	C	C			P	P
Ice manufacturing					P	P
Ice – retail		C		P		
Ice skating rinks, indoor		C		C	P	P
Industrial laundry & lien supply services					P	P
Industrial leather belting & packing – manufacturing					P	P
Industrial & commercial machinery, equipment & supplies – wholesale					P	P
Industrial machinery equipment – manufacturing						P
Industrial waste disposal	C				C	C
Instruments for mechanical measuring & controlling except automatic temperature controls - manufacturing					P	P
Insurance agents & brokers services		C		P		
Insurance carriers		C		P		
Investment & holding services		C		P		
J						
Janitorial services					P	P
Jewelry & precious metals – manufacturing				C	P	P
Jewelry – retail		C		P		
Jewelry, watch & clock repair services		C		P		
K						
Kennels – boarding	C	C	C	C	P	
Kennels – breeding	C	C	C	C	P	
Knit goods – manufacturing					P	P
L						
Labor unions & similar labor organizations		C		P	P	P
Lace goods – manufacturing					P	P
Lamp shades – manufacturing					P	P
Landscape contracting services		C		C	P	P
Landscape nursery & garden supplies – retail	C	C		P	P	P
Lapidary work					P	P
Laundering & dry cleaning pickup service		C		P		
Laundering & dry cleaning, self service		C		P		
Laundering, dry cleaning & dyeing services, except rugs					P	P
Lawn care – services		C		C	P	P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Leather & fleece lined clothing – manufacturing					P	P
Leather gloves & mittens – manufacturing					P	P
Leather tanning & finishing – manufacturing					P	P
Legal services		C		P		
Libraries	P	P	C	P		
Lime products – manufacturing						P
Linen supply & industrial laundry services					P	P
Linoleum, asphalt-felt-base, & other hard surface floor covering – manufacturing					P	P
Liquid petroleum gas – wholesale					C	C
Liquor – retail		C		P		
Livestock – wholesale	C	C				C
Lockers, shelving, partitions, & office & store fixtures- manufacturing					P	P
Locksmith services		C		P		
Logging camps & logging contractors	C				P	P
Lubricating oils & greases – manufacturing						P
Luggage – manufacturing					P	P
Lumber & building materials – wholesale					P	P
Lumber yards – retail		C		C	P	P
M						
Machine shop – manufacturing					P	P
Magazines & newspaper's – retail		C		P		
Magazines, books & newspapers distributing – wholesale					P	P
Mail order houses – retail		C		P		
Mailing, duplicating & stenographic services		C		P	P	
Malt Liquors – manufacturing						P
Management & business consulting services		C		P		
Marinas	C		C			
Masonry, stonework, tile setting & plastering services					P	P
Massage services		C		P		
Matches – manufacturing						C
Mausoleums	C	C	C			
Meat & meat packing products – wholesale					P	P
Meat packing – manufacturing						C
Meats – retail		C		P		
Medical & surgical instruments & apparatus – manufacturing					P	P
Medical clinics, out-patient services		C		P		
Medical laboratory services		C		P		
Medical chemicals – manufacturing						P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Metal cans – manufacturing					P	P
Metal coating, engraving, & allied services – manufacturing					P	P
Metal mining services	C		C			P
Metal ore mining	C					P
Metal products, fabricated structures – manufacturing						P
Metals & minerals, except petroleum products & scrap – wholesale					P	P
Metals, nonferrous, rolling, drawing & extrusion – manufacturing						P
Metal stamping – manufacturing						P
Metal working machinery & equipment – manufacturing						P
Military administration or command centers	C				P	P
Military communication center	C				P	P
Military defense installations	C				P	P
Military training bases	C				P	P
Millwork – manufacturing					P	P
Milk processing, fluid only					P	P
Miniature golf				C	P	
Mobile home parks						
Mobile homes – manufacturing					P	P
Mobile homes not on permanent foundation						
Manufactured homes on permanent foundation	P	P	P			
Mobile homes & accessories – retail						P
Monasteries	C	C	C			
Monuments & historic sites	P	P	P	P	P	P
Monuments - retail				C	P	P
Mortician's goods – manufacturing					P	P
Motels, hotels & tourist courts		C		P		
Motion picture distribution services					P	P
Motion picture production					P	P
Motorcycles, bicycles & parts - manufacturing					P	P
Motor freight garaging & equipment maintenance					P	P
Motor freight terminals					P	P
Mortuary, funeral & crematory services		C		C	P	
Museums	P	P	C	P		
Musical instruments & supplies – retail		C		P		
Musical instruments & parts – manufacturing					P	P
N						
Newspaper & magazines – retail		C		P		

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Newspapers, books & magazines distribution – wholesale					P	P
Newspapers publishing & printing					P	P
News syndicate services					P	P
Nonmetallic mining, except fuel – services						P
Noodles, macaroni, spaghetti & vermicelli – manufacturing					P	P
Notions, dry goods – wholesale					P	P
Novelties, gift & souvenirs – retail		C		P		
Nursery stock farms	C	P				
Nursing, convalescent & rest home services	C	C				
Nuts, bolts, screws, rivets, washers & screw machine products – manufacturing					P	P
O						
Office & store fixtures, partitions, shelving & lockers – manufacturing					P	P
Office, computing & accounting machines – manufacturing					P	P
Office furniture – manufacturing					P	P
Oilcloth, plastic fabric & vinyl products - manufacturing						P
Opthalmic goods – manufacturing					P	P
Optical goods, hearing aids, orthopedic appliances & other similar devices – retail		C		P		
Optical instruments & lenses -manufacturing					P	P
Optometrists, chiropractors & other similar health services		C		P		
Ornamental iron works – manufacturing					P	P
Orphanages		C				
Orthopedic, prosthetic & surgical appliances & supplies – manufacturing					P	P
Outdoor advertising services		C		P	P	P
P						
Packing & crating services					P	P
Padding & upholstery filling – manufacturing					P	P
Paint, glass & wallpaper – retail		C		P		
Painting & paper hanging services		C		P	P	P
Paints, varnishes, lacquers, enamels, and allied products – manufacturing						C
Paper & paper products – wholesale					P	P
Paperbound containers & boxes – manufacturing					P	P
Paperboard – manufacturing					P	P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Paper coating & glazing – manufacturing					P	P
Paper, except building paper – manufacturing						P
Paper hanging & painting services		C		P	P	P
Parasols, umbrellas & canes – manufacturing					P	P
Parks, public	P	P	C	P	P	P
Partitions, shelving, lockers, & office & store fixtures – manufacturing					P	P
Perfumes, cosmetics, & other toiletries – manufacturing					P	P
Periodicals, publishing & printing					P	
Petroleum bulk stations & terminal – wholesale					C	C
Petroleum pipeline R/W	P				P	P
Petroleum pressure control stations	C				C	P
Petroleum (crude) & gas field services					P	P
Petroleum (crude) & natural gas drilling	C	C	C	C	C	C
Petroleum refining						C
Pets & pet grooming - retail		C		P	P	P
Pharmaceutical preparations- manufacturing					P	P
Photocopying & blue printing services				P	P	
Photoengraving					P	P
Photofinishing services				P	P	P
Photographic equipment & supplies – manufacturing					P	P
Photographic studios & services				P		
Photographic supplies & camera – retail				P		
Physicians' services				P	P	P
Planetarium		C		C		
Planing mills, general – manufacturing					P	P
Planning, architectural & engineering professional services				P		
Plastering, masonry, stone work & tile setting services					P	P
Plastic fabric, vinyl products & oilcloth – manufacturing						P
Plastics materials & synthetic resins, synthetic rubber, synthetic & other manmade						C
Plastic products – manufacturing					P	P
Playfields & athletic fields	P	P	C	C		
Playgrounds	P	P	C	C		
Play lot or tot lot	P	P	C	C		
Pleating, decorative & novelty stitching & tucking for the trade – manufacturing					P	P
Plumbing & heating equipment & supplies - retail				P	P	P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Plumbing fixtures & heating apparatus (except electrical) – manufacturing					P	P
Plumbing, heating & air conditioning contracting services					P	P
Plywood & veneer – manufacturing						P
Police protection & related activities	P	P	C	P	P	P
Porcelain electrical supplies – manufacturing						P
Postal services				P	P	P
Pottery – manufacturing					P	P
Poultry & eggs – retail		C		C		
Poultry & poultry products – wholesale					P	P
Poultry & small game dressing & packing						P
Poultry hatchery services	C	C	C			P
Prefabricating wooden building & structural members – manufacturing					P	P
Preserving & canning of fruits, vegetables & seafood's- manufacturing					P	P
Pressed & molded pulp goods – manufacturing						P
Pressing, alteration & garment repair services				P		
Primary smelting & refining of nonferrous metals – manufacturing						C
Printing ink – manufacturing						P
Printing commercial					P	P
Printing & publishing of books					P	P
Printing & publishing of newspapers					P	P
Printing & publishing of periodicals					P	P
Prisons	C	C	C		C	C
Private clubs				P		
Processing waste & recovering fibers & flock-manufacturing						P
Professional equipment & supplies – wholesale					P	P
Professional membership organizations				P		
Professional offices not elsewhere listed				P		
Pulp – manufacturing						C
Q						
Quarrying, gravel, sand & dirt	C	C	C		C	C
Quarrying, stone	C	C	C		C	C
R						
Race tracks & courses – animals	C	C	C		C	C
Race tracks & courses - vehicle						
Radioactive materials processing & storage – manufacturing					C	C
Radioactive waste materials disposal	C					C

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Radio broadcasting studios		C		P		
Radios, TV, phonographs, recorders , tape players & similar electronics – manufacturing					P	P
Radios, TV, phonographs, recorders, tape players & similar electronics – repair service		C		P	P	P
Radios, TV, phonographs, recorders, tape players & similar electronics – retail		C		P		
Radio transmitting stations & towers	C	C	C		C	C
Railroad equipment & maintenance yard						P
Railroad – equipment – manufacturing						P
Railroad freight terminals					P	P
Railroad passenger terminals					P	P
Railroad right-of-way	P	P	P	P	P	P
Railroad switching yards						P
Raincoats & other waterproof outer garments – manufacturing					P	P
Real estate agents, brokers & management services		C		P		
Reclaiming rubber						P
Recreational vehicles & equipment – manufacturing					P	P
Recreational vehicles & equipment – retail					P	
Recreation centers	C	C	C	C		
Rectories	P	P	C	P		
Recycling center				C	P	P
Refining & smelting (primary) of nonferrous metals						P
Refining of petroleum						C
Refrigerated warehousing (except food lockers)					P	P
Refuse incineration						C
Religious camps & retreats	C	C	C			
Research, development & testing services					P	P
Residential hotels		C		C		
Resorts (general)	C		C			
Rest, nursing & convalescent home services	C	C	C			
Restaurants		C		P	P	P
Restaurants, drive-in		C		P		
Retail trade not elsewhere listed		C		P		
Retirement homes				P		
Reupholstery & furniture repair services					P	P
Rice milling						P
Riding stables	C	C	C			
Road maintenance yards					P	P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Robes & dressing gowns – manufacturing					P	P
Roller skating rinks - indoor		C		C	P	P
Rolling, drawing & extrusion of nonferrous metals – manufacturing						P
Rolling of ferrous metals, blast furnaces & steel works						P
Roofing & sheet metal contracting services					P	P
Rooming & boarding houses		C		P		
Rubber footwear – manufacturing					P	P
Rug & carpet – manufacturing					P	P
S						
Salvage yard					C	C
Sand & gravel quarrying	C	C	C		C	C
Sanitary landfill	C	C	C	C	C	C
Sanitary paper products – manufacturing					P	P
Sausage & other prepared meat products – manufacturing						P
Savings & loan associations		C		P		
Sawmills, general – manufacturing	C				C	C
Schools, art		C		P		
Schools, barber				P		
Schools, beauty				P		
Schools, business				P		
Schools, colleges	C	C	C	P		
Schools, computer				P		
Schools, correspondence				P		
Schools, dancing				P		
Schools, day care				P		
Schools, driving				P		
Schools, junior college	C	C	C	P		
Schools, music				P		
Schools, nursery	P	P	C	P		
Schools, pre-primary	P	P	C			
School, primary	P	P	C	P		
Schools, professional				P		
Schools, secondary	P	P	C	P		
Schools, stenographic				P		
Schools, technical				P	P	P
Schools, trade				P	P	P
Schools, universities		C	C	P		
Schools, vocational		C	C	P	P	P
Scientific & educational research services					P	P
Scrap & waste materials, nonmetallic – wholesale						C

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Screw machine products & bolts, nuts, screws, rivets & washers – manufacturing					P	P
Secondary smelting & refining of nonferrous metals- manufacturing						P
Second hand merchandise - retail		C		P		
Seed treating					P	P
Seed & feed sales	P	P		P	P	P
Sewage pressure control stations		C		C		
Sewage sludge drying beds	C		C		C	C
Sewage treatment facilities	C		C		C	C
Shades & vertical blinds – manufacturing					P	P
Shelving, partitions, lockers, & office & store fixture – manufacturing					P	P
Shoe repair, shoe shining & hat cleaning services		C		P		
Shoe – manufacturing					P	P
Shoe – retail		C		P		
Shoes – wholesale					P	P
Shortening, table oils, margarine & other edible fats & oils – manufacturing						P
Signs & advertising displays – manufacturing					P	P
Silverware & plated ware – manufacturing					P	P
Skeet & trap shooting ranges	C		C			
Skins, hides & raw furs – wholesale					P	P
Smelting & refining (primary) of nonferrous						P
Smelting & refining (secondary) of nonferrous metals						P
Soaps & detergents (except specialty cleaners) – manufacturing					C	C
Social, civic & fraternal associations		C		P		
Social correctional, treatment & counseling services		C		P		
Solid waste transfer stations	C				C	C
Sorority & fraternity houses						
Souvenirs, gifts, novelties - retail		C		P		
Soybean oil milling						P
Sporting, toys, amusement & athletic goods – manufacturing					P	P
Sporting goods – retail		C		P		
Stadiums	C	C	C	P	C	
Stationery – retail		C		P		
Steel pipe & tubes – manufacturing						P
Steel wire drawing, steel nails & spikes – manufacturing						P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Steel works, blast furnaces & the rolling of ferrous metals						C
Stenographic duplicating & mailing services		C		P	P	
Stock yards	C					C
Stone products & cut stone – manufacturing						P
Stone – quarrying	C		C		C	C
Stone work, masonry, title setting & plastering services					P	P
Storage – mini		C		P	P	P
Storage & warehousing of nonhazardous products		C		P	P	P
Storage & warehousing of hazardous products					C	C
Storage & warehousing of household goods		C			P	P
Store & office fixtures, lockers, partitions & shelving – manufacturing					P	P
Sugar refining – manufacturing						P
Surgical & medical instruments & apparatus – manufacturing					P	P
Swimming clubs	C	C	C	P		
Synagogues, churches & temples	P	P	C	P		
Synthetic, resins, synthetic rubber, plastic materials, synthetic & other manmade fibers (except glass) – manufacturing						P
T						
Tailoring – custom		C		P		
Tanks (military) & tank components – manufacturing						P
Taverns		C		P		
Taxicab dispatch		C		P	P	P
Taxicab garaging & maintenance					P	P
Telegraph communications	C	C	C	C	C	C
Telephone business office		C		P	P	P
Telephone exchange stations					P	P
Telephone maintenance yard					P	P
Telephone relay towers (microwave)	C	C	C	C	C	C
Television broadcasting studios				C	P	
TV, radios, phonographs, recorders, tape players & other similar electronics – manufacturing					P	P
TV, radio, phonographs, recorders, tape players & other similar electronics – repair services		C		P	P	P
TV, radio, phonographs, recorders, tape players & other similar electronics – retail		C		P		
Television transmitting stations & relay towers	C	C	C		C	C
Temples, churches & synagogues	P	P	C	P		

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Tennis clubs		C		P		
Textiles bags – manufacturing					P	P
Testing, research & development services					P	P
Theaters, legitimate				C	P	P
Theaters, motion picture, indoor		C		P		
Theaters, motion picture, outdoor		C		C	C	
Threads & yarns – manufacturing					P	P
Tile setting, masonry, plastering & stone work services					P	P
Tire cord & fabric – manufacturing					P	P
Tire & inner tubes – manufacturing						C
Tires & inner tubes – wholesale					P	P
Title abstracting services		C		P		
Tobacco & tobacco products – wholesale					P	P
Tobacco & snuff – manufacturing					P	P
Tobacco leaf – wholesale					P	P
Tobacco stemming & redrying					P	P
Tot lot or play lot	P	P	C	C		
Tourist courts, hotels & motels		C		P	P	
Toys, amusement, sporting & athletic goods – manufacturing					P	P
Transportation equipment & supplies (except motor vehicles)					P	P
Trap & skeet shooting ranges	C		C			
Travel arranging services				P	P	
Truck & automobile rental services				P	P	P
Truck wash services		C		C	P	P
Turbines & engines – manufacturing						P
U						
Umbrellas, parasols & canes - manufacturing					P	P
Upholstery, draperies & curtains – retail		C		P		
Upholstery filling & padding – manufacturing					P	P
V						
Variety & discount stores – retail		C		P		
Vegetable oil milling (except cottonseed & soybean)						P
Veneer & plywood – manufacturing					P	P
Vending machine operations – retail		C		P	P	P
Venetian blinds & shades – manufacturing					P	P
Veterinarian services	C	C	C		P	P
Vinyl products, plastic fabric & oilcloth - manufacturing						P

P = PERMITTED USE C = CONDITIONAL USE						
LAND USE CATEGORY	**A-1**	**A-2**	**A-3**	**C-S**	**I-1**	**I-2**
Vitreous china plumbing fixtures, china, earthward filings & bathroom accessories – manufacturing					P	P
Vitreous china, table & kitchen articles – manufacturing					P	P
W						
Wallpaper – manufacturing					P	P
Warehousing & storage of hazardous products					C	C
Warehousing & storage of nonhazardous products		C		P	P	P
Warehousing & storage of household goods		C			P	P
Watches, clocks, clockwork operated devices & parts – manufacturing					P	P
Water storage	C	C	C	C	C	C
Water utility maintenance yard	C	C	C		P	P
Water well drilling services					P	P
Welding & blacksmith services				C	P	P
Welfare & chartable services		C		P		
Wet corn milling						P
Wind Energy System, commercial	C	C				
Wind Energy System, manufacturing					P	P
Wind Energy System – retail	C	C		P	P	P
Wind Energy System – Small	C	C	C	C	C	C
Window cleaning services		C		P	P	P
Wine, beer & alcoholic beverages – wholesale	C	C		C	P	P
Wine, brandy & brandy spirits – manufacturing	C	C				P
Wire products (fabricated) – manufacturing		C				P
Wooden containers – manufacturing					P	P
Wool preserving – manufacturing					P	P
Wool & mohair - wholesale					P	P
Worm farms	P	P				
Y						
Yarn & thread – manufacturing		C		C	P	P
Z						
Zoos	C	C	C			

RULES AND REGULATIONS

SECTION I

RULES

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

1. Words and numbers used singularly shall include the plural and the plural shall include the singular. Words used in the present tense shall also include the future tense.

2. The word person or persons includes a corporation, members of a partnership, limited liability company, or other business organization, a committee, board, trustee, agent, or other representative.

3. The word shall is mandatory.

4. The word use, used, occupy, or occupied as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

5. The word "structure" shall include the word "building" and sign.

6. The term "County Board of Commissioners, and/or Governing Body" shall be inclusive of the term "Village Board of Trustees" to include the Villages of Cotesfield, Cushing, Dannebrog, Elba and Farwell. Each of the prior referenced Villages' incorporated area and their One-Mile Extra-Territorial Planning Jurisdiction shall be included in this Joint Howard County and Communities Zoning Regulations. Additionally, the Village of Boelus shall only participate by the inclusion of its One-Mile Extra-Territorial Planning Jurisdiction, as it has established its own municipal Planning Commission to control the incorporated area of the Village of Boelus.

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SECTION 2

DEFINITIONS

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

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

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

Access: - a way or means of approach or entrance, a means of ingress or egress.

Accessory building: - (see Building, accessory)

Accessory Residence: Serve as a secondary or non primary residence in a farming operation. (Added 4-23-2013)

Accessory structure: - a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

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

Active recreation: - a recreational activity requiring physical exertion such as swimming, tennis, soccer, baseball, softball, running and playgrounds.

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

Adjacent: - near to or in the vicinity without touching or bordering upon.

Administrative Conditional Use Permit: - is solely for permitting the spreading of CAFO livestock waste on land not on the DEQ Nutrient Management Plan. It is issued by the Zoning Administrator without a Public Hearing and does not need the approval of the Planning Commission or the County Board of Commissioners.

Administrative Single Lot Subdivision – Requires that one lot being split contain a habitable residence, and meets all other Single lot requirements. (add 3-26-2013)

Adult uses: - any commercial activity orientated towards sexual activities other than treatment or manipulation administered by a practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This does not include an athletic club, health club, school gymnasium reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Agricultural and farm buildings and structures: - any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residences of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

Agriculture: - the use of a tract of land for the growing of crops, pasturage, nursery or the raising of poultry including the structure necessary for carrying out farming operations, the residence or residences of those owning or operating the premises, a member of the family, thereof or persons employed thereon, and the family thereof, but such use shall not include feedlots. The raising and feeding of livestock and poultry shall be an agricultural use if the area in which the livestock or poultry is kept is ten (10) acres or more in area.

Agricultural operations: - a farmstead of twenty (20) acres or more, which produce one thousand dollars ($1,000) or more of farm products each year.

Airport: - an area designed and set aside for the landing and takeoff of aircraft, including all necessary facilities for housing and maintenance of aircraft (also see Heliport).

Alley: - a dedicated public right-of-way, the right-of-way of which is twenty (20) feet or less in width, other than street, which provides only a secondary means of access from the abutting property, to the street.

Alteration: - any change, addition, modification in construction or occupancy of an existing structure.

Alteration, structural: - (see Structural alteration)

Amusement arcade: - 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.

Animal hospital: - (see Hospital, animal)

Animals, domestic: - (see Household pet)

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

Antenna: - any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (also see Satellite dish antenna and Tower)

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

Apartment hotel: - a multiple family dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the of the building indicating the existence of such use.

Apartment house: - (see Dwelling, multiple family)

Appeal: - a request for a review of the Zoning Administrator's interpretation of any provision of this ordinance or a request for a variance.

Application rate: - the concentration of the material administered to the soil.

Approved lot: - (see Lot, approved)

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

Aquifer recharge area: - an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater

Architectural canopy sign: - (see Sign, architectural canopy)

Area of shallow flooding: - a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Arterial street: - (see Street, arterial)

Attached permanently: - attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

Automobile service station: - (see Service station)

Automobile wrecking yard: - the dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard. (also see Junkyard)

Bar: - any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (also see Nightclub)

Base flood: - the flood having one percent chance of being equaled or exceeded in any given year.

Basement: - that portion of a building which is partly or completely below grade or having its floor sub grade (below ground level) on all sides.

Bed and breakfast inn: - a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.

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

Best interests of community: - interests of the community at large and not interest of the immediate neighborhood.

Best management plan: - a plan which describes Best Management Practices intended to prevent or minimize the potential for pollution of waters, air or land of the state, and to prevent or minimize health problems resulting from the operation.

Best management practices: (BMPs) - treatment requirements, operating and maintenance procedures, schedules of activities, prohibitions of activities, and other management practices to control site runoff, spillage, leaks, sludge or waste disposal or drainage from raw material or waste storage. With livestock it - livestock management techniques and practices as set forth by various agencies, including the Nebraska Department of Environmental Quality, that encourage and protect the environment and public.

Billboard: - (see Sign, billboard)

Block: - a tract of land within a subdivision bounded by streets, streams, railroads, the exterior boundaries of the subdivision or any combination thereof.

Block frontage: - that section of a block, fronting on a street between two intersecting streets or other block boundary.

Board of adjustment: - that board which has been created by the county and which has the statutory authority to hear and determine appeals, interpretations of and variances to the zoning regulations.

Boarding house: - a building in which separate sleeping rooms are provided for (a total of 16 or fewer) persons not related by blood, marriage or adoption to the owner, on either a permanent or transient basis, with or without meals, but without separate cooking facilities for individual occupants.

Borrow pit: - any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

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

Buffer: - a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (also see Screening)

Building: - any structure having a roof and three (3) walls, and used, or intended for the enclosure, shelter or protection of persons, animals, chattels or property. (also see Structure)

Building, accessory: - any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes garages. carports and small storage sheds.

Building coverage: - (see Lot coverage)

Building, height: - the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (also see Height)

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

Building moratorium: - a period of Time established by the County Board when no construction, additions, improvements or subdivision shall occur within a given area.

Building, principal: - a building within which the main or primary use of the lot or premises is located. (also see Principal use)

Building sign: - (see Sign, building)

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

CAFO, Waste Setback: - Rural residents of homes in existence prior to Nov. 2009, may request a 1320' (1/4 mile) waste setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned resides at the location. (All homes built after that date will not have this option)

Camper: - (see Recreational vehicle)

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

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

Carry out restaurant: - (see Restaurant, fast food and Restaurant, drive-in)

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

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

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

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

Clinic: - a building designed and used for the examination, diagnosis and treatment of human patients and not including overnight care facilities.

Closed Sign: - (see Sign, closed)

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

Cluster development: - a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.
Cocktail lounge: - (see Bar)

Collector street: - (see Street, collector)

Commercial Biodegradable Material (CBM): – Industrial waste which decomposes readily by bacterial action including, and not necessarily limited to, sludge, Soilbuilder I, Soilbuilder II, paunch, etc. (Added 8-26-14)

Commercial Biodegradable Material application site: - Land where Industrial Commercial Biodegradable materials are applied. (Added 8-26-14)

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

Commission: - the Howard County Planning Commission.

Common area: - that area within a development not occupied by buildings, owned in common by property owners within the development, designed and intended to provide access, parking, required yards, walkways, and services to the residents of the development. Common area does not apply as open space nor common open space. (also see Open space, common)

Common open space: - (see Open space, common)

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

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

Community water supply system: - a public water supply system, which serves at least fifteen service connections used by year round residents or regularly serves 25 or more year round residents.

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

Comprehensive plan: - the Comprehensive Plan of Howard County, Nebraska as adopted by the County Board of Commissioners, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 23-174.05, R.R.S. 1943, as the same may, from time to time, be amended.

Concept plan: - (see Site plan)

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

Conditional Use Permit: - means a permit issued by the planning commission that authorizes the recipient to make conditional use of property in accordance with the requirements of the Comprehensive Plan and Zoning Regulations of Howard County, Nebraska, as well as additional requirements imposed by the Howard County Planning Commission.

Condominium: - an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Concentrated Animal Feeding Operation (CAFO), Commercial: - Agricultural facilities that house and feed 500+ animal units in a concentrated area for 45 days or more during any 12 month period.

Concentrated Animal Feeding Operation, Commercial Waste Setback: - Rural residents of homes in existence prior to Nov. 2009, may request a 1320' (1/4 mile) waste setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned resides at the location. (All homes built after that date will not have this option)

Concentrated Animal Feeding Operations (CAFO), Farm: - Agricultural facilities that house and feeds 500 or fewer animal units in a concentrated area for 45 days or more during any 12 month period.

Confinement: - the concentrated feeding of animals in buildings, lots or pens which are not normally used for the raising of crops or the grazing of animals, except that the word "confinement" shall not mean the temporary concentrated feeding of livestock during seasonal adverse weather.

Conflicting land use: - the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited lo traffic, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy and unsightly views

Congregate housing: - a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving 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 Housing for the elderly)

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

Conservation easement: - an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition and retaining such areas as suitable habitat for fish, plants or wildlife or maintaining existing land uses. (see also Preservation easement) (Revised 6-20-2012)

Container: - any devise, excluding a lagoon, in which a material is stored, transported, treated, disposed of or otherwise handled.

Controlled discharge lagoon: - a discharging wastewater lagoon system operated to store wastewater for extended periods and to periodically discharge treated effluent in accordance with permits.

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

Copy areas: - (see Sign, copy area)

Corner lot: - (see Lot, corner)

Country club: - buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes, but not operated for a profit. The affairs and management of such club are conducted by a board of directors, executive committee or similar body chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or corporation. Customary country clubs include, but are not limited to swimming, tennis and golf course country clubs.

County: - Howard County, Nebraska.

County board: - the County Board of Commissioners of Howard County, Nebraska.

Court: - an open, unoccupied space, other than a yard, bounded on three (3) or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Crop: - a plant or plant product grown for harvest, including grazing by domesticated livestock.

Cul-de-sac: - a local street which is a single continuous stretch of road one end of which is closed and terminated by a circular turn around.

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

Curvilinear street: - (see Street, curvilinear)

Dead end street: - (see Cul-de-sac)

Density: - the number of dwelling units per gross acre of land.

Design: - a map or print or study of the location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignments and rights-of-way for drainage and sanitary sewers, and the designation of minimum, lot area, width and length.

Destination sign: - (see Sign, destination)

Developer: - any person, corporation, partnership or entity that is responsible for any undertaking that requires a building/zoning permit or Conditional Use Permit.

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

Development area: - an area of land either subdivided or not with three or more homes per nine (9) acres.

Development concept plan: - (see Site plan)

Development impact fee: - a fee imposed on developers to pay for the costs to the county of providing services to a new development based on the impact of the new development

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

Dewatering: - the process of removing water from Commercial Biodegradable Waste.

Discharge: - the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of pollutants into any waters of the State or in a place which will likely reach waters of the State. When used without qualification, - a discharge of a pollutant and a discharge of pollutants.

Discharge of a pollutant and discharge of pollutants: - each - any addition of any pollutant or combination of pollutants to waters of the state from any point or non-point source. This includes discharge into waters of the state from surface runoff which is collected or channeled by man or discharges through pipes, sewers, or other conveyances, owned by a state, municipality, or other party which do not lead to treatment systems.

District: - (see Zoning district)

Dog kennel: - (see Kennel, commercial and Kennel, private)

Domestic animals: - (see Household pet)

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

Double frontage lot: - (see Lot, double frontage)

Down-zoning: - 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.

Drive-in facility: - an establishment where customers can be served without leaving the confinement it of their vehicle.

Drive-in restaurant: - (see Restaurant, drive-in and Restaurant, fast food)

Dry paunch: - Commercial Biodegradable Waste that has been dewatered so as to have a moisture content of 65% or less.

Dry ton: - a theoretical weight of 2000 pounds of material at 0% moisture used in calculating an actual amount of material for land application or other purposes.

Dwelling: - a building or a portion thereof that provides living facilities for one or more families, but not including hotels, motels, boarding or lodging houses and shall include manufactured dwellings.

Dwelling, condominium: - (see Condominium)

Dwelling, manufactured: - (see Manufactured home and Mobile home)

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

Dwelling, multiple family: - a detached residential building containing three or more dwelling units.

Dwelling, seasonal: - a dwelling designed and used as a temporary residence and occupied less than six months in each year.

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

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

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

Dwelling, two family: - a building containing two dwelling units.

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

Dwelling unit, efficiency: - a dwelling unit consisting of one principal room with no separate sleeping room.

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

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

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

Elderly housing: - (see Housing for the elderly)

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

Emergency shelter mission: - a facility which provides temporary housing for one or more individuals who are indigent, needy, homeless or transient.

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

Engineer: - either the City or County Engineer or person designated the duties of said position depending upon the area of government jurisdiction.

Enlargement: - the expansion of a building, structure or use in volume, size, area, height, length, width, depth, capacity, ground coverage or in number.

Erected: - constructed upon or moved onto a site.

Existing Construction: - (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

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

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

Extraterritorial jurisdiction: - the area beyond the corporate limits, in which a city or village has been granted the powers by the state to exercise zoning regulations and is exercising such powers.

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

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

Facultative lagoon: - is a shallow wastewater lagoon where biological treatment from both aerobic and anaerobic microorganisms occurs and that relies on algae and wind action to provide oxygen for aerobic processes.

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

Family day care: - the provision of services in lieu of parental supervision for children under thirteen (13) years of age for compensation, either directly or indirectly, on the average of less than twelve (12) hours per day, but more than two (2) hours per week, and shall include any employer-sponsored day care, family day care homes, day care centers, before-and-after-school day care programs, before-and-after-school services pursuant to Section 79-444, R.R.S. 1943, as the same may, from time to time, be amended, or preschools or nursery schools; but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than day care or preschool or nursery schools, a preschool program conducted in a school approved pursuant to Section 79-328, R.R.S. 1943, as the same may, from time to time, be amended, or child care as defined in Section 79-1901, R.R.S. 1943, as the same may, from time to time, be amended.

Farm: - an area containing at least twenty (20) acres or more which is used for growing of the usual farm products such as vegetables, fruit and grain and the storage on the area, as well as for the raising thereon of the usual farm animals up to five hundred (500) animal units as defined in the "Feedlot, Commercial" definition herein.

Farming: - the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for the treating or storing the produce and the feeding of livestock as hereinafter prescribed, provided, that such accessory uses do not include the feeding of garbage or offal to swine or other animals. `(In contrast to a commercial feed lot hereinafter defined, any person or persons operating within the following categories is conducting a farming operation and is not considered as operating a commercial feed lot unless the following is exceeded: one (1) Animal unit (as defined in Feedlot, Commercial) per acre for a parcel less than forty (40) acres; one and one-half (1 ½) animal units per acre for that portion of a parcel over forty (40) acres but less than eighty (80) acres, but not more than two (2) animal units per acre for parcels over eighty (80) acres, provided that any combination of animal units in excess of five hundred (500) shall require a Conditional Use Permit.)

Farmstead: - in contrast to a farmstead dwelling, a tract of not less than two (3) acres and not more than twenty (20) acres, upon which a farm dwelling and other farm outbuildings existed at least twelve (12) months prior to the adoption of this resolution (August 26, 1997), and the farm dwelling was used for single family residence purposes.

Feedlot, commercial: - the feeding, farrowing or raising of cattle, swine, sheep, poultry, or other livestock, in a concentrated area where grazing is not possible, where the confinement is for more than six (6) months in any one calendar year, and where the number of animals so maintained exceeds five hundred (500) animal units as defined herein. The area of the concentrated feeding operation 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 livestock operations under common ownership are deemed to be a single livestock operation if they are adjacent to each other or if they utilize a common area or system for the disposal of livestock wastes. Animal units (AU) are defined as follows:

One (1) Steer @ one thousand (1000) pounds = One (1) animal unit (AU)
One (1) Horse = One (1) AU
1.0 Dairy Cattle = (1) AU
1.5 Sows with litters = (1) AU
1.5 Hogs - (1) AU (includes swine that are 55 pounds or heavier, excluding producing sows)
2.5 Nursery Pigs = 1 AU
5 Sheep = 1 A.U.
25 Turkeys = 1 A.U.
50 Layers = 1 A.U.
100 Broilers= 1 A.U.
200 Pullets= 1 A.U.

Class I	501	-	2,500 A.U.
Class II	2501	-	5,000 A.U.
Class III	5001	-	10,000 A.U.
Class IV	10,001	-	20,000 A.U.
Class V	20,001	&	UP

Feedlot, farm: - the feeding, farrowing or raising of cattle, swine, sheep, poultry, or other livestock, in a concentrated area where grazing is not possible, where the confinements is for more than six (6) months in any one calendar year, and where the number of animal units (as described in Feedlot, Commercial) so maintained exceeds 15 animal units and does not exceed 500 animal units. The area of the concentrated feeding operation shall include the pens, corrals, sheds, building, feed storage areas, waste disposal ponds, and related facilities.

Final plat: - a plan or map prepared in accordance with the provisions of these regulations and those of any other applicable local regulation, which plat is prepared to be placed on record in the Office of the Register Deeds of the County in which any part of the subdivision is located.

Firework Stands: - Stands must be located within the city limits of an incorporated city or village in the state and must follow Nebraska State Fire Marshall guidelines.

Flea market: - a building or open area in which stalls or sale areas are set aside and rented or otherwise provided and which are intended for 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 individual who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.

Flood or "flooding: - a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.
(2) The usual and rapid accumulation of runoff of surface waters from any source.

Flood fringe: - the area of the floodplain, of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

Flood insurance rate map (FIRM): - an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

Flood insurance study: - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodplain: - any land area susceptible to being inundated by water from any source (see the Floodplain Regulations, Section 12 Definitions et seq. of this Code for all definitions relating to flood plain regulations and management)

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 foot. (see the Floodplain Regulations, Section 12 Definitions of these regulations)

Floor area, gross: - the sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

Floor area ratio: - the maximum percentage of allowable floor area of a building or a group of buildings on the same lot, computed by dividing the floor areas by the area of the lot.

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

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.

Freestanding sign: - (see Sign, freestanding)

Front lot line: - (see Lot line, front)

Front yard: - (see Yard, front)

Frontage: - (see Lot frontage)

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

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

Garage, public: - a building designed and used for the storage of over four (4) motor vehicles and operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles, campers or motor powered boats.

Garage, repair: - a building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. (also see Service station)

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

Gasoline and diesel service Stations: - (see Service station)

Generator: - any person, by site, whose act or process produces waste.

Generator, traffic: - a use of land which generates large concentrations of population during designated periods of time.

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

Governing body: - the Howard County Board of Commissioners.

Grade: - the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

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

Gross useable area: - the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, measured from the center line of joint partitions and from wall faces.

Ground cover: - plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (also see Landscaping)

Ground coverage: - (see Lot coverage)

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

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

Group home for the handicapped: - a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" - 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; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

Group housing: - two or more separate buildings on a lot, each containing one or more dwelling units.

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

Handicap: - with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. Handicap shall not include current, illegal use of or addiction to a controlled substance as defined by Section 28-401, R.R.S. 1943, as the same may, from time to time, be amended.

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

Health care facilities: - a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: (1) hospitals including offices of 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 Except as herein provided, health care facilities do not include doctors, or dentists' professional offices and private clinics.

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

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

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

Heliport: - a designated landing area used for the landing and taking off of helicopters and may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Helistop: - any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling, or service facilities.

Highest adjacent grade: - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Highest use: - (see Use, highest)

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

Historic Structure: - any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,

b. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district,

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1. By an approved state program as determined by the Secretary of the Interior or

    2. Directly by the Secretary of the Interior in states without approved programs.

Holding pond: - an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid or semi liquid livestock wastes.

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

Home occupation: - an occupation, profession, activity or use that is clearly an incidental and secondary use of a residential dwelling, or an accessory building on the same zoning lot for business activities. These activities must be clearly secondary to the use of the primary dwelling unit carried on by a member or members of the family who occupy the dwelling for living purposes, which does not alter the exterior of the property or affect the residential character of the neighborhood. The occupation cannot add significant traffic, noise, or other environmental conditions such as dust or odors (only one (1) home occupation per zoning lot).

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

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

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

Hotel: - a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel or other similar designations.

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

Housing for the elderly: - a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of fifty-five (55) years of age or more. This does not include developments containing convalescent or nursing facilities. (also see Congregate housing)

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

Immediate incorporation: - the incorporation of land applied manure as soon as feasible to do so, without delay, but in no event, not more than four (48) hours following application.

Impact fee: (see Development impact fee)

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

Improvements: - street work and utilities that are to be installed, or agreed to be installed by the subdivider .on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.

Incidental use: - a use which is subordinate to the main use of a premise.

Incorporated: - to work a material into the surface of the soil by plowing, disking, or other means.

Industrial: - production of a food processing, manufacturing or similar establishments that generates waste.

Individual septic system: - a wastewater treatment system for a dwelling that has a septic tank and absorption system.

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

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

Infill land: - vacant tracts of land surrounded by developed properties containing improvements.

Inoperable motor vehicle: - any motor vehicle which (1) does not have a current state license plate or (2) which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building within a zoning district allowing inside storage.

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

Interim zoning or development controls: - a process to freeze or severely restrict development for a short period, during which a comprehensive plan for an area or a new set of zoning regulations is prepared.

Interior lot: - (see Lot, interior)

Intermediate care facility: - (see Group home for the handicapped)

Irrigation distribution system: - any device or combination of devices having a hose, pipe or other conduit, which connects directly to any source of ground or surface water, through which livestock wastes or a mixture of water and livestock wastes is drawn and applied for agricultural or horticultural purposes.

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

Junkyard: - any area or parcel of land where accumulation of discarded junk, salvaged or salvageable materials are stored, baled, packed, disassembled or handled in any manner. The materials may include, but not be limited to inoperable motor vehicles or vehicle parts, inoperable machinery or equipment or parts, used lumber, or scrap or salvaged metal. The terms junkyard and salvage yard shall be synonymous. (also see Automobile wrecking yard)

Kennel, commercial: - an establishment where four (4) or more dogs or cats or any combination thereof, or other household pets are groomed, bred, boarded, trained or sold as a business.

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

Kiosk: - a freestanding structure used for the purposes of posting information, notices, announcements and posters of a temporary nature.

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

Land: - any natural or manmade surfaces of the earth, excluding water.

Land application: - the controlled application of effluent onto the land surface to achieve a designed degree of treatment through natural, physical, chemical and biological processes within the plant-soil-water matrix.

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

Landscaping: - the changing, rearranging, or adding to a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. This may include the reshaping of the land, adding vegetation, sculptures, decorative lighting, structures, decorative surfacing or other enhancement for aesthetically, ecological and environmental reasons. (also see Ground cover)

Laundry, self-service: - an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

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

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

Liquid manure: - that type of livestock waste that is in liquid form, collected in liquid manure pits and can be sprayed upon or injected beneath the surface on the ground.

Liquid manure storage pits: - 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.

Liquid Commercial Biodegradable Waste: - Industrial Commercial Biodegradable Waste that has a moisture of 66% or more.

Livestock: - (see Animals, farm)

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

Livestock wastes: - animal and poultry excreta and associated feed losses, bedding, spillage or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by failing on or flowing onto a livestock operation, and other materials polluted by livestock or their direct products.

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

Loading space, off-street: - the space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Local street: - (see Street, local)

Lodging house: - (see Boarding house)

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

Lot, approved: - a lot in separate ownership as of January 1, 1983, whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Howard County Register of Deeds. (Also see Lot of record)

Lot area: - the total horizontal area within the lot lines of a lot.

Lot, corner: - a lot abutting upon two (2) or more streets at their intersection.

Lot, coverage: - the lot area covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

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

Lot, double frontage: - a lot, having a frontage on two nonintersecting streets as distinguished from a corner lot.

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

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

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

Lot line: - a line dividing one lot from a street, alley or another lot. (also see Street line)

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

Lot line, rear: - a lot line opposite the front lot line. A lot bounded by only three lot lines will have no rear lot line.

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

Lot line, zero: - the location of a building on a lot line in such a manner that one or more of the building's sides rests directly on a lot line.

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

Lot of record: - a lot who's existence, location and dimensions have been legally recorded in a deed or on a plat in the office of the Howard County Register of Deeds prior to the effective date of zoning in the area where the lot is located. (also see Lot, approved)

Lot, parking: - (see Parking lot)

Lot, reverse frontage: - a through lot without accessibility from one of the nonintersecting streets upon which it abuts.

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

Lot, through: - (see Lot, double frontage)

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

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 so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

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

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

Major highway maintenance: - a street or road which provides through traffic movement between and around areas and across the county or city; subject to necessary control of entrances and curb uses. This includes U.S. and State Highways.

Major Thoroughfare: - a street, highway or roadway designated as such on the official Major Street Plan.

Manufactured home: - a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with the standards promulgated by the United States Department of Housing Urban Development, or(a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".)

Manufactured home park: - a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

Manufactured home space: - a plat of ground within a manufactured home park which can accommodate one manufactured home and which provides the necessary utility services.

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

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

Map, official zoning district: - a map, delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Howard County Board of Commissioner as the zoning regulations for Howard County, Nebraska.

Marginal access streets or frontage roads: - a minor street which is generally parallel to or adjacent to a major thoroughfare, highway or railroad right-of-way and provides access to adjacent streets and properties.

Marquee sign: - (see Sign, architectural canopy)

Massage parlor: - (see Adult uses)

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

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

Message sign: - (see Sign, electronic message board)

Mini-storage or mini-warehouse: - (see Self-service storage facility)

Mission: - (see Emergency shelter mission)

Mobile home: - (see Manufactured home)

Mobile home park: - (see Manufactured home park)

Mobile home space: - (see Manufactured home space)

Mobile home subdivision: - (see Manufactured home subdivision)

Mobile unit: - (see Recreational vehicle)

Modular dwelling: - (see Dwelling, modular)

Motel: - (see Hotel)
Motor vehicle: - every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

Multiple dwelling: - (see Dwelling, multiple family)

Multiple Subdivision: – The largest-scale type of subdivision which involves the splitting of one lot into three or more lots. (add 3-26-2013)

New construction: - for floodplain management purposes, - structures 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.

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

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

Nonconforming use: - the use of any dwelling, building, lot, land or premises, or part thereof, which was existing and lawful at the time of the effective date of this chapter and which does not conform with the provisions of this chapter and any amendments thereto.

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

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

Nursery: - 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.

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

Obsolete sign: - (see Sign, obsolete)

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

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

Official map: - (see Map, official zoning district)

Off-street parking area or vehicular use area: - 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.

One family dwelling: - (see Dwelling, single family)

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

Open sign: - (see Sign, open)

Open space: - an area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes including but not limited to lawns, decorative or natural plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, ponds, wooded areas and water courses. Rights-of-way, driveways, parking lots, or other surfaces designed or intended for vehicular use shall not be included as open space.

Open space, common: - 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 storage: - (see Storage)

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

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

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

Park: - any public or private land available for recreational, educational, cultural or aesthetic use.

Parking lot: - an area, unenclosed, where six or more motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking. (also see Garage, public)

Parking, shared: - the development and use of parking on two or more separate properties for joint use by the businesses on those properties.

Parking space: - an area, enclosed or unenclosed, of not less than eight and one half (8 ½) feet by nineteen (19) feet, designed and reserved for the parking of one (1) automobile and having access to a street or alley.

Paunch: - (See Industrial Commercial Biodegradable Waste)

Pedestrian way: - a right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

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

Permanent foundation: - a base constructed from either poured concrete or laid masonry block or brick and placed on a footing located below ground level upon which a building or structure is permanently attached.

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

Permit: - any permit issued by the Director, by the Director's designated representative, or by the Howard County Board of Commissioners.

Permitted use: - any land use allowed without condition within a zoning district.

Person: - any federal agency, individual, partnership, association, public or private corporation, trustee, receiver, assignee, agent, municipality, or governmental subdivision, public agency, officer or governing or managing board of any municipality, governmental subdivision or public agency, or any other legal entity except the Department.

Pet: - (see Household pet)

Pipe stem lot: - (see Lot, flag)

Place: - (see Street, private)

Place of worship: - (see Church)

Planned development: - land under unified control, planned and developed with uses allowed within the zoning district and as a whole in a single development operation or in established phases.

Planning area: - an area on a map prepared and maintained for or by the Planning Commission describing the planning area limits.

Planning commission: - the Planning Commission of Howard County, Nebraska.

Plant nursery: - (see Nursery)

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

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

Portable sign: - (see Sign, portable)

Preliminary plat: - a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, this map need not be based on accurate or detailed final survey of the property.

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

Preservation easement: an easement granting a right or interest in real property that is appropriate to the preservation of environmentally sensitive areas. (see also Conservation easement) (added 6-20-2012)

Primary cells: - are the initial cells in a lagoon system that receives untreated wastewater.

Primary treatment: - is a physical treatment process that removes particulate solids from wastewater by settling.

Principal building: - (see Building, principal)

Principally above ground: - that at least 51 percent of the actual cash value of the structure is above ground.

Principal use: - (see Use, principal)

Private club: - (see Club)

Private garage: - (see Garage, private)

Private stable: - (see Stable, private)

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

Prohibited use: - any use of land, other then nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

Projection sign: - (see Sign, projecting)

Promotional device: - any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations or other material, on a fabric of any kind. National flags, flags of political subdivisions or symbolic flags of any institution or business shall not be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers or fringe-type ribbons or piping, shall be considered as a promotional device.

Public garage: - (see Garage, public)

Public stable: - (see Stable, public)

Public utility: - 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: - a water supply system designed to provide public piped water fit for human consumption, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five 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.

Rear lot line: - (see Lot line, rear)

Rear yard: - (see Yard, rear)

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

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

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle (RV) park: - a tract of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters, for recreation or vacation purposes by campers, vacationers or travelers.

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

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

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

Registration permit: - a registration of any size livestock or poultry operation.

Release: is not limited to, any discharging, spilling, leaking, pumping, emitting, emptying or dumping of Commercial Biodegradable Waste upon land, beneath the surface of the land, or into waters of the State, either by accident or otherwise.

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

Residence: - a building used, designed or intended to be used as a home or dwelling for one (1) or more families. (also see Dwelling)

Residents association: - (see Homeowners association)

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

Restaurant, drive-in: - an establishment which has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

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

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

Retirement community: - (see Housing for the elderly)

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

Rezoning: - an amendment to or change in the zoning regulations either to the text or map or both.

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

Riding stable: - (see Stable, riding)

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

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

Road, public: - all public right-of-way reserved or dedicated for street traffic. (also see Right-of-way and Street)

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

Roof sign: - (see Sign, roof)

Rooming house: - (see Boarding house)

Salvage yard: - (see Junkyard)

Satellite dish antenna: - 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.

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

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

School, private: - a facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools operated by a non-governmental organization.
School, trade: - an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.

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

Seasonal: - (see Dwelling, seasonal)

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

Secretary: - the secretary of the Planning Commission.

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

Service floor area: - the total floor area of a building, exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by inhabitants, visitors, employees, clients, customers, patients or patrons in their normal everyday use of the building.

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

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

Setback, CAFO): - Rural residents of homes in existence prior to Nov. 2009, may request a 1320' (1/4 mile) setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned resides at the location. (All homes built after that date will not have this option)

Setback line or building line: - a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered except as otherwise provided in the Zoning Regulations.

Shelter: - (see Emergency shelter mission)

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

Side lot line: - (see Lot line, side)

Side yard: - (see Yard, side)

Sidewalk café: - an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

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

Sign: - any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, logo, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter illumination device, constructed, erected, manufactured or painted in any manner whatsoever.

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

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

Sign, destination: - 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.

Sign, directional: - a sign which provides directional assistance to access an establishment conveniently and safely.

Sign, electronic message board: - 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.

Sign, flashing: - 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.

Sign, freestanding: - any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

Sign, illuminated: - a sign illuminated in any manner by an artificial light source.

Sign, portable: - 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.

Sign, roadway: - a freestanding sign, excludes signage on a surface of masonry, concrete, frame or other approved building walls.

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

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

Sign, temporary: - 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.

Sign, window: - a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

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

Single Lot Subdivision – The smallest-scale type of subdivision which involves the splitting of one lot into two smaller lots. This subdivision usually would involve no new right-of-way or other public/private easement. (add 3-26-2013)

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

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

Slope: (see Grade)

Sludge: - solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or incorporating in soil by injection.

Solids settling pit: - is a concrete treatment unit where wash water from a truck wash facility has solids and/or floatable solids that will settle and separated from the wash water, and allows the liquid wastewater to flow through to a wastewater lagoon.

Special Use: - (see Conditional Use)

Special flood hazard area: - land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

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

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

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

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

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

Start of construction: - [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

State: - the State of Nebraska.

Stockpiling: - 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 (1) year.

Storage: - the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days., or the leaving or placing of a material in a location or position other than where it will ultimately reside or be used.

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

Street: - a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, and a right-of-way dedicated to the public use, or a private right-of-way serving, more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

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

Street, collector: - a street designed to provide for the efficient movement between local streets and arterial streets allowing direct access to abutting properties, or any street designed primarily for the purpose of gathering traffic from local or residential streets and carrying it to the major street system.

Street, cul-de-sac: - (see Cul-de-sac)

Street, curvilinear: - local streets which deviate from straight alignment and change direction without sharp corners or bends.

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

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

Street, looped: - a continuous local street without intersecting streets and having its two (2) outlets connected to the same street.

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

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

Structure: - anything constructed or erected which requires permanent location on the ground or which is attached to something having permanent location on the ground, larger than 144 square feet, but not including driveways, sidewalks or other surfacing, or public items such as utility poles, street lights, and street signs, or minor landscape features such as bird fountains, clotheslines, landscape lighting, and sculptures. It is also 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.

Subdivider: - a person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.

Subdivision: - the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument, and the division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision' and the term "resubdivision" as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same. (See also-Administrative, Multi-Lot & Single Lot Subdivision) (add 3-26-2013)

Subdivision identification lot: - (see Lot, subdivision identification)

Subdivision identification sign: - (see Sign, subdivision identification)

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

Substantial improvement: - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds, 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

Surface waters: - 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.

Tavern: - (see Bar)

Temporary sale: - (see Flea market)

Temporary sign: - (see Sign, temporary)

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

Through lot: - (see Lot, through)

Tower: - a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communication. (also see Antenna)

Townhouse: - (see Dwelling, single family, attached)

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

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

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

Two family dwelling: - (see Dwelling, two family)

Up-zoning: - 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, accessory: - (see Accessory use)

Use, best: - the recommended use or uses of land contained in an adopted comprehensive plan. Such uses represent the best use of public facilities, and promote health, safety and general welfare.

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

Use, principal: - the main use of land or structures, as distinguished from an accessory use. (also see Building, principal)

Variance: - a relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning, or is a grant of relief to a person from the requirements of the Floodplain Regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

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

Vehicle, motor: - (see Motor vehicle)

Wall sign: - (see Sign, wall)

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

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

Warehouse, personal storage: - (see Self-service storage facility)

Wastewater cell: - is a lagoon, basin, pond, constructed wetland, sand filter or other excavation, usually with earthen dikes, that is designed and constructed as part of a wastewater treatment facility.

Wastewater lagoon: - is a detention, storage, or holding pond, usually with earthen dikes, designed and constructed to treat or store wastewater.

Watercourse: - a natural or manmade channel through which water flows or a stream of water (as a river, brook, or underground stream).

Waters of the state: - 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.

Water table: - the surface of underground gravity-controlled water and shall include that water found in the saturated zone beneath the surface of the land.

Wetland: - an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydro-phytic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

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

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

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

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

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

Yard, side: - a yard between the side lot line and the side building line lying between the front yard and the rear yard.

Zero lot line: - (see Lot line, zero)

Zoning administrative officer: - the person or persons authorized and empowered by the county to administer and enforce the requirements of this chapter.

Zoning Administrator: - the person or persons authorized and empowered by the county to administer and enforce these regulations.

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

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APPLICATION OF DISTRICT REGULATIONS

SECTION 1

APPLICATION

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

1. No building, structure or land shall hereafter be used or occupied, and no building or, structure or part thereof shall hereafter be erected, constructed, reconstructed, relocated, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:
   a. to exceed the height;
   b to accommodate or house a greater number of families;
   c. to occupy a greater percentage of lot area;
   d. to have narrower or smaller rear, front, side yards or other open spaces, than herein required, or in any other manner contrary to the provisions of these regulations.

3. No part of a yard, or other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with these regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements established by these regulations.

5. No water or sewer facility shall be constructed, altered, connected or used unless in conformity with all of the regulations herein specified.

SECTION 2

CONFLICTS

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

DISTRICTS, BOUNDARIES AND MAPS

SECTION 1

PURPOSE

The purpose of this regulation is to encourage the most appropriate use of land, to promote the highest and best use and conserve and stabilize property values, to aid in providing space for public uses, and to promote orderly growth, public health, safety and general welfare.

SECTION 2

These zoning regulations divide the zoning area into districts designated on the zoning map and described in specific articles herein.

SECTION 3

DISTRICT ZONING MAP

The boundaries of the districts are shown on the map and/or sections thereof attached hereto and made a part of this regulation, which map is designated as the "Official Zoning Map". The Official Zoning Map and all the notations, references and other information shown thereon are a part of this regulation and have the same force and effect as if said map and all the notations, references and other information shown thereon are a part of this regulation and have the same force and effect as if said map and all the notations, references and other information shown thereon were all fully set forth or described herein. The Official Zoning Map is properly attested and is on file in the office of the clerk having jurisdiction.

SECTION 4

ANNEXATION RULE

All territory which may hereafter become the zoning jurisdiction of the County as a result of a city or village jurisdiction boundary change, shall be in the "A-2" Transitional Agricultural District and be confirmed by amending the Zoning District Map following the procedures outlined by these regulations. Should the use of the property not conform to the permitted uses in the "A-2" Transitional Agricultural District, the property shall be considered a non-conforming use and shall remain so until appropriately zoned following the rezoning procedures outlined within these regulations.

SECTION 5

RULES WHERE UNCERTAINTY MAY ARISE

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map and made a part of this regulation, the following rules apply.

1. The district boundaries are the centerline of either streets or alleys unless otherwise shown.

2. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the Official Zoning Map and made a part of this regulation are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the Map.

3. In un-subdivided property, the district boundary line on the Official Zoning Map and made a part of this regulation shall be determined by the use of the scale appearing on the map.

4. Boundaries indicated, as approximately following municipal boundaries shall be construed as following municipal boundaries.

SECTION 6

SCHEDULE OF DISTRICT REGULATIONS

The following schedule of district regulations are hereby adopted and declared to be part of these regulations:

A-1 Agricultural District

A-2 Agricultural - Transitional District

A-3 Agricultural - Conservation District

C-S Highway Service District

I-1 Light Industrial District

I-2 Heavy Industrial District

SECTION 7

CONDITIONAL USES, PROCEDURES AND STANDARDS

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

1. Permitted Uses: Permitted uses are those uses permitted outright in the district.

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

    a. Procedure: After receiving an application and fee, the amount of which to be established by the County Board of Commissioners, and after public hearings by both the Planning Commission and the County Board of Commissioners, the County Board of Commissioners may authorize a Conditional Use Permit in a zoning district, provided it is found that the location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. An application for a Conditional Use Permit shall include a site plan which shall denote the location of any hazardous materials. Notice for such hearings shall be given in the manner provided by these regulations.

    b. Standards: The conditional uses shall conform to the intent and purpose of these regulations, the comprehensive plan and the following requirements:

        1. The use shall in all other respects conform to the applicable regulations of the district in which it is located.

        2. Ingress and egress shall be so designed as to minimize congestion in the public street, road or highway.

        3. The use shall be in harmony with the character of the area and most appropriate use of the land. The planning commission considering an application for a conditional use may consider, among other things, the most appropriate use of and, the conservation and stabilization of the value of property, adequate open space for light and air, concentration of population, congestion of public streets, and the promotion of public safety, health, convenience, and comfort. The County Board of Commissioners, after receiving recommendations of the planning commission, may stipulate and require such conditions and

restrictions upon the conditional use and operation as is deemed necessary for the protection of the public interest and to secure compliance with these regulations.

c. If an approved conditional use is not begun within a period of 12 months following approval, the Conditional Use Permit shall become null and void.

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

e. Conditional Use Permits are issued for the use of the property according to the a term of the permit or until the use of the property is changed to a permitted use or another allowed conditional use in the district. To change to another conditional use allowed within the district, the same procedures of this section establishing a conditional use, shall be followed.

f. The zoning administrator shall cause the special use permit, any amendment and all applicable instruments to be filed with the register of deeds for recording. The recording costs shall be paid by the applicant for the Conditional Use Permit.

3. Administrative Conditional Use Permit – is solely for permitting the spreading of CAFO livestock waste on land not on the DEQ Nutrient Management Plan. It is issued by the Zoning Administrator without a public hearing, Planning & Zoning Commission approval and County Board of Commissioners' approval. After paying a fee set by the County Board of Commissioners, signing a set of rules and procedures and filing the legal description, the applicator is issued a Conditional Use Permit by the Planning & Zoning Administrator.

SECTION 8

COMPREHENSIVE PLAN RELATIONSHIP

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

SECTION 9

CLASSIFICATION OF UNLISTED USES, MATRIX

The many uses of land are to numerous to list within the text of each zoning district. Only the most common uses are listed. Additional land uses and the zoning district within which they are allowed either as a permitted use or conditional use are shown within a land use Matrix in front of book which is a part of these regulations and have the same force and effect as if these uses were listed within the zoning district. Uses not listed may be located within a zoning district where similar or related uses are allowed. This determination shall be made by the zoning administrator.

SECTION 10

CHANGES IN LAND USES OR ACTIVITIES

Land uses or activities that are not listed as a permitted use or as a conditional use in a particular zoning classification, can be added by making the appropriate zoning changes according to the "Zoning Change" guidelines on page 8 of the Howard County Planning & Zoning Standard Operating Procedures. When that "Zoning Change" allows that use as a conditional use, that Conditional Use Permit must be approved by following the "Conditional Use Permit" guidelines on page 4 of the Howard County Planning & Zoning Standard Operation Procedures.

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"A -1" AGRICULTURAL DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

It is the intent of the "A-1" Agricultural District to protect prime agricultural land and agricultural uses in Howard County by regulating the population density, non-agricultural land uses, land coverage and major roadways.

In the "A-1" Agricultural District, any conservation or preservation easement on property, in Howard County, that will cause a change in property classification (valuation) is a change of Land use and therefore must be heard by the Planning and Zoning Board and approved by the County Commissioners. (added 6-20-2012)

SECTION 2

DISTRICT USE REGULATIONS

In the "A-1" Agricultural District, no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the following uses:

PERMITTED PRINCIPAL USES

1. General farming and ranching operations, but **not** including or permitting the following:

   a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.

   b. A use or activity engaged in within three hundred (300) feet of a neighboring residential or retail business structure, if such use or activity results in continuous odor, dust or noise.

   c. The construction of agricultural buildings or structures closer than forty five (45) feet to the road right-of-way, except that at highway and road intersections agricultural buildings or structures shall not be closer than seventy (70) feet from each road right-of-way.

   d. Commercial feedlots.

   e. Commercial CAFO Waste application for land **not** on the DEQ Nutrient Management Plan. (See Administrative Conditional Use Permit Page 84- 3)

2. Churches, synagogues and similar places of worship.

3. Public or parochial schools, elementary, junior high and high schools and private schools with equivalent curriculums.

4. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational building.

5. Stands for the sale of agricultural products or commodities raised on the premises, subject to the following:

   a. Temporary stands shall not be located closer than 30 feet from the right-of-way of any state or federal highway and no closer than one foot to other roads.

   b. No parking or display of products or signs shall be located within any right-of-way. Access from state or federal highways shall be approved by the Nebraska Department of Roads.

   c. Stands legally in existence at the time of adoption of these regulations may remain, however, any enlargement or change in the location of the structure, parking areas, signs and accessory uses shall conform to these regulations.

6. Public buildings erected or land used by any department of a city, county, state, or federal government.

7. Home occupations.

8. Accessory buildings and uses customarily incidental to the permitted principal uses. All homes or residences must be on a permanent foundation unless they serve as an accessory residence to a farming operation.

9. Disposal of Commercial CAFO Waste on the DEQ Nutrient Management Plan: To protect the health, safety and general welfare of the public, the application or disposal of commercial livestock waste shall be subject to the requirements and recommendations of the State of Nebraska Department of Environmental Quality.

   Any Commercial CAFO (Concentrated Animal Feeding Operation) is required to supply to the Planning & Zoning Administrator a copy of their Operational Permit from DEQ as well as their approved Nutrient Management Plan which lists the legal description of the land upon which they are permitted to apply livestock waste. If revisions are submitted to DEQ and approved, the CAFO shall also supply a copy of the approved revisions to the Planning & Zoning Administrator.

   Rural residents of homes in A1 zoned land in existence, prior to Nov. 2009, may request a 1320' (1/4 mile) waste setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned residents reside at the location. (All homes built after that date will not have this option.)

The owner of the land, upon which the application or disposal of commercial livestock waste is applied or disposed, shall be responsible for ensuring that the following minimum sanitation and odor practices are followed:

a. There shall be no storage of livestock waste within a designated flood plain or floodway.

b. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto a neighbor's property.

c. Livestock waste from concentrated pit buildings and/or buildings with outside lagoons only, shall be directly injected into the soil, or with the approval of a Conditional Use Permit may be applied through an irrigation system.

d. When injection of livestock waste from concentrated pit buildings and/or buildings with lagoons is impossible, due to frozen ground, an Administrative Conditional Use Permit is required to surface apply the waste.

e. Storage of commercial livestock waste hauled to land where it is to be applied, is limited to 6 months to receive and apply. Storage must be ¼ mile away from any residence. (Added 7-23-2013)

CONDITIONAL USES

1. Single family dwellings which are not a part of an agricultural operation, subject to the Intensity of Use Regulations herein.

2. Bed and breakfast residence.

3. Privately owned parks, playgrounds, golf courses, dude ranches, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges. All uses requiring buildings or structures shall conform to the floodplain regulations.

4. Privately owned cabins subject to flood plain regulations and subdivision regulations.

5. Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary District Regulations.

6. Expansion of existing and development of new Commercial Feedlots of five hundred and one (501) or more Animal Units as defined in these Regulations, subject to the license requirements and waste disposal requirements and recommendations of the State of Nebraska, the following minimum sanitation and odor practices, and those imposed by the planning commission in considering the

health, safety, and general welfare of the public including such items as property values, dust, lighting, disposal of waste and dead livestock, and the recommendations of the Planning Commission:

a. Distance Requirement

1. Any new or expanding commercial feedlot (as defined in these Regulations) shall meet the minimum odor footprint distance requirements, in the following table, from any residence, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator.

2. No commercial feedlot shall be closer to a separate commercial feedlot than the distance requirements for their class, identified in the following table.

3. The setbacks will be determined by the odor footprint procedure which is as follows:

   a. Locate the center of the feedlot.

   b. Draw in the wind lines for all four directions (Fig. A – rosette on page 91)

   c. Draw in the radii – 45 degrees off the wind lines.

   d. Using the Minimum Setback Distance Requirements, mark the setback distance on the wind line from where it exits the feedlot.

   e. The arc in each quadrant will be swung using the center of the feedlot and the mark on the wind line to swing the arc across the quadrant.

4. The resulting "Odor Footprint" rosette will be imposed on the aerial photographs, the result of which will be used as the official setback tool.

5. Repairs, improvements, replacements, or expansion of existing dwellings shall be permitted where existing residences are within the setback distances. Replacement of existing residences shall not further encroach more than 200 feet upon setback.

6. No Commercial feedlot will be located in an area which has a residence located within its odor footprint, unless the residence is under the ownership of the feedlot, or a Commercial Feedlot Nuisance Easement form is attached. (Added 2-10-15)

MINIMUM DISTANCE REQUIREMENTS (OPEN LOT)

	Farm	Class 1	Class 2	Class 3	Class 4	Class 5
Total Animal Units Allowed	15 to 500	501 to 2,500	2,501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,001 & up
Minimum Distance Required	1/4 Mile	1/2 Mile	3/4 Mile	1 Mile	1 1/2 Mile	2 Mile

Confinement operations with pit buildings with or without lagoons will multiply the setback distance for each class of open pen setbacks by 1.5.

Farm Feedlots 15 – 500 animal units do not require a Conditional Use Permit. They do however follow the "Odor Footprint" tool using ¼ mile as the setback to the N-NE. (See Farm Feedlots above)

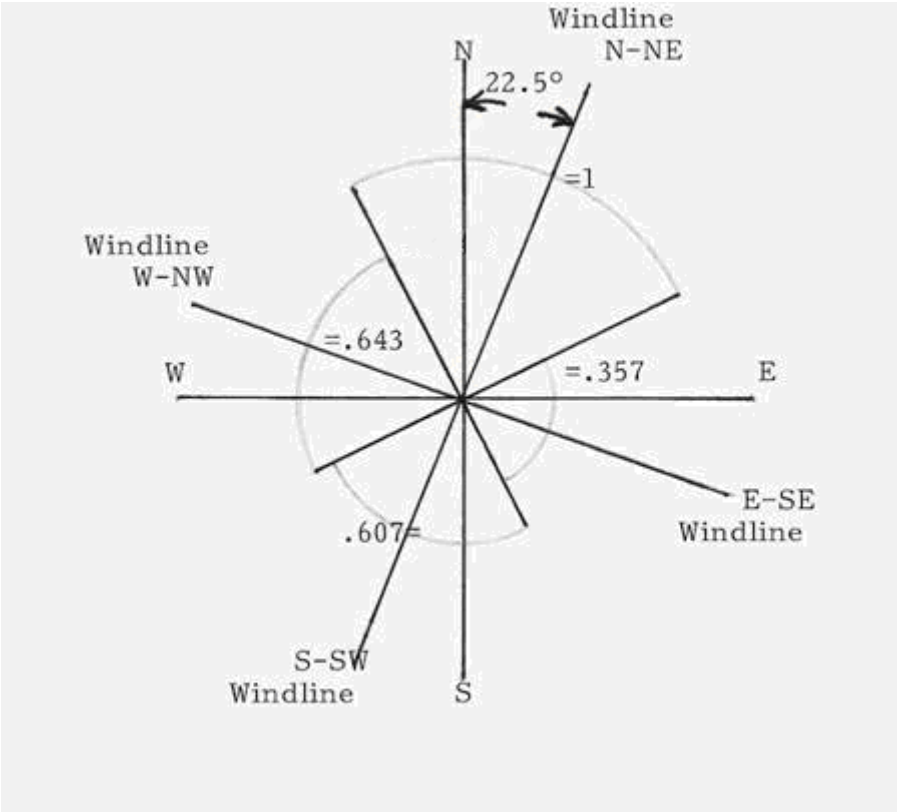

FIGURE A
Setback Distances Using the Odor Footprint Tool
Fairly open Land in Howard County
South – Central Nebraska (G.I. data)

Wind direction	Farm Feedlot ¼ mile	Class I ½ mile	Class II ¾ mile	Class III 1 mile	Class IV 1 ½ miles	Class V 2 miles
Animal Units	15 - 500	501 – 2,500	2,501 – 5,000	5,001 – 10,000	10,001 – 20,000	20,001 & up
N-NE 1	1,320'	2,640'	3,960'	5,280'	7,920'	10,560'
W-NW .643	850'	1,700'	2,545'	3,395'	5,095'	6,790'
S-SW .607	800'	1,600'	2,405'	3,205'	4,805'	6,410'
E-SE .357	470'	940'	1,415'	1,885'	2,825'	3,770'

*The setbacks are measured from the edge of the feedlot.

a. The maximum number of animal units per permit shall be limited by the Conditional Use Permit.

b. Chemical sprays and poisons in accordance with label procedures and recommendations and applied by an experienced certified pesticide applicator to control insects and rodents.

c. All ground surfaces within pens shall be so graded and compacted to insure proper drainage and maintained as such.

d. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto a neighbor's property.

e. A management plan for the facility, acceptable to the Nebraska Department of Environmental Quality and the Howard County Board, which provides for the proper disposal of animal waste and dead animals in a manner as not to contaminate ground water or any stream, creek or river and minimizes odor. Waste disposal by spraying or spreading shall be practiced in accordance with the best management practices consistent with the manure management plan approved by NDEQ or other state agency having authority to approve the same. (NOTE - see definition of "best management practice" on page 36)

f. Recognizing the progress being made by the livestock industry developing methods of protection the environment and improving feeding methods of livestock through nutritional benefits, the Conditional Use Permit shall be reviewed by the Planning Commission and County Board during the existence of the Conditional Use Permit.

g. The Planning Commission and County Board of Commissioners may include additional conditions as may be needed to provide for the protection of the environment and the minimum intrusion upon neighboring properties. Those additional conditions may include, but shall not be limited to:

1. A more stringent seepage requirement from lagoons storing livestock waste than required by state or federal requirements or agencies.

2. Groundwater tests from wells at or near the commercial feedlot. These tests should be taken at least annually or more often if needed depending on the facts and circumstances of each application. The date or dates of the testing may be specified in the Conditional Use Permit. Results of these tests shall be submitted to the zoning administrator either by direct copy from the testing lab or submitted immediately to the Zoning Administrator by the Applicant.

7. For land **not** on the DEQ Nutrient Management Plan: (See Administrative Conditional uses, page 84 -3)

The owner of the land upon which commercial livestock waste is applied or disposed of, must have an Administrative Conditional Use Permit and shall be responsible for ensuring that the following minimum sanitation and odor practices are followed:

a. There shall be no storage of livestock waste within a designated floodplain or floodway.

b. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto neighbor's property.

c. Livestock waste from concentrated pit buildings and/or buildings with outside lagoons only, shall be directly injected into the soil, or with the approval of a Conditional use Permit may be applied through an irrigation system.

d. Storage of commercial livestock waste hauled to land where it is to be applied, is limited to 6 months to receive and apply. Storage must be ¼ mile away from any residence. (Added 7-23-2013)

(Rural residents of homes in existence prior to Nov. 2009, may request a 1,320' (1/4 mile) setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned residents reside at that location.)

8. The spreading of Commercial Biodegradable Material including, and not necessarily limited to, sludge, Soilbuilder I, Soilbuilder II, paunch, etc., on land within Howard County shall be subject to the following regulations: (Added 8-26-14)

a. **Definitions –** See front of book under definitions

b. **Permits -** This section applies to all land application of Commercial Biodegradable Material (Added 8-26-14)

1. Permit Required. The term "permit" as used in this Section refers to Conditional Use Permit.

2. Activities or Operations.

   a. Any person who is proposing to land apply Commercial Biodegradable Material shall submit to the Zoning Administrator a permit application on a form designated and furnished by the Zoning Administrator at least thirty (30) days prior to physical construction and/or operation, whichever is applicable. (Added 8-26-14)

   b. The thirty (30) days requirement may be reduced with the approval of the Administrator.

   c. Operation shall not commence until a permit is issued.

c. **Contents of Application**

1. All applicants shall provide a Best Management Plan, which shall contain the following information:

   a. The activity or operation conducted by the applicant, which required a permit and a brief description of the nature of the business;

   b. The owner/operator's name, address, telephone number, ownership status, and status as federal, state, private, public or other entity;

   c. The legal description of each location of the activity or operation, and common or mailing address;

   d. The name and distance to the nearest surface water from the activity or operation; and

   e. Whether the applicant has ever been issued a permit or license from the Department, and if so, the reasons for the termination of such permit or license;

   f. Authorized Agent of the individual company producing the Commercial Biodegradable Material. (Added 8-26-14)

g. Name and address of the owner or owners of the Commercial Biodegradable Material application site(s), legal description of the site, and travel directions from the nearest town. (Added 8-26-14)

h. The area available, the current and foreseeable future use of the land, and the slope of the land.

i. An explanation of how Commercial Biodegradable Material will be transported from the generation site to the application site, and the routes to be used. (Added 8-26-14)

j. A description of the method of unloading and storage of Commercial Biodegradable Material at the application area. If unloading facilities are to be utilized, engineering plans and specifications prepared by a licensed professional engineer must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Governing Body. (Added 8-26-14)

k. A description of the method of spreading of material and incorporation into the soil. This description must include a discussion of methods to be used during periods of unfavorable weather and soil conditions as well as normal favorable conditions. The proposed application rate and justification for the rate, taking into account the items listed in Section l., Part 2 must also be shown.

L. A topographic map or engineering plans and specifications with topography shown of the application area must be included with the following features delineated:

1. Land available for application of Commercial Biodegradable Material and overall dimensions of the land; (Added 8-2614)

2. Location and addresses of neighboring home sites or farmsteads within one mile from application site and adjacent land owned by others;

3. The location of domestic water supply wells within 1000 feet of the area, the location of municipal water supply wells within 5000 feet of the area, and the approximate depths of the water tables used for any such identified wells;

4. Location and name of watercourses or wetlands in the area.

d. Application and Reports

1. All permit applications submitted to the Zoning Administrator and all reports required by such permits to be submitted to the Zoning Administrator shall be signed:

    a. In the case of a corporation, by a principal executive officer of at least the level of vice-president;

    b. In the case of a partnership or sole proprietorship, by a general partner or the sole proprietor, respectively; and

    c. In the case of a municipal, state, federal, or other public facility; by either a principal executive officer or raking elected official; or

    d. By a duly authorized representative of the persons described in Paragraph d.1.a. to d.1.c. of this section if such representative is responsible for the overall operation of the activity, the authorization is made in writing by the person designated in Paragraphs d.1.a. to 2.1.c. of this section and the written authorization is submitted to the Director.

2. Any change in an authorization meeting the requirements of Paragraph d.1. of this section shall be submitted to the Zoning Administrator in writing prior to or together with any application or report to be signed by an authorized representative.

e. Application. Additional Information Requests

No permit application submitted to the Department shall be considered for processing until all information necessary to complete the application or additional information as required by the Department has been received.

f. Permit Conditions; General

1. The following general conditions shall apply to all permits:

    a. Duration: see Paragraph g. of this section;

    b. Retention by permittee of any records required by this section for a minimum of three (3) years; and

    c. Responsibility of permittee to comply with all other applicable local, state, and federal requirements.

g. Duration

Each issued permit shall have a fixed term not to exceed six (6) months from the date of issuance.

h. Transferability of Permits

A permit may not be transferred.

i. Modifying, Suspending, or Revoking Permits

1. Any permit issued may be modified, suspended, or revoked in whole or in part during its term for cause, including, but not limited to:

    a. A violation of any terms or conditions of the permit;

    b. Obtaining a permit by misrepresentation of any relevant facts or failure to disclose fully all relevant facts;

    c. Conditions indicate that the permitted activity or operation poses a threat to human health or environment;

    d. A change in the ownership or control of an activity or operation which has a permit.

2. A permit may be suspended immediately by written order of the Zoning Administrator for a material violation of the standards set forth in Section 8 of these regulations. In the event of a suspension, written notice of the order and the reason for the suspension shall be served upon the permittee at the time of the suspension. A permittee may request a hearing before the Governing Body on said suspension by filing a written request for a hearing within ten (10) days of receipt of the notice of suspension. Said hearing shall be held and a decision rendered at the next regularly scheduled public meeting of the Governing Board, unless such time period is waived by the parties. A permit may not be revoked or modified by the Governing Body until notice of the public hearing is given as provided for in these regulations, and a public hearing is held. The hearing on the suspension may be combined with a hearing on revocation or modification if public notice can be accomplished prior to the regularly scheduled meeting of the Governing Body.

    a. Planning Commission and the Governing Body. Notice of the public hearings will be given as provided for in these regulations. The Planning Commission will review the permit and forward its recommendation to the Governing Body. The Governing Body will then hold a public hearing. At that hearing, the Governing Body will review the recommendations of the Planning Commission and

decide whether or not to issue an order revoking or modifying the permit.

b. In addition to the reasons specified in Paragraph i.1. of this section, causes for modification, but not revocation, include, but are not limited to:

1. Material and substantial alterations or additions to the permitted activity or operation which occurred after issuance of the permit which justify different conditions from those which are present in the existing permit;

2. Information received by the Governing Body which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance;

3. A change in the standards or regulations on which the permit or license was based;

4. A determination made by the Governing Body that good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control for which there is not reasonable available remedy.

j. Denial of Permits

1. The Governing Body may deny a permit when:

a. The terms and conditions of the proposed permit application do not comply and assure compliance with the applicable requirements of state and federal laws and local, state, and federal rules and regulations.

b. The application does not meet the requirements of these regulations.

k. Issuance or Denial of a Permit

1. After receiving the application fee and completed application, the Zoning Administrator shall cause notice to be made for public hearing and hearing shall be held at the earliest possible regularly scheduled meeting of the Planning Commission. The Planning Commission shall hold a public hearing and submit their recommendation to the Governing Body. After a public hearing, the Governing Body may authorize a Conditional Use Permit for Commercial Biodegradable Material application, provided it is found that the location and characteristics of the use will not be injurious to the health, safety,

morals, and general welfare of the area. Notice for the above hearings shall be given in the manner provided by these regulations.

l. Land application of Commercial Biodegradable Material (Added 8-26-14)

1. The landowner must apply for and receive a permit prior to allowing any Commercial Biodegradable Material application. (Added 8-26-14)

2. Specific Permit Terms and Conditions.

   a. Transportation: Transportation of Commercial Biodegradable Material over public roads or near an inhabited residence, business, or facility/area (excluding public roads) shall be done in a leak-proof, tightly covered, splash-proof container. (Added 8-26-14)

   b. Incorporation: Except as provided by L.2.b.1., when Commercial Biodegradable Material is land applied, it shall be incorporated into the soil immediately. When weather conditions do not allow for immediate incorporation of land applied Commercial Biodegradable Material, application is prohibited at the location until soil or weather conditions permit immediate incorporation. (Added 8-26-14)

      1. Commercial Biodegradable Material that has been dewatered so as to have a moisture content of 65% or less as shown by analysis provided by the permittee shall be incorporated and/or spread without incorporation within such time as specified by the Governing Body. (Added 8-26-14)

   c. Application rates shall not exceed those specified in the permit. Application rates will be approved for permitting purposes taking into consideration:

      1. Protection of waters, land, and air of the state. The application of nitrogen from Commercial Biodegradable Material and any other sources shall not exceed the nitrogen needs of the crops to be grown on the site over the next year, and the total application of all nutrients shall not exceed the acceptable agronomic application rates recommended by the University of Nebraska Department of Agronomy for the crops involved; (Added 8-26-14)

      2. Any other local, state, or federal regulations applying to this practice;

      3. Application for amounts greater than 10 dry tons per acre shall not be granted unless the applicant submits proof of

appropriate permit or license issued by the Nebraska Department of Environmental Quality.

d. Land and Location Considerations.

1. Unless the applicant can demonstrate to the Department's satisfaction that pollution of waters of the state will not result, Commercial Biodegradable Material shall not be surface applied on land with greater than 11% slope. (Added 8-26-14)

2. Commercial Biodegradable Material shall not be applied on wetland areas. (Added 8-26-14)

3. Commercial Biodegradable Material shall not be applied within 1320 feet of inhabited dwellings, businesses, or facilities or lands (excluding public roads) frequented by the public, unless applicant presents documented permission from the owners (and in the case of a dwelling, the residents) of such dwelling, business, facility, or lands, consenting to the application of Commercial Biodegradable Material within a lesser distance from such inhabited dwelling, business, facilities, or lands. (Added 8-26-14)

4. Commercial Biodegradable Material shall not be applied within 5000 feet of a municipal water supply well. Commercial Biodegradable Material shall not be applied within 200 feet of a domestic water supply well. (Added 8-26-14)

e. Crop Considerations.

1. Commercial Biodegradable Material shall not be applied to edible portions of crops that are consumed by humans without processing to minimize pathogens prior to consumption. (Added 8-26-14)

f. General Considerations

1. Application of Commercial Biodegradable Material may be made by any method which injects or disperses the material so that a uniform application is achieved. (Added 8-26-14)

2. Application of material shall be to land properly selected and managed in such a manner so that:

a. No pollution of water of the state results;

b. Flies and odors are controlled. Techniques and procedures may be required to reduce the potential for flies and odors.

3. Records and Reporting

   a. Permittee shall maintain records of the amount of Commercial Biodegradable Material that is land applied, the site at which applied, dates of application, moisture content and such other information as required by the Department. Such records shall be maintained at applicant's place of business in Howard County and shall be available for inspection and copying by Department upon reasonable notice to permittee. (Added 8-26-14)

4. Penalties

   a. Failure to comply with the foregoing procedures shall be grounds for prosecution under Nebraska Revised Statute §23-114.05.

5. Fees

   a. The Department is authorized to establish an application fee.

6. Severability

   a. The provisions of this Resolution are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Resolution is for any reason held to be contrary to law, such decision shall not affect the remaining provisions of this Resolution.

9. Kennels, Breeder and/or Boarding, subject to the following minimum requirements:

   a. The minimum lot size shall be not less than two (3) acres.

   b. No kennel runs or buildings shall be located less than one hundred (100) feet from a property line.

   c. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be a double row of mature dense deciduous foliage with a single row of evergreens; solid masonry, brick, or stone wall, louvered wood, stockade or chain link fence with an aluminum strip intertwined or equivalent fencing providing a sight barrier to the dogs.

10. Seed and feed sales, machine repair shop, livestock equipment, construction and sales, as a secondary occupation in conjunction with an agricultural operation can be operated on the premises. These secondary occupations shall be used only as supplementary income to the farming operation and shall not become the primary income source of the agricultural operation. Operator shall follow signage regulations as appropriate to site. Signage shall be no greater than 32 square feet. Limiting the size of the operation and other conditions may be imposed by the planning commission.

11. A temporary housing unit for the purpose of providing housing for the elderly or handicapped individuals who need care by the immediate family occupying the main dwelling of the agricultural operation. Such temporary dwelling may be a mobile home. The temporary dwelling shall not have separate utility hook-ups nor separate water, or sanitary facilities but shall be connected to that which is used by the main dwelling. No separate meters shall be used. A Conditional Use Permit shall be for a one (1) year period, annually renewable. The temporary dwelling shall be removed from the premise within sixty (60) days should the conditions of this section be changed in any way removed from the premise within sixty (60) days should the conditions of this section be changed in any way.

12. Grain elevators and storage bins associated with grain elevators

13. Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil, subject to the following conditions and subject to the approval of the Board of Commissioners after a hearing and recommendation of the Planning Commission:

    a. The application shall include a grading map showing existing contours, proposed excavation contours, and the proposed final grade contours.

    b. The application shall include a statement identifying the effect on the groundwater table of the adjoining properties.

    c. The application shall identify the location of proposed vehicle and equipment storage areas, erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff onto adjacent land.

    d. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation.

    e. Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible.

f. Materials excavated shall not be stored within a designated floodway.

g. Within nine (9) months after the completion of extraction of any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, or sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

14. Adult Establishments (See Article on Adult Establishments)

SECTION 3

INTENSITY OF USE REGULATIONS

1. The minimum Lot Width shall be one hundred (100) feet and the minimum Lot Area shall be as follows:

a. SINGLE FAMILY DWELLINGS

1. A minimum Lot Area of three (3) acres shall be required, with the placement of one (1) single family dwelling (not associated with a farming operation) per quarter. Further divisions of land for residential use within the quarter in which the dwelling is to be located shall not be permitted, nor shall dwellings be permitted on the remaining portion of the quarter from which a lot of record has been subdivided. The subdivision of this lot must follow Howard County's Subdivision Regulations. (Resolution No. 18-99)

2. Additional dwellings may be permitted on an agricultural operation provided the residence is an accessory use to the agricultural operation and under the same ownership as the existing dwelling(s). The accessory dwelling(s) may be a mobile home.

3. The lot or tract of the single family dwelling shall have frontage on, or direct access to, an improved street or an improved county road (county road classifications which are above a minimum maintenance road standard).

4. The lot or tract contains soil suitable for a septic system.

5. The lot or tract is not within a designated one hundred (100) year flood plain. See the Howard County Flood Insurance Rate Map (F.I.R.M.)

6. The lot or tract is not within a quarter which contains an existing dwelling or another recorded buildable lot (on file with the Howard County Register of Deeds Office). Should a lot, by necessity be

located within two quarters, the plat shall designate from which quarter the lot is being removed.

7. The quarter from which the lot is being subdivided shall be owned by all those requesting the subdivision.

SECTION 4

HEIGHT REGULATIONS: No building or structure shall exceed the following height restrictions:

1. When the building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed one hundred fifty (150) feet in height.

2. When the building or structure is more than one hundred fifty (150) feet from a residential district, the said building or structure shall not exceed two hundred fifty (250) feet in height. A minimum setback equal to the height of the building or structure shall be provided from all road right-of-ways, and from buildings or structures not of the same ownership.

SECTION 5

YARD REGULATIONS

1. Front Yard: The front yard shall be no less than forty five (45) feet from the right-of-way of all public streets, roads or highways and shall not be less than seventy (70) feet from the right-of-way at intersections.

2. Side Yards: There shall be a side yard on each side of every residential dwelling and farm building of not less than ten (10) feet and all other permitted and conditional uses shall provide a side yard of not less than twenty five (25) feet.

3. Rear Yard: There shall be a rear yard of not less than forty (40) feet.

4. Any residential structure shall not be closer than twenty five (25) feet from another residential structure.

5. Farm Feedlot setbacks follow the "Odor Footprint" guidelines as described for commercial feedlots (page 91).

   a. No Confinement Feeding Operation's odor footprint shall overlap upon a residence or a residence be located within the odor footprint of a farm or CAFO, unless a Feedlot Nuisance

Easement is executed by all owners and filed with the Deed Records of Howard County. (Added 2-24-15)

6. Grain storage bins, silos and/or corn cribs (excluding grain buildings designed for multipurpose storage use) may be erected as close to the public right-of-way as any legally existing adjacent grain storage bin, silo or corn crib provided the proposed grain storage bin, or corn crib is within twenty (20) feet.

SECTION 6

PARKING REGULATIONS (See Article on Parking and Loading Regulations)

SECTION 7

SIGN REGULATIONS: (See Article on Sign Regulations)

SECTION 8

SUPPLEMENTARY REGULATIONS:

1. Seasonal dwellings shall be permitted within a one (1) mile area of a river measured from the approximate center line of the river, and subject to the following:

   a. No seasonal dwelling nor accessory building or structure shall be located within the designated floodway. All of the requirements of the Floodplain Regulations shall be followed.

   b. There shall be a maximum density of two (2) seasonal dwellings per quarter section.

   c. All lots for sale to allow owner occupancy shall be platted in conformance with the Subdivision Regulations and shall have frontage on and direct access to an improved county road.

   d. All lots leased for seasonal dwellings may have access to an improved county road by easement; however, a leased lot shall not be sold prior to the platting of the lot. The lot, when platted, shall include the easement as part of the lot in order to give frontage on and direct access to the improved county road.

   e. The minimum lot size shall be three (3) acres and shall meet all of the yard requirements for residential uses of this District.

   f. No seasonal dwelling shall be used as a permanent residence.

g. All sanitary and water facilities shall meet the requirements of the Supplementary District Regulations.

h. Only one (1) seasonal dwelling shall be permitted per lot.

i. Floodplain permits, sanitary waste permits and construction permits shall be obtained from the Zoning Administrator prior to any construction.

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"A-2" AGRICULTURAL - TRANSITIONAL DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

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

SECTION 2

DISTRICT USE REGULATIONS

In the "A-2" Agricultural-Transitional District, no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the following uses:

PERMITTED PRINCIPAL USES

1. General farming, ranching and agricultural operations, but **not** including nor permitting the followings:

    a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.
    b. A use or activity engaged in within 300 feet of a neighboring residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
    c. The construction of agricultural buildings or structures closer than thirty five (35) feet of the road right-of-way, except that at highway and road intersections, buildings or structures shall not be closer than seventy (70) feet from each right-of-way.

    d. Commercial feedlots.

    e. Commercial CAFO Waste application for land **not** on the DEQ Nutrient Management Plan. (See Administrative Conditional uses, page 84 -3)

2. Single-family dwellings.

3. Two-family dwellings and mobile homes located on a permanent foundation on land used as an agricultural operation as defined herein. The two-family dwellings and mobile homes shall be under the same ownership as the property upon which they are located.

4. Public parks, playgrounds, recreation areas and community buildings owned and operated by a public agency.

5. Churches, synagogues and similar places of worship.

6. Farms and ranches.

7. Golf courses including club houses, lounges, pro-shops and driving ranges accessory to the golf course. Miniature golf is permitted if accessory to the golf course.

8. Farm operated grain elevators and storage bins.

9. Public or parochial schools, elementary, junior high, middle, and high schools and private schools with equivalent curriculums.

10. Greenhouses and nurseries.

11. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.

12. Public buildings including libraries and museums.

13. Home occupations.

14. Stands for, and the sale, at retail, of agricultural products and commodities raised on the premises, subject to the following:

    a. Temporary (No longer than four (4) consecutive months) stands shall not be located closer than thirty (30) feet from the right-of-way of any state or federal highway and no closer than one (1) foot to other road right-of-ways.

    b. No parking or display of products or signs shall be located within any right-of-way. Access from state or federal highways shall be approved by the Nebraska Department of Roads.

    c. Stands legally in existence at the time of adoption of these regulations may remain, however, any enlargement or change in the location of the structure, parking areas, signs and accessory uses shall conform to these regulations.

15. Accessory buildings and uses customarily incidental to any of the above uses.

16. Disposal of Commercial CAFO Waste on the DEQ Nutrient Management Plan:

To protect the health, safety and general welfare of the public, the application or disposal of commercial livestock waste shall be subject to the requirements and recommendations of the State of Nebraska Department of Environmental Quality.

Any Commercial CAFO (Concentrated Animal Feeding Operation) is required to supply to the Planning & Zoning Administrator a copy of their Operational Permit from DEQ as well as their approved Nutrient Management Plan which lists the legal description of the land upon which they are permitted to apply livestock waste. If revisions are submitted to DEQ and approved, the CAFO shall also supply a copy of the approved revisions to the Planning & Zoning Administrator.

Rural residents of homes in A2 zoned land in existence, prior to Nov. 2009, may request a 1320' (1/4 mile) waste setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned residents reside at the location. (All homes built after that date will not have this option.)

The owner of the land, upon which the application or disposal of commercial livestock waste is applied or disposed, shall be responsible for ensuring that the following minimum sanitation and odor practices are followed:

a. There shall be no storage of livestock waste within a designated flood plain or floodway.

b. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto a neighbor's property.

c. Livestock waste from concentrated pit buildings and/or buildings with outside lagoons only, shall be directly injected into the soil.

d. Storage of commercial livestock waste hauled to land where it is to be applied, is limited to 6 months to receive and apply. Storage must be ¼ mile away from any residence. (Added 7-23-2013)

CONDITIONAL USES

1. Airports and heliports.

2. Bed and breakfast residence subject to the following conditions in addition to those imposed by the Commission:

   a. The bed and breakfast residence shall be within a conforming single-family dwelling.

   b. Guest rooms shall be within the principal residential building only and not within an accessory building.

c. Each room that is designated for guest occupancy must be provided with a smoke detector which must be kept in good working order.

d. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.

3. Cemetery, crematory or mausoleum.

4. Condominiums

5. Dwelling, multi-family

6. Dwelling, two-family non-agriculture

7. Hospitals, isolation homes, penal institutions, sanitariums or asylums for the insane or feebleminded.

8. Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil, subject to the following conditions and subject to the approval of the Board of Commissioners after a hearing and recommendation of the Planning Commission:

a. The application shall include a grading map showing existing contours, proposed excavation contours, and the proposed final grade contours.

b. The application shall include a statement identifying the effect on the groundwater table of the adjoining properties.

c. The application shall identify the location of proposed vehicle and equipment storage areas, erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff onto adjacent land.

d. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation.

e. Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible.

f. Materials excavated shall not be stored within a designated floodway.

g. Within nine (9) months after the completion of extraction of any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, or sodded so as to prevent erosion and

siltation, and to protect the health, safety, and general welfare of the public.

9. Nursing and care homes subject to inspection and license requirements of the State of Nebraska or local health department.

10. Seasonal or temporary uses such as recreation camps or similar enterprises, cabins, camping areas, dude or guest ranches.

11. Telephone exchange, electric substations or similar public utilities.

12. Any public building, erected or land used by any department of the City, County, State, or Federal Government.

13. Radio, television or other communication transmitters.

14. Private clubs, where recreation area, campgrounds, golf courses, etc. are a part or accessory to the principal use.

15. Kennels-breeder and boarding, provided that:

    a. The minimum lot size shall be not less than three (3) acres.

    b. No kennel buildings or animal runs shall be located hearer than one hundred (100) feet to any property line.

    c. All kennel runs or open acres shall be screened around such area or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade or chain-link fence with aluminum strip intertwined or other equivalent fencing providing a sight barrier to the dogs.

16. Privately owned parks, playgrounds, golf courses or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges.

17. Riding stables and academies providing no structures housing horses shall be located nearer than six hundred (600) feet to the boundary of any residential district.

18. Sanitary landfill or State approved waste disposal site.

19. Animal hospitals or clinics which principally treat livestock on agricultural operations. Animals may be examined and treated on premises, but the majority

of the treatment shall be conducted off premises. The animal hospital or clinic may be operated on the same zoning lot as a dwelling.

20. A temporary housing unit for the purpose of providing housing for the elderly or handicapped individuals who need care by the immediate family occupying the main dwelling on the premise. Such temporary dwelling may be a mobile home. The temporary dwelling shall have neither separate utility hook-ups nor separate water or sanitary facilities but shall be connected to that which is used by the main dwelling. No separate meters shall be used. A Conditional Use Permit for this use shall be for a one year period, annually renewable. The temporary dwelling shall be removed from the premise within thirty (30) days should the conditions of this section be changed in any way.

21. Rural subdivisions with individual parcels less than three (3) acres shall be in accordance with the Nebraska Department of Environmental Quality – Title 124 and Department of Health and Human Services Regulations and/or with a shared or "community" drinking water and/or sanitary sewer system, then the minimum lot area of individual parcels may be reduced to a minimum of one (1) acre.

22. Highway Commercial uses similar to those identified in the "C-S" Highway Service District.

23. Expansion of existing Commercial Feedlots of five hundred and one (501) or more Animal Units as defined in these Regulations, subject to the license requirements and waste disposal requirements and recommendations of the State of Nebraska, the following minimum sanitation and odor practices, and those imposed by the planning commission in considering the health, safety, and general welfare of the public including such items as property values, dust, lighting, disposal of waste and dead livestock, and the recommendations of the Planning Commission:

24. For land **not** on the DEQ Nutrient Management Plan: (See Administrative Conditional Uses, page 84 -3)

    The owner of the land upon which commercial livestock waste is applied or disposed of, must have an Administrative Conditional Use Permit and shall be responsible for ensuring that the following minimum sanitation and odor practices are followed:

    a. There shall be no storage of livestock waste within a designated floodplain or floodway.

    b. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto neighbor's property.

    c. Livestock waste from concentrated pit buildings and/or buildings with lagoons only, shall be directly injected into the soil.

(Rural residents of homes may request a 1,320' (1/4 mile) setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned residents reside at that location.)

d. Storage of commercial livestock waste hauled to land where it is to be applied is limited to 6 months to receive and apply. Storage must be ¼ mile away from any residence. (Added 7-23-2013)

Distance requirements:

1. Any new or expanding commercial feedlot (as defined in these Regulations) shall meet the minimum odor footprint distance requirements, in the following table from any residence, commercial or industrial facility or church, school or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator.

2. No commercial feedlot shall be closer to a separate commercial feedlot than the distance requirement for their class, identified in the following table.

3. The setbacks will be determined by the odor footprint procedure which is as follows:

   a. Locate the center of the feedlot.

   b. Draw in the wind lines for all directions (Fig. A- rosette page 91).

   c. Draw in the radii – 45 degrees off the wind lines.

   d. Using the Minimum Setback Distance Requirements, mark the setback distance on the wind line from where it exits the feedlot.

   e. The arc in each quadrant will be swung using the center of the feedlot and the mark on the wind line to swing the arc across the quadrant.

4. The resulting "Odor Footprint" rosette will be imposed on the aerial photographs, the result of which will be used as the official setback tool.

5. Repairs, improvements, replacements, or expansion of existing dwellings shall be permitted where existing residences are within the setback distances. Replacement of existing residences shall not further encroach more than 200 feet upon setback.

6. No Commercial feedlot will be located in an area which has a residence located within its odor footprint, unless the residence is under the ownership of the feedlot or a Commercial Feedlot Nuisance Easement form is attached. (Added 2-10-15)

Expansion of an existing commercial feedlot is defined as such when capacity of the facility is Increased to the point where the total animal units are defined as a larger class. See minimum Distance requirements in the following table.

MINIMUM DISTANCE REQUIREMENTS (OPEN LOT)

	Farm	Class 1	Class 2	Class 3	Class 4	Class 5
Total Animals Units Allowed	15 to 500	501 to 2,500	2,501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,001 & up
Minimum Distance Required	1/4 Mile	1/2 Mile	3/4 Mile	1 Mile	1 1/2 Mile	2 Mile

Confinement operations with pit buildings with or without lagoons will multiply the setback distance for each class of open pen setbacks by 1.5.

Farm Feedlots 15 – 500 animal units do not require a Conditional Use Permit. They do however follow the "Odor Footprint" tool using ¼ mile as the setback to the N-NE. (See Farm Feedlots set back regulations)

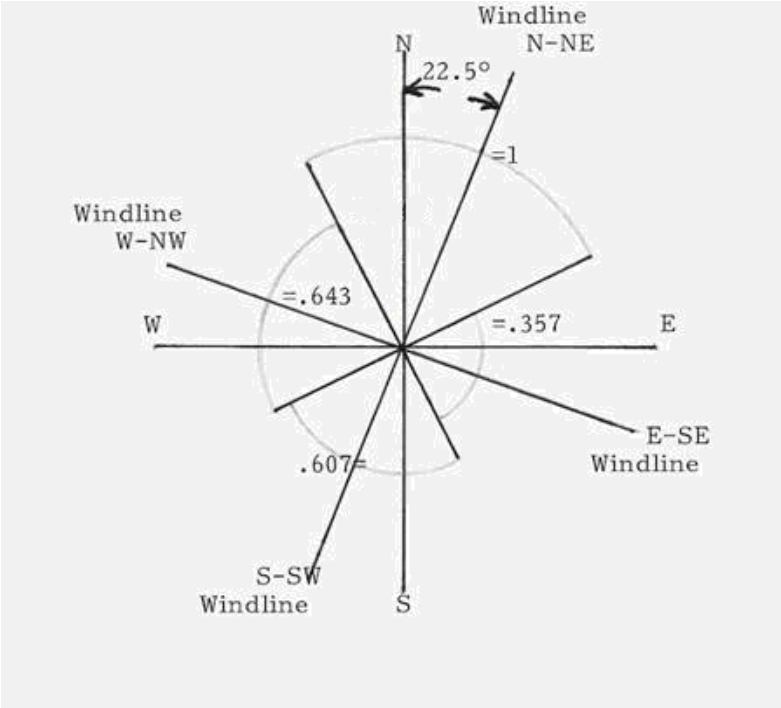

FIGURE A
Setback Distances Using the Odor Footprint Tool
Fairly open Land in Howard County
South – Central Nebraska (G.I. data)

Wind direction	**Farm Feedlot ¼ mile**	**Class I ½ mile**	**Class II ¾ mile**	**Class III 1 mile**	**Class IV 1 ½ miles**	**Class V 2 miles**

Animal Units	15 - 500	501 – 2,500	2,501 – 5,000	5,001 – 10,000	10,001 – 20,000	20,001 & up
N-NE 1	1,320'	2,640'	3,960'	5,280'	7,920'	10,560'
W-NW .643	850'	1,700'	2,545'	3,395'	5,095'	6,790'
S-SW .607	800'	1,600'	2,405'	3,205'	4,805'	6,410'
E-SE .357	470'	940'	1,415'	1,885'	2,825'	3,770'

*The setbacks are measured from the edge of the feedlot.

a. The maximum number of animal units per permit shall be limited by the Conditional Use Permit which shall be the same as the number approved in the operating permit issued by the Nebraska Department of Environmental Quality (NDEQ) or other state agency for which approval must be obtained.

b. Chemical sprays and poisons in accordance with label procedures and recommendations and applied by an experienced certified pesticide applicator to control insects and rodents.

c. All ground surfaces within pens shall be so graded and compacted to insure proper drainage and maintained as such.

d. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or into a neighbor's property.

e. A management plan for the facility, acceptable to the Nebraska Department of Environmental Quality and the County Board, which provides for the proper disposal of Animal waste and dead animals in a manner as not to contaminate ground water or any stream, creek or river and minimizes odor. Waste disposal by spraying or spreading shall be practiced in accordance with the best Management practices consistent with the nutrient management plan approved by NDEQ or other state agency having authority to approve the same. (NOTE – see definition of "best management practice" on page 36)

f. Recognizing the progress being made by the livestock industry developing methods of protecting the environment and improving feeding methods of livestock though nutritional benefits, the Conditional Use Permit shall be reviewed by the Planning Commission and County Board during the existence of the Conditional Use Permit.

g. The Planning Commission and County Board of Commissioners may include additional conditions as may be needed to provide for the protection of the environment and the minimum intrusion upon neighboring properties.

   1. A more stringent seepage requirement from lagoons storing livestock waste than required by state or federal requirements or agencies.

2. Groundwater tests from wells at or near the commercial feedlot. These tests should be taken at least annually or more often if needed depending on the facts and circumstances of each application. The date or dates of the testing may be specified in the Conditional Use Permit. Results of these tests shall be submitted to the zoning administrator either by direct copy from the testing lab or submitted immediately to the Zoning Administrator by the Applicant.

21. Farm Feedlots shall follow the "Odor Footprint" tool using the ¼ mile setback to the N-NE in locating a confinement feeding operation or residence, unless the residence is under the same ownership as the feedlot. (Commercial feeding operations see "distance requirements" page 114-115.)

SECTION 3

INTENSITY OF USE REGULATIONS

The minimum lot width shall be one hundred (100) feet and the minimum lot area shall be as follows:

a. Single-family dwellings

1. A minimum Lot Area of three (3) acres shall be required. The subdivision of this lot must follow Howard County's Subdivision Regulations. (Resolution No. 18-99)

2. Additional dwellings may be permitted on an agricultural operation provided the residence is an accessory use to the agricultural operation and under the same ownership as the existing dwelling(s). The accessory dwelling(s) may be a mobile home.

3. The lot or tract of the single family dwelling shall have frontage on, or direct access to, an improved street or an improved county road (county road classifications which are above a minimum maintenance road standard).

4. The lot or tract contains soil suitable for a septic system.

5. The lot or tract is not within a designated one hundred (100) year flood plain. See the Howard County Flood Insurance Rate Map (F.I.R.M.) The quarter from which the lot is being subdivided shall be owned by all those requesting the subdivision.

b. All other permitted and special uses - No minimum except for setbacks and sanitation requirements.

SECTION 4

HEIGHT REGULATIONS - No building or structure shall exceed the following height restrictions:

1. A building or structure within one hundred fifty (150) feet of a residential district shall not exceed one hundred fifty (150) feet in height.

2. A building or structure over one hundred fifty (150) feet from a residential district shall not exceed two hundred fifty (250) feet in height. A minimum setback equal to the height of the building or structure shall be provided from all road right-of-ways, and from buildings or structures not of the same ownership.

SECTION 5

YARD REGULATIONS

1. Front yard. The front yard shall be no less than thirty five (35) feet from the right-of-way of all public streets, roads or highways and shall not be less than seventy (70) feet from the right-of-way at intersections.

2. Side yards: There shall be a side yard on each side of every residential dwelling and farm building of not less than ten (10) feet and all other permitted and conditional uses shall provide a side yard of not less than twenty five (25) feet. On corner lots the front yard setback shall be measured from each street or road right-of-way.

3. Rear yard: There shall be a rear yard of not less than forty (40) feet.

4. No residential structure shall be closer than twenty five (25) feet of another residential structure.

5. Farm Feedlot setbacks follow the "Odor Footprint" guidelines as described for commercial feedlots. (Page 115)

    a. No Confinement Feeding Operation's odor footprint shall overlap upon a residence or a residence be located within the odor footprint of a farm or CAFO unless a Feedlot Nuisance Easement is executed by all owners and filed with the Deed Records of Howard County. (Updated 2-10-15 and 2-24-15)

SECTION 6

PARKING REGULATIONS (See article on Parking and Loading Regulations)

SECTION 7

SIGN REGULATIONS (See Article on Sign Regulations)

SECTION 8

TEMPORARY STANDS

Stands in existence at the adoption of these regulations may remain, however any change in location of the structure, parking area, signs and accessory uses, shall be in conformance with the following requirements:

1. Temporary stands for the sale of agricultural products shall not be located closer than thirty (30) feet from the right-of-way of any F.A.S. or F.A.P. road and no closer than one (1) foot to all other nonfederal and non-state public rights-of-way.

2. There shall be no parking of vehicles or display of products or signs on the public rights-of way. Access location onto State F.A.S. and F.A.S. roads shall be approved by the Nebraska Department of Roads.

SECTION 9

SUPPLEMENTARY REGULATIONS

1. Seasonal dwellings shall be permitted within a one (1) mile area of a river measured from the approximate center line of the river, and subject to the following:

   a. No seasonal dwelling nor accessory building or structure shell be located within the designated floodway. All of the requirements of the Floodplain Regulations shall be followed.

   b. There shall be a maximum density of two (2) seasonal dwellings per quarter section.

   c. All lots for sale to allow owner occupancy shall be platted in conformance with the Subdivision Regulations and shall have frontage on and direct access to an improved county road.

   d. All lots leased for seasonal dwellings may have access to an improved county road by easement; however, a leased lot shall not be sold prior to the platting of the lot. The lot, when platted, shall include the easement as part of the lot in order to give frontage on and direct access to the improved county road.

   e. The minimum lot size shall be three (3) acres and shall meet all of the yard requirements for residential uses of this District.

   f. No seasonal dwelling shall be used as a permanent residence.

   g. All sanitary and water facilities shall meet the requirements of the Supplementary District Regulations.

h. Only one (1) seasonal dwelling shall be permitted per lot.

i. Floodplain permits, sanitary waste permits and construction permits shall be obtained from the Zoning Administrator prior to any construction.

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A-3" AGRICULTURAL CONSERVATION DISTRICT

SECTION 1
INTENT:

This District is intended for those areas which, because of limiting environmental characteristics such as scenic status, excessive slope, soils conditions, high water table, designated floodplains or other factors, require the regulation of development in keeping with the conditions imposed by the natural environment.

SECTION 2

DISTRICT USE REGULATIONS

In the "A-3" Agricultural - Conservation District, any conservation or preservation easement on property, in Howard County, that will cause a change in property classification (valuation) is a change of Land use and therefore must be heard by the Planning and Zoning Board and approved by the County Commissioners. (Revised 6-20-2012)
In the "A-3" Agricultural - Conservation District, no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the following uses:

Permitted Principal Uses

1. General farming, ranching and agricultural operations, but not including nor permitting the following:

   a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.

   b. A use or activity engaged in within 300 feet of a neighboring residential or retail business structure, if such use or activity results in continuous odor, dust or noise.

   c. The construction of agricultural buildings or structures closer than thirty five (35) feet of the road right-of-way, except that at highway and road intersections, buildings or structures shall not be closer than seventy (70) feet from each right-of-way.

   d. Commercial feedlot. Rural residents of homes in A3 zoned land in existence, prior to Nov. 2009, may request a 1320' (1/4 mile) waste setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned residents reside at the location. (All homes built after that date will not have this option.)

2. Farms and ranches.

3. Farm operated grain elevators and storage bins.

4. Two-family dwellings and mobile homes located on a permanent foundation on land used as an agricultural operation as defined herein. The two-family dwellings and mobile homes shall be under the same ownership as the property upon which they are located.

5. Greenhouses and nurseries.

6. Home occupations.

Conditional Uses

1. Airports and heliports.

2. Single-family dwellings which are not a part of an agricultural operation, subject to the Intensity of Use Regulations herein.

3. Churches, synagogues and similar places of worship.

4. Golf courses including club houses, lounges, pro-shops and driving ranges accessory to the golf course. Miniature golf is permitted if accessory to the golf course.

5. Public parks, playgrounds, recreation areas and community buildings owned and operated by a public agency.

6. Bed and breakfast residence subject to the following conditions in addition to those imposed by the Commission:

    a. The bed and breakfast residence shall be within a conforming single-family dwelling.

    b. Guest rooms shall be within the principal residential building only and not within an accessory building.

    c. Each room that is designated for guest occupancy must be provided with a smoke detector which must be kept in good working order.

    d. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.

7. Cemetery, crematory or mausoleum.

8. Public or parochial schools, elementary, junior high, middle, and high schools and private schools with equivalent curriculums.
9. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.

10. Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil, subject to the following conditions and subject to the approval of the Board of Commissioners after a hearing and recommendation of the Planning Commission:

    a. The application shall include a grading map showing existing contours, proposed excavation contours, and the proposed final grade contours.

    b. The application shall include a statement identifying the effect on the groundwater table of the adjoining properties.

    c. The application shall identify the location of proposed vehicle and equipment storage areas, erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff onto adjacent land.

    d. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation.

    e. Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible.

    f. Materials excavated shall not be stored within a designated floodway.

    g. Within nine (9) months after the completion of extraction of any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, or sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

11. Stands for, and the sale, at retail, of agricultural products and commodities raised on the premises, subject to the following:

    a. Temporary (no longer than four (4) consecutive months) stands shall not be located closer than thirty (30) feet from the right-of-way of any state or federal highway and no closer than one (1) foot to other road right-of-ways.

b. No parking or display of products or signs shall be located within any right-of-way. Access from state or federal highways shall be approved by the Nebraska Department of Roads.

c. Stands legally in existence at the time of adoption of these regulations may remain, however, any enlargement or change in the location of the structure, parking areas, signs and accessory uses shall conform to these regulations.

12. Seasonal or temporary uses such as recreation camps or similar enterprises, cabins, camping areas, dude or guest ranches.

13. Telephone exchange, electric substations or similar public utilities.

14. Any public building, erected or land used by any department of the City, County, State, or Federal Government.

15. Radio, television or other communication transmitters.

16. Private clubs, where recreation area, campgrounds, golf courses, etc. are a part or accessory to the principal use.

17. Kennels-breeder and boarding, provided that:

    a. The minimum lot size shall be not less than two (2) acres.

    b. No kennel buildings or animal runs shall be located nearer than one hundred (100) feet to any property line.

    c. All kennel runs or open acres shall be screened around such area or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade or chain-link fence with aluminum strip intertwined or other equivalent fencing providing a sight barrier to the dogs.

18. Privately owned parks, playgrounds, golf courses or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges.

19. Riding stables and academies providing no structures housing horses shall be located nearer than six hundred (600) feet to the boundary of any residential district.

20. Animal hospitals or clinics which principally treat livestock on agricultural operations. Animals may be examined and treated on premises, but the majority of the treatment shall be conducted off premises. The animal hospital or clinic may be operated on the same zoning lot as a dwelling.

21. A temporary housing unit for the purpose of providing housing for the elderly or handicapped individuals who need care by the immediate family occupying the main dwelling on the premise. Such temporary dwelling may be a mobile home. The temporary dwelling shall have neither separate utility hook-ups nor separate water or sanitary facilities but shall be connected to that which is used by the main dwelling. No separate meters shall be used. A Conditional Use Permit for this use shall be for a one year period, annually renewable. The temporary dwelling shall be removed from the premise within thirty (30) days should the conditions of this section be changed in any way.

SECTION 3

INTENSITY OF USE REGULATIONS

1. The minimum lot width shall be five hundred (500) feet, two hundred (200) feet between dwellings, and the minimum lot area shall be as follows:

   a. **Single-family dwellings**

      1. A minimum Lot Area of eighty (80) acres shall be provided. Further divisions of land for residential use within the eighty (80) acres in which the dwelling is to be located shall not be permitted, nor shall dwellings be permitted on the remaining portion of the eighty (80) acres from which a lot of record has been subdivided.

      2. Additional dwellings may be permitted on an agricultural operation provided the residence is an accessory use to the agricultural operation and under the same ownership as the existing dwelling(s). The accessory dwelling(s) may be a mobile home.

      3. The lot or tract of the single family dwelling shall have frontage on, or direct access to, an improved street or an improved county road (county road classifications which are above a minimum maintenance road standard).

      4. The lot or tract contains soil suitable for a septic system.

      5. The lot or tract is not within a designated one hundred (100) year flood plain. See the Howard County Flood Insurance Rate Map (F.I.R.M.)

      6. The lot or tract is not within an eighty (80) acre parcel which contains an existing dwelling or another recorded buildable lot (on file with the Howard County Register of Deeds Office).

   b. All other permitted and special uses - No minimum except for setbacks and sanitation requirements.

SECTION 4

HEIGHT REGULATIONS

No building or structure shall exceed the following height restrictions:

1. A building or structure within one hundred fifty (150) feet of a residential district shall not exceed one hundred fifty (150) feet in height.

2. A building or structure over one hundred fifty (150) feet from a residential district shall not exceed two hundred fifty (250) feet in height. A minimum setback equal to the height of the building or structure shall be provided from all road right-of-ways, and from buildings or structures not of the same ownership.

SECTION 5

YARD REGULATIONS

1. Front yards. The front yard shall be no less than thirty five (35) feet from the right-of-way of all public streets, roads or highways and shall not be less than seventy (70) feet from the right-of-way at intersections.

2. Side yards: There shall be a side yard on each side of every residential dwelling and farm building of not less than ten (10) feet and all other permitted and conditional uses shall provide a side yard of not less than twenty five (25) feet. On corner lots the front yard setback shall be measured from each street or road right-of-way.

3. Rear yard: There shall be a rear yard of not less than forty (40) feet.

4. No residential structure shall be closer than twenty five (25) feet of another residential structure.

5. No farm feedlot shall be closer to a residence and no residence shall be closer to a farm feedlot than setbacks and odor footprint guidelines allow, except if the residence is under the same ownership as the feedlot or if a Feedlot Nuisance Easement is executed by all owners and filed with the Deed Records of Howard County. (See minimum setbacks and odor footprint guidelines in A-1 under Conditional Uses.) (Updated 2-10-15, 2-24-15 and 4-28-15)

SECTION 6

PARKING REGULATIONS (See article on Parking and Loading Regulations)

SECTION 7

SIGN REGULATIONS (See Article on Sign Regulations)

SECTION 8

TEMPORARY STANDS

Stands in existence at the adoption of these regulations may remain, however any change in location of the structure, parking area, signs and accessory uses, shall be in conformance with the following requirements:

1. Temporary stands for the sale of agricultural products shall not be located closer than thirty (30) feet from the right-of-way of any F.A.S. or F.A.P. road and no closer than one (1) foot to all other non-federal and non-state public rights-of-way.

2. There shall be no parking of vehicles or display of products or signs on the public rights-of-way. Access location onto State F.A.S. and F.A.S. roads shall be approved by the Nebraska Department of Roads.

SECTION 9

SUPPLEMENTARY REGULATIONS

1. Seasonal dwellings shall be permitted within a one (1) mile area of a river measured from the approximate center line of the river, and subject to the following:

    a. No seasonal dwelling nor accessory building or structure shall be located within the designated floodway. All of the requirements of the Floodplain Regulations shall be followed.

    b. There shall be a maximum density of two (2) seasonal dwellings per quarter section.

    c. All lots for sale to allow owner occupancy shall be platted in conformance with the Subdivision Regulations and shall have frontage on and direct access to an improved county road.

    d. All lots leased for seasonal dwellings may have access to an improved county road by easement; however, a leased lot shall not be sold prior to the platting of the lot. The lot, when platted, shall include the easement as part of the lot in order to give frontage on and direct access to the improved county road.

    e. The minimum lot size shall be three (3) acres and shall meet all of the yard requirements for residential uses of this District. The subdivision of this lot must follow Howard County's Subdivision Regulations. (Resolution No. 18-99)

f. No seasonal dwelling shall be used as a permanent residence.

g. All sanitary and water facilities shall meet the requirements of the Supplementary District Regulations.

h. Only one (1) seasonal dwelling shall be permitted per lot.

i. Floodplain permits, sanitary waste permits and construction permits shall be obtained from the Zoning Administrator prior to any construction.

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R-S SINGLE-FAMILY RURAL SUBDIVISION DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

The "R-S" Single-Family dwelling Rural Subdivision is established for the purpose of low density single-family dwelling control and to allow certain public facilities, in an "A-2" Agricultural Transitional Zoning District. 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. It is the intent of these regulations to allow rural subdivisions in areas of the County that lends themselves to best use of the land, such as close proximity to towns, villages, lakes, golf courses or other amenities. It is the intent of these regulations that all dwellings and buildings designed for human habitation shall be served by a public sanitary sewer and a public water distribution system, or has lots sizes that allow for engineered private water and sewer systems.

SECTION 2

DISTRICT USE REGULATIONS

In the "R-S" Single-Family Rural Subdivision District, no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the following uses:

Permitted Principal Uses:

1. Single family dwellings.

2. Bed and breakfast residence subject to the following provisions:

   a. Guest rooms shall be within the principal residential building only and not within accessory building.

   b. Each room that is designated for guest occupancy must be provided with a smoke detector which must be kept in working order.

   c. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking area shall not be within the required front or side yards.

3. General agricultural operations, but this shall not include or permit:

   a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.

b. A use or activity engaged in within 300 feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.

c. The construction of agricultural building or structures closer than sixty (60) feet from the right-of-way.

4. Public parks and recreation areas and community buildings owned and operated by a public agency.

5. Churches, synagogues, and similar places of worship.

6. Public and parochial schools.

7. Golf course, pitch and putt golf courses and driving tees. Miniature golf is permitted if it's a part of the total golfing operation.

8. Home occupations.

9. Accessory buildings and uses.

Conditional Uses:

1. Any public building erected on land used by any department of the City, County, State of Federal Government.

2. Telephone exchange, electric substations, communication towers and structures, regulatory stations or other public utilities.

3. Medical Clinic.

SECTION 3

INTENSITY OF USE REGULATIONS

Every lot or tract of land that is served by a private water and septic system shall have an area of not less than three (3) acres and an average width of not less than two hundred (200) feet. All other combinations of public and private water and sewer shall be minimum sized as per engineered requirements of Nebraska Department of Environmental Quality regulations for private water and sewer lots. (Added 8-15-2012)

SECTION 4

HEIGHT REGULATIONS

Buildings or structures shall not exceed a height of thirty five (35) feet.

SECTION 5

YARD REGULATIONS

1. Front Yard:

a. The front yard shall be a minimum of twenty five (25) feet in depth measured from the front lot line, except on collector streets, except that on collector streets the minimum front yard shall be seventy (70) feet measured from the centerline of the street and on arterial streets the minimum front yard shall be eighty (80) feet measured from the centerline of the street or road.

b. Where lots have a double frontage, the required front yards shall be provided on both streets.

c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each side of a corner lot, provided, however, that the buildable width of a lot of record need not be reduced to less than thirty five (35) feet, except that the front yard depth on a side street shall not be less than five (5) feet. No accessory building shall project beyond the front yard setback on either street.

2. Side Yards:

a. There shall be a side yard having a width of not less than ten (10) feet on either side of the principle residential building and all other permitted and conditional uses shall provide a twenty five (25) foot side yard.

b. The side yard of lot of record having a width of fifty (50) feet or less, may reduce the side yard requirements to not less than ten percent (10%) of the width of the lot, but in no instance shall it be reduced to less than eight (8) feet on interior lots and in no case shall it be reduced less than ten (10) feet along the street side of a side street.

3. Rear Yard:

a. There shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.

SECTION 6

ACCESSORY BUILDINGS AND USES, YARD REQUIREMENTS:
(See Supplementary District Regulations.)

SECTION 7

OFF- STREET PARKING: (See Parking and Loading Regulations.)

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"C-S" HIGHWAY SERVICE DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

This district is intended to provide limited highway service businesses only when grouped on a single tract. Floor areas are restricted and off-street parking is required to reduce possible adverse effect on surrounding land uses.

SECTION 2

DISTRICT REGULATIONS

In the "C-S" District, no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the following uses:

Permitted Principle Uses:

1. Agricultural implement sales and services.
2. Animal hospitals when all facilities are within an enclosed building.
3. Automobile and truck sales and service.
4. Automotive accessory stores.
5. Boat sales, service and rental.
6. Bowling alleys.
7. Car washes.
8. Construction equipment rental and sales.
9. Convenience stores.
10. Dance halls and ballrooms.
11. Electric and telephone substations and offices.
12. Gift and souvenir shops.
13. Hotels and motels including accessory service uses, such as newsstands, messenger and telegraph stations, swimming pools (for motel guests only), flower and gift shops.

14. Indoor skating rinks.

15. Indoor theaters.

16. Lumber and building materials sales yards.

17. Mobile home sales and service.

18. Motorcycle sales, service and rental.

19. Nursery and garden stores.

20. Package liquor stores.

21. Parks, playgrounds and community buildings owned and operated by a public agency.

22. Restaurants and tea room, including drive-in and carry-out establishments.

23. Service stations or filling stations (light service work only)

24. Taverns.

25. Additional uses as delineated in the Land Use Matrix of these regulations.

Conditional Uses:

1. Governmental buildings.

2. Mortuary.

3. Outdoor amusement establishments such as amusement parks, permanent carnival establishments, kiddy parks, miniature golf, pitch and putt courses, driving ranges and similar establishments.

4. Drive-in theaters.

5. Campgrounds (subject to the Supplemental District Regulations governing campgrounds).

SECTION 3

INTENSITY OF USE REGULATIONS

Principal and accessory buildings shall not cover more than twenty-five percent (25%) of the ground area of the lot upon which the structures are located. There shall be no minimum size lot required as long as all of the other requirements of this district are met.

SECTION 4

HEIGHT REGULATIONS

Except as provided in the Supplementary District Regulations, no building or structure shall exceed forty (40) feet in height, except that for each one foot of additional setback provided, two feet of additional height will be permitted.

SECTION 5

YARD REGULATIONS

1. Front Yard:

   a. There shall be a front yard having a depth of not less than forty-five (45) feet measured from the front property line except if located on a collector street, as designated in the Comprehensive Plan, the front yard shall be eighty-five feet measured from the centerline of the street and if located on an arterial street, the front yard shall be ninety-five (95) feet measured from the centerline of the street where the right-of-way is one hundred (100) feet or less. Where the right-of-way is greater than one hundred (100) feet, the setback shall be forty-five (45) feet from the right-of-way.
   b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.

   c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot except that the buildable width of a lot-of-record shall not be reduced to less then twenty-eight (28) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yards:

   a. There shall be a side yard on each side of a one (1) to two and one-half (2 ½) story building, having a width of not less than five (5) feet.
   b. There shall be a side yard on each side of a three (3) story building having a width of not less than eight (8) feet.

3. Rear Yard:

Except as provided in the Supplementary District Regulations, there shall be a rear yard for buildings and structures as follows:

a. One (1) to two and one-half (2 ½) story buildings shall have a rear yard depth of not less than twenty-five(25) feet or twenty percent (20%) of the depth of the lot, whichever is the smaller.

b. Three (3) story buildings shall have a rear yard of not less than thirty (30) feet.

4. A solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, shall be provided adjacent to any adjoining residential or agricultural district.

SECTION 6

PARKING AND LOADING REGULATIONS (See Parking and Loading Regulations.)

SECTION 7

SIGN REQUIREMENTS (See Sign Regulations.)

SECTION 8

OUTDOOR ILLUMINATION

Except for interior lighted signs, all exterior lighting shall be designed and installed so that the illumination is confined to be within the boundaries of the premises upon which the use is located.

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"I-1" LIGHT INDUSTRIAL DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

This District is intended for the purpose of allowing certain industrial uses which do not:

1. Require intensive land coverage.

2. Generate large volumes of vehicular traffic.

3. Create noise, obnoxious sounds, glare, dust and odor nor create litter.

Height, and land coverage are controlled to insure compatibility with adjoining uses.

SECTION 2

DISTRICT REGULATIONS

In the "I-1" District, no structure or land shall be used and no structure altered, enlarged, or erected which is arranged, intended or designed for other than one of the following uses:

Permitted Principle Uses:

1. Animal hospitals or clinics.

2. Bottling works.

3. Dog kennels.

4. Frozen food lockers.

5. Greenhouses and nurseries, retail and wholesale.

6. Light manufacturing operation - providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor or smoke.

7. Lumber yards, building material sales (except for ready-mix concrete and similar uses which emit dust, odor or smoke).

8. Mini storage buildings.

9. Monument sales and manufacture.

10. Public utility and public service uses as follows:

    a. Substations.

    b. Railroads.

    c. Telephone exchange, micro-wave towers, radio towers, television towers, telephone transmission buildings, electric power plants.

    d. Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.

11. Restaurants.

12. Service stations.

13. Sign printing manufacturing.

14. Upholstery shops.

15. Additional uses as delineated in the Land Use Matrix (Referred to in front of book under Land Use Category.)

16. Accessory uses customarily incidental to the above uses.

Conditional Uses:

1. Automobile repair and body shop.

2. Carpenter, cabinet, plumbing or sheet metal shops, providing the storage yard is completely enclosed with a six (6) foot high solid fence or wall.

3. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six (6) foot high solid fence or wall.

4. Dry cleaning and/or laundry plants.

5. Machinery sales, service repairs, painting, and storage.

6. Truck and other vehicle sales, services, wash, repairs and storage.

7. Truck and rail terminals.

8. Warehouses.

9. Wholesale merchandise sales and storage.

10. Additional conditional uses as delineated in the Land Use Matrix (Referred to in front of book under Land Use Category) of these regulations.

SECTION 3

INTENSITY OF USE REGULATIONS

A building, structure or use, allowed in this district, may occupy all that portion of the lot except for that area required for off-street parking and off-street loading and unloading and their access roads and except as provided in the Yard Regulations. The subdivision of this lot must follow Howard County's Subdivision Regulations. (Resolution No. 18-99)

SECTION 4

HEIGHT REGULATIONS

1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, the building or structure shall not exceed forty-five (45) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building or structure shall not exceed seventy-five (75) feet in height.

SECTION 5

YARD REGULATIONS

1. Front Yard:

a. There shall be a front yard having a depth of not less than twenty-five (25) feet measured from the front property line except if located on a collector street, the front yard shall be sixty-five (65) feet measured from the centerline of the street and if located on an arterial street, the front yard shall be seventy-five (75) feet measured from the centerline of the street.

b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.

c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot, except on a lot-of-record the buildable width of such lot shall not be reduced to less than twenty-eight (28) feet except where necessary to provide a yard on the side street not less than five (5) feet.

d. No accessory building shall project beyond the required front yard setback on either street.

2. Side Yards:

There shall be a side yard on each side of a building or structure of not less than five (5) feet.

3. Rear Yard:

There shall be a rear yard for buildings and structures of not less than twenty-five (25) feet or twenty percent (20%) of the depth of the lot, whichever is the smaller.

4. Landscaping and Screening:

A solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial development are separated by a public right-of-way, the required front yard setbacks shall contain no off-street parking or loading and shall be landscaped with a lawn and plants.

SECTION 6

PARKING AND LOADING REQUIREMENTS (See Parking Regulations)

SECTION 7

SIGN REQUIREMENTS (See Sign Regulations)

SECTION 8

OUTDOOR ILLUMINATION

Except for interior lighted signs, all exterior lighting shall be designed and installed so that the illumination is confined to be within the boundaries of the premises upon which the use is located.

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"I-2" HEAVY INDUSTRIAL DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

The "1-2" Heavy Industrial District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain uses that may be considered to be obnoxious due to conditions such as dust, odor, litter, excessive noise, and smoke or which may be hazardous will require special permission to locate within this district.

SECTION 2

DISTRICT REGULATIONS

In the "I-2" Heavy Industrial District, no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the following uses:

Permitted Principle Uses:

1. Animal hospital or clinics.
2. Building materials, storage and sales.
3. Carpenter, cabinet, plumbing and sheet metal shop.
4. Contractors office and equipment storage yard.
5. Dog kennels.
6. Dry cleaning and laundry plants.
7. Feed and seed stores.
8. Frozen food lockers.
9. Grain elevators, commercial, other than farm operated.
10. Greenhouse and nurseries, retail and wholesale.
11. Lumber yards.
12. Machinery sales and storage lots.

13. Any enterprise similar to the listed uses and any manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust fumes, gas, odor or smoke.

14. Motor vehicle sales, repair and storage.

15. Public utility and public service uses.

16. Radiator repair shops and body shops.

17. Restaurants.

18. Service stations and truck stops.

19. Truck and rail terminals.

20. Upholstering shops.

21. Warehouses or storage houses.

22. Wholesale houses.

Conditional Uses:

1. Petroleum refining and fuel storage.

2. Poultry storage, processing or slaughtering.

3. Manufacturing or storage of bulk oil, gas and explosives,

4. Ready-mix concrete and asphalt-mix plants.

5. Sanitary landfills.

6. Sewage treatment plant.

7. Stockyard and slaughter houses.

8. Storage of Ammonium hydrate.

9. Vehicle wrecking yards, junk yards, salvage yards and scrap processing yards subject to the following:

    a. The operation shall be located on a tract of land at least three hundred (300) feet from a residential district zone.

b. The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a solid fence or wall, of uniform height, insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.

c. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently the enclosed building, fence or wall, or within the public right-of-way.

d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department. The burning, when permitted, shall be done only during daylight hours.

e. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.

f. This use shall not be located on or visible from an arterial or major street or highway.

10. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration or hazardous.

SECTION 3

INTENSITY OF USE REGULATIONS

1. A building, structure or use, allowed in this district may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and unloading and their access roads and as otherwise required in the Supplementary Use Regulations and Yard Regulations. The subdivision of this lot must follow Howard County's Subdivision Regulations. (Resolution No. 18-99)

2. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as otherwise required in the Yard Regulations.

SECTION 4

HEIGHT REGULATIONS

1. When a building or structure is within one hundred fifty (150) feet of a dwelling district zone, the building or structure shall not exceed forty-five (45) feel in height.

2. When a building or structure is more than one hundred fifty (150) feet from a dwelling district zone, the building or structure shall not exceed one hundred fifty (150) feet in height.

SECTION 5

YARD REGULATIONS

1. Front Yard:

a. There shall be a front yard setback of not less than twenty-five (25) feet measured from the front property line, except if located on a collector street, the front yard shall be sixty-five (65) feet measured from the centerline of the street, and if located on an arterial street or road, the front yard shall be seventy-five (75) feet measured from the centerline of the street or road.

b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.

c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot, except on a lot-of-record the buildable width of such lot shall not be reduced to less than twenty-eight (28) feet except where necessary to provide a yard on the side street not less than five (5) feet.

d. No accessory building shall project beyond the front line on either street.

2. Side Yards:

There shall be a side yard on each side of a building or structure of not less than five (5) feet.

3. Rear Yard:

There shall be a rear yard of not less than twenty-five (25) feet or twenty percent (.20%) of the depth of the lot, whichever is smaller.

4. Landscaping and Screening:

A solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential and the industrial development are separated by a public right-of-way, the required front yard setbacks shall contain no off-street parking or loading and shall be landscaped with a lawn and plants.

SECTION 6

PARKING AND LOADING REQUIREMENTS (See Parking Regulations)

SECTION 7

SIGN REQUIREMENTS (See Sign Regulations)

SECTION 8

OUTDOOR ILLUMINATION

Except for interior lighted signs, all exterior lighting shall be designed and installed so that the illumination is confined to be within the boundaries of the premises upon which the use is located.

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HANNA:KEELAN ASSOCIATES, P.C.
COMMUNITY PLANNING & RESEARCH

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"OS" OPEN SPACE/RECREATION

SECTION 1

INTENT AND PURPOSE OF DISTRICT

This district is designated for non-agriculture, open space/recreation uses in areas of a Village of Howard County, within the 100 year floodplain. This district excludes any land uses allowing farm animals or non-domesticated animals.

SECTION 2

DISTRICT USE REGULATIONS

Permitted Principal Uses and Structures: The following shall be permitted as uses by right:

1. General farming, including hobby farming or animal raising, excluding any expansion of existing or development of Concentrated Animal Feeding Operation as defined in Section 2, with a maximum of one (1) animal per acre;

2. Public Uses: Including public parks, playgrounds, gold courses, open spaces and utility distribution systems;

3. Irrigation and flood control projects; and

4. Campground.

Permitted Accessory Uses and Structures: The following accessory uses and structures shall be permitted:

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

Permitted Conditional Uses:

No permitted conditional uses are recognized in a building or premises may be used in the OS Open Space/Recreation District.

Prohibited Uses and Structures:

All other uses and structures which are not conditionally permitted or not permissible as conditional uses shall be prohibited from the OS Open Space/Recreation.

SPECIAL REGULATIONS:

Provisions must be made for disposal of wastes in accordance with local and state regulations.

SECTION 3

INTENSITY OF USE REGULATIONS

Not Applicable

SECTION 4

HEIGHT REGULATIONS

Not Applicable

SECTION 5

YARD REGULATIONS

Not Applicable

SECTION 6

PARKING AND LOADING REGULATIONS

See Parking and Loading Regulations.

SECTION 7

SIGN REQUIREMENTS

See Sign Regulations.

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"LLR" LARGE LOT RESIDENTIAL DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

This district is intended to provide for large lot residential development in selected areas within the Corporate Limits of the Villages within Howard County. All dwelling and other uses located within the LLR District are required to be connected to municipal water and sewer systems of the Villages, unless no municipal services are available. This Zoning District will primarily be used to zone excess lands located within the Corporate Limits of Howard County Villages until the areas are needed to support urban development.

SECTION 2

DISTRICT REGULATIONS

Permitted Principal Uses and Structures: The following shall be permitted as uses by right:

1. Single family dwellings
2. Manufactured homes which comply with the provisions of Supplemental District Regulations #13
3. Public and parochial schools
4. Public parks, buildings and grounds
5. Child care homes
6. Public uses: including but not limited to public parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems; and
7. Places of worship such as churches and synagogues.

Permitted Accessory Uses and Structures: The following accessory uses and structures shall be permitted when a principle use or structure exists, or a permitted conditional use has been approved and constructed, on the same lot or parcel:

1. Home occupations in accordance with Supplemental District Regulations #12
2. Accessory uses and structures normally appurtenant to permitted uses and structures.

Permitted Conditional Uses: A building or premises may be used for the following purpose in the LLR Residential District if a conditional permit for such use has been obtained in accordance with these Regulations.

1. Medical clinics
2. Mortuaries
3. Child care center
4. Museum and art galleries
5. Multi-family dwellings
6. Nursing homes
7. Public and private golf courses
8. Retirement homes
9. Bed and breakfast homes; and
10. Townhouses
11. Group homes
12. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001-2005, as amended. Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Wind Generator Facilities of these Regulations.

Prohibited Uses and Structures: All other uses and structures which are not specifically permitted or not permissible as conditional uses shall be prohibited from the LLR Residential District.

Conditional Regulation: Provisions must be made for disposal of wastes in accordance with local and state regulations.

SECTION 3

INTENSITY OF USE REGULATIONS

The minimum lot area for LLR Residential District uses shall be 43,560 square feet, or one (1) acre.

SECTION 4

HEIGHT REGULATIONS

Thirty-five (35) feet; however, non-residential uses shall have no height limitations.

SECTION 5

YARD REGULATIONS

Front Yard: There shall be a minimum front yard of not less than a depth of twenty-five (25) feet.

Rear Yard: No limitations; unless abutting a residential district then the minimum rear yard shall be twenty-five (25) feet.

Side Yard: No limitations; unless abutting a residential district then the minimum side yard shall be eight (8) feet.

SECTION 6

PARKING AND LOADING REQUIREMENTS

Parking within the LLR Residential District shall be in conformance with the provisions of the Parking Regulations.

SECTION 7

SIGN REQUIREMENTS

Signs within the LLR Residential District shall be in conformance with the provisions of Sign Regulations.

SECTION 8

FENCE REQUIREMENTS

Fences within the LLR Residential District shall be in conformance with the provisions of Fences and Screens.

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"R-1" RESIDENTIAL SINGLE FAMILY DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

This district is intended to provide for residential uses consisting of single family dwelling units and accessory structures. All dwellings and other uses located within the R-1 District are required to be connected to municipal water and sewer systems of the Villages, unless no municipal services are available.

SECTION 2

DISTRICT REGULATIONS

Permitted Principal Uses and Structures: The following shall be permitted as uses by right:

1. Single family dwellings
2. Manufactured homes which comply with the provisions of the Supplemental District Regulations #13
3. Two-family dwellings
4. Public and parochial schools
5. Public parks, buildings and grounds
6. Child care homes
7. Public uses: including but not limited to public parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems; and
8. Places of worship such as churches and synagogues.

Permitted Accessory Uses and Structures: The following accessory uses and structures shall be permitted when a principle use or structure exists, or a permitted conditional use has been approved and constructed, on the same lot or parcel:

1. Home occupations in accordance with the Supplemental District Regulations #12.
2. Accessory uses and structures normally appurtenant to permitted uses and structures.

Permitted Conditional Uses: A building or premises may be used for the following purpose in the R-1 Residential District if a conditional permit for such use has been obtained in accordance with these Regulations.

1. Child care center
2. Bed and breakfast homes
3. Group Homes
4. Medical clinics
5. Mortuaries
6. Mobile homes on individual platted lots within the Village

7. Mobile home parks in conformance with the provisions of Supplemental District Regulations #13
8. Multi-family dwellings
9. Museum and art galleries
10. Nursing homes
11. Public and private golf courses
12. Retirement homes
13. Townhouses; and
14. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001-2005, as amended. Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Wind Generator Facilities of These Regulations.

Prohibited Uses and Structures: All other uses and structures which are not specifically permitted or not permissible as conditional uses shall be prohibited from the R-1 Residential District.

SECTION 3

INTENSITY OF USE, YARD AND HEIGHT REGULATIONS: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Single Family Dwelling	7,000	50'	25'	8'	15'	35'
Two Family Dwelling	3,500 per family	50'	25'	8'	15'	35'
Mobile Home on Village Lots	7,000	50'	25'	8'	15'	35'
Multi-Family Dwelling	2,200 per family	50'	25'	8'	15'	45'
Other Permitted Used	7,000	50'	25'	8'	15'	35'
Village of Cushing	same as above	same as above	10'	10'	10'	35'

a) General Requirements Continued for Villages:

	Lot Area (Sq. Ft.)	Required Lot Width	Required Front Yard	Required Side Yard	Rear Yard	Height
Village of Dannebrog	same as above	same as above	25’	8’	15’	same as above

b) Buildings on corner lots shall provide front yard setbacks of twenty-five (25) feet on one street side and fifteen (15) feet on the other front yard and designate remaining yards as one rear and one side yard;

c) Building and structures shall not exceed two and one half (2 ½) stories in height;

d) The side yard setback between individual units of two-family dwellings may be reduced to zero if a one-hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

SECTION 4

PARKING AND LOADING REQUIREMENTS

Parking within the R-1 Residential District shall be in conformance with the provisions of Parking Regulations.

SECTION 5

FENCE REQUIREMENTS

Fences within the R-1 Residential District shall be in conformance with the provisions of Fences and Screens.

SECTION 6

SIGN REQUIREMENTS

Signs within the R-1 Residential District shall be in conformance with the provisions of Sign Regulations.

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"C-1" GENERAL COMMERCIAL DISTRICT

SECTION 1

INTENT AND PURPOSE OF DISTRICT

This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a Central Business District. Highest density and intensity of use are permitted in this district.

SECTION 2

DISTRICT REGULATIONS

Permitted Principal Uses and Structures: The following shall be permitted as uses by right:

1. Apartments on floors other than ground floor
2. Automobile sales and services
3. Automotive wash facilities
4. Bakery
5. Banks, savings and loan associations, credit unions and finance companies
6. Barbershops, beauty parlors and shoeshine shops
7. Business offices
8. Child care homes and centers
9. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses)
10. Convenience store or filling station
11. Detached banking facilities (ATM)
12. Dry cleaning or laundry establishments
13. Food service, restaurants and taverns
14. Food storage lockers
15. Funeral homes and mortuaries
16. Garden centers
17. Motels and hotels
18. Museums and art galleries
19. Office buildings
20. Parking lots and other off-street parking facilities
21. Personal and professional services
22. Photography studios
23. Private schools, including but not limited to business or commercial schools, and dance or music academies
24. Public and private charitable institutions
25. Public parks, buildings and grounds

26. Public uses of an administrative, public service or cultural type including Village, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities
27. Retail store or business
28. Public utility facilities
29. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings
30. Service stations; and
31. Stores or shops for the sale of goods at retail and/or wholesale.

Permitted Accessory Uses and Structures: The following accessory uses and structures shall be permitted when a principle use or structure exists, or a permitted conditional use has been approved and constructed, on the same lot or parcel:

1. Accessory uses and structures normally appurtenant to permitted uses and structures and to uses and structures permitted as conditional uses.

Permitted Conditional Uses: A Building or premises may be used for the following purposes in the C-1 Commercial Business District if a conditional permit for such use has been obtained in accordance with these Regulations.

1. Multi-family dwellings
2. Bed and breakfast guest home; and
3. Recycling center
4. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001-2005, as amended. Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Wind Generator Facilities of these Regulations.

Prohibited Uses and Structures: All other uses and structures which are not specifically permitted or not permissible as conditional uses shall be prohibited from the C-1 Commercial Business District and the following:

1. No use shall be permitted and no process, equipment or materials shall be used which are found by the Village to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.

Screening Requirements:

1. Where a site adjoins or is located across an alley from the Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height may be required on the property line common to such districts, except in a required front yard.

2. Open storage of materials attendant to a permitted use or conditional permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

SECTION 3

INTENSITY OR USE, YARD AND HEIGHT REGULATIONS: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	3,000	25’	0’	0’ or 8’ when abutting a residential district	5’ or 15’ when abutting a residential district	45’

SECTION 4

PARKING AND LOADING REQUIREMENTS

Parking within the C-1 General Commercial District shall be in conformance with the provisions of Parking Regulations.

SECTION 5

FENCE REQUIREMENTS

Fences within the C-1 General Commercial District shall be in conformance with the provisions of Fences and Screens.

SECTION 6

SIGN REQUIREMENTS

Signs within the C-1 General Commercial District shall be in conformance with the provisions of Sign Regulations.

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SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1

QUALIFICATIONS AND SUPPLEMENTS TO DISTRICTS

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

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

2. Open or lattice-enclosed fire escapes, fireproof stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Zoning Administrator for a distance of not more than three and one-half (3 ½) feet and where the same are so placed as not to obstruct lights and ventilation.

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

4. Radio and television towers shall be permitted in any district with a Special Use Permit provided the height of the radio or television tower does not conflict with any airport approach or landing zone or with any other regulations.

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

6. Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, camping busses or converted trucks, and tent trailers shall not be stored or parked within the required front yard of a residential district and no such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.

7. The building setback lines shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of the existing or proposed structure.

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

9. Caretakers quarters are permitted in all districts, providing the use is incidental to the principal use.

10. In all districts permitting dwellings the renting of not to exceed two sleeping rooms with a total occupancy of not to exceed three persons for whom may be furnished, but with the prohibition of separate culinary accommodations for such tenants shall be permitted for each dwelling unit except that the floor area of the rented space shall not exceed twenty-five percent (25%) of the total floor area of the dwelling.

SECTION 2

FRONT YARD

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

1. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

2. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:

    a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two (2) sides, or

    b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

3. Where a building cannot be erected as close to the street as is allowed by the district regulations, because of the provisions of paragraph 1 and 2, the Governing Body, upon petition signed by at least one property owner in the block affected and after a report upon the same by the Planning Commission, may establish a front yard line for the block.

SECTION 3

FENCES AND SCREENS

Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences and screening:

1. No fence shall be constructed which will constitute a traffic hazard.

2. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

3. No fence shall be erected or maintained which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety and welfare. Fences separating residential land uses shall not exceed six (6) feet in height. Fences separating residential and nonresidential land uses or between two nonresidential land uses shall not exceed eight (8) feet in height.

4. Except those fences erected on public or parochial school grounds or in public parks and in public playgrounds, no fence shall be constructed to a height greater than eight (8) feet; provided, however, the Board of Adjustment may grant a variance to construct a fence to a height greater than eight (8) feet if the Board finds that the public welfare if preserved.

5. Where fences, screens or obstructions are constructed to obstruct view of objects such as garbage cans, air conditioners, open storage and similar uses, fences or screens shall not exceed six (6) feet in height and further, no such screen or fence shall be located within the required front yard.

6. Buffer Zones - Whenever land or a structure is to be occupied for other than residential purposes and said land adjoins a residential district, additional side and rear yard shall be provided for landscaping. A forty (40) foot wide landscaped buffer zone shall be provided and contain a shrub border to serve as a screen between the residential district and the proposed use. The shrub screen shall be planted and adequately maintained by the property owner and height of the screen shall not be less than six (6) feet in height.

7. Where a fence is constructed six (6) feet in height which will obstruct the view, the landscaped buffer zone can be reduced to ten (10) feet in width. Before planting or construction of the buffered area, plans for the buffer zone shall be presented to the Zoning Administrator for approval. The Zoning Administrator may require any additional detail on the plan which will demonstrate the effectiveness of the proposed buffer. Fifty percent (50%) of the buffer zone may be located within the side yard and one hundred percent (100%) in the rear providing the rear yard buffer zone does not occupy over fifty percent (50%) of the rear yard.

SECTION 4

ACCESSORY USES

1. Accessory buildings shall not be used for dwelling purposes.

2. Yard requirements for accessory buildings are as follows:

   a. Front Yard:

   No accessory building shall be located between the front property line and the front building line of the principle building.

   b. Side Yard:

   Same as the principle building in which the accessory use is located.

   c. Rear Yard:

   No accessory building shall be located closer than three (3) feet from the property line or within ten (10) feet of any other building on adjacent properties, and no accessory building shall be located within any easement or right-of-way.

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

4. Attached accessory use: Any accessory structure attached to the principle building shall be considered as part of the principle building and shall meet the same requirements as specified for the principle building.

5. Fire hazardous accessory uses: No accessory use shall be located within ten (10) feet of a residential dwelling that creates a fire hazard or would subject the residential structure to fire, such as a fireplace, barbecue oven, or flammable liquid storage.

SECTION 5

INOPERABLE OR UNLICENCED MOTOR VEHICLE STORAGE

1. It is the intent of this regulation to prevent the repair, remodel, assembly, disassembly or storage or standing of any inoperable vehicle other than in an enclosed garage other than in a district permitting and regulation such occurrence.

2. A motor vehicle shall be determined as inoperable when it does not have a current state license plate or when it has a current state license plate but is disassembled or wrecked in a part or whole and is unable to move under its own power.

3. Inoperable vehicles may be stored or may stand only in a legally conforming auto wrecking yard or in a fully enclosed storage structure in any District of these regulations where inside storage is permitted.

SECTION 6

SANITARY REQUIREMENTS

1. It shall be unlawful to occupy a residential structure or any building for living purposes that does not have an approved waste disposal system. For purposes of this section, 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 System in Nebraska", as published by the Nebraska State Department of Environmental Quality.

2. No waste absorption field (septic tank, cesspools, etc.,) shall be constructed any closer than twenty-five (25) feet from any adjacent property line.

3. There shall be no waste absorption field located closer than fifty (50) feet from any other residential structure.

4. There shall be no waste absorption field located closer than one hundred (100) feet from a water well provided, however, where geology and subsurface conditions and topography would indicate that seepage could reach the well supply, a greater distance would be required.

5. Private sewage lagoons shall be located no closer than two hundred (200) feet of the house it serves and not less than five hundred (500) feet from any other house or residential boundary.

6. The following minimum lot areas are required in all districts.

    a. With water and public sewer: Same as the Intensity of Use Regulations for each District.

    b. With private water and public sewer: One-half (1/2) Acre.

    c. With public water and private sewer: Two (2) Acres.

    d. With private water and private sewer: Three (3) Acres.

7. 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 Howard County Soil Survey.

8. A waste disposal system evaluation shall be required for septic systems serving all new residences Evaluations shall be on forms furnished by the office of the Zoning Administrator.

SECTION 7

LOT SPLITS OR SUBDIVISION OF LAND

No lot, lots, tracts or parcels of land shall be split nor subdivided which would create a nonconforming lot or tract in the district in which it is located.

SECTION 8

EXISTING LOTS

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

SECTION 9

CAMPGROUNDS

Where campgrounds are allowed in the District Regulations:

1. Campgrounds shall be utilized only for the accommodation of camping trailers, tents, and other similar camping vehicles, and under no circumstances shall campgrounds be utilized for occupancy of mobile homes.

2. The tract to be used for a campground shall not be less than two (2) acres in area.

3. The applicant for a campground shall prepare or cause to be prepared a preliminary campground plan, drawn to scale of not less than 1' = 100', and three (3) copies of the plan shall be submitted to the office of the Planning Commission for review, recommendations and conditions. Such plans shall comply with the following minimum requirements:

    a. Contours at intervals of one foot shall be indicated on the plan.

    b. The campground shall be located on a well-drained site, graded to insure rapid drainage and freedom from stagnant pools of water.

    c. Campgrounds shall have a maximum density of twenty (20) camping spaces per gross acre, and a minimum area of one thousand two hundred fifty (1,250) square feet be provided for each space.

    d. Each camping space shall be at least twenty-five (25) feet wide and a maximum of fifty (50) feet in depth.

e. Travel trailers shall be located on each space so as to maintain a setback of no less than twenty (20) feet from any public street, highway right-of-way, or property lines.

f. All camping spaces shall front on a private roadway of not less than twenty-four (24) feet in width, and all roadways shall have unobstructed access to a public street.

4. A service building shall be provided which shall:

a. Be located no closer than twenty-five (25) feet from a camping space or a property line.

b. Be located within six hundred (600) feel of all camping spaces.

c. Be of permanent type moisture-resistant construction to allow frequent washing and cleaning and have adequate lighting.

d. For up to nine (9) camping spaces there shall be a unit of one flush-type toilet, one lavatory and one shower each for males and females, and one additional unit each for every ten (10) camping spaces or a fraction thereof. All lavatories and showers shall be connected to both hot and cold running water.

e. Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit in the building and provide hot water (140 degrees F.) at a minimum rate of eight (8) gallons per hour for the required fixtures.

f. Have all rooms well ventilated with all openings effectively screened.

g. Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants or the public or that will constitute a nuisance.

h. Meet all the requirements of the State Health Department.

5. Upon approval of the preliminary campground plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate all requested changes, alterations and conditions.

6. Any substantial deviation, as determined by the Zoning Administrator, from the approved plan shall constitute a violation of the permit authorizing construction of the project. Any changes in the plans shall be resubmitted for reconsideration and approval by the Planning Commission prior to the issuance of a permit.

SECTION 10

EXTRACTION OF RAW MATERIALS

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

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

1. A Soil Extraction Permit shall be obtained from the Zoning Administrator.

2. The character of runoff from and onto adjacent land shall not be changed.

3. There shall be no excavation closer than one hundred (100) feet of any abutting property not involved in the operation. All cuts shall be no less than four to one (4 to 1).
4. The topsoil shall be collected, stockpiled and redistributed over the exposed soil area of the operation. The soils in the excavation area shall then be stabilized, the land graded, seeded or sodded to prevent erosion and siltation. This requirement may be waived by the Zoning Administrator for that portion covered by an approved water impoundment.

5. The owner of the property from which the soil is being removed may be responsible for costs for any damage to county roads or bridges used for access to the site which requires additional maintenance or repair from normal county maintenance or repair as a result of additional traffic generated.

6. The protection of the public health and safety shall be the responsibility of the owner of the property from which the soil is being removed. Public health and safety methods shall be as directed by the Zoning Administrator who, upon observing a problem or verifying a complaint, may order the operation to cease until the problem is resolved. The decisions of the Zoning Administrator may be appealed to the Howard County Board of Commissioners.

7. All extractions of soils within a designated floodplain, shall conform to the Floodplain Regulations.

SECTION 11 (Added 8-12-14)

RADIO, TELEVISION AND WIRELESS COMMUNICATION TOWERS

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (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 commercial antennas in the County in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and commercial antennas in the County, to protect residential areas and land uses from potential adverse impact of installation of towers and commercial antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers and other commercial antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and commercial 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 commercial antennas are compatible with surrounding land uses.

1. **General Standards**: No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the County prior to approval of its application for a Conditional Use Permit by the County Zoning Board and issuance of the permit by the County Commissioners. Applicants shall submit their application for a Conditional Use Permit to the Zoning Administrator.

2. The following minimum standards shall apply to all communication towers when seeking a Conditional Use Permit.

    a. The height of a communication tower shall not exceed the distance between the base of a tower and any permanent structure, utility line or road, excluding the equipment building for that tower.

    b. Communication towers shall not be constructed unless evidence is demonstrated that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on an existing structure or an existing communication tower.

    c. All new communication towers shall be constructed in a manner that will allow such tower to accommodate at least three (3) additional providers.

    d. Communication towers shall not interfere with commercial or residential radio or television signals.

    e. All communication towers must comply with FAA regulations.

    f. Meet all criteria listed on the Conditional Use Permit for Towers.

g. As a condition of a Special Use Permit for the construction of a tower, Howard County Emergency Services will be granted: a slot as high on the tower as possible that does not impede the use and operation of the Tower Owner's equipment, space to place an External Cabinet inside the fence enclosure, access to back-up electrical service, ingress and egress to the tower site, and 24/7 access to the tower for the Howard County Emergency Services designated maintenance company for equipment repair/replacement, with prior approval of the Tower Owner. These services will be provided at no cost to Howard County Emergency Services.

   Howard County Emergency Services will be responsible for: equipment cost, installation, and operation of all equipment that Emergency Services installs on the tower and in the fence enclosure, cost of repair/replacement of equipment that Emergency Services installs on the tower, and insurance of all equipment that Emergency Services installs on the tower.

   Howard County Emergency Services equipment will not interfere with the operation of any other carrier's equipment. Any cost associated with the operation of the equipment installed by Howard County Emergency Services will be negotiated prior to the approval of the Special Use Permit.

   Howard County Emergency Services shall indemnify and hold harmless, Tower Owner its' officers, employees, and agents, from and against any loss, damage. Liability, claim, and expense including cost of enforcement and reasonable attorneys' fees, occasioned by growing out of, or arising in connection with, any act or failure by Tower Owner, its agents or employees, except loss, damage, liability resulting from the negligent acts or omissions of Tower Owner, its' agents or employees. Tower Owner shall not be held liable for any loss or damage due to personal injury, death, property damage, libel slander or imperfect or unsatisfactory communications experiences by Howard County Emergency Services for any reason whatsoever, arising from, or in connection with the installation, operation, maintenance, or removal of Howard County Emergency Services equipment or any activity related to Howard County Emergency Services performance. In no event shall Tower Owner be liable for any consequential or incidental damages, including but not limited to, loss of profit or revenues, cost of capital, cost of substitute facilities or services, downtime cost or claims of Howard County Emergency Services customer or advertisers for such damages.

   Howard County Emergency Services = Howard County Emergency Management, Howard County Sheriff's Department, Howard County Roads Department, Howard County Fire Departments (Boelus, Dannebrog, Elba, Farwell, St. Paul, and St. Libory), Howard County Emergency Medical Services (EMS) Departments (Boelus, Dannebrog, Elba, Farwell, St. Paul, and St. Libory), Regional Fire Departments, Regional EMS Departments, Twin Loups Mutual Aid, Howard County Communications, and East/Central Region.

SECTION 12 HOME OCCUPATIONS

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

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

1. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his private residence.

2. No equipment or machinery shall be used in such activities that are perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.

SECTION 13 MANUFACTURED HOMES

All manufactured homes located outside mobile home parks shall meet the following standards:

1. The home shall have no less than nine hundred (900) square feet of floor area.

2. The home shall have no less than an eighteen (18) foot exterior width.

3. The roof shall be pitched with a minimum vertical rise of two and one-half (2 ½) inches for each twelve (12) inches or horizontal run.

4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction.

5. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock.

6. The home shall have wheels, axles, transporting lights and removable towing apparatus removed.

7. Nothing in the Article shall be deemed to supersede any valid restrictive covenants of record.
8. The home must meet building code requirements adopted by the Villages of Howard County.

SECTION 14 MOBILE HOME PARKS

Mobile Home Parks shall only be allowed in the R-1 Zoning District, when approved by Conditional Permit and designated on the Official Zoning Map as R-1, under the following conditions:

1. Individual mobile home lots shall have an area of not less than four thousand (4,000) square feet per single wide mobile home and six thousand (6,000) square feet for double wide mobile homes, and the total number of lots per gross acre shall not exceed six (6).

2. Mobile homes shall be situated on individual lots so there will be a minimum of fifteen (15) feet between mobile homes and that each mobile home will be set back at least fifteen (15) feet from the nearest service road. Mobile homes parked end-to-end shall have an end-to-end clearance of not less than ten (10) feet. Enclosed additions shall be considered a part of the mobile home in measuring required yard distance. The required area for each mobile home space shall not include area required for access or service roads, service buildings, recreation areas, office, and other similar mobile home park needs.

3. The mobile home park shall have direct access to a public street or highway by a right-of-way at least fifty (50) feet in width and a minimum length of one hundred (100) feet to permit the easy entrance and exit from the mobile home park. Service roads shall be provided to each mobile home space. Each service road shall provide for continuous forward movement, shall connect with a street or highway, and shall have a minimum clear width of twenty (20) feet paved with a suitable dustless material.

4. Walks and Lighting: Walkways not less than four (4) feet wide shall be provided from mobile home spaces to the service buildings. All walkways within the park shall be hard surfaced and lighted at night with a minimum illumination of twenty-five (25) watt lamps spaced at intervals of not more than one hundred (100) feet.

5. Off-Street Parking: Two off-street parking spaces for each mobile home space shall be provided at each mobile home space or in group parking. Each off-street parking space shall be at least three hundred (300) square feet.

6. The area of the mobile home stand shall be improved to provide an adequate and approved foundation of the placement and tie-down of the mobile home, thereby securing the super-structure against uplift, sliding, rotation, or overturning.

   The mobile home or trailer stand shall be on incombustible materials and shall not shift or settle unevenly under the weight of the mobile home or trailer due to frost action, inadequate drainage, vibration or other forces acting upon the superstructure.

The mobile home or trailer stand may be provided by means of a solid concrete footer block (16" x 16" x 4" Minimum) placed on solid uniform soil with at least two (2) standard concrete blocks with cells placed vertically beside each other on the footer block. A solid 4" concrete cap covering the two (2) concrete blocks shall be provided as the bearing area to be positioned directly beneath the steel frame of the mobile home or trailer. Such clocking shall be provided along the full length of the mobile home or trailer unit, spaced not more than ten (10) feet apart, and not more than five (5) feet from the ends of the unit.

7. The mobile home or trailer stand shall be provided with anchors and the tie downs such as cast-in-lace concrete "dead men", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home or trailer. The tie-down devices shall be compatible with the foundation system provided for the mobile home or trailer such that the tie-downs are designated to resist the action of frost in the same manner as the foundation system.

8. The skirting of all mobile homes and trailers is required. Such skirting shall not attach a mobile home or trailer permanently to the ground, but shall be sufficient to withstand wind load requirements and shall not provide a harborage for junk or rodents, nor create a fire hazard. Such skirting shall be provided with removable access panels sufficient to provide easy access to all utility connection points of the mobile home or trailer and its subsequent connection to the utility raisers if they are located within the skirted area.

9. If the same owner owns at least six (6) contiguous lots, in an R-1 (MHP) District, which lots are at least minimum size each; that owner shall be allowed to house, keep, and maintain up to two (2) beef animals, or two (2) horses, on said lots, within the R-1 (MHP) District only. Said animals shall be kept in such a way so as to not affect the enjoyment or use of any neighboring lots or property. All waste and manure shall be removed from the property so as to not cause an odor, pest or insect problem. Said animals shall be restrained by a fence, upon the property of the owner, within the R-1 (MHP) District. (Ord. #288) (Ord. "A", 2013)

Permit the creation of Mobile Home Parks in which the individual Mobile Home Lots are available for sale. Wherever a mobile home park is permitted by this Ordinance to be created through the granting of conditional uses by a Conditional Use Permit or otherwise, said mobile home park may be designed to permit the sale of the individual mobile home lots within said park. A proposed mobile home park in which the individual mobile home lots will be offered for sale must meet all of the following requirements:

1. The individual mobile home lots shall, for the district within which such mobile home park is located, meet the minimum lot requirements, minimum yard requirements, maximum lot coverage, and maximum height requirements of such districts.

2. Each such mobile home lot shall be individually serviced with all utilities and shall be individually metered for all utilities and treated in all respects by the Village as a separate user of utilities.

3. The developer of such mobile home park shall be required to secure a preliminary and final plat as per the subdivision process outlined in the Howard County Subdivision Regulations.

4. At the time of an application for a conditional use permit, or at the time of the application for subdivision in a mobile home park where the lots are to be offered for sale, the developer shall submit all legal documents necessary for the creation of an association having the purpose of maintaining, controlling, and covering all expenses, taxes and costs incurred on common areas within the mobile home park. Such association shall require that all property owners within the mobile home park be members thereof and pledge the lots owned within the mobile home park as security of the association performing such obligations. Covenants shall be placed on the property by the developer and owners thereof so as to ensure this obligation. These documents shall be submitted by the proper officials to the Village Board for its approval and no subdivision permit or conditional use permit may be issued without the approval of these documents by the Village Board.

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FLOODPLAIN REGULATIONS

This is an overlay district which is placed over any zoning district in designated flood areas.

SECTION 1

STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses by applying the provisions of this ordinance to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

SECTION 2

GENERAL PROVISIONS

1. LANDS TO WHICH ORDINANCE APPLIES

   This Resolution shall apply to all lands within the jurisdiction of Howard/County identified on the Flood Insurance Rate Map (FIRM) , and any revisions thereto, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in Section 4.0 of this ordinance. In all areas covered by this resolution no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the Howard County Board or its duty designated representative under such safeguards and restrictions as the County Board 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, 6, and 7.

2. THE ENFORCEMENT OFFICER

   The Zoning Administrator is hereby designated as the community's duly designated Enforcement Officer under this Resolution.

3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit their own technical evidence, if they so desire.

4. COMPLIANCE

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

5. ABROGATION AND GREATER RESTRICTIONS

It is not intended by these regulations to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this regulation imposes greater restrictions, the provision of these regulations shall prevail. All other regulations inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.

6. INTERPRETATION

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

7. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. These regulations shall not create liability on the part of Howard County or any officer or employee thereof for any

flood damages that may result from reliance on these regulations or any administrative decision lawfully made there under.

8. SEVERABILITY

If any section, clause, provision or portion of these regulations are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

9. APPEAL

Where a request for a permit to develop or a variance is denied by the Zoning Administrator the applicant may apply for such permit or variance directly to the Board of Adjustment.

SECTION 3

DEVELOPMENT PERMIT

1. PERMIT REQUIRED

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 12.

2. ADMINISTRATION

1. The Zoning Administrator is hereby appointed to administer and implement the provisions of these regulations.

2. Duties of the Zoning Administrator shall include, but not be limited to:

a. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.

b. Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.

c. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

e. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.

f. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood-proofed.

g. When flood proofing is utilized for a particular structure the Zoning Administrator shall be presented certification from a registered professional engineer or architect.

3. APPLICATION FOR PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall.

a. Identify and describe the development to be covered by the floodplain development permit.

b. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.

c. Indicate the use or occupancy for which the proposed development is intended.

d. Be accompanied by plans and specifications for proposed construction.

e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

f. Give such other information as reasonably may be required by the Zoning Administrator.

SECTION 4

ESTABLISHMENT OF ZONING DISTRICTS

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

SECTION 5

STANDARDS FOR FLOODPLAIN DEVELOPMENT

1. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Section are satisfied.

2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of SECTION 6. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

3. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.

4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

    a. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

    b. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.

    c. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

    d. All utility and sanitary facilities be elevated or flood proofed up to the regulatory flood protection elevation.

5. Storage of Material and Equipment:

   a. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

   b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be 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 home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

SECTION 6

FLOOD FRINGE OVERLAY DISTRICT - (including AO and AH Zones)

1. PERMITTED USES

   Any use permitted in Section 7 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5 are met.

2. STANDARDS FOR THE FLOOD FRINGE OVERLAY DISTRICT

   a. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.

   b. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be flood proofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator as set forth herein.

c. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: 1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. 2) The bottom of all openings shall be not higher than one foot above grade. 3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

e. Manufactured Homes:

1. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;

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

c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

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

2. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:

a. of a manufactured home park or subdivision,

b. In a new manufactured home park or subdivision,

c. In an expansion to an existing manufactured home park or subdivision, or

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

3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the county's FIRM that are not subject to the provisions of 5, be elevated so that either:

a. The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system.

f. Recreational vehicles placed on sites within the special flood hazard areas on the county's official map shall either (I) be on the site for fewer than 180 consecutive days. (II) be fully licensed and ready for highway use, or (III) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of these regulations. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

g. Located within the areas of special flood hazard are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the county's FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of non-residential structures shall:

   a. Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the county's FIRM (at least two feet if no depth number is specified), or

   b. Together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth herein.

3. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

SECTION 7

<u>FLOODWAY OVERLAY DISTRICT</u>

1. PERMITTED USES

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other regulation. The following are recommended uses for the Floodway District:

a. Agricultural uses such as general farming, pasture, nurseries, forestry.

b. Residential uses such as lawns, gardens, parking and play areas.

c. Non-residential areas such as loading areas, parking and airport landing strips.

d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves

2. STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT

New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Section 5 and 6. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section 5, in meeting the standards of this section.

SECTION 8

VARIANCE PROCEDURES

1. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of these regulations.

2. The 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 Zoning Administrator in the enforcement or administration of these regulations.

3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Section 23-168, R.R.S. 1943.

4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and:

    a. The danger that materials may be swept onto other lands to the injury of others;

    b. The danger to life and property due to flooding or erosion damage;

    c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

    d. The importance of the services provided by the proposed facility to the community;

    e. The necessity to the facility of a waterfront location, where applicable;

    f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. **CONDITIONS FOR VARIANCES**

a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (B-F below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

c. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon;

a. a showing of good and sufficient cause,

b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

d. The applicant shall be given a written notice over the signature of a county official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premiums rates for flood insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these regulations.

SECTION 9

NONCONFORMING FLOODPLAIN USE

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this resolution, but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:

   a. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to these regulations. Any Utility Department shall notify the Zoning Administrator in- writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.

   b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

SECTION 10

PENALTIES FOR VIOLATION

Violation of the provisions of these regulations or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction be fined and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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

SECTION 11

AMENDMENTS

The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. At least 10 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

SECTION 12

DEFINITIONS

See page 33 for definitions.

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PARKING AND LOADING REQUIREMENTS

SECTION 1

INTENT AND PURPOSE

It is the intent and purpose of this Article to establish minimum requirements as to number of spaces, design and construction for off-street parking and loading areas.

SECTION 2

GENERAL PROVISIONS

1. Spaces shall be provided in other than the front yard in all residential districts except that in the event an attached garage is converted to a livable room of the dwelling, the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard. Parking also shall not be permitted closer to any side property line than one-half (1/2) the distance of the required side yard.

2. Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Parking shall be located on the same tract with the main use; or be located in accordance with the provisions of this Article relating to off-street parking exceptions.

3. Required accessory off-street parking facilities provide for the uses hereinafter listed shall be only for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.

4. Area: A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length.

5. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

6. Design: Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the governing body.

7. Surfacing: All open off-street parking and loading areas shall be graded or otherwise improved with an all-weather, dustless material and shall be constructed of material greater or equal to the surfacing of the main travelway upon which the parking area has access.

8. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be confined to the parking and loading areas and be so designed so as not to illuminate abutting properties.

9. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in association with any required off-street parking facilities.

10. Computation: When determination of the number of off-street parking spaces required buy this regulation results in a requirement of a fractional space, the fraction of one-half (1/2) or less may be disregarded, and a fraction in the excess of one-half (1/2) shall be counted as one (1) parking space.

11. Off-street parking and loading space, as required in this Article shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking and loading space shall be required for any existing building or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall be used to satisfy required off-street parking for any new structures or additions to existing buildings. structures, or uses of land. Such existing parking space shall be maintained and shall be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this Article.

12. In no instance shall off-street parking required by this article be located more than three hundred (300) feet (as measured along lines of public access) from the use which it serves.

13. Plans and Approval Required. Plans showing the layout and design of all required off-street parking and loading areas shall be submitted and approved by the Zoning Administrator prior to the issuance of a permit. Before approving any parking layout, the Zoning Administrator shall make sure that the spaces provided are usable and met standard design criteria. All required off-street parking spaces shall be clearly marked.

SECTION 3

<u>REQUIRED SPACE</u>

Off-street parking spaces shall be provided as follows:

1. Dwelling and Lodging Uses:

    a. Boarding or lodging houses: One parking space per each sleeping room.

    b. Dormitories, fraternities, sororities: Two parking spaces for each three occupants based on the design maximum capacity of the building.

c. Hotels and motels: One space per each rental unit plus one space per each twenty units, plus such spaces as are required for restaurants, assembly rooms and other affiliated facilities provided.

d. Mobile home parks: Two parking spaces per each mobile home.

e. Nursing homes, rest homes, etc.: One parking space per each two beds based on the design maximum capacity of the building plus one parking space for each ten beds.

f. Single-family: One space per dwelling unit.

g. Two-family and multiple-family: 1-1/2 spaces per dwelling unit.

2. Business - Commercial and Industrial Uses:

a. Automobile, truck, trailer and mobile home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles plus one parking space for each service bay.

b. Automobile wrecking yards: Two parking spaces for each 10, 000 square feet of storage area.

c. Banks, post office and business and professional offices: One parking space for each 300 square feet of gross floor area.

d. Bowling alleys: Ten parking spaces for each alley.

e. Cartage, express, parcel delivery and freight terminal establishments: One parking space for each two employees in the largest working shift in a 24-hour period plus one parking space for each vehicle maintained on the premises.

f. Car wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.

g. Funeral homes and mortuaries: One parking space for each eight seats based upon the designed maximum capacity of the parlor plus one additional space for each vehicle maintained on the premises.

h. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 600 square feet of floor area.

i. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One per two employees based upon the largest working shift in any 24-hour time period.

j. Medical and dental clinics or offices, One parking space for each 100 square feet of gross floor area.

k. Restaurants, night clubs, taverns, and lounges: One parking space for each two seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have in addition to service stalls, one parking space for every two employees.

l. Retail stores and shops: One space per 200 square feet of floor area.

m. Service stations: One parking space for each inside service stall plus two spaces for each service bay.

n. Theaters, auditoriums and places of assembly with fixed seats: One space for each four seats.

o. Theaters, auditoriums and places of assembly without fixed seats: One parking space for each three people based upon the design maximum capacity of the building.

p. Warehouse, storage and wholesale establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.

q. All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.

3. Other Use:

a. Churches: One parking space for each four seats based upon the maximum designed seating capacity including choir lofts.

b. Elementary, junior high and equivalent parochial and private schools: Two for each classroom.

c. schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom.

d. Hospitals: One parking space for each two beds plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.

e. Laundromats: One space for each two washing machines.

f. Nursery schools and day care centers, public and private: One parking space for each five children.

g. Private clubs, lodges, and union headquarters: One parking space for each three seats based upon the design maximum seating capacity.

h. Swimming pools and clubs: One parking space for each 40 square feet of water area.

i. Trade and commercial schools: One parking space for each student.

SECTION 4

EXCEPTION, SPECIAL PERMIT

1. In order to provide off-street parking areas, the Howard County Board of Commissioners may, after public notice and hearing, grant as a exception a special permit for the establishment of parking areas in any zoning district under the provisions further set forth in this section.

2. Location: Parking provided under this section must be within 300 feet (along lines of public access) from the boundary of the use for which the parking is provided.

3. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

4. Improvements:

   a. Parking areas and driveways on commercial and industrial private property, which ingress and egress to parking areas shall be surfaced with concrete, asphalt concrete, asphalt or any other comparable surfacing which meets the approval of the Howard County Board of Commissioners and shall be maintained in good condition and free of all weeds, dust, trash and other debris, except the surfacing may be the same as the surfacing provided on the main public travel way providing access to the parking area.

   b. Parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.

   c. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling or dwelling district.

   d. A fence (such as solid-wall masonry, wood, louvered wood, metal or other similar materials) not less than six feet high, shall be erected along any property line adjacent to or adjoining any dwelling district. Whenever a fence shall be required along a front yard, such fence shall not be higher

than four feet and such fence shall be located within one foot of the front yard setback line. Fences along said yards shall not extend nearer to the street than the front yard setback line.

e. When located in a dwelling district, parking shall not be located within a front yard.

f. The Board shall determine the necessary improvements in order to project adjacent property owners and the public interest. Such improvements shall include, but not be restricted to proper setbacks, screening wall, grass, shrubs, trees and maintenance.

5. Application: The application for the special use permit shall be accompanied by:

a. An attorney's opinion or other suitable evidence certifying as to the ownership of the property or the existence of a valid lease, by the applicant.

b. A plat plan showing the proposed plan of the improvements and any other information showing the applicant's intention to comply with the provisions of this section.

6. Permit Revocable: The Zoning Administrator shall be responsible for the enforcement of the conditions and requirements made by the Board of Commissioners in the approval of any off-street parking special permit. The Zoning Administrator, upon discovery of any violation of this regulation or the conditions and requirements established by the Board of Commissioners, shall notify the Board of Commissioners of such violations. The Board of Commissioners is hereby authorized to revoke the special permit after public hearing for any of the following reasons:

a. Abandonment of the area for parking purposes for 6 months.

SECTION 5

LOADING AND UNLOADING REGULATIONS

Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, or other uses, involving the receipt or distribution of material or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkways. Such space shall include a 10 foot by 50 foot loading space with a minimum or 14 of height clearance. Number of spaces shall be provided as follows:

Number of Spaces	Gross Floor Area in Square Feet
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000to 80,000
5	80,000 to 100,000

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SIGN REGULATIONS updated 2-23-2016

SECTION 1

INTENT AND PURPOSE OF DISTRICT

It is the intent and purpose of these sign regulations to qualify, supplement or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in the Regulation.

SECTION 2

USE REGULATIONS

Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in Sign Use Regulations specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated.

After the effective date of the Regulation, no sign along the highways of Howard County,(excluding HWY 58) shall be erected, enlarged, constructed or otherwise installed without first obtaining approval from the NDOR (Nebraska Department of roads) and a sign permit shall be legally issued only when in compliance with this sign regulation. All signs shall be constructed in such a manner and of such material that they shall be safe to the public. Sign permits are required for those applying for a sign along a highway that NDOR requires approval from the county. All other signs must be no larger than 32 square feet and follow the sign regulations below.

SECTION 3

General Standards

1. **Roadway Signs:**

a. All signs are subject to the control of the NDOR (Nebraska Department of roads) if they are located within eyesight of an adjacent highway in Howard County, excluding HWY 58. (sign permit may be required)
b. County road signs and signs along highway 58 are allowed if goods and/or services are available to purchase on premise. Maximum size is limited to 32 square feet and one sign per parcel lot.
c. Non premise advertising signs are only allowed in business, commercial and industrial zoned areas. Maximum size is limited to 32 square feet and one sign per parcel lot. Signs larger than 32 square feet, must apply for a conditional use permit.

2. **Illuminated, Flashing or Moving Signs:** Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this regulation, any revolving, rotating, moving, animated, signs with moving lights or signs which create the illusion of movement shall be considered as a flashing sign and shall not be permitted except where:

a. A sign giving public service information.

b. A sign whereon the current time, temperature, weather or news is indicated by intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals or configurations of letters indicating such information.

3. Access way or Window: No sign shall block any required access way or Window.

4. **Signs on Trees or Utility Poles**. No sign shall be attached to a tree or utility pole when located within a public right-of-way.

5. Traffic Safety:

a. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.

b. Any sign located within three feet of a driveway or within a parking area shall have its lowest elevation at least ten feet above the curb level, however, in no event shall any sign be placed so as to project over any public right-of-way.

c. Under no circumstances shall any sign be placed in the site triangle as defined by this regulation.

d. Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any street or highway and are of such brilliance as

6. Setbacks: No sign shall physically project within the road right-of-way.

EXEMPTIONS

1. The following signs shall be exempt from the requirements of this Article:

    a. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization displayed on private property.

    b. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.

    c. Memorial signs and tablets displayed on private property

    d. Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances and other similar signs.

    e. Score boards in athletic stadiums.

    f. City, county, or village welcome signs.

2. The following signs are exempt from the sign permit section of this Article, but shall comply with all of the other regulations imposed by this Article:

    a. Name plate signs not exceeding two square feet in gross area accessory to a single-family or multi-family dwelling.

    b. Bulletin board signs not exceeding 15 square feet in gross area accessory to a church, school or public or non-profit institution.

    c. Signs with a list of religious places of worship in the community.

    d. School promotional signs.

    e. Election signs

    f. Farm Seed/Ag related signs along fields

    g. Temporary Signs (in place for less than 1 year) not replaced for nine (9) months.

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NONCONFORMING LOTS, USES OF LAND, STRUCTURES, AND PREMISES

SECTION 1

INTENT AND PURPOSE

Within the districts established by this regulation or amendments that may later be adopted there exist:

1. Lots

2. Uses of land

3. Uses of structures

4. Structures

   a. Which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment. It is the intent of this regulation to permit these nonconformity's to continue until they are removed but not to encourage their survival. It is further the intent of this regulation that nonconformity's shall not be enlarged upon, expand or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

   b. Nonconforming uses are declared by this regulation to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, or a nonconforming use of land, shall not be extended or enlarged after passage of this regulation or by the addition of other uses of a nature which would be prohibited generally in the district involved.

SECTION 2

NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any existing and lawful single lot of record prior to the effective date of adoption or amendment of this regulation not withstanding limitations imposed by other provisions of this regulation. 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 front yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

SECTION 3

NONCONFORMING USES OF LAND

Where at the time of passage of this regulation lawful use of land exists which would not be permitted by this regulation, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming 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 uses shall be moved in whole or in part to any position of the lot or parcel other than that 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 months, any subsequent use of such land shall conform to the regulations specified for the district in which such land is located.

4. No additional structure not conforming to the requirements of this regulation shall be erected in connection with such nonconforming use of land.

SECTION 4

NONCONFORMING USES OF STRUCTURES

If the lawful use of a structure having a replacement cost of $1,000.00 or more 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 amendments of this regulation, but no such use shall be extended lo occupy any land such building;

3. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except if conformity with the provisions of this regulation;

4. When any structure which is a nonconforming use is superseded by a permitted use, it shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

5. When a nonconforming use of a structure is discontinued or abandoned for 12 consecutive months, the structure shall not thereafter be used except in conformity with the regulations of the district in which it is located.

SECTION 5

NONCONFORMING STRUCTURES

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

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Should such structure be moved for any reasons for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 6

NONCONFORMING USES WHICH SHALL BE DISCONTINUED

1. Nonconforming mobile homes shall not be replaced or substituted with another mobile home.

SECTION 7

FLOOD PLAIN ZONES

When an area is designated as a floodway region, any building or structure that is prohibited by the flood plain regulations becomes nonconforming and should such building or structure be damaged more than 50 percent by fire, explosion, act of God, or the public enemy, shall not be restored except in accordance with all applicable flood plain zoning regulations and in accordance with the district in which ft is located.

SECTION 8

REPAIRS AND MAINTENANCE

1. On any nonconforming structure or any structure or portion of a structure, containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located unless approved by the governing body.

SECTION 9

USES ALLOWED BY CONDITIONAL USE NOT NONCONFORMING USES

Any use which is permitted as a Conditional Use in a district under the terms of this regulation shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

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BOARD OF ADJUSTMENT

SECTION 1

FORMATION

A Board of Adjustment is hereby created in accordance with State Statutes covering such creation. (The word "Board" when used in this Article means Board of Adjustment.) The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, ordinances, or resolutions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and 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 filed in the office of the Board immediately and shall be a public record.

SECTION 2

POWERS AND JURISDICTIONS

The Board shall have the following powers and jurisdictions.

1. Appeals: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations.

    a. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or Bureau of the government affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Zoning Administrator and with the Secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from its taken.

    b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the Notice of Appeals shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause eminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining which may be granted by the Board, or by a court of record on application or notice to the Zoning Administrator on good cause shown.

2. Variance: To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

   a. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the District Zoning Regulations or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the use of his property in the manner similar to that of other property in the zoning district where it is located.

   b. Variances shall include intensity of use, yard and height regulations only and are limited to the followings:

      1. A yard regulation variance shall not encroach upon the required setback for adjacent buildings.

      2. One story in height may be allowed for each one foot of additional building setback provided in addition to that required by the district regulation in which the property is located.

   c. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition and the finding shall be entered in the record.

      1. The variance requested arises from such conditions which is unique to the property in question and which is not ordinarily found in the same, zone or district, and is not created by an action or actions of the property owner or applicant.

      2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

      3. The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

      4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

      5. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

3. Interpretation: To hear and decide, in accordance with the provisions of this regulation requests for the interpretation of any map.

4. Conditions of Determination: In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

A majority of the Board shall constitute a quorum for the transaction of business and a concurring vote of four members of the Board shall be necessary to: reverse and order; amend or add requirements; amend or add to the decision of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under any such Regulation, or to affect any variation, in such regulation. Upon the hearing, any party may appear in person or by agent or by attorney.

SECTION 3

APPLICATION

1. The procedure for requesting a hearing before the Board shall be as follows:

   a. All applications to the Board shall be in writing on forms provided by the Board.

   b. The Board shall fix a reasonable time for the hearing of an application and notice of the time, place and subject of each hearing shall be published in the official newspaper (as designated by the governing body) at least ten (10) days poor to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest and to the Planning Commission.

   c. At least ten (10) days prior to the date fixed for the public hearing, the Board shall notify the following interested parties by United States mail:

      1. All neighboring property owners of property located within 1,000 feet of the property in question of said neighboring property located within county zoning jurisdiction.

      2. All neighboring property owners of property located within 300 feet of the property in question when said neighboring property is located within any municipal zoning jurisdiction.

      3. Any other interested parties as determined by the Board and/or Zoning Administrator.

      4. The applicant shall provide the Board with a list of the names and addresses of all neighboring property owners that are to be notified

pursuant to Subparts 1 and 2 above. Said list shall be certified by a registered land abstractor, and list shall be provided to the Zoning Administrator within 30 days of application of appeal, or appeal shall be considered null and void.

d. An application shall be accompanied by a filing fee to be established by the Governing Body.

2. In addition to the above requirements, certain applications require additional information as follows:

a. Appeals:

1. An application for an appeal shall be filed within 60 days after a ruling has been made by the Zoning Administrator.

2. A copy of the order, requirement, decision or determination of the Zoning Administrator which the appellant believes to be in error.

3. A clear and accurate, written description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position.

4. Where necessary, a plat plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

b. Variance:

1. The applicant shall submit a statement, in writing, justifying the variance requested: indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner which it is believed that this application will meet each of the five conditions as set out in Section 2, 2, c. of this Article.

2. The applicant shall prepare and submit in duplicate at the time of filing the application, a detailed plat plan drawn to scale, showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and any other information which would be helpful to the Board in consideration of the application.

c. Exceptions:

1. The applicant shall submit a statement in writing justifying the special use permit applied for, and indicating under which Article

and Section of the zoning regulations the Board of Adjustment is believed to have jurisdiction.

2. The applicant shall prepare and submit in duplicate at the time of filing the application, a detailed plat plan drawn to scale, showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and any other information which would be helpful to the Board in consideration of the application.

SECTION 4

PERFORMANCE

a. In making any decision varying or modifying any provisions of the zoning regulations or in granting an exception to the district regulations, the Board shall impose such restrictions, terms, time limitations, landscaping and other appropriate safeguards to protect adjoining property.

b. The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board, and shall be enforceable by or payable to the Howard County Board of Commissioners in the sum equal to the cost of constructing the required improvements.

c. In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

SECTION 5

WHO MAY APPEAL FROM THE BOARD DECISION

Any person, persons, department or departments of the government jointly or separately aggrieved by any decision of the Board may present to the District Court having jurisdiction, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief there-from. Such petition shall be presented to the Court within 15 days after the date of filing the decision in the office of the Board.

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AMENDMENTS

SECTION 1

PROCEDURES

The Howard County Board of Commissioners may from time to time supplement, change or generally revise the boundaries or regulations contained in these zoning regulations by the amending procedure set out below.

1. The procedure shall be as follows:

   a. No such amendment, restriction or change of zoning shall become effective until after public hearings are held by both the joint planning commission and county board in relation thereto, when its parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by the publication thereof in a legal newspaper of general circulation in such county, and in the local newspaper of any county which has territory within three miles of the property affected by such action of the county board, one time at least ten days prior to such hearing. Notice of the time and place of such hearing shall also be given in writing to the chairman of any municipal, county, or joint planning commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action.

   b. In the case of a change of zoning request made by any party except Howard County, the planning commission shall give written notice by United States mail at least ten days prior to the planning commission hearing to those property owners within 1,000 feet of the property to be rezoned if said neighboring property is located within county zoning jurisdiction. If said neighboring property is located within municipal zoning authority, notice shall be sent to property owners within 300 feet of the property to be rezoned.

   c. In case of a protest against a change of zoning signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet there-from, or of those directly opposite thereto extending one hundred (100) feet from the street or road frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of a two-thirds majority of the county board.

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

SECTION 2

FEES

For the purpose of wholly or partially defraying the cost of the amendments proceedings, including publication costs, a fee established by the governing body shall be paid upon the filing of each application for a change of district boundaries or classification.

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ENFORCEMENT, VIOLATION AND PENALTY

SECTION 1

ADMINISTRATION AND ENFORCEMENT

a. The Zoning Administrator appointed by the Board of Commissioners, shall administer and enforce this regulation. Appeals from the decision of the Zoning Administrator shall be made to the Board of Adjustment only.

b. If the Zoning Administrator shall find that any of the provisions of these regulations are being violated, the Zoning Administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

SECTION 2

ZONING/BUILDING PERMIT

a. Prior to the erection of any structure, including structures for agricultural uses, an application for a zoning/building permit shall be prepared on forms provided and shall be submitted to the Zoning Administrator accompanied by a plat plan in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, required setbacks, points of ingress and egress, driveways, circulation aisles, parking lots, individual parking spaces, service areas, and such other information as may be necessary to provide for the enforcement of this regulation. One copy of the plans shall be returned to the applicant by the Zoning Administrator, after having marked such copy either as approved or disapproved and attested to by the signature of the Zoning Administrator on the copy. The original of the plans, similarly marked, shall be retained by the Zoning Administrator. A record of the applications, plans and permits shall be kept in the office of the Zoning Administrator. The Zoning Administrator may accept lesser information providing adequate data is available to render a decision. This zoning permit may be a part of or termed a building permit.

b. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Zoning Administrator. No permit shall be issued by the Zoning Administrator except in conformity with the provisions of these regulations, unless the

Zoning Administrator receives a written order from the Board of Adjustment as provided for in these regulations.

c. No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of a mobile home within all zoning districts unless the conditions of these regulations are satisfied.

d. Whenever a zoning/building permit is issued by the Zoning Administrator's office, a notice shall be placed in the County's recognized paper of legal notification within 15 days. Such notice shall include at least: 1) Name of applicant or owner; 2) purpose of permit; 3) legal description (may be abbreviated to parcel in section) or common mailing address that closest identifies permit.

SECTION 3

VIOLATION AND PENALTY

a. The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in violation of these regulations shall be a misdemeanor. Any person, partnership, limited liability company, association, club, or corporation violating these regulations or erection, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the county board, as well as any owner or owners of real-estate within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers of the county may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by these regulations.

SECTION 4

PERMIT EXPIRATION

All zoning/building permits shall be effective for one calendar year from the date of issuance.

VALIDITY

SECTION 1

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

EFFECTIVE DATE

This Resolution shall take affect and be in force from and after its approval and adoption according to Law on this 27th day of 2009, by the Board of Commissioners of Howard County, Nebraska.

_____
Chairman, Board of Commissioners

_____
Howard County Clerk

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SUBDIVISION REGULATIONS

GENERAL PROVISIONS

SECTION 1

JURISDICTION

These regulations shall be known and cited as the Villages of Cotesfield, Cushing, Dannebrog, Elba and Farwell. The area of jurisdiction shall be all the area within Howard County, Nebraska, outside of the corporate limits and one-mile planning jurisdiction of the City of St. Paul, Nebraska and the corporate limits of the Village of Boelus, Nebraska, both of which have adopted their own subdivision regulations by Ordinance.

SECTION 2

PURPOSE AND INTENT

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

SECTION 3

APPLICABILITY

The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, either for sale or lease for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of and fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations.

SECTION 4

EXEMPTIONS

These regulations shall not apply in the following instances:

1. The division of land into parcels or tracts at least (20+) acres or more, and not involving any new streets or easements of access, except as provided in the zoning regulations;

2. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state, or federal regulations, where no new street or easement of access is involved.

3. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been subdivided, re-subdivided or re-platted prior to the adoption of these regulations;

4. Any transfer by operation of law.

SECTION 5

DEED RESTRICTIONS

The Planning Commission shall have the right to confer with the sub-divider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development of the property which is being subdivided.

SECTION 6

APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS

All plans, plats or re-plats of land laid out in building lots, and the streets, alleys or other portions of the same intended for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission for its consideration, and its recommendation shall be submitted to the Governing Body for their official consideration and action except any plan, plats or re-plats that only change the boundary between adjoining lands or lots that do not create an additional lot and which maintain legal lot sizes and "Single Lot Subdivisions" of an existing habitable residence meeting density and lot size regulations shall be submitted to the administrator for his or her consideration and his or her recommendation shall be submitted to the Governing Body for their official consideration and action. (Revised 3-26-2013)

SECTION 7

DEFINITIONS - See definitions at the front

The term "Governing Body" shall include the Howard County Board of Commissioners and the Village Board of Trustees of the Villages of Cotesfield, Cushing, Dannebrog, Elba and Farwell.

The term "Planning Commission" shall include the Joint Howard County/Community Planning Commission, which has jurisdiction of rural Howard County and the Villages of Cotesfield, Cushing, Dannebrog, Elba and Farwell. The City of St. Paul and its One-Mile Extra-Territorial Planning Jurisdiction, and the incorporated area of the Village of Boelus are the jurisdiction of their respective municipal Planning Commissions.

SECTION 8

MINIMUM DESIGN STANDARDS

1 Water and Sewer:

a. The area of the lots shall be determined by the availability of public sewer and a public water supply. Prior to the submission of a preliminary plat, the sub-divider shall obtain a determination from the County Highway Engineer as to whether adequate public sewer and water supply are available.

b. If the proposed subdivision is serviced by a public water supply and a public sewer system, the minimum lot requirements shall be subject to those set forth in the Zoning Regulations.

c. Minimum lot areas shall be determined by sewer and water requirements of the Howard County Zoning regulations.

d. If the proposed subdivision is not served with either a public water supply or a public sewer system, the subdivision shall submit his Preliminary Plat on the basis of minimum 3 acre lots; provided, however, that additional lot are may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.

2. Blocks:

a. Length:

Intersecting streets (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing plats as recorded, the blocks shall not exceed 1,200 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center the block. Such pedestrian ways or easements shall have a minimum width of ten feet. Blocks for business use should normally not exceed 600 feet in length.

b. Width:

In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as maybe considered most suitable for the prospective use.

3. Street, Alleys, and Public Ways:

a. Relations to Adjoining Street Systems:

The arrangement of streets in new subdivision shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such street in new subdivisions shall not be less than the minimum street widths established herein. Alleys, when required and street arrangement must also be such as to cause no hardship of owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or all adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, and dedicated as a public way.

b. Street Names:

Streets that are obviously in alignment with other already existing and named shall bear the names of the existing streets.

c. Major Streets:

Major streets through subdivisions shall conform to the major street plan as adopted by the Planning Commission and the Governing Body.

d. Minor Streets:

Minor streets shall be so designed to discourage through or non-local traffic.

e. Cul-de-sacs:

Cul-de-sacs shall normally be no longer than 500 feet, including an adequate turn-around of not less than a 100 foot diameter right-of-way which shall be provided at the closed end.

f. Right Angle Intersections:

Under normal conditions streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the minimum angle shall be 60 degrees.

g. Street Adjacent to a Railroad Right-of-Way, Limited Access Freeway. Principal Highway:

Where lots, front or side, but do not back on railroad rights-of-way, limited access freeways or principal highways, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration, to minimum distance required for approach connections to future grade separation.

h. Half Streets:

Dedication of half-streets shall not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the Major Street Plan and other requirements of these.

i. Alleys:

Alleys may be required in commercial and industrial districts. Dead-end alleys shall be avoided where possible. Alleys may be required in certain residential areas.

j. Minimum Requirements:

All streets, alleys and public ways, included in any subdivision, hereafter dedicated and accepted, shall not be less than the minimum dimensions for each classification as follows:

Major Streets
Arterials ----------10 feet
Collectors ----------80 feet
Local Streets ----------60 feet
cul-de-sacs ----------50 feet radius on turn-around

k. Marginal Access Streets or Frontage Roads:

Two-Way----------50 feet
One-Way----------20 feet
Alleys ----------20 feet
Pedestrian Ways ----------10 feet

L. Additional Requirements:

When existing or anticipated traffic on Arterial and Collector thoroughfares warrants greater widths of rights-of-way, the additional width shall be provided.

m. Drainage Easements:

Drainage easements may be required, in addition to street rights-of-way, where the street or streets adjoin or are parallel with streams or drainage areas or where lots back on where said drainage areas exist. The width of such drainage easement shall be determined by the Engineer.

n. Street Grades:

The grades of streets, alleys and other public ways included in any subdivision shall not be greater than is necessary for the topographical conditions.

o. Street Alignment:

Minimum, horizontal and vertical alignment on all streets, except in unusual cases,

1. Horizontal-Radii at the Centerline:

Major Streets---------- 300 feet
One-Way---------- 100 feet

A tangent shall be provided between all reversed curves as recommended by the County Engineer to provide for a smooth flow of traffic.

2. Vertical:

All changes in street grade shall be connected by vertical curves of such length as to provide for desired sight distance and shall be subject to the approval of the County Engineer.

3. Lots:

a. Minimum width shall be as required by the zoning regulations, except where less width is permitted for Mobile Home Subdivisions. (Said width shall be measured at the building setback line.

b. Minimum depth shall be as required by the zoning regulations. (Said measurement shall be made through.

c. Minimum lot area shall be subject to the Zoning Regulations of the district in which the subdivision is located.

d. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations set out in the zoning regulations.

e. In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to regulations as set out in the zoning regulations.

f. All side lot lines shall bear 60 to 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.

g. Corner lots, in residential subdivisions, shall observe the same setback on both streets.

h. Double frontage lots shall be avoided unless in the opinion of the Planning Commission a variation to this rule will give better street alignment and lot arrangement.

i. Every lot shall abut on a street other than an alley.

j. Building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setback required by the Zoning Regulations.

k. The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivisions or re-subdivision places an existing permanent structure in violation of the requirements of the Zoning Regulations.

4. Easements:

a. Where alleys are not provided, permanent easements of not less than 7 ½ feet in width shall be provided each side of all rear lot lines, and on side lot fines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas water and heat mains and other public utilities. These easements shall provide for a continuous right-of-way of at least 15 feet in width.

b. A 12 foot temporary construction easement shall be provided for initial construction of water, sewer and other improvements.

SECTION 9

PRE-APPLICATION

Prior to the filing of the Preliminary Plat, the sub-divider shall contact the zoning administrator to determine:

1. Procedure for filing plats

2. Availability of public sewer and water, soils conditions and drainage system.

3. Comprehensive Plan requirements for major streets, land use, parks, schools, and public open spaces.

4. Zoning requirements for the property in question and adjacent properties.

SECTION 10

PRELIMINARY PLATS

After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the sub-divider shall submit a Preliminary Plat together with any supplementary information necessary.

1. Submission of a Preliminary Plat

a. Filing Fee:
The appropriate fee shall accompany each Preliminary Plat.

b. Number of Copies:

The sub-divider shall submit ten copies of the Preliminary Plat and ten copies of a Vicinity Map (if not on the Preliminary Plat) showing the location of the proposed subdivision. These plans shall be file with the zoning administrator at least 15 days prior to a regular Planning Commission meeting at which the Preliminary Plat is to be considered.

c. Required Contents for Preliminary Plats Shall Contain:

1. The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision.)

2. The location of the boundary lines of the subdivisions and reference to the section or quarter section line.

3. The names and addresses of the developer, surveyor, landscape architect, architect, or engineer who prepared the plat.

4. Scale of the plat, 1” = 100’ or larger

5. Date of preparation and north arrow

6. Existing conditions.

   a. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.

   b. All existing sewers, water mains, gas mains, culverts or other underground installations, within the proposed subdivision or adjacent thereto, with pipe size and manholes, grades and location shall be shown.

   c. Names of adjacent subdivisions together with arrangement of streets, lots and owners of adjacent parcels of non-subdivided land shall be shown.

   d. Topography (unless specifically waived) with contour intervals of not more than one foot, referred to Municipality of U.S.G.S. datum shall be shown, also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.

7. The general arrangements of lots and their approximate size.

8. Location and width of proposed streets, alleys, pedestrian ways and easements.

9. The general plan of sewage disposal water supply and utilities, in areas where public sewers and/or water ore proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed.

10. Location and size of proposed parks, playgrounds, churches, school sites or other special uses or land to be considered for reservation for public use.

11. A soils map identifying types of soil, adequate in detail to make reasonable determination of existing conditions.

2. Approval or Disapproval of the Preliminary Plats

a. Action by the Planning Commission shall be conveyed to the sub-divider in writing within ten days after the official Planning Commission meeting, at which time the plat was considered. In case the plat is disapproved, the sub-divider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.

b. The approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the Final Plat. The approval of the Preliminary Plat shall only be effective for a period of six months unless an extension is granted by the Planning Commission. If the final plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the Planning Commission for approval.

SECTION 11

FINAL PLAT

1. Submissions

a. After approval of the Preliminary Plat, the sub-divider shall submit for approval of the Planning Commission a Final Plat.

b. The original (on Mylar tracing cloth or similar material) and ten prints thereof shall be submitted to the zoning administrator at 10 days prior to the Planning Commission public hearing.

c. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.

d. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1" 100' or larger. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches. The dimensions indicated are standard for all final plats and must be compiled with. Title, description and other written data to be located either right or left.

e. A filing fee shall accompany the Final Plat, per lot.

2. Information:

The final plat shall show and contain the following information:

a. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).

b. Location of section, township, range, county, and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one (1) foot in 10,000.

c. The location of monuments or benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.

d. The location of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.

e. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.

f. The exact locations, widths and names of all streets and alleys to be dedicated.

g. Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.

h. Building setback lines on the front and side streets with dimensions

I. Name, signature and seal of the surveyor or the licensed engineer making the plat.

j. Scale of the plat (scale to be shown graphically and in feet per inch), date of preparation and north arrow.

k. Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated.

L. The following certificates, which may be combined where appropriated:

1. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.

2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.

3. A certificate signed by the licensed professional - surveyor responsible for the survey and final map. The signature of the said engineer or surveyor shall be accompanied by his seal.

4. The acknowledgment of a notary:

5. A certificate of approval by the Planning Commission Chairperson and Secretary, the complete Howard County Board of Commissioners and the signature of the Register of Deeds will all be contained on the Mylar Plat.

m. Supplemental Information to be submitted with Final Flat:
The following additional data shall be submitted with final plat:

1 A title report by an abstract or a title insurance company, or an attorney's opinion of title showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.

2 A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with such officials

3 A copy of any deed restrictions applicable to the subdivision.

3. Extent and Manner of Physical Improvements:

As a condition to the approval of a Final Plat, the sub-divider shall agree to install the following improvements:

a. Streets:

Streets shall be surfaced with concrete, asphalt or materials approved by the County Engineer and shall include curb. (Added 12-20-2012)

b. Water:

Where a public water supply is proposed to serve the subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way and shall be of a size as approved by the Engineer.

c. Sewers:

If the subdivision is serviced with a public water supply and a city or community sewage treatment plant, the sewer system shall be constructed which will provide service to each lot within the subdivision. The system of lateral sewers shall collect the sewage within the subdivision and discharge it into a main sewer or a community disposal system approved by the Engineer and an approval, in writing of the plans and specifications for the sewer system shall be made by the Engineer.

d. Street Signs:

Official County Street signs will be erected by the Subdivision developer in accordance with normal procedure.

e. Sidewalks:

Sidewalks shall be a minimum of four (4) feet in width where required by the Planning Commission.

f. Other Improvements:

If other improvements are required, such as tree planting retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendation of the Planning Commission and specifications of the Engineer having jurisdiction.

g. All lot corners shall be set with 1/2 inch iron bars, two feet long, and all block corners shall be set with 3/4 inch iron bars, three (3) feet long. (Added 12-20-2012)

h. All block markers must be permanently set and all Points of Intersection (P-I) in street alignments set prior to acceptance of plat by the County, and prior to any lot being sold, the total block must be staked and corners set for all lots. Block corners shall be set one (1) foot below grade.

I. A minimum of two bench marks (monuments) shall be placed in each subdivision located and installed as required by the County Engineer. In subdivisions larger than 40 acres, one benchmark shall be installed for each additional 20 acres area. The monument shall be a three inch brass cap set permanently in concrete, ten inches in diameter by 24 inches deep approved by the Engineer. The elevation of the monuments shall be identified on each bench mark.

j. Bond for Construction:

In lieu of the actual construction of the physical improvements required, the Planning Commission and Governing Body may accept on of the following:

1. A bond guaranteeing construction of the required improvements within a period of time to be specified and approved by the Governing Body.

2. A petition, presented and approved by the Governing Body having jurisdiction, properly executed by the property owners, as provided by law, for the construction by the Governing Body of the improvements, to be assessed against the subdivided property.

3. Consideration by Planning Commission:
If the Planning Commission rejects or withholds approval of the final plat the sub-divider may request that said plat be submitted to the Governing Body. The secretary of the Planning Commission shall forward the proposed plat together with the report of the Planning Commission, stating the reason for its action. The Governing Body may make such findings and determinations as they deem proper.

SECTION 12

VARIANCES AND EXCEPTIONS

Whenever it is found that the land included in a subdivision plat, presented for approval, is of such size, or shape or is subject to or is affected by topographical location or conditions, or is to be devoted to such usage that full conformity with the provisions of these regulations is impossible or is impractical, the Planning Commission may recommend to the Governing Body, by letter or transmittal, that said Governing Body authorize variances or exceptions in the final plat so that substantial justice may be done and the public interest secured. In recommending such variances or exceptions, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.

2. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.

3. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

SECTION 13

MISCELLANEOUS

1. Building Permits:

   After the date of the adoption of these rules arid regulations by the Planning Commission and Governing Body, no building permit or zoning permit shall be issued for any structure that is located upon a lot in a subdivision that has not been subdivided, unless approved in the manner as provided for in these subdivision Regulations: This shall not apply to subdivisions or lots o f record which were platted prior to the adoption of these Subdivision Regulations. No such plat or re-plat or dedication by law, until such plat or re-plat or dedication or deed shall have endorsed upon it the fact that it has been submitted and approved by the Planning Commission and by the Governing Bodies as required by law.

2. Submission to the Governing Bodies:

   After the review of the Final Plat by the Planning Commission, such Final Plat together with the recommendations of the Planning Commission shall be transmitted to the Governing Bodies as required by law for their review and action.

3. Recording of Plats:

   Upon the approval of the plat, the county commissioners will sign the plat, which has all of the other needed signatures. The sub divider then has 90 days to file the plat at the office of the register of deeds / county clerk. If they fail to complete the filing, they will be notified by the Planning and Zoning Administrator and given 90 days before the subdivision is vacated. Once vacated, these surveyed plats must go through the subdivision process again to become legal subdivisions. (updated 2-28-2012)

SECTION 14

SEVERABILITY

If any section of this regulation be held to be unconstitutional or otherwise invalid by fly court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations, said section to be completely severable from the remaining provisions of these regulations and the remaining provisions of these regulations shall remain in full force and effect.

SECTION 15

EFFECTIVE DATE

These regulations shall take effect and be in force from and after its passage, approval and adoption.

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Wind Generator Facilities

SECTION 1

Wind Energy Installation.

In any zoning district, a Conditional Use Permit may be granted to allow wind energy conversion system, including such devices as wind charger, windmill, or wind turbine; subject to the regulations established in this section.

SECTION 2

Types Of Wind Energy Systems.

1. **Small Wind Energy System:** - shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more that 100kW and which is intended to primarily reduce on-site consumption of utility power.

   Purpose;

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

2. **Commercial and or Utility Grade Systems:** - a wind energy conversion system of equal to or greater than 100kW in total name plate generation capacity.

   Purpose;

   It is the purpose of this regulation to promote the save, effective and efficient use of commercial and or utility grade wind energy systems within Howard County.

SECTION 3

DEFINITIONS

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

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

Aggregate Project: - are 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.

Commercial WECS: - a wind energy conversion system of equal to or greater than 100kW in total name plate generation capacity.

Fail Zone: - the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

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

Meteorological Tower: - for purposes of this regulation, a tower which is erected primarily to measure wind sped and directions plus other data relevant to sitting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

Public Conservation Lands: - land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservations lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Rotor Diameter: - the diameter of the circle described by the moving rotor blades as shown in Figure1.

Small Wind Energy System: - a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more that 100kW and which is intended to primarily reduce on-site consumption of utility power.

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

Total Height: - the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

Tower: - the vertical structures that support the electrical, rotor blades or meteorological equipment.

Tower Height: - the total height of the Wind Energy Conversion System from grade to the hub.

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

Wind Energy Conservation System: - an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be use on-site or distributed into the electrical grid.

Wind Turbines: - any piece of electrical generation equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

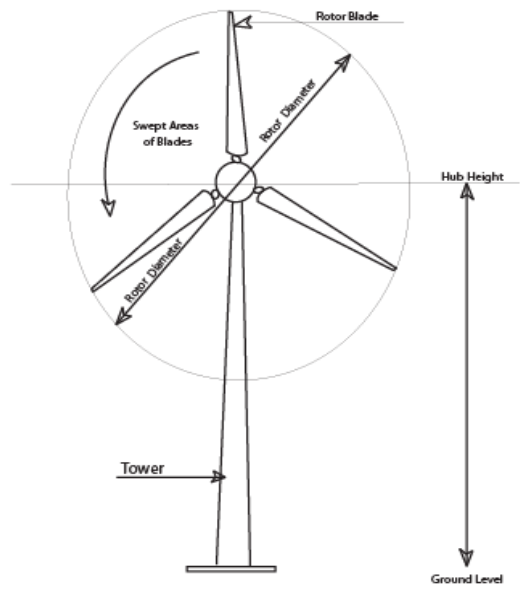

Figure 1

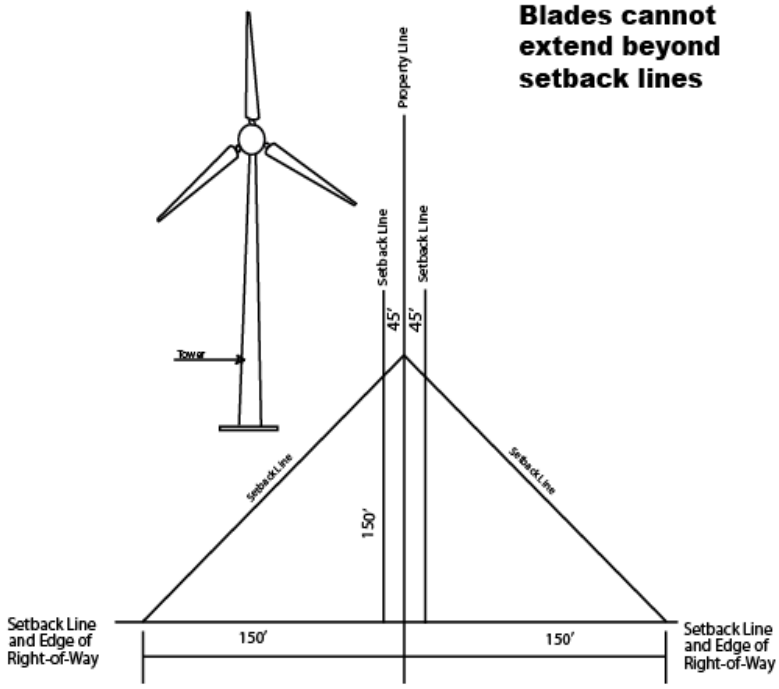

Figure 2

SECTION 4

Requirements for Small Wind Energy Systems

Requirements for small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

a. Tower Height

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

b, Setbacks

No part of the wind system structure, including guy-wire anchors, may extend closer than accessory building setbacks of the appropriate zoning district to the property lines of the installation site.

c. Noise

Small wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling unit. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

d. Approved Wind Turbines

Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.

e, Compliance with Building and Zoning Codes

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

f. Compliance with FAA Regulations

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

g. Compliance with National Electrical Code

Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The manufacturer frequently supplies this analysis.

h. Utility Notification

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-owner generator. Off-grid systems shall be exempt from this requirement.

SECTION 5

Requirements For Commercial And Or Utility Grade Wind Energy Systems

Purpose:

It is the purpose of this regulation to promote the save, effective and efficient use of commercial and or utility grade wind energy systems within Howard County.

a. Commercial And Or Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied.

b. The name or names of project applicant.

c. The name of the project owner.

d. The legal description and address of the project. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines.

e. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.

f. Engineer's certification.

g. Documentation of land ownership or legal control of the property.

h. The latitude and longitude of individual wind turbines.

i. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System not owned by the applicant, within10 rotor distances of the proposed Wind Energy Conversion System.

j, Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.

k. An Acoustical Analysis.

l. Location of all known Communication Towers within two mile of the proposed Wind Energy Conversion System.

m. Decommissioning Plan.

n. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties not owned by the applicant.

o. Aggregated Projects. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.

p. Permits may be issued and recorded separately.

q. Joint projects will be assessed fees as one project.

r. Setbacks to property lines, not road rights-of-way, may be less when adjoining property owners are within the same aggregate project.

s. FAA permit.

SECTION 6

Setbacks

All towers shall adhere to the setbacks as measured from the hub established in the following table:

	Wind Turbine- Non Commercial	WECS Wind Turbine- Commercial/Utility WECS	Meteorological Towers
Property Lines (other than right angle corners)	Diameter plus applicable building setback	Diameter plus applicable building setback	1.1 times the total height
Right Angle Corner Property Lines	Diameter plus applicable building setback from both property lines	Behind a line on the property lines drawn between tow pints 1050' from the property line intersection. Generator blade4s must not exceed the building setback line son the non-road side, and shall not encroach on the right-of-way on the road side. (see Figure2)	1.1 times the total height from both property lines
Neighboring Dwelling Units*	Diameter plus applicable building setback	1,000'	1.1 times the total height plus applicable building setback
Road Rights-of-Way**	Diameter plus applicable building setback	Generator blades shall not encroach on the right-of-way	1.1 times the total height plus applicable building setback
Other Rights-of-Way	Diameter plus applicable building setback	Generator blades shall not encroach on the right-of-way	1.1 times the total height plus applicable building setback
Public Conservation Lands including Wildlife Management Areas and State Recreation Areas	Applicable building setback	Diameter plus applicable building setback	1.1 times the total height plus applicable building setback
Wetlands, USFW, Types III, IV, and V	N/A	600'	1.1 times the total height
Other structures not on the applicant's site	N/A	Diameter	1.1 times the total height
River Bluffs of over 15 feet		Diameter	

*The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance require for a commercial/utility Wind Energy Conversion System.

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

SECTION 7

Special Safety and Design Standards

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

    a. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.

    b. AH 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.

    c. All wind turbines, which are a part of commercial/utility WECS, shall be installed with a tubular, monopole type tower.

    d. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.

2. Color and finish:

    a. 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 decking; Finishes shall be matte or non-reflective.

3. Lighting:

    a. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.

4. Other signage:

    a. All other signage shall comply with the sign regulations found in these regulations.

5. Feeder Lines:

    a. All communications and feeder lines installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.

6. Waste Disposal:

   a. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal rules and regulations.

7. Discontinuation and Decommissioning:

   a. A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four (4) feet below ground level within 180 days of the discontinuation of use. This period may be extended by the Zoning Administrator following a written request by an agent of the owner of the WECS.

   b. Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

8. Noise:

   a. No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure occupied by humans. Exception: a Commercial/Utility WECS may exceed 50dBA during periods of severe weather as defined by the US Weather Service.

9. Interference:

   a. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits.

10. Roads:

   a. Applicants shall identify all county, municipal or township 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. The survey shall include photographs and a written agreement to document the condition of the public facility.

c. Be responsible for restoring the road(s) and bridges to preconstruction conditions.

11. Drainage System:

a. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

12. Permit Fees:

a. Applicant shall remit a predetermined application fee for every megawatt of nameplate capacity in the proposed WECS.

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Adult Establishments

SECTION 1

Intent and Purpose of District.

Intent. The intent of this section is to provide for guidelines and criteria for the regulation, and to regulate the secondary effects of these uses within the community.

Purpose. It is the purpose of this resolution to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the County. The provisions of this resolution have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this resolution to condone or legitimize the distribution of obscene material.

SECTION 2

DEFINITIONS

For the purpose of these Zoning Regulations, the following words and terms as used herein are defined as follows:

ADULT ARCADE shall mean a commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, wherein image-producing devices are regularly maintained, where a fee is charged to access the booths or rooms, and where minors are excluded from the booths or rooms by reason of age.

ADULT BOOKSTORE shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment's displayed merchandise consists of said items, or
2. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
3. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items; or
4. The establishment maintains at least seven hundred fifty square feet (750 sq. ft.) of its floor area for the display, sale, and/or rental of said items.

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."

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

CHARACTERIZED BY shall mean describing the essential character or quality of an item. As applied to adult establishments, no business shall be classified as an adult establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

EMPLOYEE OF AN ADULT ESTABLISHMENT shall mean any person who works on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

JUICE BAR (See Adult Establishment.)

MASSAGE PARLOR (See Adult Uses)

NUDITY OR NUDE CONDUCT shall mean the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

OPERATOR OF ADULT ESTABLISHMENT shall mean any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner or part owner, of the business.

PUBLIC USE AREA: An area of land or water, whether publicly or privately owned, which is designed for and used by ten (10) or more unrelated persons on at least a quarterly basis for recreation, education, communication, worship, meetings or other legal purpose, including public parks, public water areas, public game refuges, fish hatcheries, publicly or privately owned meeting halls, historic sites and similar areas, provided that a public use area shall not be construed to include any rights-of way for streets or roadways, hiking, biking or other trails, or privately owned land used for hunting and/or fishing.

SEMI-NUDE OR SEMI-NUDITY shall mean the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

SEMI-NUDE LOUNGE shall mean a nightclub, juice bar, restaurant, bottle club, massage parlor, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as a semi-nude lounge by offering nude conduct.

SEXUAL DEVICE shall mean any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

SEX PARAPHERNALIA STORE shall mean a commercial establishment where more than 100 sexual devices are regularly made available for sale or rental. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall or any establishment primarily dedicated to providing medical products.

SPECIFIED ANATOMICAL AREAS shall mean less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES: Activities 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, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquierism, sapphism, zooerasty; or
B. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
C. Use of human or animal ejaculation, sodomy, oral copulations, coitus, or masturbation; or
D. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s)
E. Situations 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
F. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal or human being; or
G. Human excretion, urination, menstruation, vaginal or anal irrigation.

VIEWING ROOM shall mean the room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

Conditional District Use:

- "A-1" Agricultural District

DISTRICT REGULATIONS:

Adult Entertainment Establishments.

A. 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. 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.

   1.) Establishment must be within 500 feet of a highway in A-1 district. (See 500' buffer zone on GIS map)

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 Conditional Use Permit.

D. No adult business shall be open for business between the hours of 12:00a.m and 6:00 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 Howard 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.

L. There should be one parking space for every two people of licensed capacity.

Prohibited Activities of Adult Businesses in all Districts:

I. No adult business shall employ any person under 18 years of age.

II. No adult business shall furnish any merchandise or services to any person who is under 18 years of age.

III. 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.

IV. 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.

V. Prohibited Home Occupations and Home Based Businesses in A-1 District:

- Adult Entertainment Uses.

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