

HALL COUNTY
NEBRASKA

ZONING RESOLUTION
No. 04-0020

ADOPTED BY THE HALL COUNTY, NEBRASKA
APRIL 20, 2004

EFFECTIVE DATE
JUNE 1, 2004

Prepared By

JEO Consulting Group, Inc.
402/443-4661 P.O. BOX 207 WAHOO, NEBRASKA 68066

TABLE OF CONTENTS

Article 1: General Provisions.....3

- Section 1.01 Short Title.....3
- Section 1.02 Publication.....3
- Section 1.03 When Effective.....3
- Section 1.04 Conflicts3
- Section 1.05 Intent and Purpose3
- Section 1.06 Comprehensive Development Plan Relationship3
- Section 1.07 Jurisdiction3
- Section 1.08 Highest Standard3
- Section 1.09 General3
- Section 1.10 Interpretation4
- Section 1.11 Scope of Regulations.....4
- Section 1.12 Zoning Standards.....4
- Section 1.13 Planning Commission Recommendations4
- Section 1.14 District Regulations, Restrictions, Boundary Creation.....4
- Section 1.15 Fees4

Article 2: Construction and Definitions5

- Section 2.02 Abbreviations and Acronyms5
- Section 2.03 Definition of Terms6

Article 3: General Regulations.....41

- Section 3.01 Nonconforming, General Intent.....41
- Section 3.02 Nonconforming Lots of Record41
- Section 3.03 Nonconforming Uses of Land (or Land with Minor Structures Only)41
- Section 3.04 Nonconforming Structures42
- Section 3.05 Nonconforming Uses of Structures or of Structures and Premises in Combination.....42
- Section 3.06 Repairs and Maintenance42
- Section 3.07 Uses Under Conditional Use Provisions Not Nonconforming Uses43
- Section 3.08 Lot43
- Section 3.09 Reductions in Lot Area Prohibited.....43
- Section 3.10 Yard Requirements.....43
- Section 3.11 Drainage43
- Section 3.12 Permitted Obstructions in Required Yards.....44
- Section 3.13 Accessory Building and Uses.....44
- Section 3.14 Permitted Modifications of Height Regulations.....45
- Section 3.15 Occupancy of Basements and Cellars45
- Section 3.16 Repairs and Maintenance45
- Section 3.17 Amenities, Fire45
- Section 3.18 Side Yards45
- Section 3.19 Corner Lots.....45
- Section 3.20 Recreation Equipment, Storage.....45
- Section 3.21 Parking and Storage of Certain Vehicles.....46
- Section 3.22 Storage of Goods and Equipment.....46
- Section 3.23 Building Setback46
- Section 3.24 Temporary Structures.....46
- Section 3.25 Caretaker’s Quarters.....46
- Section 3.26 Front yards46
- Section 3.27 Screening.....46
- Section 3.28 Fences, Walls, Hedges and Trees47

Article 4: Districts and Interpretation of District Boundaries.....	48
Section 4.01 Boundaries.....	48
Section 4.02: A-1 Agricultural – Primary District	49
Section 4.03: A-2 – Secondary Agricultural District	55
Section 4.04: A-3 Agricultural - Transitional District.....	58
Section 4.05: AG-SC Special Agriculture/Conservation Zone	61
Section 4.06: AG-SE-Special Agriculture/Events Zone.....	62
Section 4.07: AG-SI-Special Agriculture/Industrial Zone	63
Section 4.08: SRC-Special Recreation/Conservation Zone	64
Section 4.09: R-1 Residential - District.....	65
Section 4.10: R-M Mobile Home Residential District.....	67
Section 4.11: HC Highway Commercial District.....	69
Section 4.12: RC Restricted Commercial District.....	71
Section 4.13: LC Local Commercial District.....	72
Section 4.14: LI Light Industrial District	74
Section 4.15: GI General Industrial District.....	77
Section 4.16: Planned Unit Development.....	80
Section 4.17: AGV Valentine Soil Overlay District	84
Section 4.18: AG-R River Corridor Agricultural District	85
 ARTICLE 5: CONDITIONAL USES, PROCEDURES, AND STANDARDS.....	 88
Section 5.01 Conditional Uses	88
 Article 6: Supplemental Regulations.....	 89
Section 6.01 Radio, Television and Wireless Communication Towers	89
Section 6.02 Sand and Gravel, Mineral, Stone, Rock, and Soil Extraction and Quarries	93
Section 6.03 Wind Energy Installation.....	93
Section 6.04 Waste Disposal Sites and Landfills	94
Section 6.05 Sanitary Requirements	94
Section 6.06 Home Occupations.	95
Section 6.07 Off-Street Automobile Storage.	95
Section 6.08 Schedule of Minimum Off-Street Parking and Loading Requirements.....	96
Section 6.09 Signs: Standard of Measurement.....	97
Section 6.10 Signs, Type.....	97
Section 6.11 Sign Schedule.....	98
Section 6.12 Sign Permits	98
Section 6.13 Public Utility Facilities Lot Size Requirements	98
 Article 7: Administration and Enforcement.....	 99
Section 7.01 Zoning Administrator.....	99
Section 7.02 Zoning Permit Required	99
Section 7.03 Application for Zoning Permit	99
Section 7.04 Enforcement by the Zoning Administrator.....	99
Section 7.05 Certification of Occupancy	100
 Article 8: Flood Plain Regulations.....	 101
Section 8.01 Statutory Authorization, Findings of Fact and Purposes	101
Section 8.02 General Provisions	102
Section 8.03 Development Permit.....	103
Section 8.04 Establishment of Zoning Districts	103
Section 8.05 Standards for Floodplain Development.....	104
Section 8.06 Flood Fringe Overlay District – Including AO and AH Zones).....	104
Section 8.07 Floodway Overlay District	106
Section 8.08 Variance Procedures.....	106
Section 8.09 Non Conforming Uses.....	107
Section 8.10 Penalties for Violation.....	108

Section 8.11 Amendments	108
Section 8.12 Definitions	108
Article 9: Board of Adjustment	111
Section 9.01 Members, Terms, and Meetings	111
Section 9.02 Board of Adjustment Powers	111
Section 9.03 Appeals from the Board of Adjustment.....	112
Section 9.04 Duties of Board of Zoning Adjustment and Others.....	112
Article 10: Amendments.....	113
Section 10.01 Amendments.....	113
Section 10.02 Remedies	113
Section 10.03 Fines and Penalties	113
Article 11: Legal Status Provisions.....	114
Section 11.01 Separability	114
Section 11.02 Purpose of Catch Heads	114
Section 11.03 Repeal of Conflicting Resolutions.....	114
Section 11.04 Effective Date.....	114

HALL COUNTY, NEBRASKA
ZONING RESOLUTION

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

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

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

WHEREAS, the Hall County Board of Supervisors deem it in the interest of the public health, safety, morals, convenience, order, prosperity, and welfare of said County and its present and future residents; and
WHEREAS, the Hall County Board of Supervisors has adopted a Comprehensive Development Plan pursuant to Neb. R. R. S. 1943, Sections 23-114 through 23-114.03, as amended, and known as Hall County Comprehensive Development Plan, 2003, as amended; and

WHEREAS, the Hall County Planning Commission has recommended the division of the unincorporated areas of the County into districts and recommended regulations pertaining to such districts consistent with the adopted Comprehensive Development Plan based on a future land use plan designed to lessen congestion on roads and highways, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to conserve agricultural land and values, to facilitate sewerage, schools, parks, and other public needs; and

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

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

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

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

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF HALL COUNTY, NEBRASKA.

ARTICLE 1: GENERAL PROVISIONS

Section 1.01 Short Title

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

Section 1.02 Publication

This Resolution shall be published in book or pamphlet form together with the zoning district map or maps being a part hereof, and copies shall be filed with the County Clerk of Hall County.

Section 1.03 When Effective

This Resolution shall be in full force and effect from and after its public hearings, adoption, publications, and filing as provided by the Nebraska R. R. S., 1943, Sections 23-114.03 to 23-114.05 and 23-164 to 23-174.06.

Section 1.04 Conflicts

All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 1.05 Intent and Purpose

This Resolution is a new regulation for Hall County and is consistent with the Hall County Comprehensive Development Plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Hall County, including, among others, such purposes as developing both urban and non-urban areas; lessening congestion in streets, roads, and highways; reducing the waste of excessive amounts of roads; securing safety from fire and other dangers; lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters; providing adequate light and air; preventing excessive concentration of population and excessive and wasteful scattering of population or settlement; promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements; protecting the tax base; protecting property against blight and depreciation; securing economy in governmental expenditures; fostering the state's agriculture, recreation, and other industries; encouraging the most appropriate use of land in the county, preserving, protecting, and enhancing historic buildings, places, and districts. These regulations have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for encouraging the most appropriate use of land throughout the unincorporated portions of Hall County, Nebraska.

Section 1.06 Comprehensive Development Plan Relationship

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

Section 1.07 Jurisdiction

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

Section 1.08 Highest Standard

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

Section 1.09 General

The zoning regulations set forth by this Resolution within each district shall be minimum regulations applicable uniformly to each class or kind of building, structure, or land, except as may hereinafter be provided.

Section 1.10 Interpretation

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

Section 1.11 Scope of Regulations

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

1. Every building hereafter erected shall be located on a lot of record.
2. Only one principal building will be permitted on one lot of record, except in a Planned Development.
3. In a Planned Development, before a zoning permit can be granted, an application for a Zoning Compliance Certificate shall be submitted for approval.
4. After a county road has been classified as a minimum maintenance road or is a unimproved road, no permits for residential dwellings, Mobile home, or manufactured home shall be issued for construction on any property adjoining such classified road.

Section 1.12 Zoning Standards

No building, structure, or part thereof shall hereafter be erected or altered, unless a variance is granted:

1. To reduce any required yard setbacks
2. To exceed the height or bulk
3. To occupy a greater percentage of lot area
4. To erect or place any building, or structure, or part thereof into any zoning district to be used or occupied
5. To relocate or transport any building, structure, or part thereof into any zoning district to be used or occupied
6. To accommodate or house a greater number of families
7. No part of a yard or other open space required in connection with any building, occupancy, or use for the purpose of complying with these regulations shall be included in the calculations to determine the size of area necessary to accommodate the off-street parking and loading space requirements.

Section 1.13 Planning Commission Recommendations

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

Section 1.14 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the County at least one (1) time ten (10) days prior to such hearing.

Section 1.15 Fees

All fees for any zoning and subdivision action shall be adopted by the County Board of Supervisors by separate Resolution.

ARTICLE 2: CONSTRUCTION AND DEFINITIONS

Section 2.01 Construction and General Terminology

For the purpose of carrying out the intent of this Resolution, words, phrases, and terms shall be deemed to have the meaning ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural and those in the plural include the singular; "or" includes "and", and "and" includes "or"; and the masculine gender shall include the feminine.

- 2.01.01 The word "Assessor" shall mean the County Assessor of Hall County.
- 2.01.02 The words "Board" shall mean the Board of Supervisors of Hall County.
- 2.01.03 The words "Board of Supervisors" shall mean the Board of Supervisors of Hall County.
- 2.01.04 The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
- 2.01.05 The word "Commission" shall mean the Planning Commission of Hall County.
- 2.01.06 The word "County" shall mean Hall County.
- 2.01.07 The words "County Register" shall mean the County Register of Deeds of Hall County.
- 2.01.08 The word "Federal" shall mean the Government of the United States of America.
- 2.01.09 The word "Shall" is mandatory; and the word "may" is permissive.
- 2.01.10 The word "State" shall mean the State of Nebraska.
- 2.01.11 The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for."
- 2.01.12 The words "Zoning Map" shall mean the Official Zoning Map of Hall County.
- 2.01.13 The "Director" shall mean the Planning Director for the Hall County Regional Planning Department.
- 2.01.14 The word "Inspector" shall mean the Building Inspector of Hall County.
- 2.01.15 The word "Resolution" shall mean the Zoning Regulation of Hall County.
- 2.01.16 The word "Comprehensive Plan" shall mean the Hall County Comprehensive Development Plan.

Section 2.02 Abbreviations and Acronyms

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

- AU = Animal Unit
- CAFO = Confined Animal Feeding Operation
- FCC = Federal Communication Commission
- kV = Kilovolt
- kW = Kilowatt
- LFO = Livestock Feeding Operation
- NDEQ = Nebraska Department of Environmental Quality or successor department
- R.O.W. = right-of-way or rights-of-way
- USDA = United States Department of Agriculture

Section 2.03 Definition of Terms

- 2.03.01 **ABANDONMENT** shall mean 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.
- 2.03.02 **ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley
- 2.03.03 **ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.
- 2.03.04 **ACCESSORY BUILDING** shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.
- 2.03.05 **ACCESSORY LIVING QUARTERS** shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
- 2.03.06 **ACCESSORY STRUCTURE** shall mean 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.
- 2.03.07 **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.03.08 **ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
- 2.03.09 **ACREAGE** shall mean any tract or parcel of land that does not qualify as a farm or development.
- 2.03.10 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.03.11 **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.
- 2.03.12 **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."
- 2.03.13 **ADULT ESTABLISHMENT** shall mean any business which offers 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, 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.

- 2.03.14 **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."
- 2.03.15 **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."
- 2.03.16 **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.
- 2.03.17 **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."
- 2.03.18 **ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.03.19 **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.
- 2.03.20 **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."
- 2.03.21 **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.
- 2.03.22 **AESTHETIC ZONING** shall mean zoning to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.
- 2.03.23 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean 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, residence 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.
- 2.03.24 **AGRICULTURAL OPERATIONS** (see "Farming")
- 2.03.25 **AGRICULTURE** shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or

any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.

- 2.03.26 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
- 2.03.27 **AIRPORT HAZARD ZONE** consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the Approach and Turning Zones.
- 2.03.28 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.
- 2.03.29 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
- 2.03.30 **ALTERATION, STRUCTURAL** (see Structural Alteration)
- 2.03.31 **AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 2.03.32 **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.
- 2.03.33 **AMUSEMENT PARK** shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.
- 2.03.34 **ANIMAL HOSPITAL** shall mean 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.
- 2.03.35 **ANIMAL UNIT** (see Livestock Feeding Operation)
- 2.03.36 **ANIMALS, DOMESTIC** (see Household Pet)
- 2.03.37 **ANIMALS, FARM** shall mean livestock associated with agricultural operation, commonly kept or raised as a part of a agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.
- 2.03.38 **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)
- 2.03.39 **ANTIQUÉ SHOPS** shall mean a place offering primarily antiques for sale. An antique for the purpose of this Resolution shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.
- 2.03.40 **APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)

- 2.03.41 **APARTMENT HOTEL** shall mean a multiple family dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.
- 2.03.42 **APARTMENT HOUSE** (see Dwelling, Multiple Family)
- 2.03.43 **APPEARANCE** shall mean the outward aspect visible to the public.
- 2.03.44 **APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.
- 2.03.45 **APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.
- 2.03.46 **AQUIFER** shall mean a geological unit in which porous and permeable conditions exist and thus are capable of bearing and producing usable amounts of water.
- 2.03.47 **AQUIFER RECHARGE AREA** shall mean an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.
- 2.03.48 **ARCHITECTURAL CHARACTER** (see Architectural Concept)
- 2.03.49 **ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.
- 2.03.50 **ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.
1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
 2. **MASS** shall pertain to the volume, bulk of a building or structure.
 3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.
- 2.03.51 **ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.
- 2.03.52 **ARTISAN PRODUCTION SHOP** shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.
- 2.03.53 **ARTIST STUDIO** shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.
- 2.03.54 **ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
- 2.03.55 **ATTRACTIVE** shall mean having qualities that arouse interest and pleasure in the observer.

- 2.03.56 **AUTOMATIC TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.
- 2.03.57 **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- 2.03.58 **BALLROOM** shall mean a place or hall used for dancing, other than those listed under the definition of “Adult Cabaret”. Ballrooms shall also be used for reunions, weddings and receptions.
- 2.03.59 **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)
- 2.03.60 **BASEMENT** shall mean a building space partly underground, and having at least one-half (1/2) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.
- 2.03.61 **BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- 2.03.62 **BED and BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
- 2.03.63 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
- 2.03.64 **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.
- 2.03.65 **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not interest of the immediate neighborhood.
- 2.03.66 **BEST POSSIBLE MANAGEMENT PRACTICES** shall mean 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.
- 2.03.67 **BILLBOARD** (see Sign, Billboard)
- 2.03.68 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.
- 2.03.69 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.
- 2.03.70 **BOARD OF ADJUSTMENT** shall mean that board that has been created by the city and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
- 2.03.71 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation.
- 2.03.72 **BORROW PIT** shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental site grading or building construction.

- 2.03.73 **BREW-ON PREMISES STORE** shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.
- 2.03.74 **BREW PUB** shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.
- 2.03.75 **BREWERY** shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.
1. **BREWERY, CRAFT** shall mean a brew pub or a micro brewery.
 2. **BREWERY, MICRO** shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.
- 2.03.76 **BROADCASTING TOWER** shall mean 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.
- 2.03.77 **BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening.)
- 2.03.78 **BUFFER ZONE** shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.
- 2.03.79 **BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Temporary Structure". Trailers, with or without wheels, shall not be considered as buildings.
- 2.03.80 **BUILDING, ACCESSORY** (see Accessory Building)
- 2.03.81 **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- 2.03.82 **BUILDING CODE** shall mean the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the adopted building code of the City, and other codes adopted by the City that pertain to building construction.
- 2.03.83 **BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest 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. (see Figure 2.03-1)
- 2.03.84 **BUILDING INSPECTOR** shall mean the Building Inspector for Hall County, Nebraska.
- 2.03.85 **BUILDING PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal.)

- 2.03.86 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this regulation between any property line and the closed point of the building line or face of any building or structure related thereto.
- 2.03.87 **CAMPGROUND** shall mean 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.
- 2.03.88 **CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.
- 2.03.89 **CAR WASH, INDUSTRIAL** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.
- 2.03.90 **CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.
- 2.03.91 **CELLAR** shall mean a building space having more than one-half (1/2) of its height below the average adjoining grade lines.
- 2.03.92 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.
- 2.03.93 **CENTERLINE** shall have the same meaning as "Street or Road Center Line".
- 2.03.94 **CENTRALIZED SEWER** shall mean a sewer system established by an individual(s), sanitary improvement district or developer for the purpose of serving two (2) or more buildings, structures, and/or uses. Said system shall have a central point of sanitary waste collection and processing.
- 2.03.95 **CENTRALIZED WATER** shall mean a water supply system established by an individual(s), sanitary improvement district or developer for the purpose of serving two (2) or more buildings, structures and/or uses. Said system shall have a central point(s) of supply with pressurized distribution from said supply point(s).
- 2.03.96 **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainageway.
- 2.03.97 **CHARITABLE** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

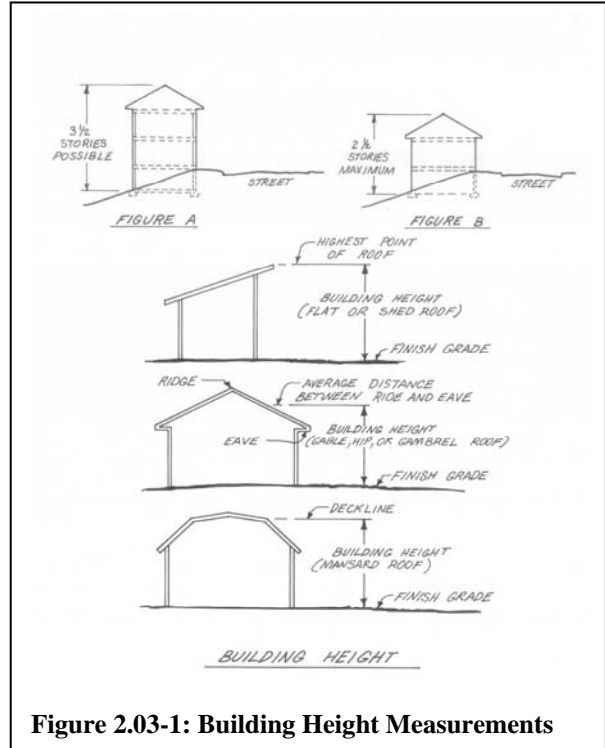
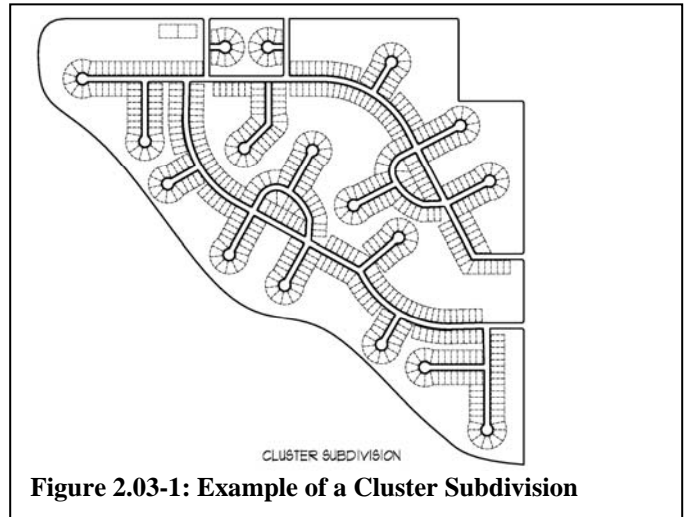


Figure 2.03-1: Building Height Measurements

- 2.03.98 **CHILD CARE** shall mean the provision of care as follows:
1. To four (4) or more children under age 13 at any time of families other than that of the provider;
 2. For on the average of less than 12 hours per day;
 3. For compensation, either indirect or direct;
 4. On a regular basis; and
 5. By a person other than their parents/guardians.
- 2.03.99 **CHILD CARE CENTER** shall mean a facility licensed to provide child care for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
- 2.03.100 **CHURCH** shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements.
- 2.03.101 **CLEAR VIEW ZONE** shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Sight Triangle.)
- 2.03.102 **CLUB** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.
- 2.03.103 **CLUSTER DEVELOPMENT** shall mean 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.
- 2.03.104 **COMMERCIAL FEEDING OPERATION** (See Livestock Feeding Operation)
- 2.03.105 **COMMERCIAL USES** shall mean a business use or activity at a scale greater than home industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.
- 2.03.106 **COMMISSION** shall mean the Hall County Regional Planning Commission.
- 2.03.107 **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Plan Unit Development (PUD) or condominium development.
- 2.03.108 **COMMON OPEN SPACE** shall mean an area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
- 2.03.109 **COMMUNITY CENTER** shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.



- 2.03.110 **COMMUNITY SANITARY SEWER SYSTEM** shall mean 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.
- 2.03.111 **COMMUNITY WATER SUPPLY SYSTEM** shall mean a public water supply system which serves at least fifteen service connections used by year round residents or uses, or regularly serves 25 or more year round residents or uses.
- 2.03.112 **COMPATIBLE USES** shall mean a land use that is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
- 2.03.113 **COMPREHENSIVE DEVELOPMENT PLAN** shall mean the Comprehensive Development Plan of Hall County, Nebraska, as adopted by the County Board of Supervisors, 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, Nebraska R.R.S. 1943, as the same may, from time-to-time, be amended.
- 2.03.114 **CONDITIONAL USE** shall mean a use allowed by the district regulations that would not be appropriate generally throughout the entire zoning district without special restrictions. However, said use if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
- 2.03.115 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and County Board that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 5 and any additional conditions placed upon, or required by said permit.
- 2.03.116 **CONDOMINIUM** shall be as defined in Section 76-824 - 76-894, Nebraska R.R.S. 1943, as the same may, from time-to-time, be amended, the Condominium Law, whereby four or more apartments are separately offered for sale.
- 2.03.117 **CONFINED ANIMAL FEEDING OPERATION, LARGE** shall mean an farming operation which meets the following minimum numbers:
- | | |
|---|--|
| 700 mature dairy cows | 125,000 chickens except laying hens (other than liquid manure handling system) |
| 1,000 beef cattle or heifers | 82,000 laying hens (other than liquid manure handling system) |
| 2,500 swine (each 55lbs or more) | 1,000 veal calves |
| 10,000 swine (each under 55 lbs.) | 500 horses |
| 30,000 ducks (other than liquid manure handling system) | 10,000 sheep |
| 5,000 ducks (liquid manure systems) | 55,000 turkeys |
| 30,000 chickens (liquid manure systems) | |
- Any combination of animals shall follow the definition of Animal Units in order to establish the intensity of Confined Animal Feeding Operation

2.03.118 **CONFINED ANIMAL FEEDING OPERATION, MEDIUM** shall mean an farming operation which meets the following minimum numbers:

200 mature dairy cows	37,500 chickens except laying hens (other than liquid manure handling system)
300 beef cattle or heifers	25,000 laying hens (other than liquid manure handling system)
750 swine (each 55lbs or more)	300 veal calves
3,000 swine (each under 55 lbs.)	150 horses
10,000 ducks (other than liquid manure handling system)	3,000 sheep or lambs
1,500 ducks (liquid manure systems)	16,500 turkeys
9,000 chickens (liquid manure systems)	

Any combination of animals shall follow the definition of Animal Units in order to establish the intensity of Confined Animal Feeding Operation

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

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

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

2.03.122 **CONSERVATION AREAS** shall mean 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.

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

2.03.124 **CONVENIENCE STORE** shall mean a one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies 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.)

2.03.125 **CONTIGUOUS** shall mean the same as "Abut".

- 2.03.126 **COUNTRY CLUB** shall mean 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.
- 2.03.127 **COUNTY** shall mean Hall County, Nebraska.
- 2.03.128 **COUNTY BOARD** shall mean the County Board of Supervisors of Hall County, Nebraska.
- 2.03.129 **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two (2) or more sides by such buildings.
- 2.03.130 **COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.
- 2.03.131 **COURT, OUTER** shall mean a court enclosed on all but one (1) side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.
- 2.03.132 **CUL-DE-SAC** shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.
- 2.03.133 **CURB LEVEL** shall mean 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.
- 2.03.134 **CURVE LOT** (see Lot, Curve).
- 2.03.135 **DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.
- 2.03.136 **DANCE HALL** (see Ballroom)
- 2.03.137 **DENSITY** shall mean the number of dwelling units per gross acre of land.
- 2.03.138 **DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
- 2.03.139 **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
- 2.03.140 **DEVELOPMENT AREA** shall mean an area of land that may or may not have been subdivided that contains three (3) or more homes per nine (9) acres.
- 2.03.141 **DEVELOPMENT CONCEPT PLAN** (See Site Plan)
- 2.03.142 **DEVELOPMENT REVIEW** shall mean the review, by the county of subdivision plats, site plans, rezoning requests, or permit review.
- 2.03.143 **DOG KENNEL** (See Kennel, Commercial; and Kennel, Private)
- 2.03.144 **DOMESTIC ANIMALS** (See Household Pet.)

- 2.03.145 **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
- 2.03.146 **DRAINAGE WAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks. In the event of doubt as to whether a depression is a watercourse or drainage way, it shall be presumed to be a watercourse.
- 2.03.147 **DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.
- 2.03.148 **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.
- 2.03.149 **DUMP** shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
- 2.03.150 **DUPLEX** shall mean the same as "Dwelling, Two (2) Family".
- 2.03.151 **DWELLING** shall mean any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.
- 2.03.152 **DWELLING, MANUFACTURED HOME** shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.
- 2.03.153 **DWELLING, MOBILE HOME** shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.
- 2.03.154 **DWELLING, MODULAR** (Is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Nebraska R.R.S. 1943, as the same may, from time-to-time, be amended, those that do not meet the above criteria shall be considered a mobile home.
- 2.03.155 **DWELLING, MULTIPLE** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
- 2.03.156 **DWELLING, SEASONAL** shall mean a dwelling designed and used as a temporary residence and occupied less than six (6) months in each year.
- 2.03.157 **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family that meets all the following standards:

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
 2. The home shall have no less than an 18 foot exterior width;
 3. The roof shall be pitched with a minimum vertical rise of two and one-half (2 ½) inches for each 12 inches of horizontal run;
 4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
 5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, standing seam metal roofing, tile, or rock;
 6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
 7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
 8. Permanent foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.
- 2.03.158 **DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.
- 2.03.159 **DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.
- 2.03.160 **DWELLING UNIT** shall mean one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.
- 2.03.161 **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.
- 2.03.162 **EDUCATIONAL INSTITUTION** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either:
1. Offer general academic instruction equivalent to the standards established by the State Board of Education; or
 2. Confer degrees as a college or university or undergraduate or graduate standing; or
 3. Conduct research; or
 4. Give religious instruction.
- Private schools, academies, or institutes, incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.
- 2.03.163 **EFFECTIVE DATE** shall mean 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.
- 2.03.164 **ELECTRIC DISTRIBUTION SUBSTATION** shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served.
- 2.03.165 **ELECTRIC TRANSMISSION SUBSTATION** shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served.

- 2.03.166 **ELEEMOSYNARY INSTITUTIONS** shall mean an institution supported by charity and designed to assist persons such as those recovering from mental or emotional illness.
- 2.03.167 **ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.
- 2.03.168 **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
- 2.03.169 **ERECTED** shall mean constructed upon or moved onto a site.
- 2.03.170 **ENVIRONMENTALLY CONTROLLED HOUSING** shall mean any livestock operation meeting the definition of a Livestock Feeding Operation (LFO) and is contained within a building which is roofed, and may or may not have open sides and contains floors which are hard surfaced, earthen, slatted or other type of floor. The facility is capable of maintaining and regulating the environment in which the livestock are kept.
- 2.03.171 **EXISTING AND LAWFUL** shall mean the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process of being constructed or remodeled. In addition, the use must either have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.
- 2.03.172 **EXPRESSWAY** shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.
- 2.03.173 **EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which a city or village has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.
- 2.03.174 **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.
- 2.03.175 **FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.
- 2.03.176 **FAMILY** shall mean a household head and one or more persons related to the head by blood, marriage or adoption living together in a single dwelling unit.
- 2.03.177 **FAMILY CHILD CARE HOME I** shall mean a child care operation in the provider's place of residence which serves between four (4) and eight (8) children at any one time. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.
- 2.03.178 **FAMILY CHILD CARE HOME II** shall mean a child care operation either in the provider's place of residence or a site other than the residence, serving 12 or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.
- 2.03.179 **FARM** shall mean an area containing at least 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 poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the

produce and the feeding of livestock as hereinafter prescribed; provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

- 2.03.180 **FARMING** shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.
- 2.03.181 **FARMSTEAD**, In contrast to a farmstead dwelling, a tract of land of not less than one (1) acre and not more than 20 acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family resident purposes.
- 2.03.182 **FEED LOT** shall mean the confinement of horses, sheep, pigs, and other food animals in buildings, lots, pens, pools or ponds which normally are not used for raising crops or for grazing animals.
- 2.03.183 **FLOOD** shall mean the water of any watercourse or drainage way which is above the banks or outside the channel and banks of such watercourse or drainage way.
- 2.03.184 **FLOOD PLAIN** shall mean the area adjoining a watercourse which has been or may be covered by flood waters.
- 2.03.185 **FLOODWAY** shall mean the channel of a watercourse or drainage way and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse or drainage way.
- 2.03.186 **FLOOR AREA** shall be used as a basis for requiring off-street parking for any structure; it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.
- 2.03.187 **FRONTAGE** shall mean that portion of a parcel of property that abuts a dedicated public street or highway.
- 2.03.188 **FUNERAL HOME** shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation.
- 2.03.189 **GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
- 2.03.190 **GARAGE, PUBLIC** shall mean any garage other than a private garage.
- 2.03.191 **GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station.)
- 2.03.192 **GARBAGE** shall mean any waste food material of an animal or vegetable nature, including waste that may be used for the fattening of livestock.
- 2.03.193 **GRADE** shall mean the following:
1. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be grade.
 2. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in A. above) of all walls facing each street.

3. For buildings having no walls facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be grade.
Any wall approximately parallel to and not more than five (5) feet from a street line is considered as facing a street.
- 2.03.194 **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
- 2.03.195 **GROUND WATER** shall mean 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.
- 2.03.196 **GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.
- 2.03.197 **GROUP HOME FOR THE HANDICAPPED** shall mean a dwelling with resident staff shared by four (4) or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having:
1. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
 2. A record of having such an impairment; or
 3. Being regarded as having such impairment.
- 2.03.198 **GROUP HOUSING** shall mean two (2) or more separate buildings on a lot, each containing one or more dwelling units.
- 2.03.199 **GUEST ROOM** shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.
- 2.03.200 **HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three (3) feet above the floor of such story.
- 2.03.201 **HALFWAY HOUSE** shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.
- 2.03.202 **HAZARDOUS WASTE** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
- 2.03.203 **HEALTH CARE FACILITIES** shall mean a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following:
1. Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital;
 2. Convalescent or nursing home;
 3. A facility for outpatient physical, occupational, or vocational therapy or rehabilitation;
 4. Public health clinics and facilities; and
 5. Ambulatory surgical care center which does not allow for overnight stay by patients.

Except as herein provided, health care facilities do not include doctors, or dentists professional offices and private clinics.

- 2.03.204 **HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.
- 2.03.205 **HEALTH RECREATION FACILITY** shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.
- 2.03.206 **HEIGHT OF BUILDING** shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
- 2.03.207 **HIGHWAY, MAJOR INTER-REGIONAL** shall mean a "U.S." or "State" designated highway with 100 feet right-of-way or more on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.
- 2.03.208 **HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this future right-of-way line.
- 2.03.209 **HISTORIC SITE** shall mean one (1) or more parcels, structures, or buildings that is either: Included on a city listing of historic properties covered by the city's historic property overlay zoning district, included on the state register of historic properties, designated on the National Register of Historic Places, or authenticated as historic in a survey and report by a registered architect or an architectural historian and the report accepted by the City. The historic survey and report includes: dating the property from a specified period, associating the property with significant events or outstanding past people or groups, determining the distinguishing architectural characteristics or style of the buildings, and demonstrating the role of the building in the community's heritage.
- 2.03.210 **HOLDING POND** shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes.
- 2.03.211 **HOME OCCUPATION, GENERAL** shall mean a business, occupation, trade or profession conducted for gain and carried on within a residential dwelling by the resident thereof.
- 2.03.212 **HOMEOWNERS ASSOCIATION** shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.
- 2.03.213 **HOSPITAL** shall mean 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.
- 2.03.214 **HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.
- 2.03.215 **HOUSE TRAILER** (see Dwelling: Mobile Home)
- 2.03.216 **HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

- 2.03.217 **HOUSING FOR THE ELDERLY** shall mean a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of 55 years of age or more. This does not include developments containing convalescent or nursing facilities. (Also, see Congregate Housing.)
- 2.03.218 **HOUSING FOR THE PHYSICALLY HANDICAPPED** shall mean 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.
- 2.03.219 **INCIDENTAL USE** shall mean a use that is subordinate to the main use of a premise.
- 2.03.220 **INDIVIDUAL SEPTIC SYSTEM** shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.
- 2.03.221 **INDUSTRIAL PARK** shall mean a planned coordinated development of a tract of land with two (2) or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, and orientation and open space.
- 2.03.222 **INDUSTRIAL USES** shall mean an industrial use or activity at a scale greater than home industry involving the manufacture and distribution of materials and/or products generated from a raw material or the assemblage of a product from several pre-manufactured pieces.
- 2.03.223 **INDUSTRY** shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
- 2.03.224 **INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle that:
1. Does not have a current state license plate; or,
 2. May or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways.
- A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
- 2.03.225 **INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
- 2.03.226 **INTENT AND PURPOSE** shall mean that the Commission and Board by the adoption of this Regulation have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.
- 2.03.227 **JUICE BAR** (See Adult Establishment.)
- 2.03.228 **JUNK** shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.
- 2.03.229 **JUNK YARD** shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including

scrap metals or other scrap materials, with no burning permitted. (For motor vehicles, see "Automobile Wrecking Yard")

- 2.03.230 **KENNEL, BOARDING AND TRAINING** shall mean any lot or premises on which four (4) or more dogs or cats or any combination thereof, at least four (4) months of age, are boarded, bred, or trained for a fee.
- 2.03.231 **KENNEL, COMMERCIAL** shall mean an establishment where four (4) or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four (4) months of age are groomed, bred, boarded, trained, or sold as a business.
- 2.03.232 **KENNEL, PRIVATE** shall mean any premises used for the keeping of four (4) or less dogs, cats, or a combination thereof, or other non-farm/non-domestic animals by the owner/occupant or occupant of the premises for the purpose of show, hunting, or as pets.
- 2.03.233 **LAGOON** shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.
- 2.03.234 **LANDFILL** shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.
- 2.03.235 **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.
- 2.03.236 **LAUNDRY, SELF SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.
- 2.03.237 **LEAPFROG DEVELOPMENT** shall mean the development of cheaper land on the urban fringe by jumping over more expensive land located immediately adjacent to an existing development. Thus, resulting in inadequate or the lack of support services such as: access to a street system designed to carry high volume traffic, utilities, and other commercial facilities or 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 or county.
- 2.03.238 **LIFE CARE FACILITY** shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. (Also, see Housing for the Elderly.)
- 2.03.239 **LIQUID MANURE** shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface.
- 2.03.240 **LIQUID MANURE STORAGE PITS** shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production.
- 2.03.241 **LIVESTOCK** (See Animals, Farm)
- 2.03.242 **LIVESTOCK FEEDING OPERATION (LFO)** shall mean any farming operation exceeding the per acre Animal Unit (A.U.) ratio as defined under "farming" or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than six (6) months in any one calendar year, and where the number of animals so maintained exceeds three 300 Animal Units as defined below. The confined area of the LFO

- 2.03.249 **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.
- 2.03.250 **LOT, CURVE** shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.
- 2.03.251 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- 2.03.252 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 2.03.253 **LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor, see diagram above.
- 2.03.254 **LOT, FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
- 2.03.255 **LOT, INTERIOR** shall mean a lot other than a corner lot.
- 2.03.256 **LOT LINE** shall mean the property line bounding a lot.
- 2.03.257 **LOT LINE, FRONT** shall mean the property line abutting a street.
- 2.03.258 **LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.
- 2.03.259 **LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.
- 2.03.260 **LOT, NONCONFORMING** shall mean a lot having less area or dimension than required in the district it is located and lawfully created prior to the zoning thereof and whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Regulation.
- 2.03.261 **LOT THROUGH** shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.
- 2.03.262 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulation establishing the zoning district in which the lot is located.
- 2.03.263 **LOT WIDTH** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- 2.03.264 **MAINTENANCE GUARANTEE** shall mean any security, other than cash, that may be accepted by the County to insure that required improvements will be maintained. (Also, see Performance Guarantee.)
- 2.03.265 **MANUFACTURED HOME PARK** shall mean 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.

- 2.03.266 **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
- 2.03.267 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
- 2.03.268 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Hall County Board of Supervisors' zoning regulations for Hall County, Nebraska.
- 2.03.269 **MASSAGE PARLOR** (See Adult Uses)
- 2.03.270 **MEDICAL OR DENTAL CLINIC** shall mean 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.
- 2.03.271 **MINI-STORAGE OR MINI-WAREHOUSE** (See Self-service Storage Facility)
- 2.03.272 **MOBILE HOME** (See Dwelling, Mobile Home)
- 2.03.273 **MOBILE HOME PARK** (See Manufactured Home Park)
- 2.03.274 **MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision)
- 2.03.275 **MOTEL** (See Hotel)
- 2.03.276 **MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.
- 2.03.277 **NEBRASKA REVISED REISSUED STATUTES, 1943** and the abbreviated term Nebr. R. R. S., 1943 are one and the same.
- 2.03.278 **NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar)
- 2.03.279 **NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.
- 2.03.280 **NON-CONFORMING BUILDING** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- 2.03.281 **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.
- 2.03.282 **NON-FARM BUILDINGS** are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

- 2.03.283 **NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.
- 2.03.284 **NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
- 2.03.285 **NURSERY SCHOOL** (see Preschool)
- 2.03.286 **NURSING HOME** shall mean a facility used or occupied by persons recovering from illness or suffering from infirmities of old age required skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.
- 2.03.287 **OFFICIAL MAP** (See Map, Official Zoning District)
- 2.03.288 **OFF-STREET PARKING AREA or VEHICULAR USE** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
- 2.03.289 **OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.
- 2.03.290 **OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
- 2.03.291 **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".
- 2.03.292 **OVERLAY DISTRICT** shall mean a district in which additional requirements will act in conjunction with the underlying zoning district. The original zoning district designation does not change.
- 2.03.293 **OWNER** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.
- 2.03.294 **PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.
- 2.03.295 **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
- 2.03.296 **PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.
- 2.03.297 **PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.
- 2.03.298 **PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than eight and one-half (8 ½) feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

- 2.03.299 **PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.
- 2.03.300 **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by these Regulations will be completed in compliance with these regulations as well as with approved plans and specifications of a development (Also, see Maintenance Guarantee.)
- 2.03.301 **PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
- 2.03.302 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
- 2.03.303 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.03.304 **PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Hall County, Nebraska.
- 2.03.305 **PLANNED UNIT DEVELOPMENT (PUD)** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.
- 2.03.306 **PLANNING COMMISSION** shall mean the Regional Planning Commission of Hall County, Nebraska.
- 2.03.307 **PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.
- 2.03.308 **POLICY** shall mean a statement or document of the county, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.
- 2.03.309 **POULTRY, COMMERCIAL FEEDING** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.
- 2.03.310 **PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one (1) 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.
- 2.03.311 **PRESCHOOL** shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.
- 2.03.312 **PRIVATE CLUB** shall mean a non-profit association of persons who are bona fide members paying dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. A private club may include the serving of food and meals on said premises while providing adequate dining room space and kitchen facilities. A private club may include the sale of alcoholic beverages to members and their guests provided the activity is secondary and incidental to the promotion of some common objective by the organization; and, said sale of alcoholic beverages is in complete compliance with all municipal, state and federal laws.
- 2.03.313 **PRIVATE WELL** shall mean a well that provides water supply to less than 15 service connections and regularly serves less than 25 individuals.

- 2.03.314 **PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
- 2.03.315 **PROMOTIONAL DEVICE** shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.
- 2.03.316 **PUBLIC UTILITY** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.
- 2.03.317 **PUBLIC WATER SUPPLY** shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least 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.
- 2.03.318 **RAILROAD** shall mean the land use including the right-of-way (R.O.W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.
- 2.03.319 **RECREATIONAL FACILITY** shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.
- 2.03.320 **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than 40 feet in overall length, eight (8) feet in width, or 12 feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.
- 2.03.321 **RECREATIONAL VEHICLE (RV) PARK** shall mean a tract of land upon which two (2) 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.
- 2.03.322 **RECYCLING CENTER** shall mean 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.
- 2.03.323 **RECYCLING COLLECTION POINT** shall mean 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.
- 2.03.324 **RECYCLING PLANT** shall mean 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.

- 2.03.325 **RESEARCH LABORATORY OR CENTER** shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 2.03.326 **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.
- 2.03.327 **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.
- 2.03.328 **RESTAURANT, DRIVE-IN** shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.
- 2.03.329 **RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carry-out, or drive-in, and where foods are/or beverages are usually served in paper, plastic, or other disposable containers.
- 2.03.330 **RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.
- 2.03.331 **REVERSE SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.
- 2.03.332 **REZONING** shall mean an amendment to or change in the zoning regulations either to the text or map or both.
- 2.03.333 **REZONING, PIECEMEAL** shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.
- 2.03.334 **RIGHT-OF-WAY** shall mean 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.
- 2.03.335 **ROAD** shall mean the same as "Street".
- 2.03.336 **ROAD, IMPROVED** shall mean a street, county road, and/or State/Federal Highway that are graded, surfaced and maintained on a regular basis with an approved granular material or hard-surfacing material.
- 2.03.337 **ROAD, PRIVATE** shall mean 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.)
- 2.03.338 **ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for street or road traffic. (Also, see Right-of-Way and Street.)
- 2.03.339 **ROAD, UNIMPROVED** shall mean a road officially declared or designated as minimum maintenance. Said road will not generally be graded, crowned or contain a surfacing material of either a granular or hard-surfaced nature.
- 2.03.340 **ROADSIDE STAND** shall mean a temporary structure or vehicle used solely for the sale of farm products produced on the premises or adjoining premises.

- 2.03.341 **ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.
- 2.03.342 **SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.
- 2.03.343 **SCHOOL, DAY** shall mean a preschool or nursery school for children.
- 2.03.344 **SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age, whether licensed as a daycare center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.
- 2.03.345 **SCHOOL, ELEMENTARY, JUNIOR HIGH, or HIGH** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.
- 2.03.346 **SCHOOL, PRIVATE** shall mean an institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with the Section 79-1701 through 79-1707, Nebraska R. R. S., 1943.
- 2.03.347 **SCHOOL, TRADE** shall mean an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.
- 2.03.348 **SCREENING** shall mean a method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, beams, or other features. (Also, see Buffer.)
- 2.03.349 **SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.
- 2.03.350 **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
- 2.03.351 **SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
- 2.03.352 **SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
- 2.03.353 **SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.
- 2.03.354 **SETBACK LINE, HIGHWAY** shall mean the same as "Highway Setback Line".
- 2.03.355 **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.

2.03.356 **SHOPPING CENTER** shall mean a grouping of retail business and service uses on a single site with common parking facilities.

2.03.357 **SIGHT TRIANGLE** shall mean 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 as established within these regulations.

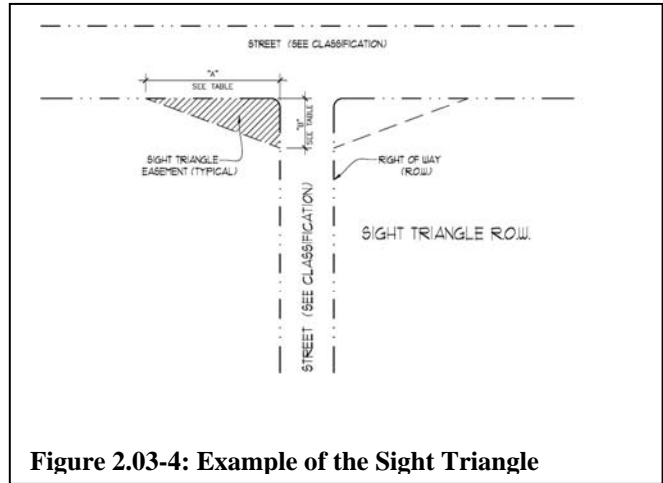


Figure 2.03-4: Example of the Sight Triangle

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

2.03.359 **SIGN, ADVERTISING** shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

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

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

2.03.362 **SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and/or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to attract attention.

2.03.363 **SIGN, AWNING, CANOPY OR MARQUEE** shall mean a sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the Zoning Regulations.

2.03.364 **SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

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

2.03.366 **SIGN, DESTINATION** shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

- 2.03.367 **SIGN, ELECTRONIC MESSAGE BOARD** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
- 2.03.368 **SIGN, FLASHING** shall mean a sign designed to give an electrical light flash intermittently or a revolving beacon light.
- 2.03.369 **SIGN, FREESTANDING** shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.
- 2.03.370 **SIGN, GROUND (LOW PROFILE)** shall mean a sign mounted directly to the ground with a maximum height not to exceed six (6) feet.
- 2.03.371 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.
- 2.03.372 **SIGN, ON-PREMISE** shall mean a sign, display, or device advertising activities conducted on the property on which such sign is located.
- 2.03.373 **SIGN, OPEN** shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
- 2.03.374 **SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.
- 2.03.375 **SIGN, PROJECTING** shall mean a projecting sign attached to a building.
- 2.03.376 **SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of the building.
- 2.03.377 **SIGN, SETBACK** shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.
- 2.03.378 **SIGN, SUBDIVISION** shall mean a sign erected on a subdivision identification lot which identifies the platted subdivision where the sign is located.
- 2.03.379 **SIGN, SURFACE** shall mean the entire area of a sign.
- 2.03.380 **SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.
- 2.03.381 **SIGN, VIDEO** shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.
- 2.03.382 **SIGN, WALL** shall mean a sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than eighteen (18) inches from the face of the building wall.
- 2.03.383 **SIGN, WINDOW** shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

- 2.03.384 **SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.
- 2.03.385 **SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.
- 2.03.386 **SITE, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.
- 2.03.387 **SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
- 2.03.388 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
- 2.03.389 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of less than completely and opaquely covered human genitals, buttock, or female breast(s) below a point immediately above the top of the areola.
- 2.03.390 **SPECIFIED SEXUAL ACTIVITIES** shall mean sexual activities prohibited by the Revised Nebraska State Statutes.
- 2.03.391 **SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.
- 2.03.392 **STABLE, PRIVATE** shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
- 2.03.393 **STABLE, RIDING** shall mean a structure in which horses or ponies, used elusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire, or sale.
- 2.03.394 **STATE** shall mean the State of Nebraska.
- 2.03.395 **STOCKPILING** shall mean the accumulation or 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.
- 2.03.396 **STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.
- 2.03.397 **STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.
- 2.03.398 **STORY, ONE-HALF** shall mean the same as "Half-Story".
- 2.03.399 **STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.
- 2.03.400 **STREET, ARTERIAL** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a city, village, or county with controlled access to abutting property.

- 2.03.401 **STREET, COLLECTOR** shall mean a street or high way that is intended to carry traffic from minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
- 2.03.402 **STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.
- 2.03.403 **STREET, FRONTAGE ACCESS** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.
- 2.03.404 **STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.
- 2.03.405 **STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two (2) outlets connected to the same street.
- 2.03.406 **STREETS, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.
- 2.03.407 **STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place."
- 2.03.408 **STREET, SIDE** shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
- 2.03.409 **STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.
- 2.03.410 **STREET LINE** shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.
- 2.03.411 **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, any lagoon used for waste water treatment, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.
- 2.03.412 **STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".
- 2.03.413 **STRUCTURAL, ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
- 2.03.414 **SUBDIVISION** shall mean the division of land, lot, tract, or parcel into two (2) 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,

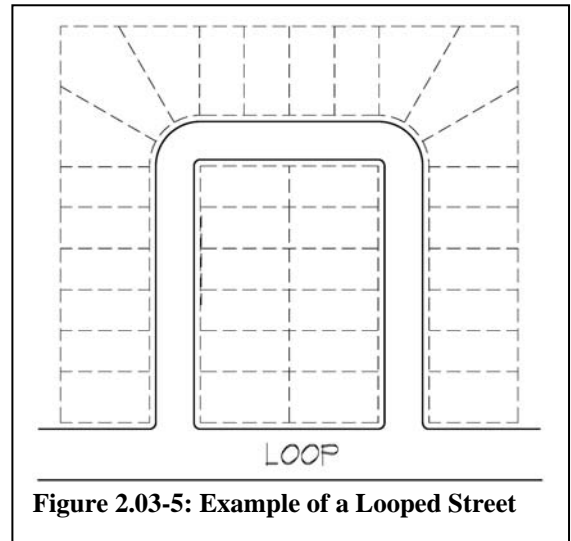


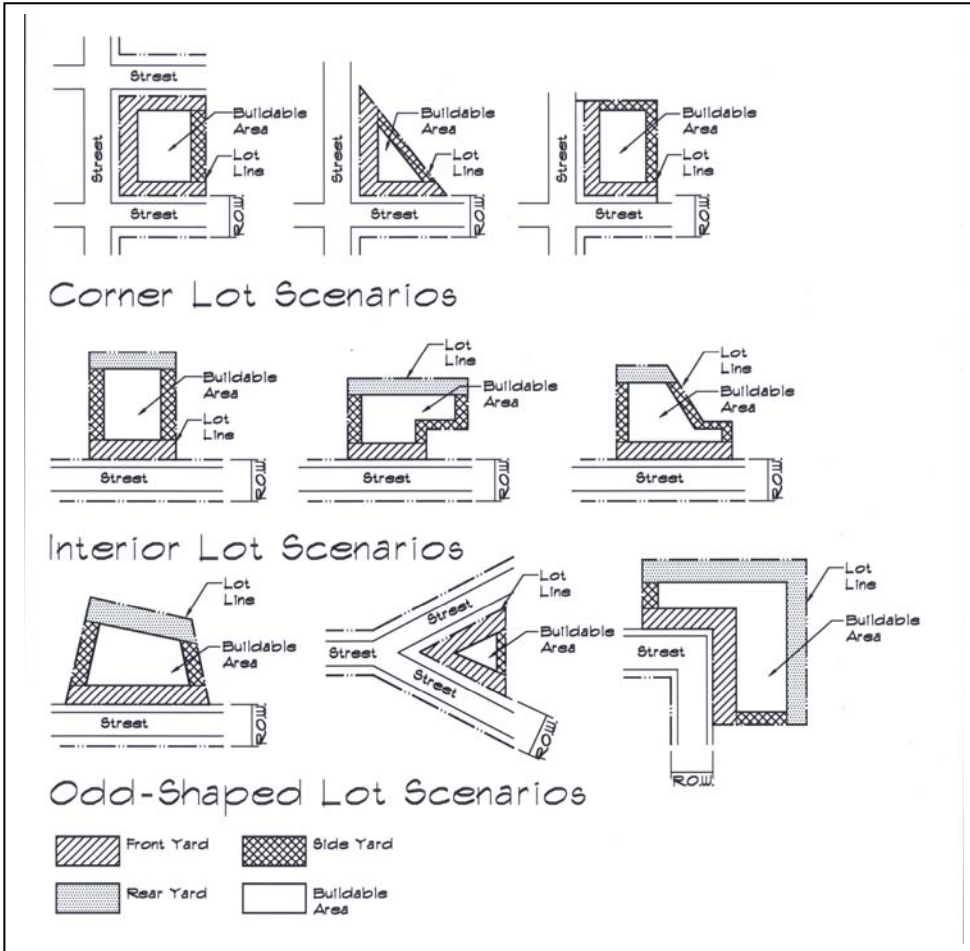
Figure 2.03-5: Example of a Looped Street

agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

- 2.03.415 **SURFACE WATER CLASS A -- PRIMARY CONTACT RECREATION** shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g. eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.
- 2.03.416 **SURFACE WATERS** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.
- 2.03.417 **TAVERN** (See Bar.)
- 2.03.418 **TEMPORARY STRUCTURE** shall mean a structure without a permanent foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- 2.03.419 **TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use.
- 2.03.420 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)
- 2.03.421 **TRADING AREA** shall mean the area served by an existing commercial development or to be served by the proposed commercial development and from which said development draws its support.
- 2.03.422 **TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.
- 2.03.423 **TRANSIENT** shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one (1) year.
- 2.03.424 **TRANSITIONAL USE** shall mean a permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.
- 2.03.425 **UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.
- 2.03.426 **URBAN AREA** shall mean a municipality not exercising its zoning powers and unincorporated village within the county.
- 2.03.427 **USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes the public health, safety and general welfare.
- 2.03.428 **USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

- 2.03.429 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal)
- 2.03.430 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yard" or "Automobile Wrecking Yards".
- 2.03.431 **UTILITY EASEMENT** shall mean the same as "Easement".
- 2.03.432 **VARIANCE** shall mean 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.
- 2.03.433 **VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.
- 2.03.434 **VEHICLE, MOTOR** (See Motor Vehicle)
- 2.03.435 **VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding two (2) feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight (8) feet.
- 2.03.436 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.
- 2.03.437 **WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- 2.03.438 **WASTE HANDLING SYSTEM** shall mean any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems
1. **Holding pond** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.
 2. **Lagoon** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of liquid livestock waste by anaerobic, aerobic or facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.
 3. **Liquid manure storage pits** shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.
 4. **Sediment** shall mean a pond constructed for the sole purpose of collecting and containing sediment.
- 2.03.439 **WASTEWATER LAGOON** (See Lagoon)
- 2.03.440 **WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

- 2.03.441 **WETLAND** shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.
- 2.03.442 **WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- 2.03.443 **WHOLESALE TRADE** shall mean 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.
- 2.03.444 **YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.
- 2.03.445 **YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
- 2.03.446 **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
- 2.03.447 **YARD, SIDE** shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.
- 2.03.448 **ZONING ADMINISTRATOR** shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of this chapter.
- 2.03.449 **ZONING DISTRICT** shall mean the same as "District".
- 2.03.450 **ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one (1) or more parcels of land from one (1) zoning district and placing them in another zoning district on the zone map of the County



ARTICLE 3: GENERAL REGULATIONS

Section 3.01 Nonconforming, General Intent.

Within the districts established by this Resolution or amendments that may later be adopted there exist

1. lots,
2. structures,
3. uses of land and structures, and
4. characteristics of use

which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these nonconformities to continue until they are removed but not to encourage their survival. It is further the intent of this Resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Resolution to be incompatible with permitted uses in the districts involved. Nonconforming uses of a structure, nonconforming use of land, or nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, or a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution, and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 3.02 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 single lot of record at the effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. 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 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. Variance of yard requirements shall be obtained only through action of the Board of Zoning Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Resolution.

Section 3.03 Nonconforming Uses of Land (or Land with Minor Structures Only)

Where at the time of passage of this Resolution, lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, 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 Resolution;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution;
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. Additional structures not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

Section 3.04 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution 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 nonconforming structure or nonconforming portions 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 in conformity with the provisions of this Resolution.
3. Should such structure be moved for any reasons for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 3.05 Nonconforming Uses of Structures or of Structures and Premises in Combination

If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to 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 was manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming uses of a structure, or structure and premises may as a special exception be changed to another nonconforming use, provided that the Board of Supervisors may require appropriate conditions and safeguards in accord with the provisions of this Resolution.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. When nonconforming uses of a structure, or structure and premises in combination is discontinued or abandoned for 12 consecutive months (or for 18 months during any three-year period except when government action impedes access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

Section 3.06 Repairs and Maintenance

On any nonconforming 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.

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 3.07 Uses Under Conditional Use Provisions Not Nonconforming Uses

Any use which is permitted as a conditional use in a district under the terms of this Resolution (other than a change through Board of Supervisors action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use.

Section 3.08 Lot

1. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one (1) principal building on a lot unless otherwise provided.
2. More than one (1) principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning Commission and approved by the County Board.
 - a. Institutional buildings
 - b. Public or semi-public buildings
 - c. Multiple-family dwellings
 - d. Commercial or industrial buildings
 - e. Home for the aged
 - f. Agricultural buildings

Section 3.09 Reductions in Lot Area Prohibited.

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Regulation are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 3.10 Yard Requirements

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

Section 3.11 Drainage

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

Section 3.12 Permitted Obstructions in Required Yards

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

3.12.01 All Yards:

1. Steps and accessibility ramps used for wheelchair and other assisting devices which are four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley;
2. Chimneys projecting 24 inches or less into the yard;
3. Recreational and laundry-drying equipment;
4. Approved freestanding signs;
5. Arbors and trellises;
6. Flag poles;
7. Window unit air conditioners projecting not more than 18 inches into the required yard; and
8. Fences or walls subject to applicable height restrictions are permitted in all yards.

3.12.02 Front Yards:

1. Bay windows projecting three (3) feet or less into the yard are permitted.
2. Open or screened porches, platforms or terraces not over three (3) feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch provided they do not extend or project into the yard more than six (6) feet and has no more than 48 square feet of area;
3. Awnings and canopies provided they do not extend or project into the yard more than six (6) feet and has no more than 48 square feet of area.

3.12.03 Rear and Side Yards:

1. Open off-street parking spaces,
2. Balconies or outside elements of central air conditioning systems.
3. Open or screened porches, platforms or terraces not over three (3) feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch;

3.12.04 Double Frontage Lots:

The required front yard shall be provided on each street.

3.12.05 Building Groupings:

For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

Section 3.13 Accessory Building and Uses

1. No accessory building shall be constructed upon a lot for more than 18 months prior to beginning construction of the principal building. No accessory building shall be used for more than 12 months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
2. No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
3. No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
4. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
5. Garages and outbuildings in Residential Districts and Subdivisions used for storage and other structures customary and appurtenant to the permitted uses shall be stick built and constructed of materials customarily used in residential construction. The sidewalls of said building shall not exceed 18 feet in height.
6. Regulation of accessory uses shall be as follows:
 - a. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 - b. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

Section 3.14 Permitted Modifications of Height Regulations

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

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio and Television
Conveyors	Towers less than 100 feet in height
Cooling Towers	Grain Elevators and Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Flag Poles	Air-Pollution Prevention Devices
2. When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

Section 3.15 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

Section 3.16 Repairs and Maintenance

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

Section 3.17 Amenities, Fire

Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard, may be permitted by the Zoning Administrator for a distance of not more than three and one-half (3 1/2) feet and where the same are so placed as not to obstruct lights and ventilation.

Section 3.18 Side Yards

No side yards are required where dwelling units are erected above commercial and industrial structures.

Section 3.19 Corner Lots

On a corner lot in any district, nothing shall be erected, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) and eight (8) feet above the grades of the centerline of the intersecting street or road, from the point of intersection 120 feet in each direction measured along the centerline of the streets or roads.

Section 3.20 Recreation Equipment, Storage

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however, that such equipment may be parked anywhere on residential premises not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Section 3.21 Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. On Agricultural zoned properties, a maximum of 40 scrapped, inoperative or dismantled motor vehicles may be parked or stored for non-commercial use purposes. On agricultural zoned properties within one-half (1/2) mile of a state or federal highway, a minimum of 40 scrapped, inoperative or dismantled motor vehicles may be parked or stored for non-commercial purposes as long as they are in spaces visually screened from the highway by fencing and/or evergreen shrubbery. The aforementioned screening shall not be required if the number of said vehicles is 30 or less.

Section 3.22 Storage of Goods and Equipment

Goods, equipment, supply materials, machinery and parts thereof, shall not be stored on any residentially zoned property except as provided under Section 3.13 other than in completely enclosed buildings or in spaces screened by fencing and/or evergreen shrubbery.

Section 3.23 Building Setback

1. The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure.
2. All new non-farm residences shall locate no less than at the corresponding distances provided in Section 4.02.08 from an Existing Agricultural Operation or LFO with more than 100 animal units located in any affected adjacent Zoning District.

Section 3.24 Temporary Structures

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.

Section 3.25 Caretaker's Quarters

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

Section 3.26 Front yards

The front yards heretofore established shall be adjusted where 40% or more of the frontage on one side of the street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:

1. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners or the adjacent buildings on the two (2) sides, or
2. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

Section 3.27 Screening

1. Junkyards (salvage or wrecking yards) shall be screened with an eight (8) foot high opaque, solid fence, brick wall, or earth berm so as to provide visual and aural separation between such use and adjacent areas.
2. Junkyards (salvage or wrecking yards) located next to railroad right-of-way shall have a ten (10) foot high opaque, solid fence, brick wall, or earth berm on the property line common to the railroad right-of-way
3. All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six (6) feet in height to provide visual and aural separation between such use and adjacent areas.
4. All holding or incineration areas of dead livestock shall be screened by means of plant materials, earth mounding, or solid fencing at least six (6) feet in height to provide visual and aural separation between such use and adjacent areas. No storage or incineration of dead livestock shall be located in road right-of-way or on any other land not owned or leased by the livestock operation.

Section 3.28 Fences, Walls, Hedges and Trees

1. Notwithstanding other provisions of this Resolution, fences, walls and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.
2. Trees may be permitted in any required yard or along the edge of any yard, provided that such trees are located 40 feet, or more, from the public right-of-way of a County road or State Highway.

ARTICLE 4: DISTRICTS AND INTERPRETATION OF DISTRICT BOUNDARIES

Section 4.01 Boundaries

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

- 4.01.01. Boundaries indicated as approximately following the centerlines or right-of-way of streets, highways or alleys shall be construed to follow such center or right-of-way lines unless otherwise noted.
- 4.01.02. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 4.01.03. Boundaries indicated as following city/village limits shall be construed as following city/village limits.
- 4.01.04. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 4.01.05. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- 4.01.06. Boundaries indicated as parallel to or extensions of features indicated in subsection 4.01.01 through 4.01.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 4.01.07. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstance not covered by subsections 4.01.01 through 4.01.06 above, the Board of Adjustment shall interpret the district boundaries.

Section 4.02: A-1 Agricultural – Primary District

4.02.01 Intent

The A-1 Agricultural District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses; to prevent encroachment of uses of land that could be mutually incompatible and continue to provide for agricultural uses as a major uses to the economy of the area for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses. The A-1 Agricultural District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization. The district intends to provide for the location and to govern the establishment and operation of land uses that are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable. In addition, to provide for the location and to govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and to govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses that are named as permitted or conditional uses in this district and are appropriate to other property in the area.

The nature of the A-1 Agricultural District and the uses allowed outright or by conditional use permit precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 Agricultural District regulations afford such services, amenities and protection to residential uses located therein.

4.02.01 Permitted Principal Uses

The following principal uses are permitted in the Agriculture A-1 District.

1. Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
 - A. State Agencies shall govern all use of farm chemicals, including application of pesticides and herbicides, and applicants using restricted-use pesticides shall be required to be certified as required by law.
 - B. The spreading of manure by a “Farming” Operation. (as defined in Article 2 of this Resolution)
 - C. Agricultural operations having up to 1,000 A.U.’s are considered a farm and are permitted by right, provided other requirements in this district are met and submission of a no-fee livestock registration permit to the Hall County Regional Planning Director is done.
 - D. Operations having up to 1,000 animal units shall locate at least 1,320 feet from a platted residential area, Public Park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.
 - E. Mobile homes are permitted only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one- (1) year permit which must be renewed annually and which shall be subject to the conditions of the permit.
2. Ranch and farm dwellings, subject to Section 4.02.08.
3. Recreational camps, parks, playgrounds, golf courses, country clubs, tennis courts, riding academies and other similar recreational uses.
4. Single family dwelling subject to Section 4.02.08
5. Utility substation, pumping station, water reservoir and telephone exchange
6. Fire Stations.
7. Churches, seminary and convent.
8. Public and parochial school; college.
9. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
10. Private kennels and facilities, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
11. Roadside stands offering agricultural products for sale on the premises.
12. Seed and feed sales, machine repair shop, livestock equipment construction and sales, as a primary occupation in conjunction with an agricultural operation and be operated on the premises.
13. Farm and industrial equipment sales.

14. Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept is no closer than 100 feet from the property line.
15. All other Permitted Uses as indicated as Permitted within the Zoning Matrix.

4.02.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the A-1 Agricultural District.

1. Bed and breakfast residence subject to the following conditions in addition to those imposed by the Planning 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 is 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.
 - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
2. Publicly and privately owned dude ranches, forest and conservation areas, and golf driving ranges, motorized cart tracks, or other outdoor recreational areas such as gun clubs, and archery, trap and skeet ranges.
3. Industrial uses as provided in the Zoning Matrix and the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
4. Commercial uses as provided in the Zoning Matrix and the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
5. All other Conditional Uses as indicated within the Zoning Matrix, provided the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
6. 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 Regulations.
7. Radio, cellular and television towers and transmitters and are subject to the requirements of Section 6.01 of the Supplementary Regulations.
8. Airports.
9. Manufacture of light sheet metal products including heating and ventilation equipment.
10. Manufacture and/or processing of agricultural products including but not limited to ethanol plants and mills.
11. Truck and freight terminals.
12. Commercial mining, quarries, sand and gravel pits and accessory uses.
13. Storage of trucks, tractors, and trailers engaged in the transportation of explosives.
14. Race tracks, drag strips and similar uses and associated accessory uses.
15. Wind Energy devices.
16. Community sewage disposal facilities.
17. Sanitary landfill siting or expansion conducted in a manner and method approved by the County Board of Supervisors, provided said landfill is not closer than 1,000 feet to a municipal well and/or one mile to

any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution, see Section 6.04 of the Supplemental Regulations.

18. Lawn and Garden Nurseries.
19. Commercial Kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
20. The spreading, stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
21. The application of livestock manure in Hall County by operations located outside the County.
22. Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Hall County Comprehensive Plan.

4.02.04 Standards for Livestock Feeding Operations

1. The following setbacks and design standards are the minimum sanitation and odor practices for Hall County. In addition, the Hall County Board of Supervisors, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:
 - property values,
 - dust,
 - lighting,
 - waste disposal and
 - Dead livestock.
2. A Conditional Use Permit may be approved after public notice has been given and public hearing is conducted as required by law.
3. Agricultural Operations of 1,000 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit.
4. All existing LFO's that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new Conditional Use Permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 1, without applying for another conditional use permit. All new LFO's and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:
 - A. Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:
 - Class I Facility = 301-1,000 animal units;
 - Class II Facility = 1,001-5,000 animal units;
 - Class III Facility = 5,001-20,000 animal units; and
 - Class IV Facility = 20,001 or more animal units.

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

ARTICLE 4: DISTRICTS AND INTERPRETATION OF DISTRICT BOUNDARIES

TABLE 1: LFO SPACING AND DISTANCE (Distances given in miles)

Size of Proposed LFO in Animal Units.		Non-farm or Other Residence and Other LFOs (feet)
Class I 301-1000	ECH	1,320
	OPEN	1,320
Class II 1001-5000	ECH	5,280
	OPEN	2,640
Class III 5001-20,000	ECH	5,280
	OPEN	2,640
Class IV 20,000+	ECH	7,920
	OPEN	3,960

ECH = Environmentally Controlled Housing

OPEN = Open Lot Operations

- B. LFOs having more than a 1,000 animal units shall also locate at a distance as specified under the ECH or Open Lots, in Table 1 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.

- C. All LFO's over 20,000 Animal Units shall be required to obtain a new Conditional Use Permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section.

- D. The producer shall have a Pre-submission meeting with the Hall County Regional Planning Director and Hall County Building Inspector to discuss tentative plans and layouts prior to formal submission of the Conditional Use Permit for Livestock Feeding Operations.
 - 1. A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (NDEQ) or any other applicable State Agency.
 - 2. The applicant shall submit all pertinent materials and designs, as per the Conditional Use Permit Application for Livestock Feeding Operations.
 - 3. The applicant shall file a copy of the proposed Operation and Maintenance Plan and proposed Manure Management Plan. The approved plans shall be submitted after NDEQ approval if different from the proposed. Said plans shall be filed with the Hall County Regional Planning Director.
 - 4. Shall also file a copy of all approved NDEQ plans and permits with the Hall County Regional Planning Director within 30 days after they are issued by the NDEQ.
 - 5. An annual manure management plan shall be submitted to the Hall County Regional Planning Director which shall follow "best possible management practices" as specified by NDEQ in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
 - 6. If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this Section. Said area shall also located on the proposed site plan indicated in number (A) above.
 - 7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
 - 8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
 - 9. All runoff or waste generated by an LFO facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to

ARTICLE 4: DISTRICTS AND INTERPRETATION OF DISTRICT BOUNDARIES

minimize offer and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.

10. The setbacks from an LFO to any non-farm dwelling, other residence or other LFO are as follows in Table 2:

5. Exceptions:

- A. Any Class I Livestock Feeding Operation use in existence as of the effective date of this Resolution, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other LFO or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a Conditional Use Permit, provided the proposed expansion complies with **all** of the following limitations:
 1. Such expansion will not decrease the distance from the LFO use to any church, school, public use, other LFO or single-family dwelling not of the same ownership and not on the same premises with said LFO which is less than the minimum prescribed spacing distance.
 2. Any physical expansion of the existing LFO shall be immediately contiguous with the facilities of the existing LFO.
 3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a LFO that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a Conditional Use Permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the County Board of Supervisors.
 4. If such expansion results in such LFO being required to obtain a new construction permit from NDEQ, introduction of additional animals shall be prohibited until said permit is issued by NDEQ or other applicable or successor agency has been issued and such LFO shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this Resolution.

4.02.05 Accessory Uses

The following accessory buildings and uses are permitted in the A-1 District.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
3. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

4.02.06 Lot Requirements and Intensity of Use

1. The following table lists the minimum lot requirements and maximum building requirements in an A-1 District. These requirements shall be followed unless otherwise modified by this Resolution

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Min Lot Area per dwelling unit (sq. ft.)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)			
Permitted Uses	20	100	35	35	20	10%	20,000	35¹
Conditional Uses	20	100	35	35	20	10%	20,000	35¹
Agricultural uses	1	100	35	35	20	10%	20,000	35¹

¹ for structures intended for human occupancy, all others no restrictions.

2. The following requirements are allowed in specific situations within the jurisdiction of Hall County. These requirements are:
 - A. ANY PERSON OR PERSONS WHO:

ARTICLE 4: DISTRICTS AND INTERPRETATION OF DISTRICT BOUNDARIES

- (1) owns a tract of 80 acres or more may sell one tract per 80 acres for a single family dwelling, providing such sale has not been previously exercised on the large tract; and/or
- (2) owns an existing ranch or farm dwelling that is 10 years old or more may sell a tract containing such dwelling;
- (3) providing the following space limitations are complied with:

Min Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
		Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
20,000	80	30	25	15	40%	35¹

¹ for structures intended for human occupancy, all others no restrictions.

4.02.07 Prohibited Uses

- 1. Any use not specifically listed as a permitted principal use or permitted accessory use.

4.02.08. Supplementary Regulations

- 1. Residential dwelling units on non-agricultural land existing at the time of passage of these regulations, may construct accessory structures, make repairs, replace, remodel, rebuild or replace the residential structure in case of damage regardless of the percent of damage or extent of structural change provided the use does not change.
- 2. All new and existing livestock feeding operations and farms with livestock of 300 animal units or less shall require a no-fee livestock registration permit. In addition, all new or expanded Livestock Feeding Operations of over 300 animal units shall require a Conditional Use Permit as subject to in Section 4.03, subsection B of this Article.
 - A. New non-farm residences shall be located no less than at the following distances and those shown in Table 2: Non-farm Residence Spacing and Distance, from an existing agricultural operation having between 50 and 300 animal units and an LFO based upon the type of operation.

TABLE 2: NON-FARM RESIDENCE SPACING AND DISTANCE (Distances given in feet)

	SIZE OF EXISTING AGRICULTURAL OPERATION AND LFO IN A.U.				
	100-300	301-1,000	1,001-5,000	5,001-10,000	10,000+
New Non-Farm Residence	2,640	2,640	5,280	5,280	10,560

Section 4.03: A-2 – Secondary Agricultural District

4.03.01 Intent

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

4.03.02 Permitted Principal Uses

The following principal uses are permitted in the A-2 – Secondary Agricultural District:

1. Agriculture, farming, dairy farming, livestock and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises; provided that the operation is no more than 500 animal units and, that any building, structure or yard for the raising, confinement, housing, or sale of livestock or poultry shall be located at least 1,320 feet from a neighbor’s dwelling, and further provided, that there shall be no feeding, spreading, accumulation or disposal of garbage, rubbish, or offal on any open surface of the land.
2. Churches and publicly owned and operated community buildings, public museums, public libraries.
3. Single-family dwellings, provided the intensity of use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road.
4. Fish hatcheries, apiaries, aviaries.
5. Forests and wildlife reservations, or similar conservation projects.
6. Fur farming for the raising of fur bearing animals.
7. Golf courses and clubhouses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
8. Hospitals, sanitariums, homes for the aged and feeble minded.
9. Private Kennels, provided the buildings and pens shall be located at least 100 feet from the property line and 300 feet from any neighboring residence.
10. Mushroom barns and caves.
11. Nurseries, greenhouses, and truck gardens.
12. Philanthropic or eleemosynary institutions.
13. Picnic groves.
14. Publicly owned parks and playgrounds, including public recreation or service building within such parks, public administrative building, police and fire stations and public utility buildings and structures.
15. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
16. Railroad rights-of-way not including railroad yards.
17. Riding stables and riding tracks.
18. Cemeteries and mortuaries.
19. All Permitted Uses as indicated in the Zoning Matrix.

4.03.03 Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Airports and heliports.
2. Bed and breakfast residence subject to the following conditions in addition to those imposed by the Governing Body:
 - 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 is 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.
- E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- 3. Commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
- 4. Industrial uses as provided in the Zoning Matrix and the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 5. Commercial uses as provided in the Zoning Matrix and the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 6. All other Conditional Uses as indicated within the Zoning Matrix, provided the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 7. Farm and industrial equipment sales
- 8. Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil and conditions referred to in Section 6.02 of the Supplemental Regulations.
- 9. Wind Energy systems
- 10. The application of manure by any livestock feeding operation (LFO as defined in these Regulations) from inside or outside the County.
- 11. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 12. Radio, Cellular and television towers and transmitters and subject to the requirements of Section 6.01 of the Supplemental Regulations.

4.03.04 Permitted Accessory Uses.

The following accessory buildings and uses are permitted in the A-2 District.

- 1. Buildings and uses customarily incidental to the permitted and conditional uses.
- 2. Home occupation.
- 3. Temporary buildings and uses incidental to construction work and shall be removed upon the completion or abandonment of the construction work.

4.03.05 Area and Intensity Regulations

In the A-2 - Secondary Agricultural District the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

The minimum lot requirements shall be as follows:

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Min Lot Area per dwelling unit (sq. ft.)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)			
Permitted Uses	3	100	30	25	15	25%	20,000²	35¹
Conditional Uses	3	100	30	25	15	25%	20,000²	35¹

¹for structures intended for human occupancy, all others no restrictions.

4.03.06 Prohibited Uses

Any use not specifically listed as a permitted principal use or permitted accessory use.

Section 4.04: A-3 Agricultural - Transitional District

4.04.01 Intent

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

4.04.02 Permitted Principal Uses

The following principal uses are permitted in the A-2 Agricultural - Transitional District:

1. Agriculture, farming, dairy farming, livestock and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises. Livestock may be allowed in this district provided the following ratio is met:
 - A. One (1) A.U. for the first acre
 - B. One (1) A.U. for each additional one-half (1/2) Acre of ground
 - C. No more than 300 A.U.'s will be allowed on any tract of land.
2. Churches and publicly owned and operated community buildings, public museums, public libraries.
3. Single-family dwellings, provided the intensity of use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road.
4. Fish hatcheries, apiaries, aviaries.
5. Forests and wildlife reservations, or similar conservation projects.
6. Fur farming for the raising of fur bearing animals.
7. Golf courses and clubhouses customarily accessory thereto, except miniature golf, driving ranges, and other similar activities operated as a business.
8. Hospitals, sanitariums, homes for the aged and feeble minded.
9. Private Kennels, provided the buildings and pens shall be located at least 100 feet from the property line and 300 feet from any neighboring residence.
10. Mushroom barns and caves.
11. Nurseries, greenhouses, and truck gardens.
12. Philanthropic or eleemosynary institutions.
13. Picnic groves.
14. Publicly owned parks and playgrounds, including public recreation or service building within such parks, public administrative building, police and fire stations and public utility buildings and structures.
15. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
16. Railroad rights-of-way not including railroad yards.
17. Riding stables and riding tracks.
20. Cemeteries and mortuaries.
21. Accessory Uses.
22. All Permitted Uses as indicated in the Zoning Matrix.

4.04.03 Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Airports and heliports.
2. Bed and breakfast residence subject to the following conditions in addition to those imposed by the Governing Body:
 - 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 is 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.
- E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- 3. Commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
- 4. Industrial uses as provided in the Zoning Matrix and the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 5. Commercial uses as provided in the Zoning Matrix and the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 6. All other Conditional Uses as indicated within the Zoning Matrix, provided the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off-street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 7. Farm and industrial equipment sales.
- 8. Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil, and conditions referred to in Section 6.02 of the Supplemental Regulations.
- 9. Wind energy systems
- 10. The application of manure by any livestock feeding operation (LFO as defined in these Regulations) from inside or outside the County.
- 11. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 12. Radio, Cellular and television towers and transmitters and are subject to the requirements of Section 6.01 of the Supplemental Regulations.

4.04.04 Permitted Accessory Uses.

The following accessory buildings and uses are permitted in the A-2 District.

- 1. Buildings and uses customarily incidental to the permitted and conditional uses.
- 2. Home occupation.
- 3. Temporary buildings and uses incidental to construction work and shall be removed upon the completion or abandonment of the construction work.

4.04.05 Area and Intensity Regulations

In the A-2 Agricultural-Transitional District the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows:

The following table lists the minimum lot requirements and maximum building requirements in an A-1 District. These requirements shall be followed unless otherwise modified by this Resolution

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Min. Lot Area per Dwelling Unit (sq. ft.)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)			
Permitted Uses	20,000²	100	30	25	15	25%	20,000²	35¹
Conditional Uses	20,000²	100	30	25	15	25%	20,000²	35¹

¹ for structures intended for human occupancy, all others no restrictions.

² 12,000 sq. ft. with individual or community water and a community sewage disposal system.

4.04.06 Prohibited Uses

Any use not specifically listed as a permitted principal use or permitted accessory use.

Section 4.05: AG-SC Special Agriculture/Conservation Zone

4.05.01 Intent

This special use district is to maintain lands in a predominately agricultural use, yet allow for limited, low impact recreational uses associated with pedestrian and equestrian trails, in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan. Ranch and farm dwellings are not allowed due to Environmental Protection Agency issues with the CAAP site.

4.05.02 Permitted Principal Uses

The following principal uses are permitted in the Secondary Agriculture AG-SC District.

1. Agricultural uses excluding feed lots and the commercial feeding of livestock.
2. Raising of field crops and horticulture.
3. Pedestrian and equestrian trails and associated low impact recreational uses, when consistent with the CAAP Comprehensive Land Use Plan.
4. Groundwater treatment facilities, contaminated soil remediation facilities.
5. All other Permitted Principal Uses indicated as Permitted within the Zoning Matrix.

4.05.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the AG-SC District.

1. Utility substations, communication towers.
2. Flood control facilities/improvements.
3. Stock yard, feed yards and accessory uses provided the use can meet the separation distances found in Table 1 in the A-1 District.
4. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.05.04 Permitted Accessory Uses

1. Other buildings or uses accessory to a permitted use.

4.05.05 Prohibited Uses

1. Any use not specifically listed as a permitted principal use, conditional uses or permitted accessory use.
2. Ranch and/or farm dwellings.

4.05.06 Area and Intensity Regulations

In the AG-SC District, the height of buildings, the minimum dimensions of lots and yards permitted on any lot or tract, shall be as follows:

Uses	Minimum Setbacks						Max. Ground Coverage	Max. Building Height (feet)
	Min. Parcel Area (acres)	Min. Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)		
Permitted Uses	20	100	35	-	-	-	30%	-
Conditional Uses	20	100	35	-	-	-	30%	-

4.05.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as required herein.

Section 4.06: AG-SE-Special Agriculture/Events Zone

4.06.01 Intent

This special use district is to allow for agricultural uses as well as special agricultural demonstration event, expositions and trade shows that require large land areas, in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan. Ranch and farm dwellings are not allowed due to Environmental Protection Agency issues with the CAAP site.

4.06.02 Permitted Principal Uses

The following principal uses are permitted in the Secondary Agriculture AG-SE District.

1. Agricultural uses excluding feed lots and the commercial feeding of livestock.
2. Raising field crops and horticulture.
3. Agricultural related demonstration events, expositions and trade shows.
4. Pedestrian and equestrian trails and associated low impact recreational uses, when consistent with the CAAP Comprehensive Land Use Plan.
5. Stock yards, feed yards and accessory uses provided the use can meet the separation distances found in Table 1 in the A-1 District.
6. All other Permitted Principal Uses indicated as Permitted within the Zoning Matrix.

4.06.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the AG-SE District.

1. Utility substations, communication towers.
2. Flood control facilities/improvements.
3. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.06.04 Permitted Accessory Uses

1. Other buildings or uses accessory to a permitted use.

4.06.05 Prohibited Uses

1. Any use not specifically listed as a permitted principal use, conditional uses or permitted accessory use.
2. Ranch and/or farm dwellings.

4.06.06 Area and Intensity Regulations

In the AG-SE District, the height of buildings, the minimum dimensions of lots and yards permitted on any lot or tract, shall be as follows :

Uses	Minimum Setbacks							Max. Ground Coverage	Max. Building Height (feet)
	Min. Parcel Area (acres)	Min. Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)			
Permitted Uses	20	100	35	-	-	-	65%	-	
Conditional Uses	20	100	35	-	-	-	65%	-	

4.06.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as required herein.

Section 4.07: AG-SI-Special Agriculture/Industrial Zone

4.07.01 Intent

This special use district is to allow for agricultural uses as well as manufacturing, processing, fabrication, research, warehousing, storage and wholesaling facilities in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan. Ranch and farm dwellings are not allowed due to the Environmental Protection Agency issues with the CAAP site.

4.07.02 Permitted Principal Uses

The following principal uses are permitted in the Secondary Agriculture AG-SI District.

1. Agricultural uses excluding feed lots and the commercial feeding of livestock.
2. Raising of field crop and horticulture.
3. Manufacturing, processing, fabrication, research, warehousing, storage, and wholesaling facilities.
4. Pedestrian and equestrian trails and associated low impact recreational uses, when consistent with the CAAP Comprehensive Land Use Plan.
5. Groundwater treatment facilities, contamination soil remediation facilities.
6. All other Permitted Principal Uses indicated as Permitted within the Zoning Matrix.

4.07.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the AG-SI District.

1. Industrial uses with more significant health and safety concerns: wrecking, scrap or garbage disposal/recycling yard; explosives manufacture or storage; chemical, acid, or petroleum refining or storage; meat packing plants; milling and smelting of ores.
2. Utility substations, communication towers.
3. Flood control facilities/improvements.
4. Stock yards, feed yards and accessory uses provided the use can meet the separation distances found in Table 1 in the A-1 District.
5. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.07.04 Permitted Accessory Uses

1. Other buildings or uses accessory to a permitted use or conditional use.

4.07.05 Prohibited Uses

1. Farm dwellings.
2. Any use not specifically listed as a permitted principal use, conditional or permitted accessory use.

4.07.06 Area and Intensity Regulations

In the AG-SI District, the height of buildings, the minimum dimensions of lots and yards permitted on any lot or tract, shall be as follows:

Uses	Min. Parcel Area (acres)	Min. Lot Width (feet)	Minimum Setbacks				Max. Ground Coverage	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)		
Agricultural Uses	20	100	35	-	-	-	65%	-
Non Agricultural Uses	1	100	35	-	-	-	65%	-

4.07.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as required herein.

Section 4.08: SRC-Special Recreation/Conservation Zone

4.08.01 Intent

This district use is to allow for special outdoor recreational shooting facilities, recreational vehicle campgrounds as well as low impact recreational uses associated with pedestrian and equestrian trails, in accordance with the Cornhusker Army Ammunition Plant (CAAP) Comprehensive Reuse Plan.

4.08.02. Permitted Principal Uses

The following principal uses are permitted in the SRC District.

1. Agricultural uses excluding feed lots and the commercial feeding of livestock.
2. Raising of field crops and horticulture.
3. Lot impact recreational uses associated with pedestrian and equestrian trails, when consistent with the CAAP Comprehensive Land Use Plan.
4. Recreational vehicle campgrounds.
5. Outdoor recreational shooting facilities.
6. All other Permitted Principal Uses indicated as Permitted within the Zoning Matrix.

4.08.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the SRC District.

1. Caretaker dwelling associated with outdoor recreational shooting facilities and recreational vehicle campgrounds.
2. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.08.04. Permitted Accessory Uses

1. Other buildings or uses accessory to a permitted use or a conditional use.

4.08.05. Prohibited Uses

1. Any use not specifically listed as a permitted principal use, conditional uses, or permitted accessory use

4.08.06. Area and Intensity Regulations

In the SRC District, the height of buildings, the minimum dimensions of lots and yards permitted on any lot or tract, shall be as follows:

Uses	Minimum Setbacks						Max. Ground Coverage	Max. Building Height (feet)
	Min. Parcel Area (acres)	Min. Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)		
Permitted Uses	20	100	35	35	20	20	30%	-
Conditional Uses	20	100	35	35	20	20	30%	-

4.08.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as required herein.

Section 4.09: R-1 Residential - District

4.09.01 Intent

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

4.09.02 Permitted Principal Uses

1. Single-family dwellings.
2. Public parks and recreational areas and community buildings owned and operated by a public agency.
3. Churches, synagogues, and other similar places of worship.
4. Public and parochial schools.
5. Golf courses, pitch and putt golf courses and driving tees. Miniature golf is permitted if it is a part of the total golfing operation.
4. All Permitted Uses as indicated in the Zoning Matrix.

4.09.03 Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Home occupations, subject to the following:
 - A. That such uses are located in the dwelling used by a person as his/her private residence.
 - B. That no assistance other than a member of the family household is employed, and no window display or sign, either illuminated or more than two (2) square feet in area is used to advertise the same.
2. Utility Substations.
3. Residential dwellings on less than the minimum lot requirements provided the following minimum conditions are met:
 - A. The dwelling unit is part of a subdivision.
 - B. The dwelling unit has a minimum lot area of 12,000 square feet.
 - C. The subdivision is served by private water or centralized water system and a centralized sewer system.
 - D. The subdivision meets all the requirements of the Subdivision Regulations.
4. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.09.04 Accessory Uses

The following accessory buildings and uses are permitted in the R-1 District.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Temporary buildings and uses incidental to construction work and shall be removed upon the completion or abandonment of the construction work.

4.09.05 Area and Intensity Regulations

In the R-1 Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot or tract, shall be as follows:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Min. Lot Area per Dwelling Unit (sq. ft.)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)			
Permitted Uses	20,000²	100	30	25	15	25%	20,000²	35¹
Conditional Uses	20,000²	100	30	25	15	25%	20,000²	35¹

¹ for structures intended for human occupancy, all others no restrictions.

² 12,000 sq. ft. with individual or community water and a community sewage disposal system.

Section 4.10: R-M Mobile Home Residential District

4.10.01 Intent

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

4.10.02 Permitted Principal Uses

The following uses are permitted in the R-M Mobile Home Residential District.

1. Mobile home dwellings.
2. Single family dwelling.
3. Public School.
4. Private and public park, playground and recreational facilities.
5. Church, educational facilities and parish house.
6. On-site sign.
7. Multi-unit dwellings, provided such use is part of a Planned Unit Development-Residential.

4.10.03 Conditional Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Home occupation, subject to the following:
 - A. That such uses are located in the dwelling used by a person as his/her private residence.
 - B. That no assistance other than a member of the family household is employed, and no window display or sign, either illuminated or more than two (2) square feet in area is used to advertise the same.
3. Off-street parking.
4. Mobile Home Park, subject to regulations in Section 4.10.04 through 4.10.06 of this Section.
5. Nursery or daycare schools.
6. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
7. Sewage disposal and water supply and treatment facilities.
8. Campgrounds.
9. Public buildings.

4.10.04 Area and Lot Requirements

1. A mobile home park shall have an area of not less than five (5) acres. No mobile homes or other structures shall be located less than 83 feet from the road centerline when contiguous to or having frontage to a County road or state highway. The setback on all other court property lines shall be 25 feet. These areas shall be landscaped. The minimum lot width for a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home shall have an area of not less than 7,500 square feet, excluding road R.O.W., and a width of not less than 70 feet for an interior lot, 80 feet for a corner lot, or 45 feet when facing a cul-de-sac turnaround or curve on a minor loop street. Each individual lot shall have:
 - A. Side yards shall not be less than eight (8) feet on one side and not less than eight (8) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of 30 feet on the side abutting a street/road.
 - B. Front yard of not less than 30 feet.
 - C. A rear yard of not less than 25 feet.
3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings.
 - A. Maximum height for principal uses: 35 feet.
 - B. Maximum height for accessory uses: 20 feet.

4.10.05 Community Facilities

1. Each lot shall have access to a hard surfaced drive not less than 22 feet in width excluding parking.
2. Community water and community sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.
3. Service buildings including adequate laundry and drying facilities and toilet facilities for mobile homes which do not have these facilities within each unit.
4. Not less than 8% of the total court area shall be designated and used for park, playground, and recreational purposes.
5. Storm shelters shall be required and shall meet the following criteria:
 - A. Shelter space equivalent to two (2) persons per mobile home lot,
 - B. Designed in conformance with “National Performance Criteria for Tornado Shelters” by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
 - C. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

4.10.06 Plan Requirements

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

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

Section 4.11: HC Highway Commercial District

4.11.01 Intent

The intent of this district is to provide for those trade services, cultural and recreational uses that are appropriate to be developed in conjunction with a highway or major street, thereby offering a desired convenience in location and accessibility to the motoring public.

4.11.02 Permitted Principal Uses

The following uses are permitted in the HC Highway Commercial District.

1. Professional, medical and personal service uses.
2. Automotive vehicle service stations.
3. Retail sale uses such as
 - A. aircraft,
 - B. automobiles (including accessories and parts),
 - C. appliances,
 - D. bicycles and accessories,
 - E. boats,
 - F. books and stationery,
 - G. baked goods,
 - H. cameras,
 - I. candy,
 - J. carpets,
 - K. clothing,
 - L. curios,
 - M. dairy products,
 - N. drugs,
 - O. fish and seafood,
 - P. farm equipment and supplies,
 - Q. furniture,
 - R. flowers and plant materials,
 - S. furs,
 - T. groceries,
 - U. guns,
 - V. hardware,
 - W. instruments,
 - X. hats,
 - Y. jewelry,
 - Z. liquor,
 - AA. meats,
 - BB. mobile homes,
 - CC. motor vehicles,
 - DD. newspapers and magazines,
 - EE. paint,
 - FF. pastries,
 - GG. porcelain,
 - HH. poultry and poultry products,
 - II. seed,
 - JJ. shoes,
 - KK. sporting goods,
 - LL. tobacco and tobacco products, and
 - MM. trailers.
4. Hotels and motels.
5. Eating and drinking places.
6. Cultural, entertainment, drive-in movies, arenas and field houses, race tracks, fairgrounds, amusement parks, golf driving ranges, go-cart tracks, golf courses and country clubs, riding stables, athletic fields and parks.
7. Raising of field crops and horticulture.

8. Outdoor advertising business.
9. All Permitted Uses as indicated in the Zoning Matrix.

4.11.03 Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Utility substations.
2. Truck terminals, tractor, trailer or truck storage, including maintenance facilities.
3. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.11.04 Permitted Accessory Uses

1. Other uses normally appurtenant to the permitted uses when established in conformance with the space limits of this district.

4.11.05 Prohibited Uses

1. Single-family dwellings.
2. Two family dwellings.
3. Multiple-family dwellings.
4. Mobile home dwellings.
5. Ranch and farm dwellings.
6. All uses that are not specifically permitted or are not permissible as a conditional use.

4.11.06 Area and Intensity Regulations

In the HC Highway Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot or tract, shall be as follows:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Permitted Uses	20,000	80	50	20	10	40%	50
Conditional Uses	20,000	80	50	20	10	40%	50

4.11.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as defined herein.

Section 4.12: RC Restricted Commercial District

4.12.01 Intent

The intent of this district is to provide for only those trade and service uses in conjunction with the federal interstate highway interchanges as are needed and considered appropriate to the location.

4.12.02 Permitted Principal Uses

The following uses are permitted in the RC Highway Commercial District.

1. Hotels and motels.
2. Eating and drinking places.
3. Automotive vehicle service stations.
4. Raising of field crops and horticulture.
5. Outdoor advertising business.
6. All Permitted Uses as indicated in the Zoning Matrix.

4.12.03 Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Utility substations.
2. Travel trailer parks and camping facilities.
3. Recreational uses such as amusement parks, miniature golf courses.
4. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.12.04 Permitted Accessory Uses

1. Other uses normally appurtenant to the permitted uses when established in conformance with the space limits of this district.

4.12.05 Prohibited Uses

1. Single-family dwellings.
2. Two family dwellings.
3. Multiple-family dwellings.
4. Mobile home dwellings.
5. Ranch and farm dwellings.

4.12.06 Area and Intensity Regulations

In the RC Restricted Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot or tract, shall be as follows:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Permitted Uses	40,000	200	100	20	10	60%	100
Conditional Uses	40,000	200	100	20	10	60%	100

4.12.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as defined herein.

Section 4.13: LC Local Commercial District

4.13.01 Intent

The intent of this district is to provide for the retail trade, service, and cultural and recreational needs of local neighborhood areas.

4.13.02 Permitted Principal Uses

The following uses are permitted in the LC Local Commercial District.

1. Hotels and motels.
2. Eating and drinking places.
3. Automotive vehicle service stations.
4. Professional, medical and personal service uses.
5. Retail sale uses such as:
 - A. appliances,
 - B. baked goods,
 - C. beverages,
 - D. books,
 - E. cameras and film,
 - F. candy,
 - G. clothing,
 - H. confectionery items,
 - I. curios,
 - J. dairy products,
 - K. drugs,
 - L. dry goods,
 - M. electrical goods,
 - N. fish and seafood,
 - O. flowers and plant supplies,
 - P. fruits,
 - Q. glass,
 - R. groceries,
 - S. gifts,
 - T. hardware,
 - U. poultry products,
 - V. sporting goods,
 - W. tobacco and tobacco products, and
 - X. wallpaper.
6. Cultural, entertainment and recreational uses such as libraries, motion picture theaters, legitimate theaters, auditoriums, exhibition halls, miniature golf, gymnasiums and athletic clubs, swimming pools, tennis courts, ice skating, bowling and parks.
7. Raising of field crops and horticulture.
8. Outdoor advertising business.
9. All Permitted Uses as indicated in the Zoning Matrix.

4.13.03 Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Utility substations.
2. Educational services.
3. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.13.04 Permitted Accessory Uses

1. Those uses normally appurtenant to the permitted uses when established in conformance with the space limits of this district.

4.13.05 Prohibited Uses

1. Single-family dwellings.
2. Two family dwellings.
3. Multiple-family dwellings.
4. Mobile home dwellings.
5. Ranch and farm dwellings.

4.13.06 Area and Intensity Regulations

In the LC Local Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot or tract, shall be as follows:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Permitted Uses	20,000	80	30	20	10	75%	35
Conditional Uses	20,000	80	30	20	10	75%	35

4.13.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as defined herein.

Section 4.14: LI Light Industrial District

4.14.01 Intent

The intent of this district is to provide a wide range of industrial and commercial uses that shall be able to meet comparatively rigid specifications as to nuisance free performance. Certain uses that are incompatible or would interfere with industrial development are excluded.

Adult Entertainment Facilities are included in this Zoning District. The intent of the Hall County Zoning Resolution is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

4.14.02 Permitted Principal Uses

The following uses are permitted in the LI Light Industrial District.

1. Automotive vehicle service stations.
2. Administrative, executive, professional, research and similar office use having limited public contact.
3. Buildings and installations for public utilities.
4. Outdoor advertising business.
5. Ranch and farm buildings.
6. Raising of field crops including horticulture.
7. Specific uses such as:
 - A. animal hospitals (no kennels),
 - B. antennae (radio or television),
 - C. bottling plants,
 - D. blueprinting,
 - E. brewery or distillery,
 - F. cannery,
 - G. carpentry or woodworking shops,
 - H. castings of light nonferrous metals,
 - I. dairy products,
 - J. dry cleaning and laundry plants,
 - K. galvanizing or plating of metals,
 - L. feed and seed processing and storage,
 - M. furniture repair and storage,
 - N. garage (no body repair),
 - O. glass manufacture,
 - P. laboratories,
 - Q. lapidary,
 - R. printer,
 - S. pulp or paper manufacture,
 - T. sign painting and manufacture,
 - U. stone or monument works,
 - V. synthetic or plastic manufacture,
 - W. tire recapping and retreading,
 - X. trade or vocational schools,
 - Y. pottery manufacture, and
 - Z. warehousing and wholesaling of materials.
8. Retail sales of lumber and other building materials, farm equipment, motor vehicles, marine craft, aircraft, mobile homes, trailers, farm and garden supplies, fuel and ice.
9. Transportation garage and maintenance facilities.
10. All Permitted Uses as indicated in the Zoning Matrix.

4.14.03 Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Gravel, sand or dirt removal, stockpiling, processing or distribution, and batching plants.
2. Concrete or cement products, manufacturing and batching plants.
3. Truck terminals, tractor, trailer or truck storage including maintenance facilities.

4. Contractors' storage yards or plants.
5. 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.
 - 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 midnight and six (6) 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 Hall 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. Prohibited Activities of Adult Businesses:
 - (1) No adult business shall employ any person under 18 years of age
 - (2) No adult business shall furnish any merchandise or services to any person who is under 18 years of age.
 - (3) No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Resolution or any other laws of the State.
 - M. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.
6. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.14.04 Permitted Accessory Uses

1. Sales of new merchandise when it is manufactured, processed, assembled, fabricated, or stored on the premises.
2. Caretakers' or watchmen's quarters.
3. Accessory uses normally appurtenant to the permitted uses when established in conformance with the space limits of this district.

4.14.05 Prohibited Uses

1. Commercial cattle feed lots, sales yards and auctions.
2. Any residential use except for ranch and farm dwellings and caretakers' or watchmen's quarters.

4.14.06 Area and Intensity Regulations

In the LI Light Industrial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot or tract, shall be as follows:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Permitted Uses	20,000	80	50	20	10	50%	50
Conditional Uses	20,000	80	50	20	10	50%	50

4.14.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as defined herein. All uses within this district shall meet the minimum performance standards for light industry as defined herein.

Section 4.15: GI General Industrial District

4.15.01 Intent

The intent of this district is to provide for the widest range of industrial and commercial activities permitted in the County.

Adult Entertainment Facilities are included in this Zoning District. The intent of the Hall County Zoning Resolution is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

4.15.02 Permitted Principal Uses

The following uses are permitted in the GI General Industrial District.

1. Gravel, sand or dirt removal, stockpiling, processing or distribution, and batching plants.
2. Concrete or cement products, manufacturing and batching plants.
3. Truck terminal, tractor, trailer or truck storage, including maintenance facilities.
4. Contractors' storage yards or plants.
5. Specific uses such as:
 - A. Animal pound or kennels,
 - B. arena or athletic field or track,
 - C. automobile body repair,
 - D. boiler and tank work,
 - E. cemetery,
 - F. cesspool cleaning yard,
 - G. crating and hauling depot,
 - H. egg candling,
 - I. felt manufacturing,
 - J. house-movers' yards,
 - K. sauerkraut manufacture.
6. Storage yards or buildings for lumber, coal, coke, gas or similar uses except explosives.
7. Railway yards and facilities.
8. All Permitted Uses as indicated in the Zoning Matrix.

4.15.03 Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Automobile wrecking yards.
2. Acid or acid by-products manufacture.
3. Ammonia bleaching powder, chlorine, peroxylin or celluloid manufacture.
4. Explosives manufacture or storage.
5. Garbage, refuse, offal or dead animal reduction or disposal areas.
6. Glue manufacture, fat rendering, distillation of bones or by-products.
7. Meat packing plants, including poultry and animal slaughter houses and abattoirs.
8. Milling and smelting of ores.
9. Petroleum refining.
10. Commercial feed lots, sales yards and auctions.
11. Storage, dump or yard for the collection, salvage or bailing of scrap paper, bottles, iron, rags, junk, etc.
12. Tanning, curing or storage of hides or skins.
13. 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.
 - 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 midnight and six (6) 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 Hall 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 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
 - L. Prohibited Activities of Adult Businesses
 - (1) No adult business shall employ any person under 18 years of age
 - (2) No adult business shall furnish any merchandise or services to any person who is under 18 years of age
 - (3) No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Resolution or any other laws of the State.
 - M. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.
14. All other Conditional Uses indicated as Conditional within the Zoning Matrix.

4.15.04 Permitted Accessory Uses

- 1. Caretakers' and watchmen's quarters.
- 2. Accessory uses normally appurtenant to the permitted uses when established in conformance with the space limits of this district.

4.15.05 Prohibited Uses

- 1. Any residential use except for ranch and farm dwellings and caretaker's or watchmen's quarters.

4.15.06 Area and Intensity Regulations

In the GI Light Industrial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot or tract, shall be as follows:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Permitted Uses	20,000	80	50	20	10	75%	50
Conditional Uses	20,000	80	50	20	10	75%	50

4.15.07 Miscellaneous Provisions

1. Supplementary district regulations shall be complied with as defined herein. All uses within this district shall meet the minimum performance standards for general industry as defined herein.

Section 4.16: Planned Unit Development

4.16.01 Purpose and Intent

The purpose of the Planned Unit Development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use in an attractive and pleasant manner; to facilitate the adequate and economical provision of street, utilities and other improvements, and to preserve the natural and scenic qualities of open area.

4.16.02 Qualifying Requirements

In order to qualify for treatment under these Planned Unit Development regulations, a tract or parcel of land proposed for a Planned Unit Development application must be either in one ownership or filed jointly by the owners of all property included. For the purposes of this section, the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land.

4.16.03 Coordination with Any Subdivision Regulations Which May Be Enacted

It is the intent of this Resolution that subdivision review under any subdivision regulation which may be enacted and in effect be carried out simultaneously with the review of a Planned Unit Development under this Zoning Resolution. The plans required under Section 4.16 must be submitted in a form which will satisfy the requirements of the subdivision regulations for the preliminary and final plans required under those regulations, as determined by the official charged with the administration of the subdivision regulations.

Both this Resolution and any other subdivision regulations that may be in effect may both contain regulations that apply to such matters in the design of a Planned Unit Development as streets and open spaces. In any Planned Unit Development for which the provisions of the two resolutions may be in conflict, the regulations of the subdivision regulations shall govern.

4.16.04 Planned Unit Developments Permitted in Certain Districts

A Planned Unit Development may be located in any residential, commercial, transition agricultural or agricultural zoning district.

4.16.05 Uses Permitted in Planned Unit Developments

The following uses and structures may be permitted, either individually or in combination, in a Planned Unit Development:

1. Single-family, two-family and multiple-family dwelling units;
2. Trade, professional and service uses;
3. Automotive vehicle service stations (except the provision of transient lodging facilities for teamsters);
4. Educational services;
5. Cultural, entertainment and recreational uses;
6. Golf courses and country clubs;
7. Play fields and athletic fields;
8. Utility substations;
9. On-site signs;
10. Field crops, horticulture, grass or grazing lands or natural habitat.

4.16.06 Preliminary Development Plan

An applicant shall make application for the approval of a Planned Unit Development in the same manner as an amendment to the Official Zoning Map and include a preliminary development plan.

A preliminary development plan must show enough of the area surrounding the proposed Planned Unit Development to demonstrate the relationship of the Planned Unit Development to adjoining uses, both existing and proposed, and also include all the following information:

1. A map showing street systems, lot lines and lot design.
2. A generalized plan showing the proposed system for the drainage of surface and storm water. Relevant floodway and floodway fringe delineation and elevation shall be shown if applicable.
3. A generalized plan showing the proposed system for the collection and disposal of sewage.
4. A generalized plan showing the proposed water supply and distribution system.

5. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses or other permanent open space uses.
6. A plot plan for each building site and common open area, showing the approximate location of all buildings, structures and improvements, and indicating the open spaces around buildings and structures.
7. Elevation and perspective drawings of all proposed structures and improvements except single-family or two family dwellings and their accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail.
8. A development schedule indicating:
 - A. the approximate date when construction of the project can be expected to begin;
 - B. the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - C. the anticipated rate of development;
 - D. the approximate dates the development of each of the stages in the development will be completed; and
 - E. The area and location of common open space that will be provided at each stage.
9. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the Planned Unit Development and any of its common open areas.
10. The following plans and diagrams, insofar as the Planning Commission finds that the Planning Unit Development creates special problems of traffic, parking, landscaping or economic feasibility:
 - A. An off-street parking and loading space plan.
 - B. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the Planned Development, and to and from existing thoroughfares, any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown.
 - C. A landscaping and tree planting plan.
 - D. An economic feasibility report or market analysis.

4.16.07 Approval of Preliminary Development Plan

Within 60 days after the submission of the application for a Planned Unit Development to the Planning Commission, the Planning Commission shall forward said application containing a preliminary development plan and written statement to the County Board of Supervisors together with its own written report recommending that the preliminary development plan be disapproved, approved or approved with modifications, and giving the reasons therefore.

The County Board of Supervisors shall hold a public hearing on the preliminary plan within 45 days after receipt of the Planning Commission's report. At least 10 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county. After the public hearing, the County Board of Supervisors shall approve, disapprove or approve with modifications, the preliminary development plan.

If the County Board of Supervisors approves the preliminary development plan, the Official Zoning Map shall be amended to show the Planned Unit Development. If the preliminary development plan is approved with modification, the Official Zoning Map shall not be amended until the applicant has filed with the County Board of Supervisors written consent to the plan as modified. No building permits may be issued on land within the Planned Unit Development until final plans for the development have been approved by the Planning Commission under the procedures established in the following sections.

4.16.08 Approval of Final Development Plan

Within one (1) year following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan. In its discretion and for good cause, the Planning Commission may extend for six months the period for the filing of the final development plan.

The Planning Commission shall review the final development plan and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The approved final plan shall be forwarded to the County Board of Supervisors for approval and subsequent filing with the County Register of Deeds similarly to any final subdivision.

4.16.09 Failure to Begin Planned Unit Development

If no construction has begun or no use has been established in the Planned Development within one (1) year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the Planning Commission may extend for one (1) additional year the period for the beginning of construction or the establishment of a use.

If a final development plan lapses under the provisions of this section, the County Clerk shall file a notice of revocation with the recorded final development plan. Upon which the County Board of Supervisors shall initiate a rezoning procedure for reversion of the property to the zoning district applicable before the Planned Unit Development was approved.

4.16.10 Changes in the Final Development Plan

No changes may be made in the approved final plan during the construction of the Planned Unit Development except upon application to the appropriate agency under procedures provided below:

1. Minor changes in the location, siting and height of buildings and structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final plat was approved. No change authorized by this section may increase the cube of any building or structure by more than 10%.
2. All other changes in use, major rearrangement of lots, blocks and building tracts, any changes in the provision of common open spaces and all other changes in the approved final plan must be made by the County Board of Supervisors under the procedures authorized by this Resolution for the amendment of the Official Zoning Map.

4.16.11 Enforcement of the Development Schedule

The construction and provision of all of the common open spaces and public recreational facilities that are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six (6) months following the approval of the final development plan, the County Building Inspector shall review all of the permits issued for the Planned Unit Development and examine the construction that has taken place on the site. If the Building Inspector should find the rate of dwelling unit construction is greater than the rate at which common open spaces and public and recreational facilities have been constructed; and provided, the Building Inspector shall forward this information to the County Board of Supervisors, which may revoke the Planned Unit Development District Amendment.

The County Building Inspector shall not issue a building permit for any building or structure shown on the final development plan unless the common open space to be conveyed has been adequately assured to the County Clerk in a manner satisfactory to the Planning Commission. This may be a bond, corporate surety or other acceptable financial guarantee, including escrow agreements.

4.16.12 Control of Planned Unit Development following Completion

The Planning Commission shall issue a certificate certifying the completion of the Planned Unit Development, and the County Clerk shall note the issuance of the certificate on the recorded final development plan.

After the certificate of completion has been issued, the use of land and construction, modification or alteration of any building or structures within the Planned Unit Development will be governed by the approved final development plan rather than by any other provisions of the Zoning Resolution.

After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below:

1. The Planning Commission may authorize any minor extensions, alterations or modifications of existing buildings or structures if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cube of any building or structures by more than 10%.
2. Any uses not authorized by the approved final plan, but allowable in the Planned Unit Development as a permitted use under the provisions of this Zoning Resolution, or permitted as a conditional use in the district in which the Planned Unit Development is located, may be added to the final development plan under the procedures provided by this Zoning Resolution for the procedures provided by the Zoning Resolution for the approval of a conditional use.

3. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under item 5 below.
4. Changes in the use of common open space may be authorized by an amendment to the final development plan under item 5 below.
5. The County Board of Supervisors must make all other changes in the final development plan, under the procedures authorized by this Resolution for the amendment of the Official Zoning Map. No changes may be made in the final development plan unless they are required for the continued successful functioning of the Planned Unit Development, or unless they are required by change in conditions that have occurred since the final plan was approved, or by changes in the development policy of the county.

No changes in the final development plan, which are approved under this section, are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the Planned Unit Development and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

4.16.13 Subdivision and Resale of Planned Unit Development

A Planned Unit Development may be subdivided or resubdivided for purpose of sale or lease. The procedure specified in the subdivision regulations for Hall County shall be followed.

Subdivided or resubdivided Planned Unit Developments are to be controlled by the final development plan rather than by the provisions of this Resolution that otherwise would be applicable, except in the case of changes in the final development plan in which situation the provisions of this section, governing changes in the final development plan will apply.

Section 4.17: AGV Valentine Soil Overlay District

Section 4.17.01 Intent

The intent of this overlay district is to protect environmentally sensitive soils, especially those designated as the Valentine Soil Association. The primary location for this soil overlay in Hall County is in the North-Central region of the county.

Section 4.17.02 Purpose and Intent

The purpose of this overlay district shall be to recognize those areas of the County that require special consideration and attention to soils and water quality when locating development while protecting air quality and other environmental conditions for the health, safety and general welfare of Hall County and its citizens.

Section 4.17.03 Findings of Fact and General Provisions

1. Valentine Soils are subject to extensive erosion and high permeability rates that directly effect surface and subsurface conditions.
2. Soils and Natural Resources: Soils, soil vulnerability for pesticide contamination, soil suitability for lagoons and septic tanks, topography and other resource maps and data generated through the Soil Survey of Hall County and Natural Resource Commission are reviewed to determine compatibility. Natural Resources Districts are consulted with to determine any problems or concerns and consistency to groundwater management plans.
3. These Regulations shall apply to all lands within the jurisdiction of Hall County that have a Valentine Association Soil Classification.
4. All new or expanded uses in this overlay district shall meet the regulations of the underlying district, and other requirements outlined in the Hall County Zoning Regulations, and the following:
 - A. All new or expanded livestock feeding operations shall be permitted only by a conditional use permit and shall require a synthetic-lined lagoon, concrete lined pit or an above ground sealed storage facility as its waste handling system.

Section 4.18: AG-R River Corridor Agricultural District

4.18.01 Intent

The intent of this district is to protect the environmentally sensitive lands along the Platte River corridor within Hall County. The corridor is designed to preserve the scenic quality of the Platte River by restricting agricultural and other uses which can be occurring in the corridor, and to allow the development of non-agricultural land uses which are compatible with maintaining the water quality and scenic quality of the river corridor and which are compatible with the agricultural uses permitted in the corridor areas.

4.18.01 Permitted Principal Uses

The following uses and structures shall be permitted:

1. Agriculture, farming, dairy farming, livestock and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises; provided that the operation is no more than 1,000 animal units and that any building, structure or yard for the raising, confinement, housing or sale of livestock or poultry shall be located at least 1,320 feet from a neighbor's dwelling, and further provided, that there shall be no feeding, spreading, accumulation or disposal of garbage, rubbish or offal on any open surface of the land.
2. Non-commercial grain and produce storage and plant seed sales and storage facilities, but excluding commercial grain storage or grain elevators.
3. Irrigation facilities, including wells, center pivots, re-use pits, well houses and related structures, flood control and erosion control facilities.
4. Public schools, parochial schools, private non-religious, road maintenance equipment sheds, fire stations, public utility substations and utility distribution systems.
5. Churches and related uses.
6. Fish hatcheries, game farms and commercial hunting and fishing where such hunting and fishing does not involve development of lodges or other buildings devoted solely to the support of such hunting and fishing activities. Temporary housing of hunters and fishermen and temporary hunting or fishing shelters shall be permitted.
7. Forestry, tree farms and plant nurseries.
8. Signs, both on-site and outdoor advertising signs, provided the number of on-site signs shall not exceed three (3) per premises and that outdoor advertising signs shall be located no closer than 660 feet to any other on-site or outdoor advertising sign. (All signs along federal and state highways are subject to the permit requirements of the Nebraska Department of Roads).
9. Radio, Television, microwave and other types of erected towers.
10. Child care and daycare uses.
11. Single-family dwellings provided the intensity of use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road.
12. Uses as indicated in the Zoning Matrix

4.18.02 Permitted Conditional Uses

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. General welding and agricultural equipment repair business and other commercial business and industrial uses, determined by the Board of Supervisors to be reasonably compatible with the surrounding land uses with regard to traffic generation, noise, odors, dust, vibrations and potential air, soil or water pollution or explosion or other hazard not including adult establishments.
2. Cemeteries
3. Public and private recreational uses and commercial recreational enterprises, including parks, playgrounds, campgrounds, riding stables, game lodges, canoe outfitters, rental cabins, camp stores, public or commercial river access sites and other similar uses including bed and breakfast operations and motels.
4. Mineral extraction and sand and gravel extraction facilities and operations.
5. The reconstruction of a non-conforming structure and/or use provided the following conditions are present:
 - a. More than 75% of said structure and/or use has been destroyed,

- b. Said structure and/or use were destroyed through means beyond the owner’s control (i.e. natural disasters, fire, etc.)
- c. The reconstruction of said structure will not create a public health or safety concern (i.e. blind intersection),
- d. The reconstruction of farming operation or LFO complies with the conditions in Section 4.02 of this Resolution.

4.18.04 Permitted Accessory Uses

The following accessory buildings and uses are permitted in the AG-R District.

- 1. Buildings and uses customarily incidental to the permitted and conditional uses.
- 2. Temporary buildings and uses incidental to construction work and shall be removed upon the completion or abandonment of the construction work.
- 3. Home Occupations.

4.18.05 Lot Requirements and Intensity of Use

- 1. The following table lists the minimum lot requirements and maximum building requirements in an AG-R District. These requirements shall be followed unless otherwise modified by this Resolution

Uses	Min. Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Min Lot Area per dwelling unit (sq. ft.)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)			
Permitted Uses	20	100	35	35	20	10%	20,000	35¹
Conditional Uses	20	100	35	35	20	10%	20,000	35¹
Agricultural uses	1	100	35	35	20	10%	20,000	35¹

¹ for structures intended for human occupancy, all others no restrictions.

- 2. The following requirements are allowed in specific situations within the jurisdiction of Hall County. These requirements are:
 - A. ANY PERSON OR PERSONS WHO:
 - (1) owns a tract of 80 acres or more may sell one tract per 80 acres for a single family dwelling, providing such sale has not been previously exercised on the large tract; and/or
 - (4) owns an existing ranch or farm dwelling that is 10 years old or more may sell a tract containing such dwelling;
 - (5) providing the following space limitations are complied with:

Min. Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
		Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
3²	80	30	25	15	40%	35¹

¹ for structures intended for human occupancy, all others no restrictions.

² one (1) acre for the applicant can provide a study performed and signed by a Professional Engineer as to the ability of the site to have a well, approved septic system and an area reserved for a secondary approved septic system

4.18.06 Prohibited Uses

- 1. Any use not specifically listed as a permitted principal use or permitted accessory use.

4.18.07 Supplementary Regulations

1. Residential dwelling units on non-agricultural land existing at the time of passage of these regulations, may construct accessory structures, make repairs, replace, remodel, rebuild, or replace the residential structure in case of damage regardless of the percent of damage or extent of structural change provided the use does not change.

2. All new and existing livestock feeding operations and farms with livestock of 1,000 animal units or less shall require a no-fee livestock registration permit. In addition, all new or expanded Livestock Feeding Operations of over 1,000 animal units shall require a Conditional Use Permit as subject to in Article 5.
 - A. New non-farm residences shall be located no less than at the following distances and those shown in Table 2: Non-Farm Residence Spacing and Distance, from an existing agricultural operation having between 50 and 300 animal units and an LFO based upon the type of operation.

TABLE 2: NEW RESIDENCE SPACING AND DISTANCE (Distances given in feet)

	SIZE OF EXISTING AGRICULTURAL OPERATION AND LFO IN A.U.				
	100-300	301-1,000	1,001-5,000	5,001-20,000	20,000+
New Non-farm Residence	2,640	2,640	5,280	5,280	10,560

ARTICLE 5: CONDITIONAL USES, PROCEDURES, AND STANDARDS

Section 5.01 Conditional Uses

The County Board of Supervisors shall hear and make decisions on applications for conditional uses as herein provided. The Board may grant, grant with conditions or safeguards or deny any application for a conditional use according to the following procedure:

1. A written application for a conditional use shall be submitted to the County Board by the property owner upon whose land the conditional use is proposed. The application shall contain a legal description of the property, the section of this Resolution under which the conditional use is sought and the grounds for requesting a conditional use. A development plan, schedule of development and other supportive material may be required by the Board.
2. A public hearing shall be set for which notice shall be given 10 days in advance of such hearing. The applicant shall be notified by mail, and public notice shall be placed in a newspaper of general circulation within the county at least one time 10 days prior to such hearing.
3. The public hearing shall be held at which all persons in interest may be heard.
4. After close of the hearing, the Board shall consider all evidence presented and the following items before taking final action on the application:
 - A. ingress and egress to property and proposed structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency;
 - B. off-street parking and loading areas with attention to the above item;
 - C. the effects of noise, glare, odor, etc. of the proposed conditional use upon adjoining properties and properties generally in the district;
 - D. refuse and service areas;
 - E. utilities required with reference to locations and availability;
 - F. screening and buffering proposed with reference to type, dimensions and character;
 - G. signs, lighting and fencing, if any, with reference to glare, traffic safety, security and other effects upon adjacent properties;
 - H. required yards, open spaces, easements or right-of-ways;
 - I. General compatibility with adjacent properties and other properties in the area.
5. Temporary uses which may or may not be in conformance with the district in which it is proposed to be located, and not involving the construction of a new permanent building, may be considered by the Board in accordance with procedures in this section. Approval of such temporary use shall be limited to a maximum of two years.

ARTICLE 6: SUPPLEMENTAL REGULATIONS

The district regulations hereinafter set forth in this section qualify or supplemental, as the case may be, the district regulations appearing elsewhere in these Regulations.

Section 6.01 Radio, Television and Wireless Communication Towers

6.01.01 Intent

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 antennas in the County in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

6.01.02 Definitions

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

ANTENNA shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.

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

APPLICANT shall mean any person that applies for a Tower Development Permit.

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

CONFORMING COMMERCIAL EARTH STATION shall mean a satellite dish which is two (2) meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

ENGINEER shall mean any engineer qualified and licensed by any state or territory of the United States of America.

OWNER shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.

PERSON shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

SATELLITE DISH ANTENNA shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

STEALTH shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

TELECOMMUNICATIONS FACILITIES shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

1. Any Conforming Commercial Earth Station antenna two (2) meters or less in diameter which is located on real estate zoned **A-1, A-2, A-3, R-1, or I-1**.
2. Any earth station antenna or satellite dish antenna of one (1) meter or less in diameter, regardless of zoning applicable to the location of the antenna.

TOWER shall mean a self-supporting lattice, guyed, or monopole structure that supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operators equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

TOWER DEVELOPMENT PERMIT shall mean a permit issued by the County upon approval by the County Board of an application to develop a tower within the zoning jurisdiction of the County; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.

TOWER OWNER shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

6.01.03 Location of Towers and Construction Standards

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the County prior to approval of its application for a Tower Development Permit by the County Board and issuance of the permit by the County. Applicants shall submit their application for a Tower Development Permit to the Zoning Administrator and shall pay a filing fee in accordance with Section 1.15
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the County after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineers certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

6.01.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Administrator for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.

3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one (1) mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the County Board and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

6.01.05 Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the Zoning Administrator shall schedule a public hearing before the Planning Commission, following all statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the County Board. Upon the completion of the Planning Commission Public Hearing the Zoning Administrator shall schedule a public hearing before the County Board, following all statutory requirements for publication and notice, to consider such application and the recommendation of the County Planning Commission. Notice, for each Public Hearing, shall be made at least one (1) time and at least 10 days prior to such hearing. In addition, the Zoning Administrator shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to the notice requirements in Section 5.01 of this regulation. The Planning Commission and County Board may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

6.01.06 Setbacks and Separation or Buffer Requirements

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one (1) additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100% of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100% of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
 - a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - b. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

6.01.07 Structural Standards for Towers Adopted

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

6.01.08 Illumination and Security Fences

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses/zoned properties within a distance equal to the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting. *In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.*
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

6.01.09 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission and County Board as part of the application approval process. All towers that must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

6.01.10. Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the County.

6.01.11. Maintenance, Repair or Modification of Existing Towers

All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request subject to final review and approval of the County Board, an exemption from compliance as a condition of the Tower Development Permit.

6.01.12. Inspections

The County reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the County's Zoning Codes and any other construction standards set forth by the County, federal, and state law or applicable ANSI standards. Either an employee of the County's Zoning Office or a duly appointed independent representative of the County shall make inspections.

6.01.13. Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

6.01.14. Abandonment

If any tower shall cease to be used for a period of one (1) year, the Zoning Administrator shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee and a written request shall be directed to the County Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and Hall County codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

6.01.15. Satellite Dish Antennas, Regulation

Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Hall County only upon compliance with the following criteria:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one (1) satellite dish antenna over three (3) feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one (1) satellite dish antenna over three (3) feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two (2) satellite dish antennas over three (3) feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Hall County, upon adoption of this regulation, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

Section 6.02 Sand and Gravel, Mineral, Stone, Rock, and Soil Extraction and Quarries

1. The application shall include a grading map showing contours, proposed excavation contours, and proposed final grade contours.
2. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties.
3. The application shall identify proposed vehicle and equipment storage areas.
4. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land.
5. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility.
6. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;
7. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land.
8. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

Section 6.03 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 following condition:

1. The setback distances from all lot lines to any tower support base shall be determined according to the following setback table:

SETBACK TABLE

<u>Rotor Diameter</u>	<u>Setback Distance</u>
5 feet	100 feet
10 feet	165 feet
15 feet	220 feet
20 feet	270 feet
25 feet	310 feet
30 feet	340 feet
35 feet	365 feet
40 feet	385 feet

2. The distance from any tower support base to any tower support base of another wind energy device under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor.
3. The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
4. To limit climbing access to the tower, a fence six (6) feet high with a locking portal shall be placed around the tower base or the tower climbing apparatus shall be limited to no more than 12 feet from the ground, or the tower may be mounted on a roof top.
5. Data pertaining to the machine's turbine safety and stability shall be filed with the application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization based upon standards set by the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program. (U.S. Department of Energy EPRI Wind Turbine Verification Program electric Power Research Institute. 3412 Hillview Avenue, Palo Alto, California 94304)
6. The application shall provide covenants, easements or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.

Section 6.04 Waste Disposal Sites and Landfills

A Conditional Use Permit may be granted for any waste material disposal, garbage disposal or land fill operations in the designated zoning district; provided the following special conditions shall be considered:

1. The effects on the adjacent property, traffic, and
2. The public necessity and advantage.
3. The maintenance of access routes related to all weather conditions and droppings of rubbish and liter
4. The effects on underground water quality.
5. The immediate and long term effects on the environment and the public.
6. The concerns for public safety.
7. The application shall include documents to indicate conformance to all applicable governmental regulations and standards.
8. The application shall include affidavits or permits from the Environmental Protection Agency and/or the Nebraska Department of Environmental Quality, in the event an approval is required by these agencies.

Section 6.05 Sanitary Requirements

1. It shall be unlawful to occupy a residential structure or any building for living purposes that does not have an approved waste system. For purposes of this Article, an approved system shall meet or be equivalent to criteria as defined by "Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems in Nebraska," as published by the Nebraska Department of Environmental Quality (NDEQ).
2. Soil percolation tests shall be conducted in the area where the system will be located for those soils having severe limitations for such systems as identified by the Hall County Soil Survey and Hall County Comprehensive Plan.
3. 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 6.06 Home Occupations.

Home occupations shall comply with the following Supplemental Regulations:

1. In all residential districts:
 - A. No commodities shall be displayed or sold on the premises except that which are produced on the premises.
 - B. No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes.
 - C. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
 - D. No alteration of the principal residential building shall be made which changes the character thereof as a residence
 - E. The home occupation shall be carried on entirely within the principal residential structure and under no circumstances shall the home occupation be carried on within a detached accessory building.
 - F. No sign shall be permitted unless required by State Statute, and if so required, shall not exceed two (2) square feet in area; shall not be illuminated and shall be placed flat against the main wall of the building.
 - G. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his/her residence.
2. Particular Home Occupations Permitted: Customary home occupations include; but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements of this Section.
 - A. Dressmakers, seamstresses, tailors.
 - B. Music teachers, provided that instruction shall be limited to five (5) pupils at one time.
 - C. Dance and drama instructors, provided that instruction shall be limited to not more than 10 pupils at one time.
 - D. Artists, sculptors and authors or composers.
 - E. Offices for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.
 - F. Ministers, rabbis, and priests.
 - G. Offices for salespersons, sales representatives, manufacturer's representatives, when no retail or wholesale transactions are made on the premises.
 - H. Home crafts, such as model building, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or vocation.
 - I. Daycare centers, child care homes or babysitters. Said occupation shall be in accordance with Nebr. R. R. S. 1943, Sec. 71-1902.
 - J. Barber shops and beauty parlors.

Section 6.07 Off-Street Automobile Storage.

1. Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
2. If vehicle storage space or standing space required above cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Board of Adjustment, the Board of Adjustment may permit such space to be provided on other off-street property, provided such space lies within 300 feet of an entrance to such principal use.
3. Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one space.
4. Where off-street parking is located on a lot other than the lot occupied by the use that requires it, site plan approval for both lots is required.

Section 6.08 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Adult Entertainment Establishments	1 space per 2 persons of licensed capacity	None required
Bowling Alleys	5 spaces per alley plus 1 space per employee	1 space per establishment
Churches, Synagogues, and Temples	1 space per 2 seats in main worship area Where individual seats are not provided, each 20 inches of bench or similar facility shall constitute 1 seating space	None required
Clubs, including fraternal organizations	1 space per 200 s.f. of floor space	1 space per establishment
College/University	1 spaces per every 2 students of occupancy plus 1 per employee.	2 spaces per structure
Commercial Uses		
Agricultural Sales / Service	1 space per 500 s.f. of gross floor area	1 per establishment
Automotive Rental / Sales	1 space per 500 s.f. of gross floor area	1 per establishment
Automotive Servicing	3 spaces per repair stall	None required
Bars, Taverns, Nightclubs	2 spaces per 5 seating places plus 1 space per 2 employees	2 spaces per establishment
Body Repair	4 spaces per repair stall	None required
Equipment Rental / Sales	1 space per 500 s.f. of gross floor area	1 Space
Campground	1 space per camping unit	None required
Commercial Recreation	1 space per 4 persons of licensed capacity	1 per establishment
Communication Services	1 space per 500 s.f. of gross floor area	1 per establishment
Construction Sales / Service	1 space per 500 s.f. of gross floor area	1 per establishment
Food Sales (limited)	1 space per 300 s.f. of gross floor area	1 per establishment
Food Sales (general)	1 space per 200 s.f. of gross floor area	2 per establishment
General Retail Sales establishments	1 space per 200 s.f. of gross floor area	1 per establishment
Laundry Services	1 space per 200 s.f. of gross floor area	None required
Restaurants w/ drive-thru	2 spaces per 5 seating places plus 1 space per 2 employees	2 spaces per establishment
Restaurants (General)	2 spaces per 5 seating places plus 1 space per 2 employees	2 spaces per establishment
Convalescent and Nursing Home Services	1 space per 3 beds plus 1 per employee on the largest shift	1 space per structure
Daycare	1 space per employee plus 1 space or loading stall per each 10 persons of licensed capacity	None required
Educational Uses, Primary Facilities	20% of the student capacity	2 spaces per structure
Educational Uses, Secondary Facilities	40% of the student capacity	2 spaces per structure
Funeral Homes and Chapels	8 spaces per repose room	2 spaces per establishment
Group Care Facility	1 space per 3 beds; plus, 1 space per employee	1 space per structure
Group Home	1 space per 3 beds; plus, 1 space per employee	1 space per structure
Guidance Services	1 space per 300 s.f. of gross floor area	None required
Hospitals	1 space per 2 licensed beds; plus, .75 times the maximum number of employees during the largest shift.	3 spaces per structure
Hotels and Motels	1 space per rental unit plus 1 space per employee	1 space per establishment
Housing (Congregate)		
Assisted-Living Facilities	1 space per dwelling unit plus 1 space per employee on the largest shift	1 per structure
Duplex	2 spaces per dwelling unit	None required
Dormitories, Sororities, and Fraternities	1 space per 2 beds plus 1 space per 2 employees	None required
Multi-family/Apartments	1 space per sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located, plus, 1 additional space per apartment (for 1- and 2-sleeping units), and 1 ½ spaces per apartment (for 3-sleeping units) to accommodate guest parking.	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	2 spaces per establishment
Libraries	1 space 500 s.f. of gross floor area	1 per structure
Boarding Houses/Bed and Breakfasts	2 per 3 guest beds and 1 for the managing resident	None required
Medical Clinics	5 spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	2 per dwelling unit	None required
Offices and Office Buildings	1 space per 200 s.f. of gross floor area	None required
Residential (Single-family, attached and detached)	2 spaces per dwelling unit	None required
Roadside Stands	4 spaces per establishment	None required
Service Oriented Establishments	1 space per 200 s.f. of gross floor area	1 per establishment
Theaters, Auditoriums, and Places of Assembly	1 space per 2 seats, or 1 space per 2 people in designed capacity, whichever is greater.	1 space per establishment
Veterinary Establishments	3 spaces per staff doctor	None required
Wholesaling / Distribution Operations	1 space per employees on the largest shift	1 spaces per establishment

Section 6.09 Signs: Standard of Measurement

1. The total area of all signs permitted on a lot shall include:
 - a. The total area of the faces of all permanent exterior signs visible from a public way, plus
 - b. The area of permanent signs placed upon the surface of windows and doors, plus
 - c. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.
2. A building or use having frontage on a second street may include 20% of the length of the lot facing the second street.

Section 6.10 Signs, Type

6.10.01 Real Estate: Not more than two (2) signs per lot may be used as a temporary sign no larger than six (6) square feet (except, "A-1", "A-2", or "A-3" may be up to 32 square feet and setback a minimum of five (5) feet from the R.O.W.) and set back 20 feet from the road right of way or road easement boundary. In no case shall these signs obstruct the visibility at any intersection or driveway.

6.10.02 Business: Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

6.10.03 Wall: A sign or sign flat against a building wall when appertaining to a nonconforming use on the premises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.

6.10.04 Name plate: One nameplate not exceeding two (2) square feet for each dwelling.

6.10.05 Billboard: Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 100 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall exceed 500 square feet in area.
4. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

6.10.06 Low Profile or Ground: Ground signs at least five (5) feet from any lot line with a maximum height of six (6) feet.

6.10.07 Projecting or Pole: One (1) free standing or projecting sign for each enterprise on the premises of not more than 100 square feet per sign face, at no point closer to the front line or a side line than one-half of the required building setback distance, and not exceed the maximum height from the established grade level for said Zoning District. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

6.10.08 Subdivision: Not more than one (1) sign per entrance into the subdivision. No sign shall be greater than 32 square feet in size.

6.10.09 Signs hung from canopies and awnings shall be no closer than 80 inches from the bottom edge of the sign to grade below.

Section 6.11 Sign Schedule

1. Signs shall be permitted in the various districts according to the following schedule:

Zoning District	A-1	A-2	A-3	AG-SC	AG-SE	AG-SI	SRC	R-1	R-M	HC	RC	LC	LI	GI	PUD
Sign Type															
Real Estate	+	+	+	+	+	+	+	+	+		+	+	+	+	+
Business	+	+	+					+		+	+	+	+	+	-
Wall								-	-		+	+	+	+	-
Name Plate	+	+	+	-	-	-	-	+	+	-	-	-	-	-	+
Billboard	-	-	-	-	-	-	-	-	-	+	+	+	+	+	-
Subdivision	-	-		-	-	-	-	+	+	+	+	+	+	+	+
Projecting	-	-	-	-	-	+	-	-	-	+	+	+	+	+	-
Pole	-	-	-	-	-	+	-	-	-	+	+	+	+	+	-
Ground or Low Profile	-	-	-	+	+	+	-	-	-	+	+	+	+	+	-
+ Permitted - Prohibited C Conditional Use Permit required															

Section 6.12 Sign Permits

All signs, except Real Estate signs advertising the sale of property where the sign is located and up to one (1) sign advertising the authorized business being conducted on the property where the sign is located, shall require a building permit from the Zoning Administrator prior to installing any new sign. Election signs shall be exempt so long as they do not interfere with the safety and well being of the public.

Section 6.13 Public Utility Facilities Lot Size Requirements

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

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

ARTICLE 7: ADMINISTRATION AND ENFORCEMENT

Section 7.01 Zoning Administrator

The Director of the Hall County Regional Planning Department shall serve as the Zoning Administrator, as appointed by the County Board of Supervisors and shall administer and enforce these Regulations. The Zoning Administrator may be provided with the assistance of such other persons as the County Board of Supervisors may direct.

Section 7.02 Zoning Permit Required

It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure or to use or occupy or permit the use or occupancy of any building, land or premises, or construction or connection to water or sewer facilities or part thereof hereafter created, erected, change, converted, or wholly or partly altered or enlarged in its use or structure until a zoning permit shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building or land conforms to these regulations.

The Zoning Administrator may issue a temporary zoning permit for uses in any district for the purpose of uses and buildings incidental and required in the construction of a principal permitted use in the district in which it is located and highway construction, provided that such use be of a temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than six (6) months subject to conditions as will safeguard the public health, safety, and general welfare.

Section 7.03 Application for Zoning Permit

Written application on forms prescribed and furnished by the Zoning Administrator stating such information as may be required for the enforcement of these regulations shall be submitted and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and proposed use to be made of the lot, existing and proposed water and sanitary sewer facilities, as may be necessary to determine and provide for the enforcement of these regulations. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such zoning permits as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

The Zoning Administrator shall issue a written permit, or denial, thereof, with reasons in writing within 20 days from the date of the acceptance of the application. Those proposed uses requiring a zoning permit that are affected directly through these Regulations by another use currently in the conditional use process must yield until such use is permitted or denied.

Except where an extension has been obtained in writing from the Zoning Administrator, permits issued shall expire within 90 days if the work described in the permit has not begun or the use applied for has not been established and within one year should the work not have been completed.

Section 7.04 Enforcement by the Zoning Administrator

It shall be the duty of the Zoning Administrator to enforce these Regulations in accordance with its provisions. All departments, officials, and public employees of Hall County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of these regulations and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of these Regulations.

Any person, partnership, limited liability company, association, club, or corporation violating these regulations or of erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other

remedies, the County Board or the Zoning Administrator, as well as any owner or owners of real estate within the district affected by these regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers in the county may institute proceedings or compel specific performance by the Zoning Administrator, County Board or any other responsible officials of the County.

Section 7.05 Certification of Occupancy

No structure or land shall be hereafter used or the use changed thereof until a Certificate of Occupancy shall have been issued by the Zoning Administrator. A Certificate of Occupancy for a new building or for the alteration of an existing structure shall be applied for coincident with the application for a zoning permit and shall be issued within ten (10) days after the erection or alteration of such building is completed in conformity with these regulations.

No Certificate of Occupancy shall be issued for residential purposes for a partially completed or portion of a building. No structure shall be used as a temporary residence.

Application for a change of use of land or existing structure shall be made on forms provided by the Zoning Administrator and shall state the proposed use is in conformity with these regulations.

ARTICLE 8: FLOOD PLAIN REGULATIONS

Section 8.01 Statutory Authorization, Findings of Fact and Purposes

8.01.01 Statutory Authorization

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature of the State of Nebraska has in Sections 31-1001 to 31-1022, R.R.S. 1943 assigned the responsibility to local governmental units to adopt floodplain management regulations designed to protect the public health, safety and general welfare.

8.01.02 Findings of Fact

1. Flood Losses Resulting From Periodic Inundation
The flood hazard areas of Hall County, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
2. General Causes of the Flood Losses
These flood losses are caused by:
 - A. The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities,
 - B. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.
3. Methods Used to Analyze Flood Hazards
This Resolution uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.
 - A. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this Resolution. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Resolution. It is in the general order of a flood which could be expected to have a 1% chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated September 29, 1986 as amended, and any future revisions thereto.
 - B. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
 - C. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - D. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.
 - E. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

8.01.03 Statement of Purpose

It is the purpose of this Resolution to promote the public health, safety, and general welfare and to minimize those losses described in Section 8.01.02 (1) by applying the provisions of this Resolution 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 8.02 General Provisions

8.02.01 Lands to Which Resolution Applies

This Resolution shall apply to all lands within the jurisdiction of Hall County identified on the Flood Insurance Rate Map (FIRM) dated September 29, 1986, 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 8.04 of this Resolution. 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 Board of Supervisors or its duly designated representative under such safeguards and restrictions as the Board of Supervisors 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 8.05, 8.06, and 8.07.

8.02.02 The Enforcement Officer

The Building Inspector and/or Planning Director of the community is hereby designated as the community's duly designated Enforcement Officer under this Resolution.

8.02.03 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 his case to the board of adjustment and to submit his own technical evidence, if he so desires.

8.02.04 Compliance

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

8.02.05 Abrogation and Greater Restrictions

It is not intended by this Resolution to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this Resolution imposes greater restrictions, the provision of this Resolution shall prevail. All other Resolutions inconsistent with this Resolution are hereby repealed to the extent of the inconsistency only.

8.02.06 Interpretation

In their interpretation and application, the provisions of this Resolution 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.

8.02.07 Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Resolution does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This Resolution shall not create liability on the part of _____ (name of local unit) or any officer or employee thereof for any flood damages that may result from reliance on this Resolution or any administrative decision lawfully made thereunder.

8.02.08 Severability

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

8.02.09 Appeal

Where a request for a permit to develop or a variance is denied by the Building Inspector and/or Planning Director the applicant may apply for such permit or variance directly to the board of adjustment.

Section 8.03 Development Permit

8.03.01. 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 8.12.

8.03.02. Administration

- 1 The Building Inspector and/or Planning Director are hereby appointed to administer and implement the provisions of this Resolution.
- 2 Duties of the Building Inspector and/or Planning Director 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 Resolution 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 Natural Resources Commission 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 floodproofed.
 - G. When floodproofing is utilized for a particular structure the Building Inspector and/or Planning Director shall be presented certification from a registered professional engineer or architect.

8.03.03. 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:

1. Identify and describe the development to be covered by the floodplain development permit.
2. 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.
3. Indicate the use or occupancy for which the proposed development is intended.
4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Give such other information as reasonably may be required by Building Inspector and/or Planning Director.

Section 8.04 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 Resolution and those standards of the underlying zoning district shall be prohibited.

Section 8.05 Standards for Floodplain Development

- 8.05.01. 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.
- 8.05.02. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface Section 8.06 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.
- 8.05.03. 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.
- 8.05.04. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. 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.
 3. 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.
 4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
- 8.05.05. Storage of Material and Equipment
- 1 The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - 2 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.
- 8.05.06. 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 8.06 Flood Fringe Overlay District – Including AO and AH Zones)

- 8.06.01. Permitted Uses
- Any use permitted in Section 8.07 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 8.05 are met.
- 8.06.02. Standards for the Flood Fringe Overlay District
1. 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.
 2. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and

- effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Inspector and/or Planning Director as set forth in Section 8.03.02, (2), (G).
3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 4. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
 5. Manufacturing
 - A. 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:
 - (1) 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;
 - (2) 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;
 - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (4) Any additions to the manufactured home be similarly anchored.
 - B. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:
 - (1) Outside of a manufactured home park or subdivision,
 - (2) In a new manufactured home park or subdivision,
 - (3) In an expansion to an existing manufactured home park or subdivision, or
 - (4) 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 in accordance with the provisions of Section 8.06.02 (1).
 - C. 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 community's FIRM that are not subject to the provisions of Section 8.06.02 (2), be elevated so that either:
 - (1) The lowest floor of the manufactured home is at or above **one (1) foot** above the base flood elevation, or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of 8.06.02 (1).
 6. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either:
 - A. be on the site for fewer than 180 consecutive days,
 - B. be fully licensed and ready for highway use, or
 - C. meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this Resolution. 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.

7. Located within the areas of special flood hazard established in Section 8.02.01 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:
 - A. 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 community's FIRM (at least two feet if no depth number is specified).
 - B. All new construction and substantial improvements of non-residential structures shall:
 - (1) 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 community's FIRM (at least two feet if no depth number is specified), or
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 8.03.02 (2), (G).
 - C. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

Section 8.07 Floodway Overlay District

8.07.01. 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 Resolution. The following are recommended uses for the Floodway District:

1. Agricultural uses such as general farming, pasture, nurseries, forestry.
2. Residential uses such as lawns, gardens, parking and play areas.
3. Non-residential areas such as loading areas, parking and airport landing strips.
4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

- 8.07.02. 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 8.05 and 8.06.

Section 8.08 Variance Procedures

8.08.01. The board of adjustment as established by _____ (**local unit**) shall hear and decide appeals and requests for variances from the requirements of this Resolution.

8.08.02. 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 Building Inspector and/or Planning Director in the enforcement or administration of this Resolution.

8.08.03. 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 (**For Counties**); 19-912, R.R.S. 1943 (**For Municipalities**).

8.08.04. In passing upon such applications, the board of adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this Resolution, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
11. 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.

8.08.05. Conditions for Variances

1. 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 (8.52-8.56 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. 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.
3. 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.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. 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 Resolutions.
8. The applicant shall be given a written notice over the signature of a community official that:
 - A. the issuance of a variance to construct a structure below the base flood level will result in increased premiums rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and
 - B. 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 this Resolution.

Section 8.09 Non Conforming Uses

- 8.09.01. A structure or the use of a structure or premises which was lawful before the passage or amendment of the Resolution, but which is not in conformity with the provisions of this Resolution may be continued subject to the following conditions:
1. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Resolution. The Utility Department shall notify the Building Inspector and/or Planning Director in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
 2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- 8.09.02. 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% of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this Resolution. 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 8.10 Penalties for Violation

Violation of the provisions of this Resolution 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 this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition, shall pay all costs and expenses involved in the case. Each day that said violation continues shall be considered a separate offense.

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

Section 8.11 Amendments

The regulations, restrictions, and boundaries set forth in this Resolution 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 Hall 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 Resolution 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 8.12 Definitions

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted so as to give them the meaning they have in common usage and to give this Resolution its most reasonable application:

- 8.12.01. **"Appeal"** means a request for a review of the Building Inspector's and/or Planning Director 's interpretation of any provision of this Resolution or a request for a variance.
- 8.12.02. **"Area of Shallow Flooding"** means 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.
- 8.12.03. **"Base Flood"** means the flood having one percent chance of being equalled or exceeded in any given year.
- 8.12.04. **"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.
- 8.12.05. **"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- 8.12.06. **"Existing Construction"** means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."
- 8.12.07. **"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.
- 8.12.08. **"Flood" or "Flooding"** means 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.

- 8.12.09. **"Flood Fringe"** is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
- 8.12.10. **"Flood Insurance Rate Map (FIRM)"** means 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.
- 8.12.11. **"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.
- 8.12.12. **"Floodplain"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").
- 8.12.13. **"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- 8.12.14. **"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- 8.12.15. **"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 8.12.16. **"Historic Structure"** means any structure that is: (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (D) Individually listed on a local inventory of historic places in communities 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.
- 8.12.17. **"Lowest floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.
- 8.12.18. **"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- 8.12.19. **"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- 8.12.20. **"New Construction"** For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- 8.12.21. **"Overlay District"** is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

- 8.12.22. **"Principally Above Ground"** means that at least 51% of the actual cash value of the structure is above ground.
- 8.12.23. **"Recreational Vehicle"** means a vehicle which is (A) built on a single chassis; (B) 400 square feet or less when measured at the largest horizontal projections; (C) designed to be self-propelled or permanently towable by a light duty truck; and (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 8.12.24. **"Special Flood Hazard Area"** is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
- 8.12.25. **"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.
- 8.12.26. **"Structure"** means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.
- 8.12.27. **"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- 8.12.28. **"Substantial Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% 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 (A) 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 (B) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- 8.12.29. **"Variances"** is a grant of relief to a person from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

ARTICLE 9: BOARD OF ADJUSTMENT

Section 9.01 Members, Terms, and Meetings

The County Board of Supervisors shall appoint a Board of Adjustment which shall consist of five (5) members, plus one (1) additional member designated as an alternate who shall attend and serve only when one (1) of the regular members is unable to attend for any reason, each to be appointed for a term of three (3) years and to be removable for cause by the appointed authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Zoning Adjustment shall be appointed by the County Board from the county membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in immediate loss of membership on the Board of Zoning Adjustment, and the appointment of another County Planning Commissioner to the Board of Zoning Adjustment.

The Board of Zoning Adjustment shall adopt rules necessary for the conduct of its affairs and in keeping with the provisions of this Resolution. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the County Clerk and shall be a public record.

Appeals to the Board of Zoning Adjustment concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the governing body of the county affected by any decision of the County Building Inspector. Such appeals shall be taken within ten days after decision of the County Building Inspector by filing with the County Building Inspector and with the Board of Zoning Adjustment a notice of appeal specifying the grounds thereof. The County Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Zoning Adjustment shall fix a time for the hearing of appeal, give public notice thereof in a newspaper of general circulation within the county at least one time ten days prior to such hearing, as well as due notice to the parties in interest, and decide the same within 45 days of the date of filing of an appeal. At the hearing, any party may appear in person or by agent or attorney.

An appeal stays all proceedings in furtherance of action appealed from, unless the County Building Inspector from whom the appeal is taken certifies to the Board of Zoning Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Adjustment, or by a court of record on application, on notice to the County Building Inspector from whom the appeal is taken and on due cause shown.

Section 9.02 Board of Adjustment Powers

The Board of Zoning Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the County Board, have only the following powers:

- 8.02.01. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation, or on regulation relating to the location or soundness of structures;
- 8.02.02. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this Resolution would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning regulations, but no such variance shall be authorized unless the Board of Zoning Adjustment finds that:

- A. the strict application of the Resolution would produce undue hardship;
- B. such hardship is not shared generally by other properties in the same zoning district and same vicinity;
- C. the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- D. the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

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

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

Section 9.03 Appeals from the Board of Adjustment

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment or any officer, departments, board or bureau of the county may seek review of such decision by the district court for the county in the manner provided by the laws of the state and particularly by Chapter 23, Laws of Nebraska.

Section 9.04 Duties of Board of Zoning Adjustment and Others

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the County Building Inspector, and that such questions shall be presented to the Board of Zoning Adjustment only on appeal from the decision of the County Building Inspector, and that recourse from the decision of the Board of Zoning Adjustment shall be to the courts as provided by law and particularly by Chapter 23, Laws of Nebraska.

It is further the intent of this Resolution that the duties of the County Board of Supervisors, as such, in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution, the County Board of Supervisors shall have only the duties:

- 9.04.01 Of considering and adopting or rejecting proposed amendments of the repeal of this Resolution, as provided by law; and
- 9.04.02 Of establishing a schedule of fees and charges as adopted by separate resolution.

ARTICLE 10: AMENDMENTS**Section 10.01 Amendments.**

The regulations, restrictions and boundaries set forth in this Resolution may from time to time be amended, supplemented, changed or repealed, provided however that no such action may be taken until after public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county.

An amendment may be initiated by the County Board of Supervisors by a motion of the Planning Commission, or by written petition of any property owner addressed to the County Board of Supervisors. The County Board of Supervisors shall act on such petitions within 90 days of receipt. Having once considered a petition, the County Board of Supervisors will not consider substantially the same petition for one year.

All proposed amendments (except those initiated by the Planning Commission) shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall study the proposals to determine:

- 10.01. The need and justification for the change.
- 10.02. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and on surrounding properties.
- 10.03. When pertaining to a change in the district classification of property, the amount of undeveloped land in the general area and in the county having the same district classification as requested.
- 10.04. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purpose of this Resolution and the Comprehensive Plan.

Within 45 days from the date that any proposed amendment is referred to it (unless a longer period shall have been established by mutual agreement between the County Board of Supervisors and the Planning Commission in the particular case), the Planning Commission shall submit its report and recommendation to the County Board of Supervisors. The recommendation of the Planning Commission shall be advisory only and shall not be binding on the County Board of Supervisors. If the Planning Commission does not submit its report within the prescribed time, the County Board of Supervisors may proceed to act on the amendment without further awaiting the recommendations of the Planning Commission.

Section 10.02 Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172, 23-174.02, 23-373, and 23-376, Reissue Revised Statutes of 1943 (in full), or this Regulation, or any regulation made pursuant to said sections, the appropriate authorities of the County may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 10.03 Fines and Penalties.

Violation of the provisions of this regulation or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 per offense, with each day resulting in a separate offense, and in addition, shall pay all costs and expenses involved in the case.

ARTICLE 11: LEGAL STATUS PROVISIONS

Section 11.01 Separability

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

Section 11.02 Purpose of Catch Heads

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

Section 11.03 Repeal of Conflicting Resolutions

All Resolutions or parts of Resolutions in conflict with this Resolution, or inconsistent with the provisions of this Resolution, are hereby repealed to the extent necessary to give this Resolution full force and effect.

Section 11.04 Effective Date

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

APPROVED AND ADOPTED by the Board of Supervisors of Hall County, Nebraska.

This _____ day of _____, 2004

(Seal)

ATTEST:

(COUNTY CLERK)

(CHAIR, COUNTY BOARD OF SUPERVISORS)