RED WILLOW COUNTY
NEBRASKA

RESOLUTION
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ADOPTED BY RED WILLOW COUNTY, NEBRASKA

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Prepared By

MARVIN PLANNING CONSULTANTS
Architects in Accelerated Planning, Design and New Design Planning
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RED WILLOW 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 Red Willow 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 Red Willow County Board of Commissioners 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 Red Willow County Board of Commissioners 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 Red Willow County Comprehensive Development Plan, 2012, as amended; and

WHEREAS, the Red Willow 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,
ARTICLE 1: TITLE, INTENT AND PURPOSE

Section 1.01 Short Title
This Resolution shall be known, cited, and referred to as the "Zoning Regulations of Red Willow County, Nebraska."

Section 1.02 Intent and Purpose
This Resolution is a new regulation for Red Willow County and is consistent with the Red Willow 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 Red Willow County, including, among others, such purposes as
1. Developing both urban and non-urban areas;
2. Lessening congestion in streets, roads, and highways;
3. Reducing the waste of excessive amounts of roads;
4. Securing safety from fire and other dangers;
5. Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
6. Providing adequate light and air;
7. Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
8. Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
9. Protecting the tax base;
10. Protecting property against blight and depreciation; securing economy in governmental expenditures;
11. Fostering the state’s agriculture, recreation, and other industries;
12. Encouraging the most appropriate use of land in the county, preserving, protecting, and enhancing historic buildings, places, and districts.

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

Section 1.03 Jurisdiction
The provisions of this Resolution shall apply to unincorporated areas of Red Willow 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 an Resolution to exercise zoning or control over an unincorporated area, its regulations shall supersede those of Red Willow County.

Section 1.04 Highest Standard when in Conflict with other Regulations
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 1.05 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 1.06 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 Commissioners shall not hold its public hearings or take action until it has received the final report of the Commission.
**Section 2.03 Definition of Terms**

**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.

**ABUT, ABUTTING** shall mean any situation where a lot, tract or parcel of land borders directly on another lot, tract or parcel of land or is separated from an adjoining lot, tract or parcel by a public road right-of-way which less than is 66 feet in width.

**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.

**ACCESSORY APARTMENT** shall mean a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or in conjunction with an accessory detached garage.

**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, carpports, and small storage sheds.

**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.

**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.

**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.

**ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.

**ACREAGE** shall mean any tract or parcel of land that does not qualify as a farm or development.

**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".

**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.

**AEROBIC DIGESTION PROCESS** shall mean any process for digestion of waste in which the waste is digested using free oxygen, wherein sufficient oxygen is available to satisfy 50% of the daily chemical/biological oxygen demand inflow.

**AGRICULTURAL** shall mean all parcels which are primarily used for the production of agricultural or horticultural products, including wasteland lying in or adjacent to and in common ownership or management with land used for the production of agricultural or horticultural products. Land retained or protected for future agricultural or horticultural uses under a conservation easement as provided in the Conservation and Preservation Easement Act shall be defined as agricultural or horticultural land. Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production shall be defined as agricultural or horticultural land.
AIRPORT LAYOUT PLAN shall mean a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

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

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

AIRPORT, RUNWAY: shall mean a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length;

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

AIRPORT, TURNING ZONE’S OUTER LIMIT shall mean the area located at a distance of three miles as a radius from the corners of the operation zone of each runway and connecting adjacent areas with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway.

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

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

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.

ANAEROBIC DIGESTION shall mean any process for digestion of waste in which the waste is digested where free oxygen is not available.

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.

ANIMAL HUSBANDRY shall mean the care and raising of animals.

ANIMAL UNIT shall mean the relationship of various animals with regard to manure production based upon 1,000 pounds of animal(s) regardless of type. For purposes of this Resolution, the following this relationship shall be as follows:
One A.U. = One Cow/Calf combination;
One A.U. = One Slaughter, Feeder Cattle;
One A.U. = One-half Horse;
One A.U. = Seven Tenths Mature Dairy Cattle;
One A.U. = Two and One Half Swine (55 lbs. or more);
One A.U. = 25 Weaned Pigs (less than 55 lbs.);
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 craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

ASSESSMENT shall mean the act of listing the description of all real property determining its taxability, determining its taxable value, and placing it on the assessment roll.

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.

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.

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.

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)

BASEMENT shall mean a building space wholly or partially underground and have more than one-half of its height, measured from its floor to the top of its average wall height, below the average elevation of the finished grade of the soil around said space.

BED AND BREAKFAST INN OR LODGING HOUSE shall mean a building, other than a hotel or motel, where for compensation and by arrangement for definite periods, meals or lodging are provided for customers.

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

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

BEST INTERESTS OF THE COUNTY shall mean interests of the county at large and not interest of the immediate neighborhood.

BEST POSSIBLE MANAGEMENT PRACTICES shall mean livestock management techniques and practices as set forth by various agencies, including the NDEQ that encourage and protect the environment and public.

BILLBOARD (see Sign, Billboard)

BIODIVERSITY shall mean the variety of plant and animal species within an ecosystem or geographic area.

BIOREGION shall mean a distinct collection of plant and animal ecosystems in a geographic area that functions in certain ways and has particular needs for survival. Temperature and precipitation primarily determine most bioregions, with elevation, soils, watersheds, and microclimates as contributing factors.

BOARD OF ADJUSTMENT shall mean that board that has been created by the county and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
CENTRALIZED WATER shall mean a water supply system established by an individual(s), sanitary improvement district or developer for the purpose of serving two or more buildings, structures and/or uses. Said system shall have a central point(s) of supply with pressurized distribution from said supply point(s).

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

CHILD CARE shall mean the provision of care as follows:
1. To four 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.

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.

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.

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.

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.

COMMERCIAL ANIMAL FEEDING OPERATION (See Livestock Feeding Operation)

COMMERCIAL USES shall mean a use, other than an agricultural use, where products are grown or purchased for sale or resale for profit or where services are sold for profit.

COMMISSION shall mean the Red Willow County Planning Commission.

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.

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.

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.

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.
condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

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

**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.

**COUNTY** shall mean Red Willow County, Nebraska.

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

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

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

**DANCE HALL** (see Ballroom)

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

**DEVELOPED AREA** shall mean an area of land, consisting of one or more parcels or lots, which front(s) on one side of a road/street between two intersecting streets/roads where such intersecting streets/roads are less than 1,000 feet apart or in the absence of any intersecting street, a distance of 150 feet on either or both sides of the boundaries of the lot on which building development is proposed, whereon at least 51% of such parcels or lots on either or both sides are developed with buildings.

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

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

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

**DEVELOPMENT CONCEPT PLAN** (See Site Plan)

**DEVELOPMENT REVIEW** shall mean the review, by the county of subdivision plats, site plans, rezoning requests, or permit review.

**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.

**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.

**DRAWDOWN** shall mean a lowering of the groundwater level caused by pumping.
EASEMENT shall mean a right or privilege granted by the owner of a defined parcel of land for the use of such parcel of land for a specific purpose or purposes by the public, another person, corporation or other legal entity.

ECOSYSTEM shall mean the diversity of plant and animal species in a geographic area and how they interact.

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.

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.

ELECTRIC DISTRIBUTION SUBSTATION shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served.

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

ELECTRIC TRANSMISSION SUBSTATION shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served.

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.

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.

ERECTED shall mean constructed upon or moved onto a site.

EXEMPT shall mean parcels that receive a property tax exemption pursuant to section 77-202 (1) (a) (b) (c) (d). See, Property Tax Exemption Regulations, Chapter 40.

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 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.

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.
GAME AND PARKS PAYMENTS IN LIEU OF TAX shall mean the annual payment made in place of or as a substitute for a property tax for land acquired by the Game and Parks Commission for wildlife management purposes. The payments shall be the same as what the real property taxes would have been if the land was privately owned and based upon the land use at the time of acquisition by the Commission. See, In Lieu of Tax Regulations, Chapter 41.

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.

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

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 1 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 feet from a street line is considered as facing a street.

GRANNY FLAT see Accessory Apartment

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.

GROUNDWATER 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.

GROUND WATER HEAT PUMP WELL shall mean a well constructed for the purpose of utilizing the geothermal properties of the earth.
1. Open Loop Heat Pump well shall mean a well that transfers heat via pumped ground water which is discharged above and/or below ground. For below ground discharge refer to NDEQ Title 122.
2. Closed Loop Heat Pump well shall mean a well constructed for the purpose of installing the underground closed loop pipe necessary to recirculate heat transfer fluid.
   a. Horizontal Closed Loop means a trench or pit essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of heat transfer.
   b. Vertical Closed Loop means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed for the purpose of heat transfer.

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

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

GROUP HOME FOR THE HANDICAPPED shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having:
1. A physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently;
2. A record of having such an impairment; or
HISTORIC SITE shall mean one 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 County. 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.

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

HOLDING POND shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes.

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.

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.

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.

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.

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.

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.)

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

JUNK YARD shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment 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")

KENNEL, BOARDING AND TRAINING shall mean any lot or premises on which four or more dogs or cats or any combination thereof, at least four months of age, are boarded, bred, or trained for a fee.

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

KENNEL, PRIVATE shall mean any premises used for the keeping of four 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.

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 NDEQ and the Nebraska DHHS. All lagoons shall have the proper permits approved prior to starting construction.

LANDFILL shall mean a waste disposal site employing an engineered method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting and applying cover material over all exposed waste designed in accordance with the requirements of the NDEQ and licensed by said Department.

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

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.)

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.

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.

LIVESTOCK (See Animals, Farm)

LIVESTOCK FEEDING OPERATION shall mean any farming operation in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 1,000 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other and utilize a common area of system for the disposal of livestock wastes; otherwise the separation distances shall apply as per Table 8.06.01. For purposes of this
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.

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

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

LOT LINE shall mean the property line bounding a lot.

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

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

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

LOT, NONCONFORMING shall mean a lot having less area or dimension than 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.

LOT, THROUGH shall mean a lot having frontage on two dedicated streets, not including a corner lot.

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.

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.

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.)

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 where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

MANUFACTURED HOME 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.

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.
Administrator, a representative of the use being investigated for odor impact, and one or more other neutral persons as agreed upon by the Zoning Administrator and the owner of the use being investigated for odor impact.

OFFICIAL MAP (See Map, Official Zoning District)

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

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

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

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.

OWNER shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

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.

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

PARKING SPACE, OFF- STREET shall mean an area, open or closed, which is sufficient in size to permit the parking of one or more vehicles, together with a driveway connecting said parking area to a street or road to permit ingress and egress by said vehicle.

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.)

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

PERMANENTLY ATTACHED shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

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

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERSON shall mean any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

PLANNING COMMISSION shall mean the Planning Commission of Red Willow County, Nebraska.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.
**PROTECTED AREA** shall mean an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity and natural and associated cultural resources, and managed through legal or other effective means.

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

**PUBLIC USE AREA** shall mean an area of land or water, whether publicly or privately owned, which is designed for or used by 10 or more unrelated persons on at least a quarterly basis for recreation, education, communication, worship, meetings or other legal purpose, including public parks, public water areas, public game refuges, fish hatcheries, publicly or privately owned meeting halls, historic sites and similar areas, provided that a public use area shall not include any rights-of-way for roadways or privately owned land used for hunting and/or fishing.

**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.
3. Systems shall be in compliance with all regulations of the State of Nebraska.

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

**RACETRACK** shall mean a measured course where machines, usually automobiles, are entered in competition against one another or against time.

**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.

**REAL PROPERTY** shall mean all land, buildings, fixtures, improvements, certain mobile homes, cabin trailers and similar property, mineral interests, and all privileges pertaining to real property.

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

**RECHARGE RATE** shall mean the time that is required to add to, or replenish water in an aquifer or water table.

**RECREATIONAL** shall mean all parcels of real property predominately used or intended to be used for diversion, entertainment, and relaxation on an occasional basis. Some of the uses would include fishing, hunting, camping, boating, hiking, picnicking, and the access or view that simply allows relaxation, diversion and entertainment.

**RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than 40 feet in overall length, eight 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.
**ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

**SALVAGE YARD** shall mean a place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, inoperable appliances, inoperable motor vehicles, machinery or parts thereof, or other used materials are bought, sold, exchanged, stored, baled or cleaned, excluding pawn shops, used appliance or furniture sales or operable used vehicle sales establishments.

**SATELLITE DISH ANTENA** 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.

**SCHOOL, DAY** shall mean a preschool or nursery school for children.

**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.

**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.

**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.

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

**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.)

**SECONDARY DWELLING** shall mean an independent single-family dwelling located on the same lot or tract as an existing single-family dwelling.

**SECTION OF LAND** shall mean a division or parcel of land on the government survey, comprising one square mile of land encompassing 640 acres more or less. Each "township" (six square miles) is divided by straight lines into 36 sections and these are again divided by straight lines into half-and-quarter sections.

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

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

**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.

**SETBACK (YARD)** shall mean a horizontal distance, as prescribed in the various zoning districts established in this Resolution, measured from the centerline of the roadway on which a lot has frontage.
**SIGN, BUILDING** shall mean any sign supported by, painted on or otherwise attached to any building or structure.

**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.

**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.

**SIGN, FLASHING** shall mean a sign designed to give an electrical light flash intermittently or a revolving beacon light.

**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.

**SIGN, GROUND (LOW PROFILE)** shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

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

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

**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.

**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.

**SIGN, PROJECTING** shall mean a projecting sign attached to a building.

**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.

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

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

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

**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.

**SIGN, VIDEO** shall mean any on-premises or off-premises sign that convey either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

**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 18 inches from the face of the building wall.

**SIGN, WINDOW** shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.
STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

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

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

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

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

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

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

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

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

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.

STRUCTURE, ADVERTISING shall mean the same as "advertising structure".

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

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

SUBSTANTIAL IMPROVEMENT shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either,
1. Before the improvement or repair is started, or
2. If the structure has been damaged, and is being restored before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building or life safety codes or regulations.

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
USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal)

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".

UTILITY EASEMENT shall mean the same as "Easement".

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.

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

VEHICLE, MOTOR (See Motor Vehicle)

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

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

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

WASTE HANDLING FACILITY shall mean any facility including:
1. any and all structures, combination of structures, under-floor pits, holding ponds, waste or manure catch basins, lots or pens where animal waste is accumulated, diversion terraces, liquid manure storage pits, lagoons, manure or other waste composting sites or other facility used to hold, store, process, digest, control or otherwise dispose of dead animals, animal waste, animal waste water or other waste materials, other than solid generated by any industrial use, any municipal waste treatment facility or other use, including animal waste and animal waste water generated by any confined or intensive animal feeding use whether on the same or different premises as the use generating said waste; and

2. any above ground pipelines for transporting of wastes other than solid wastes, any irrigation or other device, equipment, or mechanism used to transport and/or land apply or otherwise dispose of such wastes, whether on the same or different premises than the industrial use, municipal waste treatment facility or other use, including animal waste and animal waste water generated by any confined or intensive animal feeding use; and

3. any land on which animal waste, animal waste water or other waste, excluding solid waste generated by any industrial use, municipal waste treatment facility or other use, including animal waste and animal waste water generated by any confined or intensive animal feeding use; and

4. any facilities, apparatus, or mechanism used to ventilate, exhaust, process, or treat gases, odor, dust, smoke or other waste product emanating from any building or structure associated with any, industrial use, municipal waste treatment facility or other use, including any confined or intensive animal feeding use.
and/or rural residents. A rural system shall include independent wellfields, pressurization systems, and storage.

**WATER MINING** shall mean the extraction of ground water or the pumping of surface water, as a natural resource, for use by individuals other than the property owner's dwelling and/or agricultural production.

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

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

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

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

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

**WHOLESALE TRADE** shall mean 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.

**WILDLIFE CORRIDOR** shall mean an area of land along which wildlife migrate or travel for feeding and to reach spawning or nesting grounds. Corridors are used to link core wildlife areas.

**XERISCAPING** shall mean landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

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

**YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
ARTICLE 3: GENERAL REGULATIONS

Section 3.01 Nonconforming, General Intent
It is the intent of this resolution to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this resolution to be incompatible with permitted uses in the districts involved. It is further the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 3.02 Nonconforming Lots of Record
1. In any district where buildings and structures are permitted, notwithstanding limitations imposed by other provisions of this Resolution, use and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution. 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:
   a. The yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located;
   b. Such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and
   c. Has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous Resolution would have prohibited creation of such lot

2. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

Section 3.03 Nonconforming Structures
3.03.01 Authority to continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

3.03.02 Enlargement, Repair, Alterations: Any such structure described in Section 3.03.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.

3.03.03 Damage or Destruction: In the event that any structure described in Section 3.03.01 is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value:
   1. Such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located, unless otherwise provided herein; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 3.02, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within six months after the date of such partial destruction and is diligently pursued to completion.
   2. Complete reconstruction of a nonconforming structure may be allowed through a Zoning Permit if the structure is damaged or destroyed by natural means and not through intentional destruction or actions of the property owner or tenant. Reconstructed structures shall not be allowed to increase the level of nonconformity with regard to setbacks or lot coverage.

3.03.04 Moving: No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
easements, covenants or other agreements between the parties, except that if these regulations impose a greater restriction, these regulations shall control.

Section 3.08 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 Red Willow 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 Red Willow 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 Clustered/Mixed Use Development.
3. After a county road has been classified as a minimum maintenance road or is an 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 3.09 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, 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 3.10 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 time 10 days prior to such hearing.

Section 3.11 Right-of-Way Splits and Minimum Lot Requirements
In circumstances where a parcel of ground owned by one individual or party was split into two or more parcels by action taken by NDOR or Red Willow County and one or more of the resulting lots has been made a non-conforming tract(s) for development, the required minimum lot size may be less than required and may be approved administratively. However, in all circumstances, the minimum setback requirements shall be observed. In addition, said tract(s) was conforming prior to said action.

Section 3.12 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 principal building on a lot unless otherwise provided.
2. More than one 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
3.16.05 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 building occupying one lot.

Section 3.17 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. 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 3.18 Permitted Modifications of Height Regulations
1. The height limitations of this Regulation shall not apply to:
   - Belfries
   - Chimneys
   - Church Spires
   - Conveyors
   - Grain Elevators and Silos
   - Smoke Stacks
   - Fire Towers
   - Water Towers and Standpipes
   - Flag Poles
   - Public Monuments
   - Ornamental Towers and Spires
   - Radio and Television towers less than 100 feet in height
   - Cooling Towers
   - Elevator Bulkheads
   - Air-Pollution Prevention Devices
   - Stage Towers or Scenery Lots
   - Tanks

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 foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 3.19 Well Fields
No development of any kind shall be located closer than 1,000 feet to any wellhead location as defined on the adopted zoning map.

Section 3.20 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 feet and where the same are so placed as not to obstruct lights and ventilation.

Section 3.21 Side Yards
No side yards are required where dwelling units are erected above commercial and industrial structures.

Section 3.22 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 and 10 feet above the grades of the centerline of the intersecting street or road, from the point of intersection 120 feet in each direction measured along the centerline of the streets or roads.
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:

1. 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.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following city/village limits shall be construed as following city/village limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; 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.
6. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. 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 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

Section 4.02 Districts
For the purpose of this Chapter, the County is hereby divided into the following districts:

(AG-G) Agricultural General District
(AG-T) Transitional Agricultural District
(AG-SWP) Surface Water Protection Agricultural District
(AH) Airport Hazard District (overlay)
(FH) Flood Hazard District (overlay)
(WP) Wellhead Protection District (overlay)
(VAD) Village Area Development
(PAA) Private Airport/Airstrip Approach District

Section 4.03 Provision for Official Zoning Map
1. The county is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map shall be identified by the signature of the Chair, attested by the County Clerk, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.36 of Resolution No. 1138 Book 18 Page 339 of the County of Red Willow County, Nebraska", together with the date of the adoption of this Resolution. If, in accordance with the provisions of this Resolution, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Commissioners.
2. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Board of Commissioners may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chair, attested by the County Clerk and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted August 6, 2012 (Resolution No. 1138 Book 18 Page 339) of the County of Red Willow County, Nebraska." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.
4.07.01 INTENT:
The intent of this district is to promote and facilitate agricultural crop production, livestock production. The intent is also to encourage soil and water conservation, to prevent contamination of the existing environment within the County and to preserve and protect land best suited for agricultural uses by preventing or regulating the introduction, encroachment and location of potentially incompatible non-farm residential uses, commercial uses, industrial uses and other non-agricultural uses. The regulation of uses, including confined and intensive animal feeding uses, which could result in contamination of the air, soils and water, or which could negatively impact the use, value and enjoyment of property, or which could be inconsistent with the purposes of this Resolution, as herein set forth, or which could negatively impact the culture and way of life in Red Willow County.

4.07.02 OUTRIGHT ALLOWABLE PRINCIPAL USES AND STRUCTURES:
The following uses and structures shall be allowable uses outright and shall not require a written zoning permit or certificate of zoning compliance:
1. Irrigation facilities, including wells, center pivots, re-use pits, well houses and related structures, flood control and erosion control facilities.
2. Oil wells and related piping and storage facilities.
3. Forestry, tree farms and plant nurseries.
4. Day care and child care uses, when conducted within a residential dwelling unit by the occupant(s) of such dwelling unit.

4.07.03 PERMITTED PRINCIPAL USES AND STRUCTURES:
The following uses and structures shall be permitted uses, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:
1. Single-Family dwellings, including manufactured housing, modular housing and mobile homes, provided such dwellings comply with all of the following restrictions:
   A. Such dwellings, if not on the same lot with and not of the same ownership as any existing LFO or associated waste handling facility shall be separated from such use by the minimum distance specified in Table 8.06.01 of this Resolution for the class of the LFO and the category of waste handling facility, provided:
      1) If one or more impact easement(s) shall have been granted to the owner of the LFO and associated waste handling facility use, any dwelling unit or other use associated with the land on which any such easement has been granted shall not be included in the minimum distance measurements herein specified.
      2) Such minimum distance shall be measured from the nearest point of the area used or approved under this Resolution for the LFO or associated waste handling facility, to the nearest wall of such dwelling or other use.
      3) Any site where there is surface application of composted animal waste or solid manure or injection of liquid animal waste into the soil, shall not be subject to any minimum separation distance.
   B. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a roadway classified by the Red Willow County Board as a minimum maintenance road or other unimproved roadway, provided;
   C. The total number of dwellings on any parcel of land under separate ownership as of the effective date of this Resolution shall not exceed more than one additional dwelling over the number of dwelling(s) existing on said parcel as of the effective date of this Resolution.
   D. Residential dwellings existing on the same premises and under the same ownership as a LFO and associated waste handling facility as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such LFO and associated waste handling facility and shall not be subdivided or otherwise sold off as a separate parcel unless:
      1) The LFO and associated waste handling facility has been discontinued or an impact easement is effective at the time of such subdivision and sale.
      2) Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum separation distance requirements from such waste handling facility use as set forth in Table 8.06.01 of this Resolution.
A. Surface application of solid manure at agronomic rates, or
B. The injection of liquid animal waste into the soil at agronomic rates.
C. Any authorization of surface application of liquid animal waste shall require that the site(s) for such application be approved and that such sites shall comply with the minimum separation distances to neighboring uses, within or adjoining the County, as set forth in Table 8.06.01 of this Resolution.

3. General welding and agricultural equipment repair businesses
4. Automobile repair and body shop businesses
5. Commercial Wind energy conversion systems, provided the following minimum requirements are followed:
   A. The minimum requirements of Section 8.04 shall be met.
   B. All proposed Commercial Wind Energy Conversion Systems shall be separated from all private airports/runways a distance equal to a 7:1 slope (accounting for the change in grade between the two uses) from the sides of said private runway, and shall include an area 600 feet wide centered upon each runway and shall extend out from each end for a distance of 5,280 feet on a 40:1 slope (also accounting for the change in grade between the two uses.)
   C. All proposed Commercial Wind Energy Conversion Systems shall be separated from all private airports/runways a distance equal to 15 rotor diameters from the sides of said private runway.
   D. A Commercial Wind Energy Conversion System may construct closer to an existing private airport; provided that such Commercial Wind Conversion System receive an impact easement from said private airport owner. Said easement shall be recorded in the public real estate record, and the easement shall describe the benefitted and burdened parcels and shall run with the land.
7. Crop dusting businesses and related aircraft landing strips and airports.
8. Private airports, provided such airports are not located within the Airport Approach Overlay District extending around the McCook/Ben Nelson Regional Airport and runway(s) or the designated Approach Overlay of any other established public airport, and including, but not limited to, the following conditions:
   A. Such airports shall request a "No Objection, No objection with provisions, or Objectionable Determination" from the Federal Aviation Administration, prior to applying to the county and shall abide by all conditions set by the FAA in that determination. Any conditions or objections noted in the document may form the basis for denial of the Conditional Use.
   B. Such airports shall not be so located as to prohibit federal funding for the location, expansion or improvements of public airports.
   C. All runways shall be set back from any residence, church, school, or places of public assembly, excluding the owners, provided that the residence, church, school or place of public assembly be set back a minimum horizontal distance of 2,000 feet beyond the end or side of the required runway length, except for the residence and buildings of the runway owner.
   D. An aircraft that is approaching or departing from the runways of a private airport shall meet all FAA flyover minimums.
   E. A private airport may construct closer to an existing building or structure, provided that such private airport receive an impact easement from the property owner of the existing building or structure. Said easement shall be recorded in the public real estate record, and shall describe the benefitted and burdened parcels and shall run with the land.
   F. Said landing strip is not within the Airport Approach zones of any public airport.
   G. Said strip will not interfere with the operation of an existing or planned WECS, Telecommunication Tower or electrical transmission system.
   H. Said strip will store any hazardous chemicals for use in a commercial crop dusting operation.
   I. Said strip will not use any County, State or Federal roadway or highway for any activity including landing, take-offs or taxiing.
9. Radio, Television, microwave and other types of erected towers, subject to applicable airport, airstrip and hellport zoning restrictions set forth in this Resolution, including the following:
I. All hunting areas shall be located away from adjacent property owners.
J. All Conservation Easements shall be approved by the County Board as per §§76-2,111 through 76-2,115.

4.07.05 TEMPORARY USES:
The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit
1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the County through separate Resolutions.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.

4.07.06 PERMITTED ACCESSORY USES AND STRUCTURES:
The following uses and structures shall be permitted as accessory to the permitted principal uses and structures:
1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Roadside stands offering the sale of agriculture products produced on the premises.
3. Fences
4. Home occupation, pursuant to Section 8.07.
5. Parking pursuant to Article 6.
6. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
7. Signs pursuant to Article 7.
8. Decks, gazebos, elevated patios either attached or detached.
9. Family Child Care Home I
10. Mobile homes and single-family dwelling units on a farm or ranch provided they are used for relatives or farm workers associated with the farm operation.
11. Small Wind Energy Systems pursuant to Section 8.03.
12. Solar panels

4.07.07 MINIMUM LOT AREA REQUIREMENTS:
The following shall be the minimum lot area requirements for uses located within this district:

<table>
<thead>
<tr>
<th>Uses/Structures</th>
<th>Min. Lot Area (acre)</th>
<th>Min. Lot Width (feet)</th>
<th>Minimum Frontage (feet)</th>
<th>Minimum Setbacks</th>
<th>Max. Height (feet)</th>
<th>Max. Lot Coverage (%)</th>
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</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
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<td>275</td>
<td>150</td>
<td>83</td>
<td>20</td>
<td>10</td>
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<tr>
<td>Other Perm. Uses</td>
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<td>Accessory Uses</td>
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<td>83</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Agricultural Buildings</td>
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<td>100</td>
<td>83</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

1. A larger lot area may be required by the standards and regulations of the Nebraska Department of Health and the Nebraska Department of Environmental Quality with regard to proper sizing and location of septic tank and tile field or lagoon sewage disposal systems.
2. Front yard setback shall be 83 feet from the centerline of a County Road, or shall 60 feet when abutting any other platted street, road or highway.
3. A building or structure may construct closer to an existing private airport, provided that they receive an Impact easement from said property owner. Said easement shall be recorded in the public real estate record, and the easement shall describe the benefited and burdened parcels and shall run with the land.
4. No building or structure, EXCEPT the residence and buildings of the owner of a private airport shall be constructed closer than what a 40:1 slope will allow from the end of the private runway.
Section 4.08 AG-T Transitional Agricultural District

4.08.01 INTENT:
The intent of this district is to preserve land for and encourage residential, commercial and industrial developments in a compatible relationship to each other around the incorporated municipalities within the County and provide protection of these urban areas from encroachment of incompatible confined or intensive animal feeding and other land uses while allowing agricultural uses which will not negatively impact non-agricultural uses in the zoning district or the Incorporated municipalities, around which this zoning district is applied.

4.08.02 OUTRIGHT ALLOWABLE PRINCIPAL USES AND STRUCTURES:
The following uses and structures shall be allowable uses outright and shall not require a written zoning permit or certificate of zoning compliance:
1. Irrigation facilities, including wells, center pivots, re-use pits, well houses and related structures, flood control and erosion control facilities.
2. Oil wells and related piping and storage facilities.
3. Forestry, tree farms and plant nurseries.
4. Child and day care use conducted within a permitted dwelling unit.

4.08.03 PERMITTED PRINCIPAL USES AND STRUCTURES:
The following uses and structures shall be permitted uses, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:
1. Single-Family dwellings, including manufactured housing, modular housing and mobile homes, provided such dwellings comply with all of the following conditions.
   A. Such dwellings shall be separated from any existing LFO or any waste handling facility by the appropriate distances found in Table 8.06.01 MINIMUM SEPARATION DISTANCES FOR LFO USES based upon the size of the use and the type of waste handling facility.
      1) If said dwelling is located on the same property and is of the same ownership as any existing LFO or any waste handling facility then the separation distances in Table 8.06.1 do not apply.
      2) If one or more impact easements have been granted to the owner of the LFO then the dwelling associated with the land on which any such easement has been granted shall not be included in the minimum distance measurements herein specified.
   3) Such minimum distance shall be measured from the nearest point of the area used or approved under this Resolution for the animal feeding or waste handling use, to such dwelling.
   4) Application of waste which in solid form to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.
2. Agricultural uses including any farm buildings but excluding any dwelling unit(s) whether or not associated with an agricultural use except if the property falls under an airport/landing strip protection zone.
3. Grain and produce storage including non-commercial storage warehouses and plant seed sales and storage facilities except if the property falls under an airport/landing strip protection zone.
4. Public service facilities, including public, parochial, private non-religious, road maintenance equipment sheds, fire stations, public utility substations and utility distribution systems.
5. Churches, cemeteries and related uses.
6. Truck farms
7. Co-location of a new cellular system on an existing tower; provided:
   A. The tower is a legally conforming structure,
   B. The system owner applies to the Red Willow County Zoning Administrator for a permit,
   C. The application is accompanied by:
      1) A letter from the tower owner that there is an agreement in place to cover the co-location,
      2) An engineer’s certificate stating that the existing tower is structurally capable of handling the new system,
5. Privately owned and operated recreational uses and commercial recreational enterprises (generally operated for use by fee paying customers), including but not limited to parks, playgrounds, campgrounds, riding stables, game lodges, canoe outfitters, rental cabins, camp stores, bed and breakfast operations and motels.

6. Mineral extraction and sand and gravel extraction facilities and operations, subject to Section 8.02 of these Regulations.

7. Nursing home facilities and group homes.

8. Private airports provided such airports are not located within the Airport Approach Overlay District extending around the McCook/Ben Nelson Regional Airport and runway(s) or the designated Approach Overlay of any other established public airport, and including, but not limited to, the following conditions:
   A. Such airports shall request a “No Objection, no objection with provisions, or Objectionable Determination” from the Federal Aviation Administration, prior to applying to the county and shall abide by all conditions set by the FAA in that determination. Any conditions or objections noted in the document may form the basis for denial of the Conditional Use.
   B. Such airports shall not be so located as to prohibit federal funding for the location, expansion or improvements of public airports.
   C. All runways shall be set back from any residence, church, school, or places of public assembly, excluding the owners, provided that the residence, church, school or place of public assembly be set back a minimum horizontal distance of 2,000 feet beyond the end or side of the required runway length, except for the residence and buildings of the runway owner.
   D. An aircraft that is approaching or departing from the runways of a private airport shall meet all FAA flyover minimums.
   E. A private airport may construct closer to an existing building or structure, provided that such private airport receives an impact easement from the property owner of the existing building or structure. Said easement shall be recorded in the public real estate record and shall describe the benefitted and burdened parcels and shall run with the land.
   F. Said landing strip is not within the Airport Approach zones of any public airport.
   G. Said strip will not interfere with the operation of an existing or planned WECS, Telecommunication Tower or electrical transmission system.
   H. Said strip will store any hazardous chemicals for use in a commercial crop dusting operation.
   I. Said strip will not use any County, State or Federal roadway or highway for any activity including landing, take-offs or taxiing.

9. Waste handling facility uses, not associated with an LFO.

10. Radio, Television, microwave and other types of erected towers, subject to applicable airport, airstrip and heliport zoning restrictions set forth in this Resolution, including the following:
   A. The minimum requirements of Section 8.01.
   B. All radio, TV and wireless Communication towers shall be separated from all private airports/runways a distance equal to a 7:1 slope (accounting for the change in grade between the two uses) from the sides of said private runway, and shall include an area 600 feet wide centered upon each runway and shall extend out from each end for a distance of 5,280 feet on a 40:1 slope, (also accounting for the change in grade between the two uses).

4.08.05 PERMITTED ACCESSORY USES AND STRUCTURES:

The following uses and structures shall be permitted as accessory to the permitted principal uses and structures:
1. Accessory uses, buildings and structures normally and commonly appurtenant to the permitted principal uses and structures.
2. Home occupations, in accordance with Section 8.07 of this Resolution.
3. Roadside stands for the temporary sale of produce grown or crafts produced on the premises. No zoning permit shall be required.

4.08.06 MINIMUM LOT AREA REQUIREMENTS:

The following shall be the minimum lot area requirements for uses located within this district:

RED WILLOW COUNTY, NEBRASKA • ZONING RESOLUTION • 2012  ADOPTED AUGUST 6, 2012
Section 4.09 AA Airport/Alrstrip Approach District

4.09.01 INTENT:
The intent of this district is that it is to be appended and to overlay any of the primary zoning districts as described in this Resolution to protect the safe use of public and private airports and their Airport Hazard Area, in the County, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports, as designated on the Official Zoning Map of Red Willow County, Nebraska.

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

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

Airport Hazard Area consists of Operation Zones, Approach Zones, Turning Zones, and Transition Zones.

Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:
1. Instrument Runways:
   A. Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 1,000 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 5,820 feet wide.
   B. Height Limit: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.

2. Visual Runways:
   A. Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 500 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide.
   B. Height: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.

Operation Zones are longitudinally centered on each existing or proposed runway:
1. Length: For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.
2. Width: For existing and proposed Instrument runways, the operation zones are 1,000 feet wide. For all other existing and proposed runways, the operation zones are 500 feet wide.
3. Height: The height limit of the operation zones is the same as the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.

Transition Zones extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.

Turning Zones extend three miles from the existing or planned airport property line, excluding the operation zones, approach zones, or transition zones. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.
4.09.08 ADMINISTRATIVE AGENCY; ENFORCEMENT
The Zoning Administrator shall administer and enforce these regulations and shall be the administrative agency provided for in Neb. Rev. Stat, § 3-319 (Reissue 2007), and shall have all the powers and perform all the duties of the administrative agency as provided in the Airport Zoning Act.

4.09.09 ZONING BOARD OF ADJUSTMENT
The Red Willow County Board of Adjustment shall be the board of adjustment with respect to these regulations. Said board shall have and exercise the powers conferred by Neb. Rev. Stat, §3-320 et. seq. (Reissue 2007) and such other powers and duties as are conferred and imposed by law.

4.09.10 PERMITTED PRINCIPAL USES AND STRUCTURES:
Any use or structure permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 4.09.03 above.

4.09.11 CONDITIONAL USES:
Any conditional use permitted in the primary zoning district where this district is overlain where such conditional use has been duly authorized by the County Board in accordance with the requirements and procedures specified in this Resolution, provided all buildings, structures and other obstacles comply with the height restrictions set forth in Section 4.09.03 above.

4.09.12 ACCESSORY STRUCTURES:
Any accessory use or structure permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 4.09.03 above.
application shall:

a. Identify and describe the development to be covered by the floodplain development permit for which application is made.

b. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.

c. Indicate the use or occupancy for which the proposed development is intended.

d. Be accompanied by plans and specifications for proposed construction.

e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

f. Within designated floodplain areas, be accompanied by elevations of the lowest floor, including basement, or in the case of floodproofed non-residential structures, the elevation to which it shall be floodproofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.

g. Give such other information as reasonably may be required by the Zoning Administrator (i.e., require a statement from the applicant that they are aware that elevating or floodproofing structures above the minimum levels will result in premium reduction, especially in the case of non-residential floodproofing when a minus one foot (-1') penalty is assessed at the time of rating the structure for the policy premium.)

4.10.08 Development Permit Applications Review

The Administrator shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

4.10.09 All Applications Review

The Administrator, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 4.10.23 of this Resolution) will:

1. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within special flood hazard areas on the official map that the following performance standards be met:

a. That until a floodway has been designated - No development or substantial improvement may be permitted within the identified floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the 100-year flood more than one foot at any location.

b. Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.

c. Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a 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 local administrator.

d. 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
4.10.10 Subdivision Applications
The Governing Body of Red Willow County shall review all subdivision applications and other proposed new developments (including manufactured home parks or subdivisions) and shall make findings of fact and assure that:
1. All such proposed developments are consistent with the need to minimize flood damage.
2. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five acres or 50 lots, whichever is lesser, include within such proposals regulatory flood elevation data in special flood hazard areas.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. All public utilities and facilities are located so as to minimize or eliminate flood damage.

4.10.11 Water and Sewage Systems
New and replacement water and sewage systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

4.10.12 Storage of Material and Equipment
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. 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.

4.10.13 Flood-carrying Capacity Withing any Watercourse
The Governing Body of the County will ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The County will notify, in riverine situations, adjacent communities and the State Coordinating Office (Nebraska Department of Natural Resources) prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the County will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Disaster Protection Act of 1973.

4.10.14 Variance Procedures
1. The Board of Adjustment as established by Red Willow County shall hear and decide appeals and requests for variances from the requirements of this Resolution.
2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Resolution.
3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Section 23-168, R.R.S. 1943.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this Resolution, and;
   a. the danger that materials may be swept onto other lands to the injury of others;
   b. the danger to life and property due to flooding or erosion damage;
   c. the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   d. the importance of the services provided by the proposed facility to the community;
   e. the necessity to the facility of a waterfront location, where applicable;
   f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
   g. the compatibility of the proposed use with existing and anticipated development;
   h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
   i. the safety of access to the property in times of flood for ordinary and emergency vehicles.
4.10.17 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.

4.10.18 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.

4.10.19 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 floodplain 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 Red Willow County 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.

4.10.20 Appeal
Where a request for a permit to develop or a variance is denied by the Floodplain Administrator the applicant may apply for such permit or variance directly to the Board of Adjustment.

4.10.21 Conflicting Resolutions
The provisions contained in Section 4.10 of this Resolution shall take precedence over conflicting Resolutions or parts of Resolutions. The Governing Body of Red Willow County may, from time to time, amend this Section and/or Resolution to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Section 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 Floodplain Management Act.

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

"Base Flood" means the flood having one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"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.

"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.

"Expansion of Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure is above ground.

"Recreational Vehicle" means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Flood Elevation" means the water surface elevation of the 100-year flood.

"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.

"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.

"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.

"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 percent of the market value of the structure before the damage occurred.

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

"Variance" means a grant of relief to a person from the terms of a floodplain management Resolution.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.
store petroleum products or anhydrous ammonia or other fertilizers in excess of 50 gallons, shall be prohibited.

5. Domestic, irrigation and any other water wells closer than 1,000 feet to the water wells being protected in this Wellhead Protection Agricultural District.
   a. Sanitary Landfills
   b. Storage of Hazardous Waste
17. Self-Service Storage Facility
18. Transfer stations

4.12.04 Accessory Uses
1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses including decks and gazebos.
2. Private swimming pools (above or below ground), tennis courts, and other recreational facilities in conjunction with a residence.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Home occupation as provided for in Section 8.07.
5. Signs as provided for in Article 7.
6. Parking as provided for in Article 6.
7. Private Greenhouse structures.
8. Small Wind Energy Systems as provided for in Section 8.03.
9. Solar Energy systems

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

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width (feet)</th>
<th>A Front Yard (feet)</th>
<th>B Rear Yard (feet)</th>
<th>C Side Yard (feet)</th>
<th>Max. Height (feet)</th>
<th>Max. Coverage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family Dwelling w/o on-site waste treatment</td>
<td>1 acres</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>Single-family Dwelling w/ community waste treatment</td>
<td>0.00 sf</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Other dwellings - not in floodplain and w/ on-site treatment</td>
<td>1 acres</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Multiple family residential w/o on-site waste treatment</td>
<td>1 acres</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Multiple family residential w/ community waste treatment</td>
<td>0.00 sf</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Other Permitted Uses w/o on-site waste treatment</td>
<td>1 acres</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Other Permitted Use w/ community waste treatment</td>
<td>0.00 sf</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Conditional Use w/o on-site waste treatment</td>
<td>1 acres</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Conditional Use w/ community waste treatment</td>
<td>0.00 sf</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>35</td>
<td>50</td>
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<tr>
<td>Accessory Buildings</td>
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<td>-</td>
<td>20</td>
<td>5</td>
<td>6</td>
<td>-</td>
<td>0</td>
</tr>
</tbody>
</table>

* On a corner lot, both street frontages shall be treated as a front yard setback.
handling facility to which the waste handling facility is already less than the minimum distances specified in said Table 8.06.01, unless the owner of any such church, school, public use area or dwelling unit shall grant the owner of the animal feeding use and associated waste handling facility an impact easement.

2) Expansion in any other direction shall be permitted, provided that such expansion shall not result in separation distance to any other church, school, public use area or dwelling unit not on the same premises and not of the same ownership as the animal feeding use and associated waste handling facility being less than set forth said Table 8.06.01 for the class of animal feeding use and category of the waste handling facility for which the use would qualify after such expansion, unless the owner(s) of any such church, school, public use area or dwelling unit shall grant the owner of the animal feeding use and associated waste handling facility an impact easement.

3) Any physical expansion of the waste handling facility shall be immediately contiguous with the existing waste handling facilities.

4) Such expansion may occur over time, but such expansion(s) shall not result in a waste handling facility which would serve a one-time animal unit capacity which is more than fifty (50) percent greater than the one-time animal unit capacity which existed as of the effective date of this Resolution or such expansion shall not result in a waste handling facility which would serve a one-time animal unit capacity exceeding the animal unit limitation of the Class of such use which existed as of effective date of this Resolution, whichever is less. Expansion beyond these limits may only be authorized as a conditional use in accordance with the procedures and requirements of this Resolution.

5) Each zoning permit application for such expansion shall include a summary of a search for and results of said search for any abandoned wells. In the event any abandoned wells are found in any area of such expansion or any area where animal waste is to be applied to the land, such wells shall be properly closed and sealed in accordance with standards of the applicable Natural Resource District.

6) No minimum separation distance shall be applicable to any site where any composted animal waste or solid manure is applied to the surface of the land or any site where liquid or slurry animal waste is injected into the soil.

7) Additional animals shall not be added to the use until any new permit required by the Nebraska Department of Environmental Quality or its successor agency shall have been issued and such use shall be operated in a manner consistent with the requirements of any such permit and the requirements of this Resolution.

8) Exceptions to the minimum separation requirements, as set forth in said Table 8.06.01, may be authorized by conditional use where special types of animal feeding uses, special provisions for odor control, special provisions for dust control, topography, prevailing winds, or other factor or combination of factors exist and it is determined by the Board of Commissioners that reduction of the separation distance will not interfere with the value, use and enjoyment of neighboring properties.

9) For purposes of this regulation, a dwelling unit not of the same ownership and not on the same premises as the animal feeding use and associated waste handling facility shall be interpreted to mean that such dwelling is an occupied or habitable dwelling and, if vacant and not habitable, would not require more cost than its present assessed valuation to make such dwelling habitable.

2. Notwithstanding other waste handling facility regulations of this Resolution, land application of sludges from municipal waste treatment facilities shall be permitted, provided that the municipality generating said sludges shall provide written evidence that the sludges do not contain contaminants at levels higher than the maximum contaminant levels established by the Environmental Protection Agency and further provided that the municipal generating such sludges provide written evidence to the County that said sludges are being applied at agronomic rates.

3. Public service facilities, including public, parochial, private schools, road maintenance equipment sheds, fire stations, public utility substations and utility distribution systems.

as of the effective date of this Resolution shall remain under the same ownership
and on the same premises with such confined or intensive animal feeding use and
associated waste handling facility and shall not be subdivided or otherwise sold off
as a separate parcel unless the confined or intensive animal feeding use and
associated waste handling facility has been discontinued or an impact easement is
effective at the time of such subdivision. Nothing in this subsection shall prohibit the
relocation of any such dwelling unit to a location beyond the minimum separation
distance requirements from such waste handling facility use as set forth in Table
8.06.01 of this Resolution.

9. Agricultural Buildings, 132 feet in height or taller provided the minimum requirements
are met.
   A. All proposed agricultural buildings shall meet the minimum setbacks as noted in this
      Resolution from County Road and Highway Intersections.
   B. All proposed agricultural buildings shall be separated from all private
      airports/runways a distance equal to a 7:1 slope (accounting for the change in grade
      between the two uses) from the edge of said private runway, and shall include an
      area 600 feet wide centered upon each runway and shall extend out from each end
      for a distance of 5, 280 feet on a 40:1 slope, (also accounting for the change in
      grade between the two uses.)

4.13.04 CONDITIONAL USES:
The following uses are subject to any conditions listed in this Resolution and are subject to
other conditions relating to the placement of said use on a specific tract of ground in the AG
SWP District as recommended by the Planning Commission and County Board of
Commissioners and approved by the County Board of Commissioners.
1. 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.
2. Public service facilities not allowable as permitted principal uses in Section 4.13.03 of
   this Resolution.
3. Mineral extraction and sand and gravel extraction facilities and operations.
4. Nursing home facilities, and group homes
5. Commercial and industrial uses, determined by the Board of Commissioners to be
   compatible with adjoining land uses.
6. Residential subdivisions in excess of the number of dwelling limitation set forth in
   Section 4.13.03, Subsection 8, Paragraph E of this Resolution.
7. Other uses and structures determined by the Board of Commissioners to be comparable
   with the above stated conditional uses and consistent with the Intent of this zoning
   district.

4.13.05 PERMITTED ACCESSORY USES AND STRUCTURES:
The following uses and structures shall be permitted as accessory to the permitted principal
uses and structures:
1. Accessory uses, buildings and structures normally and commonly appurtenant to the
   permitted principal uses and structures. Such uses, buildings or structures, if not a farm
   building, shall require the issuance of a zoning permit and/or certificate of zoning
   compliance.
2. Home occupations, in accordance with Section 8.07 of this Resolution. When established
   in accordance with Section 8.07 of this Resolution, issuance of a zoning permit or
   certificate of zoning compliance shall not be required.
3. Roadside stands for the temporary sale of produce grown or crafts produced on the
   premises. No zoning permit shall be required.

4.13.06 PROHIBITED USES AND STRUCTURES:
All other uses and structures which are not specifically allowed in this District as permitted
uses and consistent with the Intent statement of this zoning district. This prohibition shall
specifically include all new waste handling facility uses associated with any new confined or
intensive animal feeding.
11. The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.

12. The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any Public Street, road, or highway.

13. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

14. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Section 5.05 Conditions
In addition to the Standards listed in Section 5.04, the Planning Commission may recommend, and the County Board may adopt such other conditions as may be necessary or desirable to address specific concerns regarding the proposed use on a specific piece of property, including the most appropriate use of the land, the conservation and stabilization of the value of property, the provision of adequate open space for light and air, concentration of populations, congestion of public streets, and the promotion of the general health, safety, welfare, convenience, and comfort of the public. The County Board may require such conditions and restrictions upon the Conditional Use Permit as may be deemed necessary for the protection of the public interest and to secure compliance with this resolution.

Section 5.06 Protests
In case of protest against such conditional use permit, signed by the owners of 20 percent or more of either of the area of the lots included in such proposed change, or of those immediately adjacent, such conditional use permit shall not become effective except by the favorable vote of 4/5 of all the members of the County Board.
### Section 6.02 Schedule of Minimum Off-Street Parking and Loading Requirements

#### Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Requirements</th>
<th>Loading Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Entertainment Establishments</td>
<td>1 space per 2 persons of licensed capacity</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>5 spaces per alley plus 1 space per employee</td>
<td>2 spaces per establishment</td>
</tr>
<tr>
<td>Churches, Synagogues, and Temples</td>
<td>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</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Clubs, including fraternal organizations</td>
<td>1 space per 200 s.f. of floor space</td>
<td>None required</td>
</tr>
<tr>
<td>College/University</td>
<td>1 space per every 2 students of occupancy plus 1 per employee.</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td>1 space per 500 s.f. of gross floor area</td>
<td>2 spaces per establishment</td>
</tr>
<tr>
<td>Agriculture Sales / Service</td>
<td>1 space per 500 s.f. of gross floor area</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Automotive Rental / Sales</td>
<td>3 spaces per repair stall</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Automotive Servicing</td>
<td>2 spaces per 5 seating places plus 1 space per 2 employees</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Bars, Taverns, Nightclubs</td>
<td>4 spaces per repair stall</td>
<td>None required</td>
</tr>
<tr>
<td>Body Repair</td>
<td>1 space per 500 s.f. of gross floor area</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Equipment Rental / Sales</td>
<td>1 space per parking unit</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Campground</td>
<td>1 space per 4 persons of licensed capacity</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>1 space per 500 s.f. of gross floor area</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Communication Services</td>
<td>1 space per 600 s.f. of gross floor area</td>
<td>2 per establishment</td>
</tr>
<tr>
<td>Construction Sales / Service</td>
<td>1 space per 500 s.f. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>Food Sales (limited)</td>
<td>1 space per 300 s.f. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>Food Sales (general)</td>
<td>1 space per 200 s.f. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>General Retail Sales establishments</td>
<td>1 space per 200 s.f. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>Laundry Services</td>
<td>2 spaces per 5 seating places plus 1 space per 2 employees</td>
<td>None required</td>
</tr>
<tr>
<td>Restaurants w/ drive-thru</td>
<td>2 spaces per 100 s.f. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>Restaurants (General)</td>
<td>NA</td>
<td>None required</td>
</tr>
<tr>
<td>Convalescent and Nursing Home Services</td>
<td>1 space per 3 beds plus 1 space per employee on the largest shift</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Daycares</td>
<td>1 space per employee plus 1 space or loading stall per each 10 persons of licensed capacity</td>
<td>2 spaces per structure</td>
</tr>
<tr>
<td>20% of the student capacity</td>
<td>40% of the student capacity</td>
<td>2 spaces per structure</td>
</tr>
<tr>
<td>Educational Uses, Primary Facilities</td>
<td>8 spaces per parking room</td>
<td>None required</td>
</tr>
<tr>
<td>Educational Uses, Secondary Facilities</td>
<td></td>
<td>None required</td>
</tr>
<tr>
<td>Funeral Homes and Chapels</td>
<td></td>
<td>None required</td>
</tr>
<tr>
<td>Group Care Facility</td>
<td>1 space per 3 beds; plus, 1 space per employee</td>
<td>1 space per structure</td>
</tr>
<tr>
<td>Group Home</td>
<td>1 space per 3 beds; plus, 1 space per employee</td>
<td>1 space per structure</td>
</tr>
<tr>
<td>Guidance Services</td>
<td>1 space per 200 s.f. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space per 2 licensed beds; plus, 78 times the maximum number of employees during the largest shift</td>
<td>3 spaces per structure</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>1 space per rental unit plus 1 space per employee</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Housing (Congregate)</td>
<td></td>
<td>1 space per structure</td>
</tr>
<tr>
<td>Assisted-Living Facilities</td>
<td></td>
<td>None required</td>
</tr>
<tr>
<td>Duplex</td>
<td>1 space per dwelling unit</td>
<td>None required</td>
</tr>
<tr>
<td>Dormitories, Sororities, and Fraternities</td>
<td>2 spaces per dwelling unit</td>
<td>None required</td>
</tr>
<tr>
<td>Multi-family/Apartments</td>
<td>1 space per 2 beds plus 1 space per 2 employees</td>
<td>None required</td>
</tr>
<tr>
<td>Industrial Uses</td>
<td>1 space per 500 s.f. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>Libraries</td>
<td>2 per 3 guest beds and 1 for the managing resident</td>
<td>None required</td>
</tr>
<tr>
<td>Boarding Houses/Bed and Breakfasts</td>
<td>5 spaces per staff doctor, dentist, chiropractor</td>
<td>None required</td>
</tr>
<tr>
<td>Medical Clinics</td>
<td>2 per dwelling unit</td>
<td>None required</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>1 space per 200 s.f. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>Offices and Office Buildings</td>
<td></td>
<td>None required</td>
</tr>
<tr>
<td>Residential (Single-family, attached and detached)</td>
<td>NH</td>
<td>None required</td>
</tr>
<tr>
<td>Roadside Stands</td>
<td>4 spaces per establishment</td>
<td>2 spaces per establishment</td>
</tr>
<tr>
<td>Service Oriented Establishments</td>
<td>1 space per 200 s.f. of gross floor area</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Theaters, Auditoriums, and Places of Assembly</td>
<td>1 space per 2 seats, or 1 space per 2 people in designed capacity, whichever is greater.</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Veterinary Establishments</td>
<td>3 spaces per staff doctor</td>
<td>None required</td>
</tr>
<tr>
<td>Wholesaling / Distribution Operations</td>
<td>1 space per employees on the largest shift</td>
<td>1 spaces per establishment</td>
</tr>
</tbody>
</table>

**Red Willow County, Nebraska • Zoning Resolution • 2012**

**Adopted August 6, 2012**

81
10. Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Passenger loading zones and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions.
<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animated Sign</td>
<td>Animation</td>
</tr>
<tr>
<td>Awning Sign</td>
<td>Awning</td>
</tr>
<tr>
<td>Banner/Flag Sign</td>
<td>Banner/Flag</td>
</tr>
<tr>
<td>Banner Sign - Temporary</td>
<td>Temporary Banner</td>
</tr>
<tr>
<td>Blade Sign - Temporary</td>
<td>Temporary Blade Sign</td>
</tr>
<tr>
<td>Building Marker Sign</td>
<td>Building Marker</td>
</tr>
<tr>
<td>Canopy Sign</td>
<td>Canopy</td>
</tr>
<tr>
<td>Changeable Copy Sign</td>
<td>Changeable Copy</td>
</tr>
<tr>
<td>Commemorative Sign</td>
<td>Commemorative Sign</td>
</tr>
<tr>
<td>Double-faced Sign</td>
<td>Double-faced Sign</td>
</tr>
<tr>
<td>Electronic Message Sign</td>
<td>Electronic Message</td>
</tr>
<tr>
<td>Freestanding Sign</td>
<td>Freestanding</td>
</tr>
<tr>
<td>Ground Monument Sign</td>
<td>Ground Monument</td>
</tr>
<tr>
<td>Off-Premises Sign</td>
<td>Off-Premises</td>
</tr>
<tr>
<td>Painted Wall Sign</td>
<td>Painted Wall</td>
</tr>
<tr>
<td>Parapet Sign</td>
<td>Parapet</td>
</tr>
<tr>
<td>Pole Sign</td>
<td>Pole Sign</td>
</tr>
<tr>
<td>Projecting Sign</td>
<td>Projecting</td>
</tr>
<tr>
<td>Public/Traffic Information Sign</td>
<td>Public/Traffic Information Sign</td>
</tr>
<tr>
<td>Roof Sign</td>
<td>Roof Sign</td>
</tr>
<tr>
<td>Roof (Integrated) Sign</td>
<td>Roof (Integrated)</td>
</tr>
<tr>
<td>Sign Stacking</td>
<td>Sign Stacking</td>
</tr>
<tr>
<td>Subdivision Identification</td>
<td>Subdivision Identification</td>
</tr>
<tr>
<td>Suspended Sign</td>
<td>Suspended Sign</td>
</tr>
<tr>
<td>Wall Sign</td>
<td>Wall Sign</td>
</tr>
<tr>
<td>Warning Sign</td>
<td>Warning</td>
</tr>
<tr>
<td>Window Sign</td>
<td>Window</td>
</tr>
</tbody>
</table>
SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN: 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.

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

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

Section 7.03 Sign Area Computation
7.03.01 Computation of Area of Individual Signs
The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the copy, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

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

Section 7.04 Signs, Special Conditions
7.04.01 Billboard Signs.
Billboards, signboards, and other similar advertising signs shall be subject to the same height and location requirements as other structures in the district it is located and shall also be 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 50 feet of any lot in a residential district.

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

7.04.03 Signs for Coffee Kiosks and other Kiosks shall follow the minimum standards:
1. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the Coffee Kiosks/Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk/Kiosk, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk/Kiosk, painted within a drive lane or in any curbing defining a drive lane.
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
### Section 7.09  Sign Schedules

#### 7.09.01 Signs shall be permitted in the various districts according to the following schedule:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>AG-G</th>
<th>AG-T</th>
<th>AAA</th>
<th>PAA</th>
<th>FP</th>
<th>VAD</th>
<th>AG-SWP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animated</td>
<td>+</td>
<td>+</td>
<td></td>
<td>-</td>
<td>-</td>
<td>+</td>
<td>-</td>
</tr>
<tr>
<td>Announcement</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Architectural Canopy</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>-</td>
<td>-</td>
<td>+</td>
<td>-</td>
</tr>
<tr>
<td>Banner</td>
<td>+</td>
<td>+</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>+</td>
<td>-</td>
</tr>
<tr>
<td>Changeable Copy</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Destination</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Electronic Message Board</td>
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<td>+</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Freestanding</td>
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<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Ground</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
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<td>NA</td>
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<td>NA</td>
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<tr>
<td>Incidental</td>
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<td>+</td>
<td>+</td>
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<tr>
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<td>Nameplate</td>
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<td>Off-Premises</td>
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<td>Pole</td>
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<tr>
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<td>T</td>
<td>T</td>
</tr>
<tr>
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<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>Roof-Integrated</td>
<td>+</td>
<td>+</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Subdivision</td>
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<td>+</td>
<td>+</td>
<td>+</td>
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<td>+</td>
<td>-</td>
</tr>
<tr>
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<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
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<tr>
<td>Wall</td>
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</tr>
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<td>+</td>
<td>-</td>
<td>+</td>
<td>-</td>
</tr>
</tbody>
</table>

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

#### 7.09.02 Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>AG-G</th>
<th>AG-T</th>
<th>AAA</th>
<th>PAA</th>
<th>FP</th>
<th>VAD</th>
<th>AG-SWP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animated</td>
<td></td>
<td></td>
<td></td>
<td>200</td>
<td>-</td>
<td>-</td>
<td>200</td>
</tr>
<tr>
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<td>200</td>
<td>200</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
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</tr>
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<td>6</td>
</tr>
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<td>32</td>
<td>22</td>
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<td>6</td>
<td>6</td>
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<tr>
<td>Architectural Canopy</td>
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</tr>
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<tr>
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<td>-</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Max. Square Ft.</td>
<td>32</td>
<td>32</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Max. Height Ft.</td>
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<tr>
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<tr>
<td>Electronic Message Board</td>
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<tr>
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<tr>
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<td>1</td>
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</tr>
</tbody>
</table>
7.09.03 A building or use having frontage on a second street may install a sign on the second street side no greater in size than 20 percent of the total allowed on one facade.

Section 7.10 Conditional Permit Condition
A permit shall be obtained from NDOT prior to creating signs along the edge of the R.O.W of any interstate or designated state or federal route.

Section 7.11 Sign Discontinuation
The owner of any sign within the jurisdiction of Red Willow County shall be required to do one of the following steps, after discontinuation of any business:

- Replace the discontinued business with another advertisement
- Remove the sign completely
Stealth: Any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

Telecommunications Facilities shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include: a. Any Conforming Commercial Earth Station antenna two meters or less in diameter. b. Any earth station antenna or satellite dish antenna of one meter or less in diameter.

Tower shall mean any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities.

Tower owner shall mean any person with an ownership interest of any nature in a proposed or existing tower.

Transmission Equipment: any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

8.01.03 Tower Construction Standards
Listed below are tower 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 Conditional Use Permit by the County Board and issuance of the permit by the County.

3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the County after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer’s certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

8.01.04 Application to develop a Tower

1. Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Administrator for a Conditional Use Permit and shall include the following:
   A. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
   B. The legal description and address of the tract of land on which the tower is to be located.
   C. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.
   D. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
   E. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the County Board and federal and state and ANSI standards.
   F. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
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.

8.01.08 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.

8.01.09 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.

8.01.10 Prohibitions
According to the FCC, "[A] state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

8.01.11 Substantial Change
Red Willow County may only require an amended conditional use permit for changes/modifications on a telecommunications tower/system that are defined by the FCC as substantial.

1. **Substantial Change** shall mean any of the following:
   A. Towers outside the public right-of-way, a "substantial change"
      - Increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, or
      - Protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
   B. Towers in the right-of-way, and all base stations, a "substantial change"
      - Increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater, or
      - Protrudes from the edge of the structure more than 6 feet
   C. All Towers and base stations, a substantial change:
      - Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
      - entails any excavation or deployment outside the current site of the tower or base station;
      - defeats the existing concealment elements of the tower or base station; or
      - does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to any of the “substantial change” thresholds identified above.

2. **Changes in Height**
   A. Changes in height are to be measured from the original support structure in cases where the deployments are or will be separated horizontally.
   B. In other circumstances, changes in height are to be measured from the dimensions of the original tower or base station and all originally approved appurtenances, and any modifications approved prior to the passage of the Spectrum Act.
   C. Note, the changes are measured cumulatively; otherwise a series of small changes could add up to a cumulative change that exceeds the “substantial change” threshold.

8.01.12 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
10. The edge of any mining operation shall be a minimum of 25 feet from any property line or as required by any geologic, state, or federal requirement.

Section 8.03 Small Wind Energy Systems

8.03.01 Purpose: It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

8.03.02 Definitions: The following are defined for the specific use of this section.

Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

8.03.03 Requirements: Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower Height
   a. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
   b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.

2. Noise
   a. Small wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling unit.
   b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

3. Approved Wind Turbines
   a. Small wind turbines must have been approved under a small wind certification program recognized by the American Wind Energy Association.

4. Compliance with Building and Zoning Codes
   a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
   b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
   c. Wet stamps shall not be required.

5. Compliance with FAA Regulations
   a. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

6. Compliance with National Electrical Code
   a. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
   b. The manufacturer frequently supplies this analysis.

7. Utility Notification
   a. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer’s intent to install an interconnected customer-owned generator.
   b. Off-grid systems shall be exempt from this requirement.

8. Setbacks
   a. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.

9. All towers shall adhere to the setbacks established in the following table:
Section 8.04 Commercial/Utility Grade Wind Energy Systems

8.04.01 Purpose: It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within Red Willow County.

8.04.02 Definitions: The following are defined for the specific use of this section.

**AGGREGATE PROJECT** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECs within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

**COMMERCIAL WECs** shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

**HUB HEIGHT** shall mean the distance from ground level as measured to the centerline of the rotor.

**FALL ZONE** shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.

**FEEDER LINE** shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of Interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

**METEOROLOGICAL TOWER** shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

**PROPERTY LINE** shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

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

**ROTOR DIAMETER** shall mean the diameter of the circle described by the moving rotor blades.

**SMALL WIND ENERGY SYSTEM** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**SUBSTATIONS** shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

**TOTAL HEIGHT** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

**TOWER** shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.

**TOWER HEIGHT** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.
8.04.05 Setbacks:

All towers shall adhere to the setbacks established in the following table:

<table>
<thead>
<tr>
<th>Property Lines (Wind Turbine - Commercial/Utility WECs)</th>
<th>Meteorological Towers</th>
</tr>
</thead>
<tbody>
<tr>
<td>150 feet from property lines; however, the setback may be less when two adjoining property owners are within the aggregate project.</td>
<td>One times the tower height.</td>
</tr>
<tr>
<td><strong>Neighboring Dwelling Units</strong></td>
<td>1,000 feet</td>
</tr>
<tr>
<td><strong>Road Rights-of-Way</strong></td>
<td>One times the tower height.</td>
</tr>
<tr>
<td><strong>Other Rights-of-Way</strong></td>
<td>One times the tower height.</td>
</tr>
<tr>
<td><strong>Wildlife Management Areas and State Recreational Areas</strong></td>
<td>600 feet</td>
</tr>
<tr>
<td><strong>Wetlands, USFW Types III, IV, and V</strong></td>
<td>800 feet</td>
</tr>
<tr>
<td><strong>Other structures and cemeteries adjacent to the applicant’s site</strong></td>
<td>One times the tower height.</td>
</tr>
<tr>
<td><strong>Other existing WECs not owned by the applicant</strong></td>
<td>6,000 linear feet</td>
</tr>
<tr>
<td><strong>River Bluffs</strong></td>
<td>1,320 feet</td>
</tr>
<tr>
<td><strong>Private landing strips</strong></td>
<td>Shall meet requirements listed in the appropriate zoning district.</td>
</tr>
</tbody>
</table>

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known.

8.04.06 Special Safety and Design Standards: All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECs shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECs, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. Color and finish: All wind turbines and towers that are part of a commercial/utility WECs shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
6. Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating Incandescent lights should be avoided.
7. Other signage: All other signage shall comply with the sign regulations found in these regulations.
8. Feeder Lines: All communications and feeder lines associated with the project distribution system installed as part of a WECs shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
9. Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. Discontinuation and Decommissioning:
   A. A WECs shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECs to service. All WECs and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.
Article 8: Supplemental Regulations

5) For purposes of this regulation, a dwelling unit not of the same ownership and on the same premises as the LFO shall be interpreted to mean that such dwelling is an occupied or habitable dwelling and, if vacant and not habitable, would not require more cost than its present assessed valuation to make such dwelling habitable.

B. Utilizing a 25 year storm as an engineering basis, surface runoff or other drainage from such LFO and associated waste handling facility shall not flow directly or indirectly into any river, stream or other drainageway which would allow any waste to contaminate ground or surface water. Further no such use shall be located within an area which is subject to flooding on a 100-year basis.

C. The total capacity of any waste handling facility serving a LFO shall not exceed 1,000 animal units per half-section of land, except when a conditional use for a waste handling facility serving a larger number of animals units has been authorized by the County Board in accordance with the procedures and requirements of this Resolution.

D. Development of a waste handling facility associated with a Class I LFO shall require preparation of a Comprehensive Nutrient Management Plan (CNMP), including the same information as required by the NDEQ, and submission of said CNMP to the Zoning Administrator. In addition, the following shall also be required:

1) Such Plan shall be reviewed for consistency with the requirements of the NDEQ by said Department or such other agency or entity, as determined by the County Board.

2) Such Plan shall address, at a minimum,
   a. the amount, form, method of application,
   b. location of application and
   c. timing of animal waste and animal waste water so that such Plan is in accordance with local, state and federal requirements.

3) The owner of the waste handling facility shall also submit proof of ownership or lease of a sufficient amount of land, as specified in the CNMP, for application of such wastes.

4) Loss of land for such waste application shall require written submission of the availability of additional land, either through ownership or lease.

5) Failure to maintain the ability to provide sufficient land on which to apply such wastes shall result in the County requiring the removal of a sufficient number of animals from the operation to maintain the levels of waste application per unit of land as specified in the CNMP.

6) The owner/operator of such waste handling facility shall conduct annual soil sampling and testing for build-up of nutrients on all locations where waste is to be placed and shall submit a copy of the results of such soil sampling and testing to the Zoning Administrator, who shall have such results reviewed by the NDEQ or other agency or entity with soil nutrient expertise, to verify compliance with the CNMP.

E. Each zoning permit application for establishment of a new waste handling facility serving a Class I LFO shall include a summary and results of a search for abandoned wells. In the event any such wells are found in any area of where the waste handling facility is to be located or any area where animal waste is to be applied to the land, such wells shall be properly closed and sealed in accordance with standards of the applicable NRD.

F. Whenever the average anticipated level of groundwater usage (in gallons per minute per year) exceeds 200% of the estimated average of groundwater usage (in gallons per minute per year) for existing uses within a three mile radius of the proposed use, the zoning permit application shall include information regarding possible impacts on existing neighboring wells. Such information shall be based upon existing data and estimates of possible impacts by the applicable NRD or other entity, which may have existing hydrologic data and hydrologic expertise.

G. Each zoning permit application shall list the names and telephone number(s) of the owner and manager of said use to be contacted in the event of fire, waste spill or other emergency on the site of a waste handling facility and shall authorize access to the site for emergency service and potential contamination inspections.

H. Animals shall not be introduced into the facility until any permit required to be issued by the NDEQ, has been issued and such use shall be operated at all times in a manner consistent with the requirements of any such required permit and the requirements of this Resolution.

I. Any waste handling facility serving a Class I LFO shall be prohibited from applying any liquid waste to the surface of any land. Surface application of liquid waste may only occur upon
waste is to be placed. The owner/operator shall submit the results of such soil sampling and testing to the Zoning Administrator, who shall have such results reviewed by the NDEQ or other agency or entity with soil nutrient expertise, to verify compliance with the CNMP.

D. All locations, which are used by any authorized waste handling facility for stockpiling or composting of waste and/or dead animals, shall be subject to authorization by the County Board as part of any waste handling facility permit. Said authorization may include:
   1) The establishment of maximum amounts of waste which may be stockpiled,
   2) The methods and operation of any waste composting facility, and facilities to collect and properly digest or dispose of any waste contaminated runoff from any waste stockpiling or composting site,
   3) All composting shall be aerobic composting, and
   4) The maximum amount of waste which may be stockpiled shall not exceed the waste produced by the permitted animal feeding use in 12 consecutive months and such stockpile shall be removed within said 12 month period.

E. Each application for establishment of a new waste handling facility serving a LFO shall include the results and a summary of the research conducted to locate abandoned wells. In the event any such wells are found in any area where the waste handling facility is to be located or any area where animal waste is to be applied to the land, such wells shall be properly closed and sealed in accordance with standards of the applicable NRD.

F. Whenever the average anticipated level of groundwater usage (in gallons per minute per year) exceeds 200% of the estimated average of groundwater usage (in gallons per minute per year) for existing uses within a three mile radius of the proposed use, the zoning permit application shall include information regarding possible impacts on existing neighboring wells. Such Information shall be based upon existing data and estimates of possible impacts by the applicable NRD or other entity which may have existing hydrologic data and hydrologic expertise.

G. Each application for establishment of a new waste handling facility serving a LFO shall list the names and telephone number(s) of the owner and manager to be contacted in the event of fire, waste spill or other emergency on the site of a waste handling facility and shall authorize access to the site for emergency service and potential contamination inspections.

H. The owner/operator of any waste handling facility use authorized by the County Board shall agree to permit access to the waste handling facilities and sufficient access to the animal feeding use to verify animal unit capacity within 24 hours of notification of a proposed inspection.

   1) Allowing inspection of said facilities by the Zoning Administrator or other person(s) designated by the County Board to assure compliance with all conditions established in the authorization of such use shall be meet the following:
      a. Shall be conducted on a written complaint basis only, and
      b. Shall be first investigated by the Zoning Administrator who shall document compliance or lack of compliance with all conditions of use established by the County Board in authorizing such use.
      c. In making such inspections, the Zoning Administrator or other authorized person shall follow all bio-hazard procedures required by the operator of the animal feeding use.
      d. Such inspections shall be considered a general function of the Zoning Administrator and the cost of such inspection(s) shall be considered an administrative expense of the County and shall not be assessed against the owner(s) of a waste handling facility use.

   2) Finding of Non-compliance
      Upon a finding by the Zoning Administrator or other authorized person that a waste handling facility is not in compliance with the approved conditions of said use,
      a. He/she shall report same to the County Board
      b. Shall notify the owner/operator of the waste handling facility use involved, in writing, that the use is in violation of the approved conditions and shall state the specific violation(s) of such conditions.
expertise and said requirement or condition is not based upon hearsay, unfounded public remonstrance or other reason not based on reasonable finding or fact.

L. In authorizing any waste handling facility use, the County Board may, after consultation with the applicable NRD, NDEQ and/or other entity with groundwater contamination expertise, may:
   1) Require the installation of groundwater monitoring wells at recommended locations,
   2) Require that sampling from such well(s) occur on a particular schedule,
   3) That sampling of the well(s) be conducted by an independent certified party,
   4) That independent laboratory analysis of the samples is conducted, and
   5) That the results of the laboratory analysis be provided to the County Board in accordance with the sampling schedule,
   6) All at the expense of the owner of the waste handling facility use,
   7) When groundwater monitoring wells are required,
      a. A minimum of three such wells shall be required for each use.
      b. One of the three monitoring wells shall be located up gradient of the groundwater flow direction, with the remaining wells located down gradient.
      c. Each monitoring well shall be sampled once in the spring and once in the fall,
      d. Each sample measuring depth to water before purging, and
      e. Each sample shall be analyzed for levels of nitrate, chloride, ammonia and phosphorus with analysis results submitted to the County Zoning Administrator.
   8) In establishing any requirement for monitoring wells, the County Board shall take into account any wells required by the NDEQ in its permitting process.

M. Where any Federal and/or State of Nebraska permit for facilities associated with a waste handling facility use is required, such permit(s) shall be approved by the appropriate agency. All facilities and safeguards required by such agency and all facilities and safeguards required by the County Board shall be in place and operational prior to the generation of waste or, in the case of confined or intensive animal feeding uses, prior to the Introduction of any animals to the premises.

N. Residential dwellings existing on the same premises and under the same ownership as a waste handling facility as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such facility. In addition, the residential dwelling(s) shall not be subdivided or otherwise sold off as a separate parcel unless the waste handling facility has been discontinued or an Impact easement, as defined in Section 2.03 of this Resolution, is effective at the time of such subdivision. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum separation distance requirements from such waste handling facility as set forth in Table 8.06.01 of this Resolution.

O. Exceptions to the minimum separation requirements, as set forth in Table 8.06.01, may be authorized by conditional use where:
   a. special types of animal feeding uses,
   b. special provisions for odor control,
   c. special provisions for dust control,
   d. topography,
   e. prevailing winds, or
   f. other factor or combination of factors exist and
   g. it is determined by the County Board that reduction of the separation distance will not interfere with the value, use and enjoyment of neighboring properties.

P. Any conditional use application for a waste handling facility, which is determined by the County Board to be in compliance with all requirements of this Section and for which there is agreement by the owner of such proposed use to comply with any additional requirement or condition established by the County Board, as set forth in Subsection M above, shall be authorized.
1) Such waste handling facility may not be expanded closer to any church, school, public use area or dwelling unit not on the same premises and not of the same ownership to which such facility is already less than the minimum distance specified, except if:
   a. The owner of any such church, school, public use area or dwelling unit shall grant the owner of the LFO and associated waste handling facility an impact easement.

2) Expansion in any other direction shall be permitted, provided:
   a. such expansion shall not result in separation distance to any other church, school, public use area or dwelling unit not on the same premises and not of the same ownership being less than set forth in Table 8.06.01 for the class of LFO and category of the waste handling facility for which the use would qualify after such expansion, except if:
      i. the owner(s) of any such church, school, public use area or dwelling unit shall grant the owner of the LFO and associated waste handling facility an impact easement.

3) Any physical expansion of the waste handling facility shall be immediately contiguous with the existing waste handling facilities.

4) Such expansion may occur over time, but
   a. Such expansion(s) shall not result in a waste handling facility which would serve a one-time animal unit capacity which is more than 50% greater than the one-time animal unit capacity which existed as of the effective date of this Resolution.
   b. Expansion beyond these limits may only be authorized as a conditional use in accordance with the procedures and requirements of this Resolution.

5) Each zoning permit application, for such expansion, shall include a summary and the results of a search for any abandoned wells. In the event any abandoned wells are found in any area of such expansion or any area where animal waste is to be applied to the land, such wells shall be properly closed and sealed in accordance with standards of the applicable NRD.

6) No minimum separation distance shall be applicable to any site where composted animal waste or solid manure is applied to the surface of the land or any site where liquid or slurry animal waste is injected into the soil.

7) Additional animals shall not be added until any new permit required by the NDEQ shall have been issued and such use shall be operated in a manner consistent with the requirements of any such permit and the requirements of this Resolution.

8) Exceptions to the minimum separation requirements, as set forth in Table 8.06.01, may be authorized by conditional use where:
   a. special types of animal feeding uses,
   b. special provisions for odor control,
   c. special provisions for dust control,
   d. topography,
   e. prevailing winds, or
   f. other factor or combination of factors exist and
   g. It is determined by the County Board that reduction of the separation distance will not interfere with the value, use and enjoyment of neighboring properties.

9) For purposes of this regulation, a dwelling unit not of the same ownership and not on the same premises as the LFO and associated waste handling facility shall be interpreted to mean that such dwelling is an occupied or habitable dwelling and, if vacant and not habitable, would not require more cost than its present assessed valuation to make such dwelling habitable.

Section 8.07 Home Occupations and Home-Based Businesses within Agricultural Districts

8.07.01 Intent: A home occupation or home-based business shall be permitted when said occupation or business is conducted on agriculturally used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

8.07.02 Procedure:
   1. Home Occupations: An application for a home occupation, within agriculturally zoned areas shall be made to the Red Willow County Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.
9. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.

10. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.

11. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.

12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

8.07.06 Permitted home-based businesses:
1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one station), manicure and pedicure shops, pet grooming, catering, and chauffeur ing services.
5. Trapping and outfitting operations.
6. Instructional services, including music, dance, art and craft classes and tutoring.
7. Repair services, including watch and clock, small appliances, computers, electronic devices, lawn mowers including engines, and motor vehicles (limited to no more than two at one time).
8. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
9. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
10. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
11. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

8.07.07 Prohibited home based businesses:
1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

8.07.08 Performance Standards for Home Based Businesses:
1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home-based business shall remain a resident in the dwelling unit.
2. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home-based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 25 percent of the floor area of the main floor at
Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.

3. **Nontransferable.** A home occupation or home-based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

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Section 8.08 Adult Entertainment Establishments

8.08.01 Purpose; Findings and Rationale

1. **Purpose.** It is the purpose of this resolution to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the County. The provisions of this resolution have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this resolution to condone or legitimize the distribution of obscene material.


Farkas v. Miller, 151 F.3d 900 (8th Cir. 1998); Jones, Ltd. v. City of Coates, 284 F.3d 884 (8th Cir. 2002); BZAPS, Inc. v. City of Mankato, 268 F.3d 603 (8th Cir. 2001); SOB, Inc. v. County of Benton, 317 F.3d 856 (8th Cir. 2003); Scope Pictures v. City of Kansas City, 140 F.3d 1201 (8th Cir. 1998); ILQ Invs. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); City of Lincoln v. ABC Books, Inc., 470 N.W.2d 760 (Nebr. 1991); Xiong v. City of Moorhead, 2009 WL 322217 (D. Minn. Feb. 2, 2009); Ent'n't Prods., Inc. v. Shelby County, 721 F.3d 729 (6th Cir. 2013); Lund v. City of Fall River, 714 F.3d 65 (1st Cir. 2013); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); LLEH, Inc. v. Wichita County, 289 F.3d 358 (6th Cir. 2002); Ocello v. Koster, 354 S.W.3d 187 (Mo. 2011); 84 Video/Newsstand, Inc. v. Sartini, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); Plaza Group Properties, LLC v. Spencer County Plan Commission, 877 N.E.2d 877 (Ind. Ct. App. 2007); Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); East Brooks Books, Inc. v. Shelby County, 588 F.3d 360 (6th Cir. 2009); Ent'n't Prods., Inc. v. Shelby County, 450 F.3d 372 (6th Cir. 2009); Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir. 2008); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Peek-a-Boo Lounge v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Daytona Grand, Inc. v. City of Daytona Beach, 317 F.3d 860 (11th Cir. 2007); Heideman v. South Salt Lake City, 348 F.3d 1182 (10th Cir. 2003); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); HA & Land Corp. v. City of Kendale, 480 F.3d 336 (5th Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 612 (6th Cir. 2009); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 255 F. Supp. 2d 385 (D. Md. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 F.2d 380 (Wash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-0, 2002 WL 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Gammon v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's
2. The AG-T Transitional Agriculture District, provided the establishments are confined to within 3/4 mile of any State or Federal Highway within Red Willow County.

8.08.03 Definitions

**Adult Bookstore Or Adult Video Store** shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.” A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment’s displayed merchandise consists of said items, or

2. At least 35% of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items, or

3. At least 35% of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items, or

4. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor area” maintained for the display, sale, or rental of said items); or

5. The establishment maintains at least 500 square feet of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor area” maintained for the display, sale, or rental of said items); or

6. The establishment regularly offers for sale or rental at least 2,000 of said items; or

7. The establishment maintains an “adult arcade,” which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting “specified sexual activities” or “specified anatomical areas.”

**Adult Cabaret** shall mean a nightclub, bar, juice bar, restaurant, bottle club, lounge, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

**Adult Establishment** shall mean an “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theater,” or an “adult paraphernalia store.”

**Adult Motion Picture Theater** shall mean a commercial establishment to which the public is permitted or invited wherein an image-producing device is regularly maintained to show images to more than five persons at any one time, and where the images so displayed are characterized by their emphasis upon “specified sexual activities” or “specified anatomical areas.”

**Adult Paraphernalia Store** shall mean a commercial establishment that regularly offers 100 or more sexual devices for sale. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall. For purposes of this definition, “sexual device” means any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. “Sexual device” shall not be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

**Employee of an Adult Establishment** shall mean any person who performs any service on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

a. The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the County Zoning Administrator a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

b. It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

c. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five-foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

d. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.

e. It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
   i. That the occupancy of viewing rooms less than 150 square feet is limited to one person.
   ii. That specified sexual activity on the premises is prohibited.
   iii. That the making of openings between viewing rooms is prohibited.
   iv. That violators will be required to leave the premises.
   v. That violations of these regulations are unlawful.

f. It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in 8.08.04 (9)(e)(l). though 8.08.04 (9)(e)(v) above.

g. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises have two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

h. It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.

i. It shall be unlawful for a person having a duty under subsections 8.08.04 (9)(a) through 8.08.04 (9)(h) above to knowingly or recklessly fail to fulfill that duty.

j. No patron shall knowingly or recklessly enter or remain in a viewing room less than 150 square feet in area that is occupied by any other patron.

k. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.
Section 8.10 Recreational Vehicle Parks

No Recreational Vehicle Park shall be constructed within the zoning jurisdiction of Red Willow County unless a Conditional Use permit is approved and issued by the County and is constructed in conformance with the following requirements:

1. The tract to be used as a recreational vehicle park or campground shall not be less than two acres in area. Under no circumstances shall a manufactured home be parked in a recreational vehicle park or campground.
2. The maximum number of recreational vehicles, trailers, or camp sites shall be 15 per acre.
3. Each recreational vehicle, trailer, camp site shall be plainly marked.
4. The minimum dimensions of a recreational vehicle, trailer or camp site shall be 30 feet wide by 60 feet long.
5. Each recreational vehicle, trailer, camp site shall be separated from other recreational vehicles, trailers, or camp sites by at least 15 feet.
6. All recreational vehicle, trailer, camp sites shall meet the required setbacks from roads and from the ordinary high water mark and shall be located at least 50 feet from exterior lot lines.
   A. The exterior lot line setback shall be maintained in open space; except that landscaping for the purpose of screening the Park from visual views from adjacent properties.
   B. Screening at least six feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.
7. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided:
   A. No one space shall be designed for direct access to a county road or highway outside the boundaries of the recreational vehicle park or campground;
   B. All interior access drives shall be at least 20 feet in width;
   C. All interior access drives and parking areas shall be surfaced with gravel, asphalt or other material to free the site of mud.
8. Each pad location shall be equipped with the following:
   A. Electrical outlet
   B. A sanitary sewer connection per Nebraska DEQ requirements
   C. A potable water connection per Nebraska HHS requirements
   D. If pad sites are not supplied with individual sanitary sewer and water connections then a “Community Building” shall be constructed to the following requirements:
      1) Pads shall not be located more than 300 feet from the “Community Building”
      2) Separate toilet, lavatory and shower facilities for each sex, in the following ratio: one flush-type toilet, one lavatory and one shower or bathtub for females and one flush-type toilet, one lavatory, and one shower or bathtub for males.
      3) The previous toilet sanitary standards shall be for every 30 pad sites.
      4) Have an accessible, adequate, safe and potable supply of cold water.
      5) Comply with all Nebraska Building, Electrical and life safety codes.
      6) Be maintained in a clean, sanitary condition and kept free of any condition that is considered a health hazard.
9. Other criteria that shall be met include:
   A. No more than one wheeled recreational vehicle or trailer shall be allowed on any individual pad site. In addition to these units, a tent may be erected to serve as an auxiliary shelter, but shall not be erected for more than 14 consecutive days.
   B. These Parks are considered as a seasonal business and site and individual recreational vehicles or trailers are considered seasonal dwelling and shall not be occupied for more than six continuous months in a 12 month period. However, a recreational vehicle or trailer may remain on site for the remaining portion of the year in a stored state.
   C. Wheels and tires shall remain in the in-transit position.
   D. No porches, lean-to's, or additions shall be constructed onto any of these recreational dwellings. Canvas screen rooms or awnings shall be allowed.
   E. A recreational dwelling may only be skirted with a mesh-lined or, solid skirting may be installed immediately adjacent to the tires.
   F. A shelter unit may located on an individual pad site provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.
**Solar Skyspace:** The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

(A) Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.

(B) Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

**Solar Skyspace Easement:** A right, expressed as an easement, covenant, condition, restriction or other properly interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

**Solar Storage Mechanism:** Equipment or elements such as piping and transfer mechanisms, containers, heat exchangers or controls thereof and gases, solids, liquids or combinations thereof that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

8.11.03 Site Development Standards:

1. Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.

2. Setbacks: A thirty-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district, or the two districts are separated by a public right-of-way.

3. Height: The average height of the solar panel arrays shall not exceed 15 feet.

4. Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered agricultural for the purposes of buffer requirements. There is no requirement for screening from public streets.

5. Stormwater Management: Fixed panel solar arrays shall be considered pervious and any fee in lieu of detention shall be considered based on impervious cover. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.

6. Subdivision: A property developed pursuant to this subsection shall be required to plat however a water and sewer connections shall not be required. Suitable fire department access shall be required.

7. Signage: Signage shall conform to Article 7 of this Resolution as well as any sign limitations of the zoning districts.

8. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.

9. Fencing: Due to the unique security requirements of this land use, and to facilitate educational value of seeing this land use, fencing up to eight (8) feet in height is permitted provided the fencing material is predominantly open, as defined in Appendix A.

10. All State and Federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.
ARTICLE 9: ADMINISTRATION AND ENFORCEMENT

Section 9.01 Zoning Administrator
The Zoning Administrator of the Red Willow County Planning and Zoning Office, as appointed by the County Board shall administer and enforce these Regulations. The Zoning Administrator may be provided with the assistance of such other persons as the County Board may direct.

Section 9.02 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, changed, 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, unless otherwise stated herein.

Section 9.03 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 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 180 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 9.04 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 Red Willow 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 9.05 Certification of Zoning Compliance
No structure or land shall be hereafter used or the use changed thereof until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. A Certificate of Zoning Compliance for a
ARTICLE 10: BOARD OF ADJUSTMENT

Section 10.01  Intent
A Board of Adjustment is hereby created in accordance with Nebraska State Statutes governing such creation. The Board shall be an appeals body and may decide any matter appropriately brought before it.

Section 10.02  Membership
The Red Willow County Board of Commissioners shall appoint a Board of Adjustment which shall consist of five members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and be removable for cause by the appointing authority upon written charges and after public hearing. No member of the Board of Adjustment shall be a member of the County Board of Commissioner. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed by the County Board from the membership of the County Planning Commission, and the loss of membership on the Commission by such member shall also result in his immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment.

Section 10.03  Rules and Meetings
1. The Board of Adjustment shall adopt rules in accordance with the provisions of any resolution adopted pursuant to this act. 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.

2. An appeal to the Board of Adjustment may be taken by any person or persons aggrieved by the decision of an administrative officer, planning commission, and/or County Board, depending upon the nature of aggrievement. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Board a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent, or by attorney.

Section 10.04  Powers
1. The Board of Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the County Board of Commissioners, have the following powers:
   A. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
   B. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by such regulation to pass; and
   C. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantially impairing the intent and purpose of any zoning regulations, but no such variance shall be authorized unless the Board of Adjustment finds that:
ARTICLE 11: AMENDMENTS

Section 11.01 Amendments
1. 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.
2. An amendment may be initiated by the County Board of Commissioners, by a motion of the Planning Commission, or by written petition of any property owner addressed to the County Board of Commissioners. The County Board of Commissioners shall act on such petitions within 90 days of receipt. Having once considered a petition, the County Board of Commissioners will not consider substantially the same petition for one year.
3. 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:
   a. The need and justification for the change.
   b. 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.
   c. 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.
   d. 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.
4. 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 Commissioners and the Planning Commission in the particular case), the Planning Commission shall submit its report and recommendation to the County Board of Commissioners. The recommendation of the Planning Commission shall be advisory only and shall not be binding on the County Board of Commissioners. If the Planning Commission does not submit its report within the prescribed time, the County Board of Commissioners may proceed to act on the amendment without further awaiting the recommendations of the Planning Commission.

Section 11.02 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 11.03 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.