

**RICHARDSON  
COUNTY, NEBRASKA**

**ZONING REGULATIONS  
2002**

**DRAFT #5**

**NOVEMBER 12, 2002**



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## **ARTICLE 1**

### **GENERAL PROVISIONS**

#### **1.1 TITLE**

This Resolution shall be known, referred to, and cited as the Zoning Resolution of Richardson County in the State of Nebraska.

#### **1.2 JURISDICTION**

The provisions of this Resolution shall apply within the planning jurisdiction of Richardson County as established on the maps entitled "The Official Zoning Maps of Richardson County, Nebraska." The planning jurisdiction for Richardson County includes all of Richardson County excluding: 1) the incorporated municipalities (and where the individual communities have established their extra-territorial planning jurisdictions); excluding 2) The Iowa Indian Reservation and the Sac and Fox Indian Reservation; and, excluding 3) lands owned or held in trust by the State of Nebraska, United States Government, and Native American Tribal lands.

#### **1.3 PURPOSE**

In pursuance of the authority conferred by Section 23-114 of Nebraska Revised Statutes as amended, and other applicable laws, this resolution is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Richardson County and for implementing the Comprehensive Plan of the County.

## ARTICLE 2

### APPLICATION OF REGULATIONS

#### **2.1 GENERAL**

The zoning regulations set forth by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

#### **2.2 ZONING AFFECTS EVERY BUILDING AND USE**

Excepting non-conforming lot sizes, structures and usages, as set forth in Section 2.5 of these regulations, after effective date of this Regulation or any amendments thereto, no building, construction, or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, moved or structurally altered except in conformity with all of the zoning regulations herein specified for the district in which it is located.

#### **2.3 YARD AND LOT REDUCTION PROHIBITED**

No yard or lot existing at the time of passage of this resolution shall be reduced by private action in dimension or area below the minimum requirements set herein. Yards or lots created after the effective date of this resolution shall meet the minimum requirements established by this resolution.

#### **2.4 MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Where applicable, Municipal, State or Federal standards which are more restrictive than those contained herein, the more restrictive standards shall apply.

#### **2.5 NONCONFORMITIES**

The body of the following is based on Section 23-173.01 R. S. Neb.

The use of a building, structure, or land existing and lawful at the time of the enactment of a zoning regulation, or at the time of an amendment of a regulation, may, except as provided in this section, be continued, although such use does not conform with the provisions of such regulation or amendment, such use may be extended throughout the same building if no structural alteration of such building is proposed or made for the purpose of such extension. If such nonconforming use is in fact discontinued for a period of eighteen months, such right to the nonconforming use shall be forfeited and any future use of the building and premises shall conform to the regulation. The county

board may provide in any zoning regulation for the restoration, reconstruction, extension, or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning resolution. The county board may, in any zoning regulation, provide for the termination of nonconforming uses, either by specifying the period or periods in which nonconforming uses shall be required to cease, or by providing a formula whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery or amortization of the investment in the nonconformance, except that in the case of a legally erected outdoor advertising sign, device, or display, no amortization schedule shall be used.

## ARTICLE 3

### GENERAL DEFINITIONS

#### 3.1 GENERAL PROVISIONS

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this resolution.

3.11 TENSE: Words used in the present tense include the future tense.

3.12 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.

3.13 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissive.

3.14 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Resolution and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

#### 3.2 GENERAL TERMINOLOGY

The word "County" shall mean the County of Richardson, Nebraska. The words "County Board" shall mean the Richardson County Board of Commissioners. The words "Planning Commission" shall mean the Planning Commission of Richardson County duly appointed by the County Board of Richardson County.

Words or terms not herein defined shall have their ordinary meaning in relation to the context.

#### 3.3 DEFINITION

For the purpose of this resolution certain words and terms used herein are defined as follows:

3.30 ABANDONED PROPERTY OR USE: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

3.31 ACCESSORY USE OF BUILDING: A subordinate building or use which customarily is incidental to that of the main or principal building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, detached garages, garden houses, antenna/satellite dishes, and residential, agricultural and recreation storage sheds. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.

3.32 AGRICULTURAL FARM OR OPERATION: Farm or farm operation shall mean any tract of land over 20 acres in area used for or devoted to the commercial production of farm products or which produces more than \$1,000 in annual commercial production.

3.33 BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

3.34 BUILDING: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building.

3.35 This space intentionally left open

3.36 CAMP GROUNDS: Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, for a fee, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers.

3.37 COMMERCIAL USE: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee.

3.38 DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

3.39 DWELLING, MULTIFAMILY: A building or portion thereof used for occupancy by two or more families living independently of each other and containing two or more dwelling units.

3.40 DWELLING, SINGLE FAMILY: A dwelling having accommodations for and occupied by one family.

3.41 EASEMENT: A grant by the property owner to the public, a corporation or persons for the use of a tract of land for a specific purpose or purposes.

3.42 FARM RESIDENCE: Residential dwellings located on a farm including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.

3.43 FLOOD PLAIN: Those lands within the zoning jurisdictions of Richardson County which are subject to a one (1) percent or greater chance of flooding in any given year. The regulatory flood plain for this Resolution shall be based on the official Flood Hazard Boundary Map or Flood Insurance administration, U.S. Department of Housing and Urban Development and any revision thereto. Copies of said map shall be on file in the Office of the Richardson County Clerk.

3.44 HOME OCCUPATION: An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes

3.441 HUNTING:

1. Hunting, fishing, and trapping of game birds, deer, and similar animals on a seasonal basis, when permitted by the Nebraska State Game and Parks Commission and with permission of property owners and/or with lease agreements to utilize private property for such purposes.
2. Designation and operation of Controlled Shooting Areas established as game breeding and controlled shooting areas to propagate, preserve, and shoot game birds on lands designated by the Nebraska Game and Parks Commission as Controlled Shooting Areas. Such uses of land must be licensed by the Commission in accordance with the provisions of §37-484 and 37-485 and, in regulation Title 163, Chapter 4, Section 015.01.
3. Commercially operated hunting facilities including elk, deer, or other members of the family cervidae. Such hunting facilities shall be licensed by the Department of Agriculture, Bureau of Animal Industry in accordance with the provisions of the Domesticated Cervine Animal Statutes Title 23, Chapter 16, Nebraska Administrative Code.

3.45 LIVESTOCK CONFINEMENT FACILITIES/ OPERATIONS: Shall mean any building(s), lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals for more than 180 consecutive days, which exceed any combination of 1,000 animal units from the following:

Animal Units Equal:	
1.	(1.0 x <u>  </u> number of head)
2.	(1.2 x <u>  </u> number of head)
3.	(1.4 x <u>  </u> number of head)
4.	(0.4 x <u>  </u> number of head)
5.	(0.04x <u>  </u> number of head)
6.	(0.1 x <u>  </u> number of head)
7.	(2.0 x <u>  </u> number of head)
8.	(0.01x <u>  </u> number of head)
9.	(0.02x <u>  </u> number of head)
10.	(0.2 x <u>  </u> number of head)

11. For Immature Dairy Cattle, or those species not listed, number of animal units shall be calculated as the average weight of animals divided by 1,000 lbs., multiplied by the number of animals.

3.46 LANDFILL: A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day and designed in accordance with the requirements of the Nebraska Department of Environmental Quality and licensed by said Department.

3.47 LOT: A parcel of land occupied or intended for occupation, by a use permitted in this resolution.

3.48 LOT, CORNER: A lot abutting two or more streets or roads at their intersection.

3.49 LOT DEPTH: The average horizontal distance between the front and rear lot lines.

3.50 LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street or road.

3.51 LOT OF RECORD: A lot of which is part of a sub-division recorded in the Office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been recorded.

3.52 LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

3.53 MANUFACTURED HOME: A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built to compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska revised Statutes bearing the seal of the Department of Health and Human Service System.

3.54 MOBILE HOME: A year-round, transportable structure which is a single family dwelling unit suitable for permanent, more than thirty (30) days of living quarters, more than eight (8) feet wide and forty (40) feet in length and built to be towed on its own chassis with or without a permanent foundation when connected to the required utilities. This portable dwelling may consist of one (1) or more units that can be telescoped when towed and expanded later for additional capacity, or two (2) or more units, separately towable but designed to be joined as one (1) integral unit. Nothing in this definition shall be construed so as to include prefabricated, modular, precut dwelling units or those manufactured in sections or parts away from the site and transported thereto for assembly.

3.55 MOBILE HOME PARK: Any contiguous three (3) acres or less where three (3) or more mobile homes are parked, connected to utilities and used by one (1) or more persons for living or sleeping purposes. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirtings or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for three (3) or more mobile homes, connected to utilities and used by one (1) or more persons living, or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

3.56 MODULAR HOME: Any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling units, which units are movable or portable until placed on a permanent foundation and connected to utilities. All modular homes shall bear a label certifying that it was built in compliance with the Nebraska Department of Health and Human Services System as established in Section 71-1557 of the Nebraska revised Statutes.

3.57 NONCONFORMING LOT OF RECORD: A lot which is part of a recorded subdivision or a parcel of land, the deed to which was dated prior to (date of adoption), and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

3.58 NONCONFORMING STRUCTURE: An existing structure which does not comply with the lot coverage or yard requirements which are applicable to new structures in the zoning district in which it is located.

3.59 NONCONFORMING USE: An existing use of a structure or of land which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.

3.60 PARCEL: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

3.61 PARKING SPACE, OFF-STREET: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a public or private street or road and permitting ingress and egress of an automobile.

3.62 RECYCLING CENTER: A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum or paper or similar household wastes; no hazardous material as defined by State and Federal law is accepted; no salvage material is held outside a building.

3.63 RECYCLING COLLECTION POINT: A collection point for small refuse items, such as bottles, cans and newspapers, located either in a container or small structure.

3.64 ROAD AND HIGHWAY CLASSIFICATIONS:

1. INTERSTATE: Which shall consist of the federally designated National System of Interstate and Defense Highways.
2. EXPRESSWAY: Second in importance to Interstate. Shall consist of a group of highways following major traffic desires in Nebraska and ultimately should be developed to multilane divided highway standards.
3. MAJOR ARTERIAL: Consists of the balance of routes which serve major statewide interests for highway transportation in Nebraska. Characterized by high speed, relatively long distances, travel patterns.

4. SCENIC-RECREATION: Consists of highways or roads located within or which provide access to or through state parks, recreation or wilderness areas, other areas of geological, historical, recreational, biological, or archaeological significance, or areas of scenic beauty.
5. OTHER ARTERIAL: Which shall consist of a group of highways of less importance as through-travel routes which would serve places of smaller population and smaller recreation areas not served by the higher systems.
6. COLLECTOR: Which shall consist of a group of highways which pick up traffic from many local or land-service roads and carry it to community centers or to the arterial systems. They are the main school bus routes, mail routes, and farm-to-market routes.
7. LOCAL: Which shall consist of all remaining rural roads, except minimum maintenance roads.
8. MINIMUM MAINTENANCE: Which shall consist of (a) roads used occasionally by a limited number of people as alternative access roads for areas served primarily by local, collector, or arterial roads, or (b) roads which are the principal access roads to agricultural lands for farm machinery and which are not primarily used by passenger or commercial vehicles.

3.65 SALVAGE OR JUNK YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, boats or trailers presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing and farming operations.

3.66 SPECIAL USE PERMIT: A written permit issued with authorization of the County. The special permit provides permission under specific conditions to make certain special uses of land in certain zoning districts as stipulated under permitted special uses in each of the district zoning regulations.

3.67 STREET: All property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes.

3.68 STREET, CENTER LINE: A line midway between street lines.

3.69 STREET LINE: A dividing line between a lot, tract, or parcel of land, and the contiguous street. The right-of-way line of a street.

3.70 STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs. "Structure" includes "building".

3.71 STRUCTURAL ALTERATIONS: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof

3.72 TOWNHOUSE: One of a group or row of not less than three (3) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

3.73 VARIANCE: A variance is a relaxation of the terms of the zoning resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship.

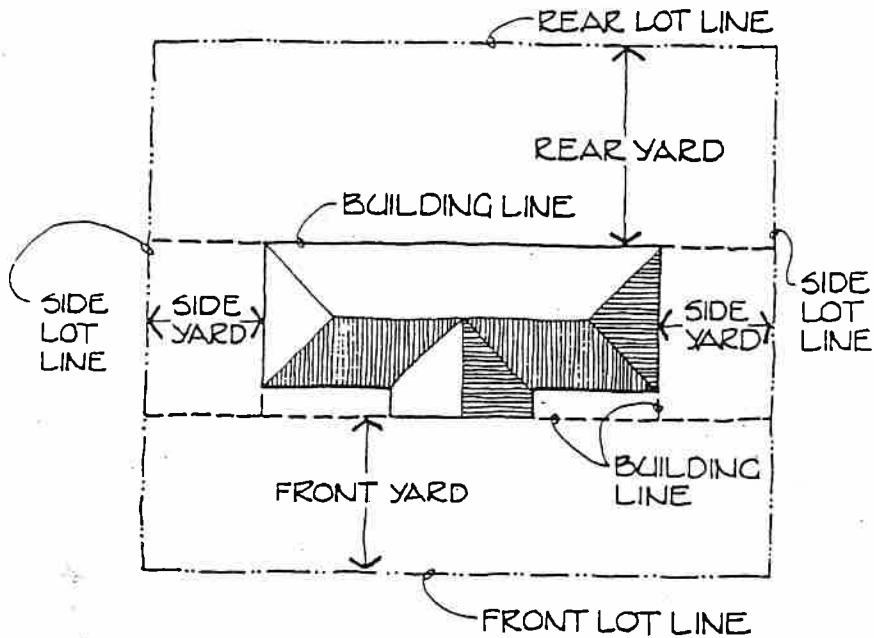
3.74 YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to the district regulations.

3.75 YARD, FRONT: A yard extending between the side lot lines from the front yard line adjoining a public street/road to the nearest point (eave, overhang, or steps, etc.) on the front of the main building.

3.76 YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point (eave, overhang, or steps, etc.) on the main building.

3.77 YARD, REQUIRED: The required minimum open space between the property line and the, nearest point (eave, overhang, or steps, etc.) of the main building. The required yard shall contain no building or other structural projections, except as permitted by Section 3.73.

3.78 YARD, SIDE: A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point (eave, overhang, or steps, etc.) of the main building.



Source: A Survey of Zoning Definitions, (American Planning Association, 1989).

Source: A Survey of Zoning Definitions, (American Planning Association, 1989).

3.79 ZONING ADMINISTRATOR: The person duly designated by the County Board to enforce these regulations.

3.80 ZONING MAP: The term "zoning map" means a map or maps officially enacted by the County Board, as part of this chapter showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the County Clerk, as an official record of the County.

## ARTICLE 4

### ESTABLISHMENT AND DESIGNATION OF DISTRICTS

#### 4.1 ZONING AND PLANNING COMMISSION RECOMMENDATIONS

It shall be a purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the County Board shall not hold its public hearings or take action until it has received the final report of the Planning Commission. Reference Nebraska Statute §23-114.02 (2) and 23-174.08.

#### 4.2 DISTRICTS CREATED

For the purpose of this resolution, there are hereby created zoning districts for Richardson County, as named and described in Article 5 of this Resolution.

1. AG - Agriculture District
2. RC - Rural Conservation District
3. AGR - Agricultural Residential District
4. C - Commercial District
5. I - Industrial District

Reference Nebraska Statute § 23-114.03

#### 4.3 OFFICIAL ZONING MAP

1. The boundaries of the district are shown upon maps, which is made a part hereof by reference, which map(s) are designated as the Richardson County Zoning Maps, dated \_\_\_\_\_ and signed by the Chairman of the County Board and attested by the County Clerk and hereinafter referred to as the "Official Zoning Map."
2. The signed copy of the Zoning Map(s) containing the zoning districts designated at the time of adoption of this resolution shall be maintained in the offices of the County Clerk for the use and benefit of the public.

3. 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(s), such changes shall be entered on the appropriate part of the Official Zoning Map(s) promptly after the amendment has been approved by the governing body with an entry on the Official Zoning Map(s) as follows:

"On (date), by official action of the County, the following change was made in the Official Zoning Map(s) (brief description of the nature of the change), "which entry shall be signed by the Chairperson and attested by the County Clerk."

No amendment to this resolution which involves matter portrayed on the Official Zoning Map(s) shall become effective until after such change and entry have been made on said map(s).

4. No changes of any nature shall be made in the Official Zoning Map(s) or matter shown thereon except in conformity with the procedures set forth in this resolution.
5. In the event that the Official Zoning Map(s) become damaged, destroyed, lost or difficult to interpret, the County may, by resolution, adopt a new Official Zoning Map(s) which shall supersede the prior Official Zoning Map(s).

The new Official Zoning Map(s) may correct drafting or other errors or omissions in the prior Official Zoning Map(s), but no such correction shall have the effect of amending the original Official Zoning Map(s) or any subsequent amendment thereof.

#### **4.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

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

1. Boundaries indicated as approximately following the center lines of roads, highways, streets, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following Municipal corporate limits shall be construed as following such corporate limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the railroad right-of-way;
5. Boundaries indicated as parallel to or extension of features indicated in subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map(s) shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map(s), or in other circumstances not covered by subsection 1 through 5 above, the Board of Zoning Adjustment shall interpret the district boundaries.
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this resolution the Board of Zoning Adjustment may permit, as an exception, the extension the regulations for either portion of the lot not to exceed one hundred and fifty (150) feet beyond the district line into the remaining portion of the lot.

## ARTICLE 5

### ZONING DISTRICTS

#### 5.1 AG AGRICULTURE DISTRICT

5.11 INTENT: This district is designated for general agriculture use and is intended to preserve and protect agriculture production from encroachment by incompatible uses.

5.12 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.45.
2. Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems;
3. Bulk grain, produce storage, and commercial warehouses;
4. Irrigation, flood, erosion and sediment control projects;
5. Non-farm single family, ranch and farm dwellings, including mobile homes. Single family dwellings located within minimum distance of a livestock confinement facility/livestock operation as defined in Section 6.4 and a salvage or junk yard defined in Section 6.3 are subject to Nebraska State Statutes §2-4401 through 2-4404.
6. Greenhouses and garden centers;
7. Bed and breakfast;
8. Churches, places of worship and cemeteries;
9. Waste management requirements of Richardson County communities and spreading needs of treated municipal waste in conformance with State of Nebraska Departments of Environmental Quality and Health and Human Services System;
10. Broadcast towers and stations and wind generation systems, including amateur radio or land mobile communication towers of 100 feet and less;

11. Farm/ranch buildings and structures;
12. Hunting, fishing, and trapping of game birds, deer and similar animals on a seasonal basis, when permitted by the Nebraska State Game and Parks Commission and with permission of property owners and/or with lease agreements to utilize private property for such purposes; and,
13. Designation and operation of Controlled Shooting Areas established as a game breeding and controlled shooting areas to propagate, preserve and shoot game birds on lands designated by the Nebraska State Game and Parks Commission as Controlled Shooting Areas. Such uses of land must be licensed by the Commission in accordance with the provisions of Nebraska State Statutes §37-484 and 37-485, and in regulation Title 163, Chapter 4, Section 015.01.

5.13 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 8; and
3. Roadside stands for the temporary sale of produce.

5.14 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AG Agriculture District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Airports, heliports, crop-dusting strips, and private air strips in accordance with the Federal Aviation Administration regulations;
2. Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills; gravel plants and asphalt or concrete batch plants;
3. Broadcast towers and stations and wind generation systems, including Amateur Radio or land mobile communication towers of more than 100 feet when in conformance with the following:
  - A. Towers, including wind generation towers, shall be located a minimum distance of twice the height of the tower from adjacent dwellings or structures other than those associated with the tower facility.
  - B. Towers must comply with the regulations of the Federal Aviation Administration (FAA).
4. Public recreational uses, including parks and playgrounds, campgrounds and riding stables;

5. Commercially operated hunting facilities including elk, deer, or other members of the family cervidae. Such hunting facilities shall be licensed by the Department of Agriculture, Bureau of Animal Industry in accordance with the provisions of the Domesticated Cervine Animal Statutes Title 23, Chapter 16, Nebraska Administrative Code;
6. Auction/sale barns and yards;
7. Facilities for the commercial storage and sale of fertilizer or toxic or flammable agricultural chemicals;
8. Salvage or junk yards in accordance with Section 6.3;
9. Mineral extraction, for commercial sale, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries;
10. Pre-school and child care centers;
11. Private elementary and high schools;
12. Expansion of existing or development of new livestock confinement facilities/operations as defined in Section 3.45 and in accordance with Section 6.4;
13. Veterinary facilities;
14. Dog breeding establishments and kennels;
15. Manufacturing, Commercial and/or Industrial operations;
16. Hospitals, penal institutions and sanitariums;
17. Nursing and care homes;
18. Public and private, including non-profit, charitable institutions;
19. Recreational motel-lodging;
20. Disposal of paunch animal waste; and
21. Rural subdivisions in accordance with the Nebraska Department of Environmental Quality – Title 124 and Department of Health and Human Services Regulations and/or with a shared or "community" drinking water and/or sanitary sewer system.

5.15 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted principal, accessory, or special uses shall be prohibited from the AG Agriculture District.

5.16 RECOMMENDED MINIMUM LOTS: All improved area or uses, other than general farming, ranching, pasturing, etc. are encouraged to be adjacent to or have a private land/drive with access to an improved all weather county road (above minimum maintenance road classification). Minimum maintenance roads can be reclassified by the County Board of Commissioners.

Single Family Dwellings:

Suggested Minimum Lot Size: 3 acres.

5.17 MINIMUM ELEVATION AND YARD REQUIREMENTS:

1. No structures intended for human habitation shall be placed within the all time high water mark of the waterways in this designated district, as identified by the Federal Emergency Management Agency (FEMA) on their Flood Insurance Rate Map (FIRM) as Special Flood Hazard Areas unless:
  - A. (Lower Standard) the elevation of the structure equals or exceeds the height elevation specified for flood insurance coverage by FEMA on the said FIRM map. The currently specified requirement by FEMA is that the top of the lowest finished floor of the structure be at least one (1) foot above the Base Flood Level where the structure is to be located and this requirement will apply whether or not the owner of the structure actually buys flood insurance; or

If the Base Flood Level has not been specified for the location of the structure by FEMA on a FIRM map then:

- B. (Higher Standard) the elevation of the stem wall top below the sill plate, or the bottom of the floor slab, or any other base to such structure shall be at least one (1) foot above the aforesaid all time high water mark of the waterway where the structure is located.

2. Yard Requirements:

Front Yard: There shall be a minimum front yard of not less than a depth of twenty-five (25) feet measured from the road right-of-way line in conformance with Section 8.6.

Rear Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be twenty-five (25) feet.

Side Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum side yard shall be twenty-five (25) feet.

5.18 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.19 FENCES, WALLS, HEDGES AND SHELTERBELTS: See Article 8.5.

## **5.2 RC RURAL CONSERVATION DISTRICT**

**5.21 INTENT:** This district is intended for those areas which, because of limiting environmental characteristics such as scenic status, excessive slope, soils conditions, high water table, or other factors, require the regulation of development in keeping with the conditions imposed by the natural environment.

**5.22 PERMITTED PRINCIPAL USES AND STRUCTURES:** The following shall be permitted as uses by right

1. Non-farm single family ranch and farm dwellings, including mobile homes. Single family dwellings located within minimum distance of a livestock confinement facility/livestock operation as defined in Section 6.4 and a salvage or junk yard defined in Section 6.3 are subject to Nebraska State Statutes § 2-4401 through 2-4404;
2. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.45;
3. Irrigation, flood, erosion and sediment control projects;
4. Bulk grain and produce storage, excluding commercial warehouses;
5. Broadcast towers and stations and wind generation systems, including amateur radio or land mobile communication towers of 100 feet and less;
6. Hunting, fishing, and trapping of game birds, deer and similar animals on a seasonal basis, when permitted by the Nebraska State Game and Parks Commission and with permission of property owners and/or with lease agreements to utilize private property for such purposes; and,
7. Designation and operation of Controlled Shooting Areas established as a game breeding and controlled shooting areas to propagate, preserve and shoot game birds on lands designated by the Nebraska State Game and Parks Commission as Controlled Shooting Areas. Such uses of land must be licensed by the Commission in accordance with the provisions of Nebraska State Statutes §37-484 and 37-485, and in regulation Title 163, Chapter 4, Section 015.01.

**5.23 PERMITTED ACCESSORY USES AND STRUCTURES:** The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.
2. Home occupations in accordance with Article 8; and
3. Roadside stands for temporary sale of produce.

5.24 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the RC Rural Conservation District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills; gravel plants and asphalt or concrete batch plants; and public water systems;
2. Public and private uses including parks, playgrounds, golf courses, recreation uses, riding stables, public utilities, and utility distribution system;
3. Commercially operated hunting facilities including elk, deer, or other members of the family cervidae. Such hunting facilities shall be licensed by the Department of Agriculture, Bureau of Animal Industry in accordance with the provisions of the Domesticated Cervine Animal Statutes Title 23, Chapter 16, Nebraska Administrative Code;
4. Bed and breakfast establishments;
5. Mineral extraction, for commercial sale, which shall include the following: oil wells, sand and gravel extraction and quarries;
6. Expansion of existing livestock confinement facilities/operations in accordance with Section 3.45 (definitions) and Section 6.4;
7. Greenhouses and garden centers; and
8. Rural subdivisions in accordance with the Nebraska Department of Environmental Quality - Title 124 and Department of Health and Human Services Regulations and/or with a shared or "community" drinking water and/or sanitary sewer system.

5.25 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted principal, accessory, or special uses shall be prohibited from the RC Rural Conservation District.

5.26 SPECIAL REGULATION: Provisions must be made for disposal of wastes in accordance with local and state regulations.

5.27 RECOMMENDED MINIMUM LOTS: All improved area or uses, other than general farming, ranching, pasturing, etc. are encouraged to be adjacent to or have a private land/drive with access to an improved all weather county road (above minimum maintenance road classification). Minimum maintenance roads can be reclassified by the County Board of Commissioners.

Single Family Dwellings:  
Suggested Minimum Lot Size: 3 acres.

## 5.28 MINIMUM ELEVATION AND YARD REQUIREMENTS:

1. No structures intended for human habitation shall be placed within the all time high water mark of the waterways in this designated district, as identified by the Federal Emergency Management Agency (FEMA) on their Flood Insurance Rate Map (FIRM) as Special Flood Hazard Areas unless:
  - A. (Lower Standard) the elevation of the structure equals or exceeds the height elevation specified for flood insurance coverage by FEMA on the said FIRM map. The currently specified requirement by FEMA is that the top of the lowest finished floor of the structure be at least one (1) foot above the Base Flood Level where the structure is to be located and this requirement will apply whether or not the owner and this structure actually buys flood insurance; or  
If the Base Flood Level has not been specified for the location of the structure by FEMA on a FIRM map then:
    - B. (Higher Standard) the elevation of the stem wall top below the sill plate, or the bottom of the floor slab, or any other base to such structure shall be at least one (1) foot above the aforesaid all time high water mark of the waterway where the structure is located.
2. Yard requirements are as follows:

Front Yard: There shall be a minimum front yard of not less than a depth of twenty-five (25) feet measured from the right-of-way line in conformance with Section 8.6.

Rear Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be twenty-five (25) feet.

Side Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum side yard shall be twenty-five (25) feet.

## 5.29 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

## 5.210 FENCES, WALLS, HEDGES AND SHELTERBELTS: See Article 8.5.

## **5.3 AGR AGRICULTURAL RESIDENTIAL DISTRICT**

**5.31 INTENT:** This district is intended to provide for low-density, acreage residential development in selected areas in close proximity to the communities of Richardson County, or in rural areas with reasonable access to major rural roads. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.

**5.32 PERMITTED PRINCIPLE USES AND STRUCTURES:** The following shall be permitted as uses by right:

1. General farming, including hobby farming or animal raising, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.45.
2. Non-farm single family ranch and farm dwellings, including mobile homes. Single family dwellings located within minimum distance of a livestock confinement facility/livestock operation as defined in Section 6.4 and a salvage or junk yard defined in Section 6.3 are subject to Nebraska State Statutes §2-4401 through 2-4404;
3. Irrigation, flood, erosion and sediment control projects;
4. Public parks and recreational areas;
5. Community buildings and/or facilities owned and/or occupied by public agencies; fire stations;
6. Public and/or private schools;
7. Churches, places of worship, and cemeteries;
8. Broadcast towers and stations and wind generation systems, including amateur radio or land mobile communication towers of 100 feet or less; and
9. Hunting, fishing, and trapping of game birds, deer and similar animals on a seasonal basis, when permitted by the Nebraska State Game and Parks Commission and with permission of property owners and/or with lease agreements to utilize private property for such purposes.

**5.33 PERMITTED ACCESSORY USES AND STRUCTURES:** The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures;
2. Home occupations in conformance with Article 8.2; and
3. Roadside stands for sale of agricultural produce.

**5.34 PERMITTED SPECIAL USES:** A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
2. Pre-school and child care centers;
3. Radio and television towers and transmitters taller than 100 feet;
4. Camp grounds;
5. Wind generating systems taller than 100 feet;
6. Commercial kennels;
7. Public and private charitable institutions;
8. Greenhouses and nurseries;
9. Animal clinics, animal hospitals and veterinarian services;
10. Mobile home parks;
11. Recreational/motel lodging;
12. Multi-family dwellings;
13. Rural subdivisions in accordance with the Nebraska Department of Environmental Quality - Title 124 and Department of Health and Human Services Regulations and/or with a shared or "community" drinking water and/or sanitary sewer system; and,
14. Designation and operation of Controlled Shooting Areas established as a game breeding and controlled shooting areas to propagate, preserve and shoot game birds on lands designated by the Nebraska State Game and Parks Commission as Controlled Shooting Areas. Such uses of land must be licensed by the Commission in accordance with the provisions of Nebraska State Statutes §37-484 and 37-485, and in regulation Title 163, Chapter 4, Section 015.01.

**5.35 PROHIBITED USES AND STRUCTURES:** All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from AGR Agricultural Residential District.

**5.36 RECOMMENDED MINIMUM LOTS:** All improved areas or uses, other than general farming, ranching, pasturing, etc, are encouraged to be adjacent to or have private land/drive with access to an improved all weather county road (above minimum maintenance road classification). Minimum maintenance roads can be reclassified by the County Board of Commissioners.

1. Single family dwellings:  
Suggested Minimum Lot Size: 3 acres.

### 5.37 MINIMUM ELEVATION AND YARD REQUIREMENTS:

1. No structures intended for human habitation shall be placed within the all time high water mark of the waterways in this designated district, as identified by the Federal Emergency Management Agency (FEMA) on their Flood Insurance Rate Map (FIRM) as Special Flood Hazard Areas unless:
  - A. (Lower Standard) the elevation of the structure equals or exceeds the height elevation specified for flood insurance coverage by FEMA on the said FIRM map. The currently specified requirement by FEMA is that the top of the lowest finished floor of the structure be at least one (1) foot above the Base Flood Level where the structure is to be located and this requirement will apply whether or not the owner of this structure actually buys flood insurance; or

If the Base Flood Level has not been specified for the location of the structure by FEMA on a FIRM map then:

- B. (Higher Standard) the elevation of the stem wall top below the sill plate, or the bottom of the floor slab, or any other base to such structure shall be at least one (1) foot above the aforesaid all time high water mark of the waterway where the structure is located.
2. Yard Requirements:

Front Yard:	There shall be a minimum front yard of not less than a depth of twenty-five (25) feet measured from the right-of-way line in conformance with Article 8.6.
Rear Yard:	No limitations; unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be twenty-five (25) feet.
Side Yard:	No limitations; unless abutting an improved county road, state or federal highway, then the minimum side yard shall be twenty-five (25) feet.

### 5.38 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

### 5.39 FENCES, WALLS, HEDGES AND SHELTERBELTS: See Article 8.5.

## 5.4 C COMMERCIAL DISTRICT

5.41 INTENT: The C Commercial District is intended for the purpose of providing limited commercial services. Off-street parking is required in order to reduce adverse effects on adjacent properties.

5.42 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Automobile wash facilities;
2. Churches and other religious institutions;
3. Construction sales and services;
4. Convenience store or filling station;
5. Detached banking facilities (ATM);
6. Electric and telephone substations;
7. Farm implement sales and services;
8. Garden centers and nurseries;
9. Irrigation equipment sales and services;
10. Mini storage facilities;
11. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
12. Restaurants and cafes;
13. Service stations;
14. Stores or shops for sale of goods or services at retail;
15. Transportation warehousing;
16. Trucks and freight terminals;
17. Utilities, including shops and offices;
18. Medical clinics;
19. Golf courses including clubhouses, swimming pools, restaurants; and,
20. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.45; and,
21. Hunting, fishing, and trapping of game birds, deer and similar animals on a seasonal basis, when permitted by the Nebraska State Game and Parks Commission and with permission of property owners and/or with lease agreements to utilize private property for such purposes.

5.43 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.

5.44 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C Commercial District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Private clubs and lodges;
2. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
3. Radio studios, transmitters and antenna;
4. Recycling centers;
5. Single family homes;
6. Campgrounds;
7. Manufacturing, Commercial and/or Industrial operations; and,
8. Designation and operation of Controlled Shooting Areas established as a game breeding and controlled shooting areas to propagate, preserve and shoot game birds on lands designated by the Nebraska State Game and Parks Commission as Controlled Shooting Areas. Such uses of land must be licensed by the Commission in accordance with the provisions of Nebraska State Statutes §37-484 and 37-485, and in regulation Title 163, Chapter 4, Section 015.01.

#### **5.45 SCREENING REQUIREMENTS:**

1. Where a site adjoins a Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height may be required on the property line common to such districts, except in a required front yard.

#### **5.46 PROHIBITED USES:**

1. All other uses and structures which are not specifically permitted or permissible as special uses shall be prohibited from the C Commercial District.

**5.47 HEIGHT AND AREA REGULATIONS:** All improved area or uses, other than general farming, ranching, pasturing, etc. are encouraged to be adjacent to or have a private land/drive with access to an improved all weather county road (above minimum maintenance road classification). Minimum maintenance roads can be reclassified by the County Board of Commissioners. The maximum height and minimum area regulations shall be as follows:

##### **1. General Requirements:**

	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>
Permitted Uses	75'*	25'	25'

\*Measured from the road right-of-way line.

#### **5.48 FENCES, WALLS, HEDGES AND SHELTERBELTS:** See Article 8.5.

## **5.5 I INDUSTRIAL DISTRICT**

5.51 INTENT: This district is designed to provide for a wide range of industrial and related uses.

### **5.52 PERMITTED PRINCIPAL USES AND STRUCTURES:**

1. Animal hospitals;
2. Automobile sales and services;
3. Automotive wash facilities;
4. Bottling works;
5. Building material sales and ready-mix concrete plants;
6. Carpenter, cabinet, plumbing or sheet metal shops;
7. Carpet and rug cleaning and repair services;
8. Disinfecting and exterminating services;
9. Dry cleaning, laundering and dyeing services;
10. Dyeing and finishing of textiles;
11. Educational and scientific research services;
12. Electrical sales and services;
13. Equipment rental and leasing services;
14. Farm machinery and equipment - retail;
15. Farm supplies - retail;
16. Feeds, grains and hay - retail;
17. Food lockers and storage services;
18. Freight forwarding services;
19. Furniture repair and reupholster services;
20. Fur trading services;
21. Garden centers and nurseries;
22. Gas utility maintenance yard;
23. Manufacturing operation;
24. Landscape sales and services;
25. Mobile and modular home sales and manufacturing;
26. Newspaper publishing plants and commercial printing;
27. Photoengraving;
28. Photo finishing services;
29. Public utility and public service uses;
30. Radios, televisions, phonographs, recorders, tape players and other similar devices repair services;
31. Service stations;
32. Stores or shops for the sale of industry goods at retail;
33. Telephone services;
34. Transportation warehousing;
35. Truck wash services;
36. Veterinarian services;
37. Warehousing and storage except for products of a highly explosive, combustible or volatile nature;

38. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature;
39. Mini-warehouse;
40. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/ operations as defined in Section 3.45;
41. Pipeline transport facility; and,
42. Hunting, fishing, and trapping of game birds, deer and similar animals on a seasonal basis, when permitted by the Nebraska State Game and Parks Commission and with permission of property owners and/or with lease agreements to utilize private property for such purposes.

**5.53 PERMITTED ACCESSORY USES:** Accessory uses and structures normally appurtenant to permitted uses and structures.

**5.54 PERMITTED SPECIAL USES:** A building or premises may be used for the following purposes in the I Industrial District if a special permit for such use has been obtained in accordance with Article 6 of this Resolution.

1. Salvage or junk yard in accordance with Section 6.3;
2. Recycling center;
3. Wholesale establishments which handle products of a highly explosive, combustible or volatile nature;
4. Mineral extraction, for commercial sale, which shall include the following: oil wells, sand and gravel extraction quarries;
5. Airport; and,
6. Designation and operation of Controlled Shooting Areas established as a game breeding and controlled shooting areas to propagate, preserve and shoot game birds on lands designated by the Nebraska State Game and Parks Commission as Controlled Shooting Areas. Such uses of land must be licensed by the Commission in accordance with the provisions of Nebraska State Statutes §37-484 and 37-485, and in regulation Title 163, Chapter 4, Section 015.01.

**5.55 PROHIBITED USES AND STRUCTURES:** All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the I Industrial District.

**5.56 HEIGHT AND AREA REGULATIONS:** All improved area or uses, other than general farming, ranching, pasturing, etc. are encouraged to be adjacent to or have a private land/drive with access to an improved all weather county road (above minimum maintenance road classification). Minimum maintenance roads can be reclassified by the County Board of Commissioners. The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Required <u>Front</u> <u>Yard</u>	Required <u>Side Yard</u>	Required <u>Rear</u> <u>Yard</u>
Permitted Uses	75'*	25'	25'

\*Measured from the road right-of-way line.

**5.57 FENCES, WALLS, HEDGES AND SHELTERBELTS:** See Article 8.5.

## ARTICLE 6

### SPECIAL USE PERMIT

#### **6.1 GENERAL**

The County may authorize by special permit after public hearing, any of the buildings or uses designated in this resolution as permitted special uses.

#### **6.2 PROCEDURES**

Such application shall be in writing, filed in the Office of the County Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the County. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the County Board, within thirty (30) days. Upon hearing, the County Board may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the County Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a newspaper of general circulation in the County and in the local newspaper of any county/village/city which has territory within three miles of the property affected by such action of the County Board, one time at least ten (10) days prior to such hearing (Ref. 23-164 R.S. Neb.).

A notice of the purpose, time, and place of the hearing shall be given in writing to the Chairperson of the County Board, or Planning Commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action.

Except as otherwise provided herein, no special use permit shall be granted by the County Board, without an affirmative vote of a majority of all members of the County Board and providing the proposed use is found to comply with the following guidelines:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and

4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

### **6.3 SALVAGE OR JUNK YARD**

Salvage or junk yard operations and related facilities shall only be allowed by special permit in the "AG" and "I" zoning districts under the following conditions:

1. Located on a tract of land at least 1,320 feet from a residential or agricultural farm residence, except for the residence owned by the proprietor of the salvage or junk yard.
2. A remediation fund or bond shall be posted for clean up of facility in the event of abandonment.
3. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.
4. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.
5. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.
6. Special use permits granted under this section may be subject to review by the County Board if the permit holder is not in compliance with Nebraska Department of Environmental Quality regulations or conditions of the existing special permit granted by the County Board.

In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

## 6.4 LIVESTOCK CONFINEMENT FACILITIES/OPERATIONS

Livestock confinement facilities/operations as defined by Section 3.45 shall only be allowed by special permit in the AG Agricultural District under the following conditions:

### 1. Distance requirements:

Any new or expanding livestock facilities/operations, as defined in Section 3.45, shall be a minimum distance (as hereafter specified) from any residence, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator. Livestock confinement facilities/operations unable to meet the minimum distance requirement may apply for a variance.

The minimum distance shall be measured from the nearest edge of the area used, or approved for use, as the livestock facility/operation under this Resolution to the nearest point of such residence, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public.

Expansion of an existing livestock facility/operation is defined as such when capacity of the facility is increased to the point where the total animal units is defined as a larger class. See minimum distance requirements in the following table.

### MINIMUM DISTANCE REQUIREMENTS

	Class A	Class B	Class C	Class D
Total Animal Units Allowed (Section 3.45)	1,001 to 5,000	5,001 to 10,000	10,001 to 25,000	25,000 and above
Minimum Distance Required	3/8 Mile	½ Mile	3/4 Mile	1 Mile

2. A management plan for the facility shall be established which is acceptable to the Nebraska Department of Environmental Quality and Richardson County. The Plan shall provide for the proper disposal of animal waste and dead animals in a manner as not to contaminate ground water or any stream, creek or river and minimizes odor.
3. Disposal and storage of livestock confinement facility/operation animal waste shall be in conformance with the following:
  - A. Disposal and storage of livestock confinement facility/operation animal waste on land within Richardson County other than on the property upon which the livestock confinement facility/operation is located, shall be subject to the license requirements and waste disposal requirements and recommendations of the State of Nebraska, and subject to the approval of the Richardson County Board of Commissioners.
  - B. The disposal of livestock waste shall not be closer than thirteen hundred and twenty (1,320) feet to a neighbor's residence without a written letter of agreement by/from the property owner of the residence.
  - C. There shall be no storage, or disposal, of livestock waste from a livestock confinement facility/operation upon land designated as wetlands by the United States Department of Agriculture Natural Resources Conservation Service.
  - D. Paunch waste disposal shall only be allowed in the AG Agriculture District in conformance with a Special Use Permit process.
4. Special use permits granted under this section shall be subject to review by the County Board if not in compliance with the Nebraska Department of Environmental Quality regulations.
5. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health, safety and welfare of the residents of Richardson County.

**ARTICLE 7**  
**PARKING REGULATIONS**

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## ARTICLE 8

### ACCESSORY USES

#### 8.1 ACCESSORY BUILDING

Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, or unhealthful to adjacent property, or the users thereof, and shall be on the premises of the main use. Attached garages are considered part of principal building.

#### 8.2 HOME OCCUPATIONS

Home occupations are defined as: An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

The following conditions and restrictions shall apply to such customary home occupations:

- a. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his/her private residence.
- b. Parking shall be handled in such a manner as not impede or hinder traffic on any public right of way.

**8.3 MANUFACTURED HOMES:** All manufactured homes located outside mobile home parks shall have upon it any required seal as set forth in Section 71-1555, et. seq., Revised Statutes of Nebraska.

**8.4 EXCEPTIONS TO LOT SIZE REQUIREMENTS:** If, at the time of passage of this article, a lot or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the district subject to the other requirements of the district.

**8.5 RURAL RIGHT-OF-WAYS:** All buildings and sight impairing or "solid" fences, walls and hedges shall have a minimum set back of twenty-five (25) feet measured from rural right-of-ways. Furthermore, all buildings, fences, walls, retaining walls, diversions, walkway structures or planting of trees, shrubbery, or similar uses are prohibited within the right-of-ways of rural roads or state and federal highways.

Planting of shelterbelts shall have a minimum set back of 120 feet on the north and 80 feet, respectively, on the south and east and west sides of the road within 200 feet of an intersection, and a thirty (30) foot set back on all other right-of-ways.

## ARTICLE 9

### COUNTY BOARD OF ZONING ADJUSTMENT

#### **9.1 BOARD OF ZONING ADJUSTMENT**

- (1) The county board shall appoint a board of adjustment which shall consist of five (5) 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 (3) 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 commissioners or county board of supervisors. 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 planning 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.
- (2) The board of adjustment shall adopt rules in accordance with the provisions of any resolution adopted pursuant to section 23-114 to 23-114..05, 23-168.04. 23-172 to 23-174, 23-174.02, 23-373, and 23-376. 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 of 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. (23-168.01 R.S. Neb.)

#### **9.2 BOARD OF ADJUSTMENT; DECISION; APPEAL**

- (1) An appeal to the board of adjustment may be taken by any person or persons aggrieved, or by any officer, department, board, or bureau of the county affected by any decision of an administrative officer or planning commission. 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.

(2) 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. (23-168.02 R. S. Neb)

### **9.3 BOARD OF ADJUSTMENT; POWERS; VARIANCE 'WHEN PERMITTED' POWER TO REVERSE OR MODIFY ACTION**

The board of adjustment shall, subject to such appropriate conditions and safeguards as may be established by the county board, have only the following powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
- (2) To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any map; and
- (3) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376 would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning regulations, but no such variance shall be authorized unless the board of adjustment finds that:
  - (a) The strict application of the regulation would produce undue hardship;
  - (b) such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  - (c) the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
  - (d) the granting of such variance is based upon reasons of demonstrable and exceptional hardships as distinguished from variations for the purposes of convenience, profit or caprice.

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

In exercising the above-mentioned powers, the board may, in conformity with the provisions of section 23-114 to 23-114.05, 23-168.01 to 23-168-04, 23-172 to 23-174, 23-174.02, 23-272, and 23-376, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as shall be proper, and to that end shall have the power of the officer or agency from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation. (23-168.03 R.S. Neb.)

#### **9.4 BOARD OF ADJUSTMENT; DECISION; APPEAL; PROCEDURE**

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any officer, department, board, or bureau of the county, may present to the district court for the county a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within fifteen (15) days after the filing of the decision in the office of the board of adjustment. Upon the filing of such petition a summons shall be issued and be served upon the board of adjustment together with a copy of the petition, and return of service shall be made within four (4) days after the issuance of the summons. Within ten (10) days after the return day of the summons, the county board shall file an answer to the petition which shall admit or deny the substantial averments of the petition and matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition. At the expiration of the time for filing the answer, the court shall proceed to hear and determine the cause that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. Any appeal from such judgment of the district court shall be prosecuted in accordance with the general laws of the state regulating appeals in actions at law. (23-168.04 R.S. Neb.)

## ARTICLE 10

### ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

#### **10.1 ENFORCEMENT**

10.11 **ZONING ADMINISTRATOR.** This resolution shall be enforced and administered by a zoning administrator who shall be appointed by the County Board and who may be provided with the assistance of such other persons as the County Board may direct in order to carry out the following duties and responsibilities:

1. Approve and issue all zoning permits when compliance is made with this resolution.
2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this resolution.
3. Receive, file and forward to the County Board of Adjustment the records in all appeals for variances.
4. Maintain permanent and current records of the Zoning Resolutions including but not limited to, all zoning maps, amendments, special use permits, variances, appeals and applications thereof and records of hearings thereon.
5. Prepare and have available in book, pamphlet or map for each year.
  - a. The compiled text of the Zoning Resolutions and amendments thereto, including all amendments adopted through the preceding twelve (12) months; and
  - b. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding twelve (12) months.
6. Whenever the Zoning Administrator shall find that any of the provisions of this resolution have been or are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she may order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, structures or additions or alterations thereto; discontinuance of any illegal work being done; or take any other appropriate action authorized by this resolution to insure compliance with, or to prevent violation of, its provisions.

## 10.2 ZONING PERMITS

10.21 GENERAL. (1) The County Board shall provide for enforcement of the zoning regulations within its county by requiring the issuance of permits prior to the erection, construction, reconstruction, alteration, repair, or conversion of any non-farm building or structure within a zoned area, and the County Board may provide for the withholding of any permit if the purpose for which it is sought would conflict with zoning regulations adopted for the particular district in which the building or structure is situated or in which it is proposed to be erected. All plats for subdivisions in the area outside the corporate limits of cities and villages and outside of an unincorporated area wherein a city or village has been granted subdivision jurisdiction and is exercising such jurisdiction must be approved by the County Planning Commission. (2) The County Board may establish and appoint a County Zoning Administrator, who may also serve as a building inspector and fix such compensation or may authorize any administrative official of the county to assume the functions of such position in addition to their regular duties. The County Board may also fix a reasonable schedule of fees for the issuance of permits under the provisions of subsection (1) of this section. The permits shall not be issued unless the plans of and for the proposed erection, construction, reconstruction, alteration, use or change of use, including sanitation, plumbing and sewage disposal are filed in writing in the zoning administrator's office and such plans fully conform to all zoning regulations then in effect. (23-114.04 R.S. Neb.)

10.22 APPLICATION FOR ZONING PERMIT. All applications for a zoning permit shall be accompanied by a plot plan showing the location, ground area, height and bulk of all present and proposed structures, additions, parking areas and site improvements; the actual dimensions and shape of the lot lines; the uses to be built upon; the building lines in proposed structures or additions; and any other reasonable and pertinent information as may be required by the Zoning Administrator or the proper enforcement of this resolution.

10.23 APPROVAL OR DISAPPROVAL OF PERMIT. The Zoning Administrator shall examine all applications for zoning permits, including plans, specifications and documents filed therewith and shall either approve or disapprove such application within thirty (30) days of receipt of same.

Upon approval and receipt of required fees, the Zoning Administrator shall promptly issue the zoning permit and shall affix his/her signature to the permit and the plans and mark the plans "Approved." Upon disapproval of the application, the Zoning Administrator shall refuse to issue the permit and shall state in writing on the plans the reasons for disapproval, affix his/her signature and mark the plans "Disapproved."

**10.24 APPEAL FROM APPROVAL OR DISAPPROVAL.** An appeal from approval or disapproval of any Application shall be made to the Board of Adjustment in writing within ten (10) days after the determination of the Zoning Administrator has been filed.

### **10.3 SCHEDULE OF FEES**

**10.31** The schedule of fees shall be established for this Zoning Resolution to cover costs of administration by the County Board.

The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the County Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**ARTICLE 11**  
**AMENDMENT**

**11.1 GENERAL**

The County Board may from time to time supplement, change or generally revise the boundaries or regulations contained in this resolution amendment. A proposal for such amendment may be initiated by the County Board, Planning Commission or upon application of the owner of the property affected. A filing fee established by the County Board is required for each application to be considered by the Planning Commission.

**11.2 SUBMISSION TO PLANNING COMMISSION**

All such proposed amendments shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district.

The county board shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, enforced, and, from time to time, amended, supplemented, or changed. No such regulation, restriction, or boundary shall become effective until after public hearings are held by both the county planning commission and county board in relation thereto, when its parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by the publication thereof in a legal newspaper of general circulation in such county one time at least ten days prior to such hearing. Notice of the time and place of such hearing shall also be given in writing to the chairperson of any municipal, county, or joint planning commission in the State of Nebraska which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government in the state of Nebraska having jurisdiction over land within three miles of the property affected by such action.

Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed.

In case, however, of a protest against such change, signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or to those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds majority of the county board. The provisions of section 23-164 of Nebraska revised statutes relative to public hearings and official notice shall apply equally to all changes or amendments.

### **11.3 AMENDMENT CONSIDERATION AND ADOPTION**

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (1/2) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.

#### **11.4 PROTEST**

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the County Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds (2/3) majority of the County Board. (Reference Nebraska revised statutes 23-165.)

## ARTICLE 12

### COMPLAINTS, PENALTIES, REMEDIES

#### 12.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

#### 12.2 PENALTIES

The owner or agent of a building or premises in or upon which a violation of any provisions of this resolution has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a Class "III" misdemeanor. Each and every day that such violation continues after notification may constitute a separate offense.

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

#### 12.3 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 this resolution the appropriate authorities of the County as well as any owner or owners of real estate in the district 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. Any taxpayer or taxpayers of the county may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by such sections or in resolutions adopted pursuant to such sections (ref. 23.115.05 Nebraska revised Statutes).

## **ARTICLE 13**

### **LEGAL STATUS PROVISIONS**

#### **13.1 SEPARABILITY**

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

#### **13.2 PURPOSE OF CATCH HEADS**

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

#### **13.3 REPEAL OF CONFLICTING RESOLUTIONS**

All other resolutions and regulations in conflict with this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

#### **13.4 EFFECT DATE**

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

**OFFICIAL ZONING MAP**  
RICHARDSON COUNTY, NEBRASKA



This is to certify that this is the Official Zoning Map referred to in Section 4.3 of the Richardson County, Nebraska Zoning Regulation adopted by Resolution No. 2002 with the effective date of 1-1-2002. The official zoning map of the area within the rural planning jurisdiction are off Richardson County, Nebraska, together with all changes, amendments or addendum thereto, shall be maintained in the Office of the County Clerk and available for public inspection during regular office hours.

Chapman \_\_\_\_\_

Richardson County Clerk \_\_\_\_\_

Date \_\_\_\_\_

