

# THAYER COUNTY

## NEBRASKA

### ZONING REGULATION 2025

*(Redacted)*

RESOLUTION NO. 1972

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
THAYER COUNTY, NEBRASKA

Prepared By

**The Thayer County Planning Commission**

and





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## 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 Thayer County, Nebraska.**"

### Section 1.02 Purpose and Intent

The purpose and intent of these regulations is to provide for the harmonious development of the community; to provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities, drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewers, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure to the proper governing body, the actual construction of such physical improvements.

### Section 1.03 Jurisdiction

These regulations shall be known and cited as the regulations approved and adopted in the Zoning Regulations of Thayer County, Nebraska. The area of jurisdiction shall be all the area within the limits of Thayer County, Nebraska, not including the jurisdiction explicitly granted to a municipality by Section 17-1001 or Section 13-327 of the Nebraska Revised Statutes.

### Section 1.04 Minimum Requirements

- 1.04.01 In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between private parties, except that if these regulations impose a greater restriction, these regulations shall control.
- 1.04.02 Whenever the regulations of this Resolution impose or require higher standards than are required in any other statute, local regulations, or ordinances, the provisions of the regulations made under authority of this Resolution as provided by the cited Nebraska Revised Statutes 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 *Thayer County Comprehensive Plan* as adopted by the governing body.

### Section 1.06 Planning Commission Recommendations

Pursuant to Sections 19-930 *et seq.* and/or 23-114.01 *et seq.*, (Nebraska Revised Statutes), the Thayer County Board has created a planning commission with the powers and duties as set forth in statute.

- 1.06.01 Pursuant to Section 23-114.01 *et seq.*, (Nebraska Revised Statutes), it shall be the purpose of the Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein.
- 1.06.02 Pursuant to Section 23-114.01 *et seq.*, (Nebraska Revised Statutes), the Planning Commission reviews conditional uses proposed by property owners for the use of their property, as specified in Articles 5 and 6 herein.

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- 1.06.03 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 1.07 Permits Required**

- 1.07.01 No development, as herein defined, shall be commenced without approved permits as may be required by this Regulation.
- 1.07.02 Certain uses and structures may be specified "exempt" from permit application and approval; however, all uses and structures are subject to the standards of these regulations, within the extent of state and federal law.
- 1.07.03 All uses not specifically listed are deemed to be prohibited, until such point where this Resolution may be amended.

## ARTICLE 2: CONSTRUCTION AND DEFINITIONS

### Section 2.01 Construction and General Terminology

- 2.01.01 For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Words or terms not herein defined shall have their ordinary meaning in relation to the context.
- 2.01.02 Unless the context clearly indicates to the contrary:
1. The phrase "Thayer County" or "Thayer County, NE" shall also be deemed the same as "The County of Thayer, Nebraska".
  2. The word "Assessor" shall mean the Thayer County Assessor.
  3. The word "Board" shall mean the Board of Commissioners of Thayer County, NE.
  4. The words "Board of Commissioners" shall mean the Board of Commissioners of Thayer County, NE.
  5. The term Zoning Administrator shall mean the appointed zoning administrator and/or Zoning Administrator for Thayer County, NE.
  6. The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
  7. The word "Commission" shall mean the Planning Commission of Thayer County, NE.
  8. The word "County" shall mean "Thayer County, Nebraska".
  9. The words "Register of Deeds" shall mean the Thayer County Register of Deeds.
  10. The word "Federal" shall mean the Government of the United States of America
  11. Words used in the present tense include the future tense.
  12. Words used in the singular include the plural and words used in the plural include the singular.
  13. The word "shall" is always mandatory; the word "may" is always permissive.
  14. The word "Regulations" means the Regulations approved and adopted in the Zoning Regulations of Thayer County, NE, and all amendments thereto.
  15. "Person" shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
  16. "Used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
  17. The word "permit" can apply to any and all required permits by Thayer County.

### Section 2.02 Abbreviations and Acronyms

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

ADA	Americans with Disabilities Act
AU	Animal Unit
CAFO	Confined Animal Feeding Operation
CFR	Code of Federal Regulations
CUP	Conditional Use Permit
DU	Dwelling Unit
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FEMA	Federal Emergency Management Agency
FT	Foot or Feet
GIS	Geographic Information System
HUD	US Department of Housing and Urban Development
kV	Kilovolt
kW	Kilowatt
LFO	Livestock Feeding Operation
NDEE	Nebraska Department of Environment and Energy or successor department
NHHS	Nebraska Department of Health and Human Services or successor department
NDNR	Nebraska Department of Natural Resources or successor department
NDOT	Nebraska Department of Transportation or successor department
NSFM	Nebraska State Fire Marshall or successor department

NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
R.O.W.	Right-of-Way or Rights-of-Way
SF	Square Feet
SY	Square Yard
USC	United States Code
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture

## Section 2.03 Definitions

### A

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

**Abut/Abutting/Adjacent:** To border on, being contiguous with or have property or district lines in common, including properties separated by an alley, but not those separated by a roadway.

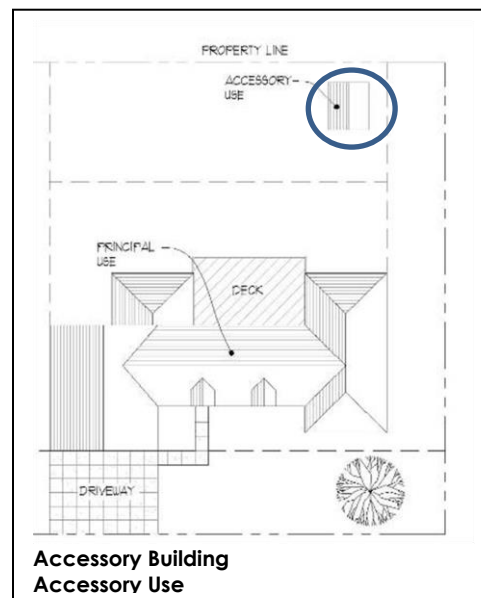
**Access or Access Way:** The means or way pedestrians and/or vehicles have safe, adequate and usable ingress and egress to a property or use as required by these regulations.

**Accessibility Ramp:** A slope surface used for moving individuals with disabilities from one level to the next; provided the slope of the ramp meets the requirements found in the Americans with Disabilities Act (ADA).

**Accessory Building:** A detached building which is clearly incidental or subordinate to the principal building which is located on the same premises as the principal building. These shall not include buildings used as part of an agricultural operation.

**Accessory Agricultural Buildings:** One or more buildings defined as accessory to the primary use of an agricultural operation. These may include machine sheds, grain bins, and others.

**Accessory Dwelling Unit:** a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, also known as "Granny Flats", etc.





**Accessory Living Quarters:** Living quarters within a 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:** A detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Use:** A 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:** A full acre containing 43,560 square feet of area within the property lines of a lot or parcel.

**Acreage:** Any tract or parcel of land that does not qualify as a farm or development.

**Active Recreation:** A recreational activity requiring physical exertion such as swimming, tennis, soccer, baseball, softball, running and playgrounds.

**Addition:** Any construction which increases the size of a building or structure.

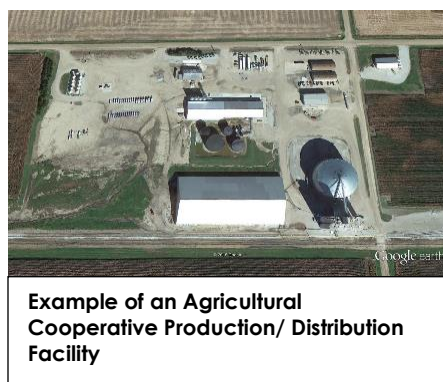
**Adjacent:** Near, close, or abutting; for example, an industrial district across the street or highway from a residential district shall be considered as "adjacent".

**Adult Care Homes:** A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

**Advertising Structure:** 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.

**Agricultural Accessory Equipment:** Includes well motors, well heads, pivot pads, open sided structures covering wells, and similar equipment.

**Agricultural Cooperative Production/Distribution Facility:** Any facility owned and operated by a cooperative or other corporation for the purpose of manufacturing, distributing, and storage of fertilizers, herbicides, and grain. This includes the offices, scales, and parking areas necessary for trucks and other vehicles.



**Agricultural/Farm Buildings and Structures:** Any structure which is necessary or incidental to the normal conduct of a farming operation including but not limited to barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain seed, hay and other crops, silos, windmills, and water storage tanks.

**Agricultural Irrigation System:** An artificial means for the delivery of water for agricultural use via ditches, pipes, streams, hose, etc. to supply water to dry lands that are used primarily in the production of crops which may include, but not limited to, pivot point systems, center point systems, gravity (furrow) systems, subsurface drip irrigation systems (SDI), and/or irrigation wells.

**Agricultural Operations:** A farmstead of 20 acres or more which produces \$1,000 or more of farm products each year.

**Agricultural Processing:** The processing of crops after harvest to prepare them for on-site marketing, or processing and packaging elsewhere. Includes the following: alfalfa cubing; corn shelling; cotton ginning; custom grist mills; custom milling of flour, feed and grain; dairies (but not feedlots); drying of corn, rice, hay, fruits, and vegetables; grain leaning and custom grinding; hay baling and cubing; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; sorting, grading, and packing of fruits and vegetables, tree nut hulling and shelling. Any of these activities performed in the field with mobile equipment not involving permanent structures are included under the definition of "crop production."

**Agricultural Sales and Service:** An establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

**Agriculture:** The use of a tract of land for the growing of crops, pasturage, nursery, or the raising of livestock, including the structures necessary for carrying out farming operations, the residence or residences of those owning or operating the premises, a member of the family, or persons employed thereon, as well as their family.



**Example of Agricultural Sales and Service**

**Agritourism Enterprise:** Activities conducted on a working farm or ranch and offered to the public for the purpose of recreation, education, or active tourism related involvement in the farm or ranch operation. These activities must be incidental to the primary agricultural operation on the site or related to natural resources present on the property. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above.

**Airport:** Any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

**Airport Hazard Zone:** Consists of operation zones, approach zones, turning zones and transition zones. The outer boundary of the hazard zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the approach and turning zones.

**All-Terrain Vehicle:** For purposes of this Regulation this shall comply with sections §§60-6,355 to 60-6,362 of the Nebraska Revised Statutes. An all-terrain vehicle shall mean:

- (a) All-terrain vehicle means any motorized off-highway vehicle which (i) is fifty inches or less in width, (ii) has a dry weight of twelve hundred pounds or less, (iii) travels on three or more nonhighway tires, and (iv) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger.
- (b) (i) Utility-type vehicle means any motorized off-highway vehicle which (A) is seventy-four inches in width or less, (B) is not more than one hundred eighty inches, including the bumper, in length, (C) has a dry weight of two thousand pounds or less, (D) travels on four or more nonhighway tires. (ii) Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles.
- (c) All-terrain vehicles and utility-type vehicles which have been modified or retrofit.

**Alteration:** As applied to a building or structure, a change or rearrangement in the structural components, or an enlargement, whether by extending on a side or by increasing in height, or the moving of one location or position to another, shall be considered as an alteration.

**Amendment:** A change in the wording, context, or substance of these regulations, an addition or deletion or a change in the district boundaries or classifications on the zoning map. "Amendment" does not include correction of typographical errors.

**Anaerobic Digestion:** A biological process that occurs in the absence of oxygen. In very large animal production operation, it is sometimes used to produce biogas (a low energy gas which is a combination of methane and carbon dioxide) from the biodegradable organic portion of manure. This gas can be used as an energy source. After anaerobic digestion, the remaining semi-solid (which is relatively odor free but still contains most of its nutrients) can be used as a fertilizer.

**Animal Confinement Building:** Walled facilities where animals have been, are, or will be stabled or confined, fed and maintained.

**Animal Hospital or Clinic:** An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine.

**Animals, Farm:** Livestock commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

**Animal Units (A.U.):**

- A. One A.U. = One Cow/Calf combination
- B. One A.U. = One Slaughter, Feeder Cattle;
- C. One A.U. = One-half Horse;
- D. One A.U. = Seven Tenths Mature Dairy Cattle;
- E. One A.U. = Two and One-half Swine (55 pounds or more);
- F. One A.U. = 25 Weaned Pigs (less than 55 pounds);
- G. One A.U. = Two Sows with litters;
- H. One A.U. = 10 Sheep;
- I. One A.U. = 11.25 Goats;
- J. One A.U. = 50 Turkeys;
- K. One A.U. = 100 Chickens
- L. One A.U. = Five Ducks if a liquid manure handling system;

**Animal Waste:** Any animal excrement, animal carcass, feed waste, animal water waste, or any other waste associated with animals.

**Animal Waste Water:** Any liquid, including rainfall, which comes into contact with any animal excrement, manure, litter, bedding or other raw material or intermediate or final material or product used in or resulting from the production of animals or from products directly or indirectly used in the operation of a LFO, or any spillage or overflow from animal watering systems, or any liquid used in washing, cleaning or flushing pens, barns, or manure pits, or any liquid used in washing or spraying to clean animals, or any liquid used for dust control on the premises of a LFO.

**Antenna:** Any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves.

**Antenna Support Structure:** Any building other than a tower which can be used for location of telecommunications facilities.

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

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

**Apartment House** (see Dwelling, Multiple Family)

**Applicant:** The owner or duly designated representative of land proposed to be subdivided, or for which a zoning permit, conditional use permit, zoning amendment, variance, certificate of occupancy, or other approval has been requested.

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

**Application of manure:** A common agricultural practice to place manure on agricultural land.

**Appropriate:** The sympathetic, or fitting, to the context of the site and the whole community.

**Appurtenances:** The visible, functional objects accessory to and part of buildings.

**Aquaculture:** Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

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

**Aquifer, confined (artesian):** Aquifers found between layers of clay, solid rock, or other material of very low permeability. Water in confined aquifers is often under pressure because the aquifer is confined between impermeable layers and is usually recharged at a higher elevation than the top confining layer.

**Aquifer, unconfined (or water table):** An aquifer where the top of the aquifer is identified by the water table. Above the water table, known as the zone of aeration, interconnected pore spaces are open to the atmosphere. Also known as a water table aquifer.

**Aquifer Recharge Area:** An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

**Archery Range:** A facility which may include buildings used for target practice with bows and arrows.

**Area:** A piece of land capable of being described with such definiteness that its location may be established, and boundaries definitely ascertained.

**Areas of Contribution:** The upland recharge area and cone of depression from which well water is drawn.

**Areas of Influence:** The two-dimensional area (as viewed on a map) of water table drawdown created by a pumping well, also see Cone of Depression.

**Armor Coat:** A bituminous liquid sprayed on road surfaces to provide a wear surface or dust control. Roads treated with armor coat are not considered as pavement.

**Artisan Production Shop:** A building or portion thereof used for the creation of original handmade works of art or craft items by less than six artists or artisans, as either a principal or accessory use.



Example of an Aquaculture

**Artist Studio:** 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.

**Asphaltic Concrete:** a dark brown to black cement-like material in which the predominating constituents are bitumen, which occur in nature or are obtained in petroleum processing. Asphalt is a constituent in varying proportions of most crude petroleum and used for paving, roofing, industrial and other special purposes.

**Assisted Living Facility:** A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

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

**Attractive:** Having qualities that arouse interest and pleasure in the observer.

**Automobile Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires and automotive accessories may be supplied and dispensed at retail, and where, in addition, servicing, repair, and replacement of parts may be done.

**Automobile Sales-Retail:** A retail business housed either in a structure or on a tract of land that sells or leases new or used automobiles, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. Retail automobile sales shall include any operation with three or more vehicles, as stated above, for sale at any time and/or a total of 10 sold during the course of a calendar year.

**Automobile Sales – Wholesale:** a wholesale business housed either in a structure or on a tract of land that sells new or used automobiles, trucks, vans, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles to automobile sales retail outlets.

**Automobile Wrecking Yard:** 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.

**Awnings, Canopy and Marquee Sign:** (see sign, architectural canopy)

## B

**Backgrounding:** Growing program for feeder cattle from time calves are weaned until they are on a finishing ration in the feedlot.

**Ballroom:** 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:** Any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises.

**Basement:** That portion of a building which has more than one-half of its interior height, measured from floor to finished ceiling below the average finished grade of the ground adjoining the building.

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

**Beacon:** any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**Bed and Breakfast Inn:** A house, or portion thereof, where short-term lodging rooms and meals are provided. The owner/operator of the inn shall live on the premises.

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

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

**Berm:** A mound or embankment of earth, usually two to six feet in height.

**Best Interest of the County:** shall mean interests of the county at large and not of the immediate neighborhood.

**Best Possible Management Practices:** Livestock management techniques and practices as set forth by various agencies, including the Nebraska Department of Environmental and Energy, which encourage and protect the environment and public.

**Bio-fuels Manufacturing:** A facility constructed for the purpose of processing a natural product such as corn and soybeans into an alcohol-based fuel/additive.

**Block:** A parcel of land platted into lots and bound by public streets or by waterways, rights-of-way, unplatted land, city-county boundaries, or adjoining property lines.

**Block Frontage:** That area of a block fronting on a street between two intersecting streets or another block boundary.

**Board of Adjustment:** That board having been created by the County and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations, as established in Article 12 of this Regulation.

**Boarding and Lodging Houses:** Any dwelling where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals are provided for more than three but less than 10 persons.

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

**Brew-On Premises Store:** A facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

**Brew Pub:** A restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 20,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.

**Brewery:** An industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 20,000 barrels of beverage (all beverages combined) annually.

**Brewery, Craft:** A brew pub or a micro-brewery.

**Brewery, Micro:** A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 20,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

**Broiler:** Meat-type chicken typically marketed at 6.5 weeks of age. Live weight at market generally averages 4 to 4.5 pounds per bird.

**Buffer:** A strip of land established to protect one type of land use from another incompatible land use or to intervene between a land use and a private or public road. (See screening)

**Buffer Zone:** An area of land that separates two zoning districts and/or land uses to soften or mitigate the effects of one use on the other.

**Buildable Area:** That portion of a lot remaining after required yards have been allocated.

**Buildable Lot:** A lot that meets all of the minimum size requirements of a specific zoning district and shall apply to area not submerged under water of any kind (lakes, creeks, river).

**Building:** Any structure built for the support, shelter or enclosure of: persons, animals, chattels, or movable property of any kind, and including any structure.

**Building Area:** The sum, in square feet, of the area occupied by all buildings and structures on a lot.

**Building Envelope:** That area shown on a lot that encompasses all building development including but not limited to storage, structures, decks, roof overhangs, porches, patios and terraces, pools, access ways and parking. Approved plantings of landscape materials on natural grade and approved walkways may occur outside of a building envelope. Otherwise, all areas outside of a building envelope shall remain in pristine and untouched condition unless stated in the conditions of approval the subdivision plat.

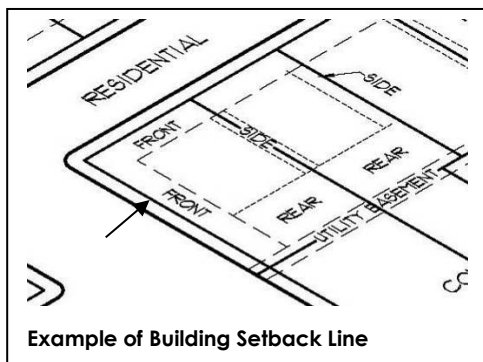
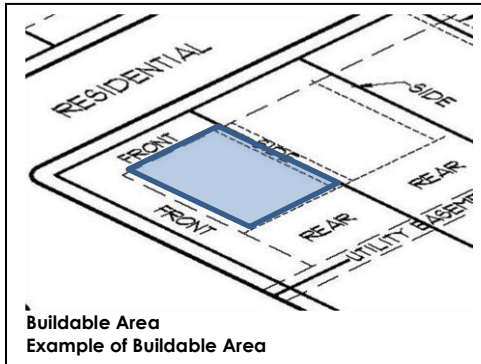
**Building Height:** The vertical distance above grade to the highest point of the coping of a flat roof or to the highest point of a gable, hip, mansard or shed roof.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Building Setback Line:** The minimum distance as prescribed by these regulations between any property line and the closest point of the building line or face of any structure related thereto.

**Bulk regulations:** The prescribed requirements for lot area, lot area per dwelling unit, lot frontage, width, depth and height of buildings.

**Business Services:** Uses providing services to people, groups, businesses, dwellings and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.



## C

**Cabin:** A house built and designed for temporary use.

**Cabin, hunting and fishing:** Buildings used only during hunting and fishing season as a base for hunting and fishing, and outdoor recreation.

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

**Campground:** Any premises where two or more camping units are parked or placed for camping purposes, or any premises used or set apart for supplying to the public camping spaces, which include any buildings, structures, vehicles, or enclosures used or intended for use for the accommodation of transient campers.

**Campground, Leased:** A single tract of land with or without individually leased lots used for camping by the lease holders only. No transient camping is allowed.

**Camping:** Temporary living in a camper, travel trailer, pick-up camper, camping bus, converted truck, tent trailers or camping tent or other non-building shelter or by sleeping in the open.

**Car Wash:** A structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

**Car Wash, Industrial:** A mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

**Caregiver:** Caregiver means a person nineteen years of age or older who is designated by a patient or a patient's legal guardian to provide aftercare.



**Cabin, hunting and fishing**

**Carport:** A permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

**Cellar:** A building space having more than two-thirds of its height below the average adjoining grade lines.

**Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.

**Centerline:** The same meaning as "street or road center line".

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

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

**Certificate of Zoning Compliance:** A written certificate issued by the Zoning Administrator, stating the structures and/or use of a property are in compliance with the applicable requirements of the Zoning Regulations.

**Change of Use:** The replacement of an existing use type by a new use type.

**Channel:** The geographical area within either the natural or artificial banks of a watercourse or surface drain.

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

**Child Care Center:** An establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for nine or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

**Child Care Home:** An operation in the provider's place of residence, which serves at least four, but not more than eight children at any one time from families other than that of the provider. A Family Child Care Home provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

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

**Clear View Zone:** The area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (See Sight Triangle)

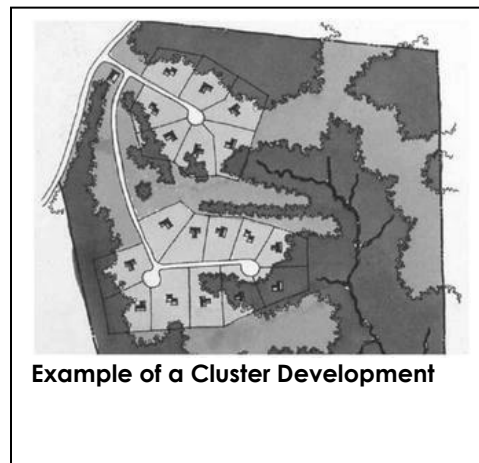
**Club:** An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit and shall follow the expanded definitions in §53-103.09 of the Nebraska Revised Statutes.

**Cluster Development:** a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

**Commercial Building:** A structure housing a use defined as commercial.

**Commercial Uses:** A business use or activity at a scale greater than a home business involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

**Commission:** The Thayer County Planning Commission.



**Common Area or Property:** A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.

**Common Open Space:** An area of land or water or combination thereof planned for passive or active recreational use by more than one homeowner or apartment dweller. Such space shall not include areas utilized for streets, parking, loading, alleys or driveways.

**Common Sewer System:** A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environment and Energy for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

**Common Water System:** A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.

**Community Center:** 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 Garden:** A community garden is a piece of land gardened or cultivated by a group of people individually or collectively, not for profit.

**Community or Public Sanitary Sewer System:** An approved central sewer collecting system, meeting state and county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.

**Community or Public Water Supply System:** A public water supply system which serves at least 15 service connections used by year-round residents or uses, or regularly serves 25 or more year-round residents or uses.

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

**Compost:** Decomposed organic material resulting from the composting process. Used to enrich or improve the consistency of soil.

**Composting:** Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

**Comprehensive Development Plan:** The Thayer County Comprehensive Plan as adopted by the Board of County Commissioners, setting forth policies for the present and foreseeable future community welfare as a whole, and meeting the purposes and requirements set forth in Chapter 23 of the Revised Statutes of Nebraska, as the same, from time-to-time, may be amended.

**Conditional Use:** A use allowed by the district regulations that would not be appropriate generally throughout the entire zoning district without special restrictions. However, said use if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

**Conditional Use Permit:** A permit authorizing the recipient to make use of property in accordance with the provisions of these regulations and any conditions stipulated in the issued permit. A Conditional Use Permit (CUP) may be a specific form called a "Conditional Use Permit" or by another name specifying a specific type of use such as a "Livestock Feeding Operation Permit".

**Condominium:** As defined in the Nebraska State Statutes Section 76-824 - 76-894, The Condominium Law, whereby four or more apartments are separately offered for sale.

**Cone Of Depression:** The three-dimensional area of water table created by a pumping well. The pumping well creates an artificial discharge area by drawing down (lowering) the water table around the well.

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



Example of an Outdoor Manure Composting Process Manure

**Conflicting Land Use:** The use of property that transfers over neighboring property lines, negative economic or environmental effects. Including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

**Congregate Housing:** A residential facility for people 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities. Said facilities might include meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room unit in the residential facility.

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

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

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

**Construction and Demolition Waste Disposal Area:** Any area for the sole purpose of disposal of construction and demolition waste.

**Construction Permit, Livestock:** A permit required of an LFO by NDEE, prior to construction.

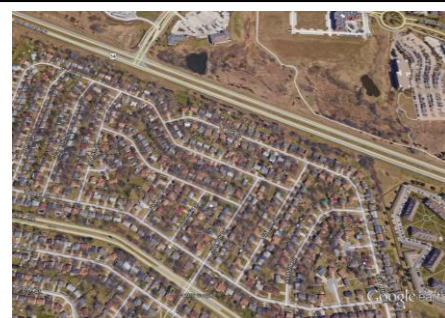
**Containment:** Structures used to control runoff of precipitation that comes into contact with manure, feed and other wastes on open feedlots. Examples of containment structures are lagoons and holding ponds.

**Contiguous:** Property adjoined at the property line and not separated by roads or alleys.

**Convenience Store:** A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket."), it is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic.

**Convent:** A building or group of buildings designed to provide group housing for persons under religious vows or orders.

**Conventional Subdivision:** A subdivision which literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.



**Conventional Subdivision**  
Source: Google Earth

**Country Club:** Buildings and facilities owned and operated for social and recreational purposes operated by a membership association, customarily around a golf course, which may include, but are not limited to, swimming, tennis, and food and beverage service. See Recreational Facility.

**County:** Thayer County, Nebraska.

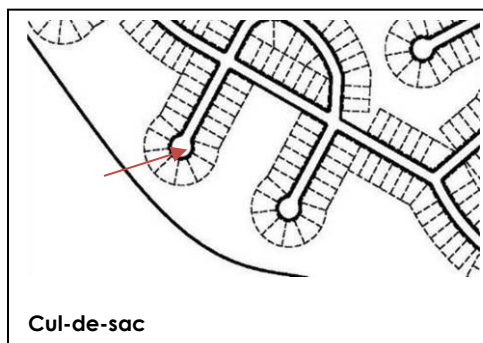
**County Board:** The Board of County Commissioners of Thayer County, Nebraska.

**Cover Crop:** A close-growing crop grown to protect and improve soils between periods of regular crops.

**Creative Subdivision:** A subdivision that, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Cluster Subdivisions and New Urban Residential Districts.



**Crop Production:** Commercial agricultural field and orchard uses including production of: field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.



**Cul-De-Sac:** A short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

**Culvert:** A pipe, conduit, or similar enclosed structure with appurtenant works which carries surface or stormwater under or through an embankment or fill, roadway, or pedestrian walk, or other structure.

**Curb Level:** The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the higher.

# D

**Dairy Farm:** Any place or premises upon which milk is produced for sale or other distribution.

**Dead Animal Disposal:** The disposal of dead animals by methods authorized by law such as rendering, composting, burial, and incineration.

**Deciduous Screen:** Landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

**Deck:** A flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure, are open.

**Density:** Restrictions on the number of dwelling units or other structures that may be constructed per acre or per square feet of zoning lot area.

**DEE Site Plan:** The site plan or layout diagram on file at NDEE for construction of a Livestock Waste Control Facility.

**Detached:** Fully separated from any other building or not joined to another building in such a manner as to constitute an enclosed or covered connection.

**Detention Basin:** A facility for the temporary storage of stormwater runoff.

**Developer:** Any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning, conditional use, or sign permit.

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

**Development Area:** 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)



**Deciduous Screen**



**Detention Basin**

**Development Impact Fee:** A fee imposed on developers to pay for the costs to the county of providing services to a new development based upon the impact of the development.

**Development of Livestock Confinement**

**Operation:** Development of a confined livestock operation shall consist of but not be limited to contacting NDEE, an engineer, a contractor, and/or NRCS, or by doing dirt work, excavation, or construction.

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

**Dirt Surface:** (as pertains to roads) roads typically found in non-residential areas as they only provide minimum design characteristics.

**District:** Any area designated on the zoning map for which detailed regulations are established herein pertaining to the uses permitted, the bulk of buildings and structures, and the size of yards and buildable area.

**Dog Kennel:** (See Kennel, Commercial; and Kennel, Private)

**Dog Day Care Facility:** A facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

**Dog Park:** A specifically designated and fenced off for the exercise of canines and other domestic animals.

**Domestic Animals:** (See Household Pet)

**Domestic Well:** Well water used for human consumption and/or household purposes.

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

**Downzoning:** A change in zoning classification of land to a less intensive or less restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

**Drainageway or Surface Drain:** 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.

**Drive-through Establishment:** A place of business operated for the sale and purchase at retail of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of any food or beverage in automobiles or on the premises but outside of any completely enclosed structure.

**Driveway:** Any vehicular access to an off-street parking or loading facility.

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

**Dry Waste:** Manure (urine or feces), litter, bedding, or feed waste from animal feeding operations.

**Dry Waste Management System:** A system where animal waste in the lots, pens and/or buildings of a CAFO is not removed by flushing out such waste by water but is removed by shoveling out such waste by hand and/or machinery.

**Dude Ranch:** A ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities and offering only temporary rental accommodations for vacation use by nonresidents.

**Duplex:** The same as "Dwelling, Two Family".



Example of a Drainageway or Surface Drain



Example of a Duplex

**Dwelling:** Any building or portion thereof, other than a mobile home, which is permanently affixed to a foundation imbedded in the soil and used exclusively for residential purposes.

**Dwelling, Farm:** A single-family dwelling that is located on and used in connection with a farm.



Example of a Dwelling, Manufactured Home

**Dwelling, Manufactured Home:** A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development (HUD) since 1976.

**Dwelling, Mobile Home:** Any prefabricated structure which does not meet the HUD Code, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks, blocks, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.



Example of a Dwelling, Manufactured Home

Source: <http://transportablehomesspecialist.com/>

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

**Dwelling, Modular:** (Is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, any that do not meet the above criteria shall be considered a mobile home.

**Dwelling, Multiple Family:** A building or portion thereof having accommodations for and intended to be used for occupancy by three or more families living independently from one another.

**Dwelling, Seasonal:** A dwelling designed and used as a temporary residence and occupied less than six months in each year. (Also see, Cabin and Cabin, hunting and fishing)

**Dwelling, Single Family:** A building having accommodations for or occupied exclusively by one family that meets the following standards:

1. The home shall have no less than 800 square feet of floor area, above grade, for single story construction.
2. The home shall have no less than an 18-foot exterior width.
3. The roof, unless covered by at least two feet of earth, shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run.
4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction.
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock. Metal roofs are acceptable only if they are non-reflective.
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed.
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
8. Permanent foundation: Base on which building rests; to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 36 inches below the final ground level.

**Dwelling, Single Family Attached:** A portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.



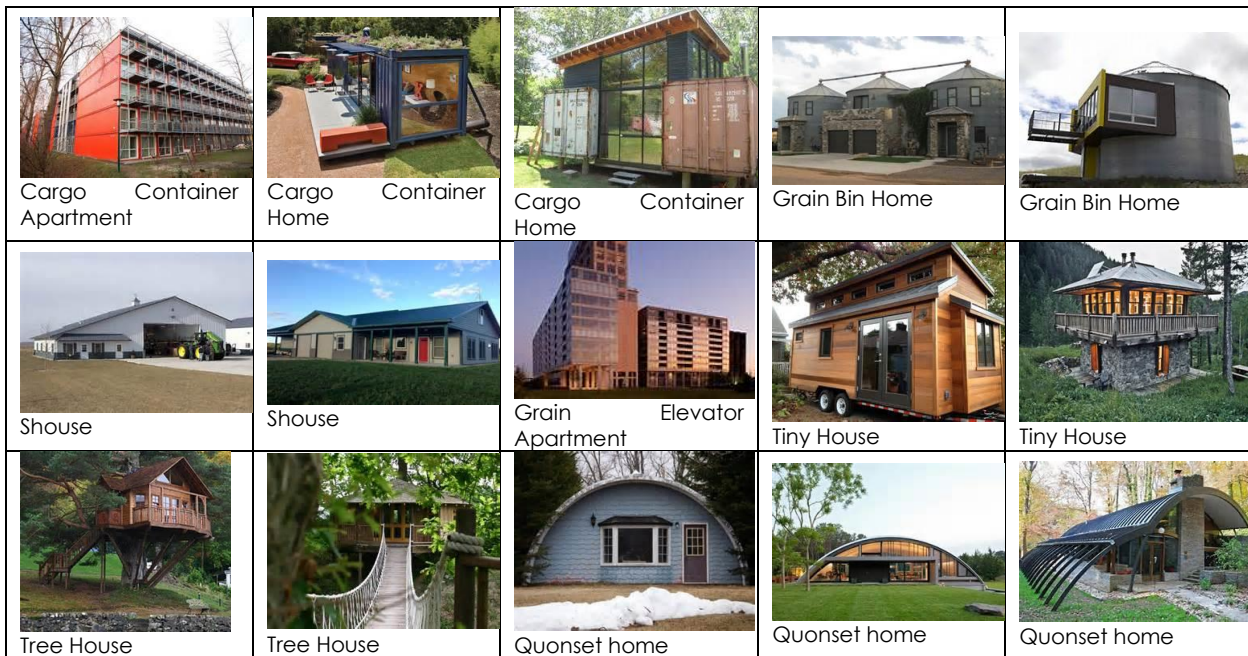
**Dwelling, Single-family**



**Example of Single-Family Attached**

**Dwelling Unit, Special Types:** Any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that is not meet the typical construction style of traditional stick framed structures.

1. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping and meeting the definition of dwelling unit above.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of Dwelling Unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A combination of a dwelling unit and machine shed under a common or connect roofing system. For purposes of a Shouse, these structures when on a farm, agricultural operation, or acreage shall not be classified as a farm building. In addition, the residence portion of the facility shall meet the definition of Dwelling Unit above.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses can be either portable, on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure of the unit is based on one or more tree clusters.



**Dwelling, Townhouse:** A one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

**Dwelling, Two Family:** A building having accommodations for and intended for use or occupancy by two independent families.

**Dwelling Unit:** A building, or part thereof, containing complete housekeeping facilities for a single family, on a permanent foundation.

## E

**Earthen Home:** A home built into a berm or hillside covered by earth on three sides and on the roof.

**Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Educational Institution:** A public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, or 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, and commercial or private trade schools are not included in this definition.

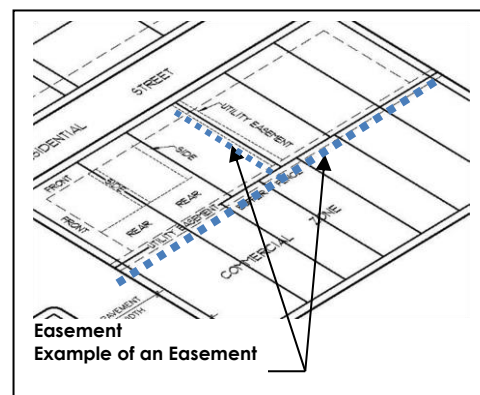
**Effective Date:** The date that this resolution shall have been adopted, amended, or the date land areas shall have become subject to the regulations contained in this resolution as a result of such adoption or amendment.

**Electric Distribution Substation:** An electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.

**Electric Transmission Substation:** An electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.



Earthen Home/Earth sheltered home



**Eleemosynary Institution:** An institution supported by charity and designed to assist persons, for example; those recovering from mental or emotional illness.

**Emergency Shelter Mission:** A facility which provides temporary housing for one or more individuals who are indigent, needy, homeless or transient.

**Enclosed:** A roofed or covered space fully surrounded by walls.

**Encroachment:** 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.

**Engineer** Any engineer qualified and licensed by any state or territory of the United States of America.

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

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

**Equestrian Center:** Commercial horse, donkey, and mule facilities including: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

**Erected:** Constructed upon or moved onto a site.

**Exceptions:** Uses that may not require a zoning permit, yet are still bound to the requirements of this regulation.

**Exceptions, Special:** See *Conditional Use Permit*.

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

**Expressway:** A street or road providing fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

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

## F

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

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

**Family:** One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit.

**Family Child Care Home I:** A child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

**Family Child Care Home II:** A child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

**Farm:** A tract of 20 or more acres of land or water producing at least \$1,000 in annual revenue of plants, animals or their products; which does not meet the criteria of a Livestock Feeding Operation.

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

**Farm Products:** Usual products produced on an Agricultural Operation or Farm in the county such as hay, vegetables, fruit, grain, and plants as well as raising thereon the usual animal units (A.U.'s) as defined within these regulations.

**Farm Winery:** Any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent of the finished products are grown in Nebraska.

**Farmer's Market:** The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.



Example of a Farmer's Market  
Copyright American Planning Association

**Farming:** The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

**Farmstead:** In contrast to a farmstead dwelling, a tract of land of not less than one acre and not more than 20 acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family resident purposes.

**Feed Lot:** Lot or building or a group of lots or buildings used for the confined feeding, breeding or holding of animals. This definition includes areas specifically designed for confinement in which manure may accumulate or any area where the concentration of animals is such that a vegetative cover cannot be maintained. Lots used to feed and raise poultry are considered to be feedlots. Pastures are not animal feedlots.

**Feeder Cattle:** Cattle past the calf stage that have weight increased making them salable as feedlot replacements.

**Feeder Line:** Any power line that carries electrical power from one or more energy sources to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

**Fence:** A free-standing structure of metal, masonry, composition or wood or any composition thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

**Final Plat:** The map or plan or record of a subdivision, and accompanying documents and materials, as described and defined in the subdivision regulations.

**Finish Pig:** To feed a pig until it reaches market weight.

**Finishing Stage:** Stage leading to and including full adulthood for swine is called the finishing stage. The pigs remain here until they reach market weight.



Example of a Feed lot

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

**Flood:** The water of any watercourse or drainage way which is above the banks or outside the channel and banks of such watercourse or drainage way.

**Flood Plain:** The area adjoining a watercourse which has been or may be covered by flood waters.

**Floodway:** The channel of a watercourse or drainage way and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse or drainage way.

**Floor Area:** Whenever the term "floor area" is used in these regulations as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

**Food Sales:** Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

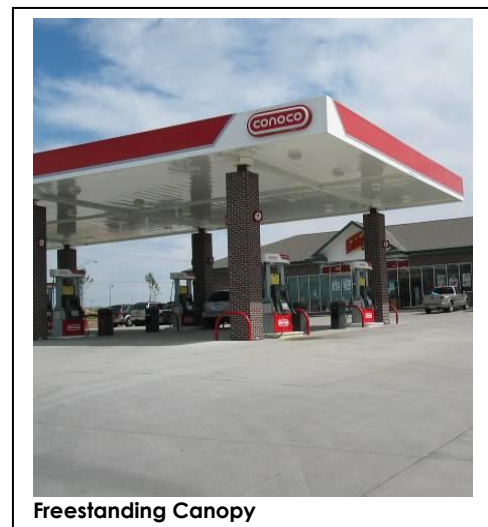
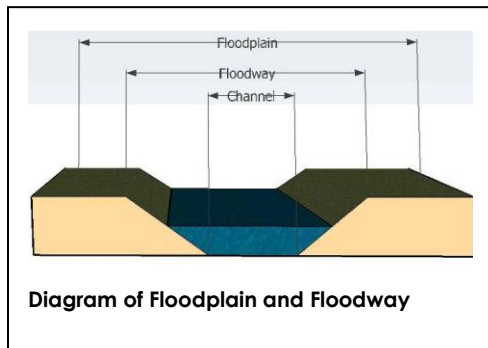
**Forty-acre tract:** (see Quarter-quarter)

**Freestanding Canopy:** A permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

**Frontage:** That side of a lot abutting on a street and ordinarily regarded as the front of the lot.

**Fuel Station:** A designated facility offering the sale gasoline, diesel fuel, alternative fuel sources (electric, CNG, etc.) and propane.

**Fuel Storage:** Tanks used to storage fuel either above- or below-ground as part of an agricultural operation.



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

## G

**Garage:** A building for the storage of motor vehicles.

**Garage, Private:** A detached accessory building, including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling.

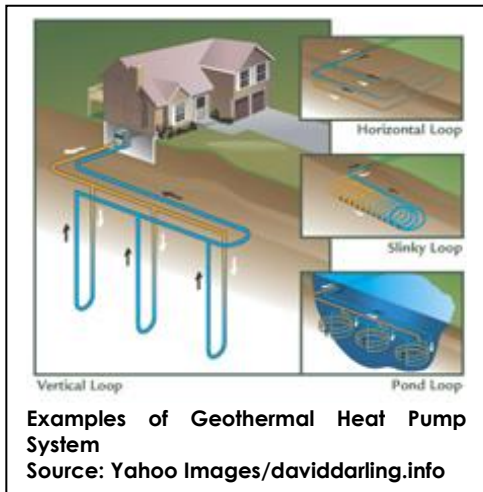
**Garage, Public:** Any garage other than a private garage designed or used for equipment, repairing, hiring, servicing, selling, or storing motor driven vehicles.

**Garage, Repair:** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work for payment. (Also, see Service Station.)

**Garage, Storage:** A building or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.

**Garbage:** Any waste food material of an animal or vegetable nature, including waste that may be used for the fattening of livestock. Look for better definition)

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



**Geothermal Heat Pump System:** 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 NDEE 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.
3. Horizontal Closed Loop means a trench or pit essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of heat transfer.
4. Vertical Closed Loop means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed for the purpose of heat transfer.

**Governing Body:** The Board of County Commissioners for Thayer County Nebraska.

**Government Facility:** A structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

**Grade:** Except for Earthen Homes permitted under the Nebraska State Codes and Regulations, shall mean the following:

1. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be grade.
2. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in A. above) of all walls facing each street.
3. For buildings having no walls facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be grade.
4. Any wall approximately parallel to and not more than 50 feet from a street line is considered as facing a street.

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

**Granny Flat:** (see "Accessory Apartment")

**Gravel and Crushed Rock:** (as pertains to roads) materials added to the surface of dirt roads to provide all weather travel. This type of road surface is usually found in the rural areas of the County and generally less traveled in nature.

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

**Grazing Land:** Pasture, meadow, rangeland, or other similar area where livestock are put to feed on the vegetation.

**Greenhouse, Private:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of flowers or plants for personal enjoyment.

**Greenhouse, Public or Retail:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of flowers or plants for subsequent sale.

**Greenway:** A parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.

**Grit:** Grit includes sand, gravel, cinder, or other heavy solid materials that are "heavier" (higher specific gravity) than the organic biodegradable solids in the wastewater. This includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food waste.

**Gross Acres:** The total area of a site, inclusive of all street and/or road rights-of-way, plus, any required supporting facilities.

**Groundcover:** Plant material used in landscaping which remains less than 12 inches in height at maturity.

**Groundwater:** 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.

**Groundwater Recharge:** 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:** A home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide 24-hour care for individuals in a residential setting.

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

**Group Housing:** Two or more separate buildings on a lot, each containing one or more dwelling units.

**Guest House:** An attached or detached building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

**Guest Ranch:** A use incorporating two or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational facilities, such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbeque and picnic facilities intended primarily for use by the guests of the guest ranch. Bars and restaurants that cater primarily to those other than guests of the guest ranch are not permitted.

**Guest Room:** A room which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

**Gun Club:** Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

**Gun Range:** An area designated for the firing of firearms at stationary or mobile targets within the area.

## H

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

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

**Hazardous Substances:** Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise coming into contact with such material or substance.

**Hazardous Waste:** Waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.

**Head Equivalent:** (See Animal Feeding Operation)

**Health Care Facilities:** A facility licensed or approved by the state or an appropriate agency, if required. Health Care Facility may be any of the following:

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

**Health Club:** Privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

**Health Recreation Facility:** An indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

**Hedges:** A row of closely planted shrubs, bushes, or any kind of plant forming a boundary or fence.

**Heliport:** Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

**Helistop:** An area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling, or terminal facilities.

**Highway, Major Inter-Regional:** A "U.S." or "State" designated highway with 100 feet right-of-way or more on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.

**Highway Setback Line:** The future right-of-way line or plan lines of any highway.

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

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

**Home-based Business:** An accessory use of a single-family or two-family residential structure which does not meet the definition of a home occupation. A home-based business would consist of service oriented uses and typically be more intense than a home occupation, due to factors such as intensity of use or clients coming to the residence. A Home-based Business typically will allow a minimum amount of employment from outside the individuals residing on the property.

**Home Occupation:** A business, occupation, trade or profession conducted for gain and carried on within a residential dwelling by the resident thereof.

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

**Hoop Building:** An anchored building erected for the purpose of storing materials, including but not limited to machinery and vehicles.

**Hoop Building, Livestock:** An anchored or freestanding building erected for the purpose of housing livestock. Floors are typically compacted dirt or concrete covered with dry bedding.

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

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

**Hotel or Motel:** 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.

**House Trailer** (see Dwelling: Mobile Home)

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

**Housing for the Elderly:** A building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of 55 years of age or more. This does not include developments containing convalescent or nursing facilities. (Also, see Congregate Housing.)

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

**Impact Easement:** An easement or deed restriction, recorded in the office of the Thayer County Register of Deeds. Impact easements shall run with the land and is granted to the owner of a use.

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

**Incidental Use:** A use that is subordinate to the main use of a premise.

**Incompatible Use:** A use which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

**Individual Septic System:** Onsite wastewater treatment system (OWTS) for a dwelling with a septic tank and absorption system.

**Industrial Building:** A structure designed and constructed to house an industrial use.

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

**Industrial Uses:** Shall mean a use or activity at a scale greater than home industry involving the manufacture and distribution of materials and/or products generated from raw materials or the assemblage of a product from several pre-manufactured pieces.

**Industrial Waste:** Any material resulting from a production or manufacturing operation having no net economic value to the source producing it.

**Industrial Waste Disposal:** the discarding of any Industrial Waste in either a legal or illegal manner.

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

**Inoperable Motor Vehicle:** Any motor vehicle that:

1. Does not have a current state license plate; or,
2. May or may not have a current state license plate but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways.
3. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.



**Institutional Building/Use:** A nonprofit or quasi-public use and building, such as a religious institution, library, public, or private school, cemetery, hospital, or government-owned or government-operated structure or land used for public purpose.

**Intensity:** The degree of concentration or activity with which land is used. Agriculture and residential are considered low intensity uses. Heavy industrial is considered a high intensity use. High intensity uses normally generate high concentrations of vehicular traffic and daytime population.

**Intent and Purpose:** That the Commission and Board by the adoption of these regulations, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the regulations prescribed therein.

**Interchange:** A grade separated intersection providing transfer of motor vehicles from one roadway to another.

**Intermittent Stream:** Has flowing water only during certain periods of time, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall or snowmelt is a supplemental source of water for the stream flow.

**Irrigation Accessory Equipment:** Equipment used with any irrigation system including gravity flow, center pivot or others. This shall include pivot points, well head, irrigation motors, etc. but does not include any structures over a motor or well head.

## J

**Junk:** 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.

**Junkyard (Salvage Yard):** An area of land with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building of used or discarded materials; used building materials, house furnishings, machinery, inoperable vehicles or parts thereof whether with or without the dismantling, processing, salvage, sale or other use or disposition of same.

## K

**Kennel, Commercial:** An establishment where 10 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:** Any premises used for the keeping of nine 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. The dogs and cats shall belong to the owner/occupant or occupant and their keeping shall be accessory to the main use of the premises.

**Kitchen Facilities:** A room or area equipped for the preparation and cooking of food when it has all of the following:

1. Kitchen sink.
2. Burner, cook stove, or microwave oven.
3. Refrigerator.

## L

**Laboratory, Medical:** An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.

**Lagoon:** A wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental and Energy and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.

**Landscaping:** The improvement of any parcel of land with: grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects and other natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

**Laundry, Self Service:** An establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

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

**Leapfrog Development:** New development separated from existing development by vacant land.

**Leased Campground:** (See "Campground, Leased")

**Life Care Facility:** A facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. (See Congregate Housing and Housing for the Elderly.)

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

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

**Liquid Manure:** That type of livestock waste that is in a liquefied state, collected in manure pits or lagoons in order to be sprayed/applied on the surface or injected beneath the surface.

**Liquid Manure Storage Pits:** Earthen, concrete or lined pits located wholly or partially beneath a semi or totally housed (ECH) livestock animal feeding operation or at some removed location used to collect waste production.

**Liquid Waste Management System:** A system where the majority of the animal waste in the lots, pens and/or buildings of a LFO is removed by flushing out such waste with water.

**Live-Work Unit:** Area within a commercial- or limited industrial-use structure used jointly for residential purposes.

**Livestock:** Cattle, buffalo, horses, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

**Livestock Feeding Operation (LFO):** 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 300 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. 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.



Livestock Feeding Operation

**Livestock Lagoon:** (see "Waste Handling System")

**Livestock Pasturing Operation:** Any livestock operation that uses pasture, as defined under this regulation, as the primary source of feed for the animals.

**Livestock Sales Yard:** An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

**Livestock Siting Matrix:** A tool authorized in 2015 by the Nebraska Legislature via LB 106. The matrix is a tool for county officials to use to help determine whether to approve a conditional use permit or special exception application.

**Livestock Wastes:** Animal and poultry manure including associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

**Livestock Waste Control Facilities or Facility or Facilities:** (see "Waste Handling System")

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

**Loading Space:** An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

**Local Street or Local Highway:** A street or road primarily for service to abutting property.

**Long-Term Care Facility:** A facility as defined in Title 15, Chapter 3 Nebraska Department of Health and Human Services and R.R.S Section 71-2017.01. These facilities include:

1. Nursing Facilities;
2. Boarding Home;
3. Adult Care Home;
4. Assisted Living Facility;
5. Center for the Developmentally Disabled;
6. Group Residence;
7. Swing Bed; and
8. Adult Day Care.

**Lot:** A parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Register of Deeds and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.

**Lot, Corner:** A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot".

**Lot, Curve:** A lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.

**Lot, Double Frontage or Through Lot:** A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**Lot, Flag:** A lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

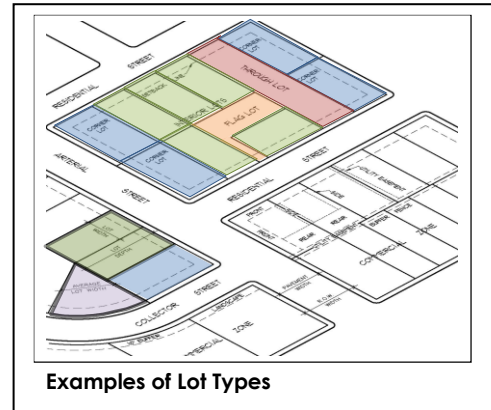
**Lot, Frontage:** A side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

**Lot, Interior:** A lot other than a corner lot, having a single frontage on a street.

**Lot, Minimum Size:** The minimum area required in a designated zoning district. The minimum lot size shall apply only to ground not covered by a waterway at the time of the application.

**Lot, Nonconforming:** 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 these regulations.

**Lot Area:** The total area, on a horizontal plane, within the lot lines of a lot.



Examples of Lot Types

**Lot Coverage:** The portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said structure is intended for human occupancy or not.

**Lot Depth:** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and in the rear of the lot.

**Lot Improvement:** Any building, structure, or other object or improvement of the land on which they are situated constituting a physical betterment of real property.

**Lot Line, Front:** A street right-of-way line forming the boundary of a lot.

**Lot Line, Rear:** The lot line that is most distant from and is most nearly parallel to the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line. If a lot has two or more front lot lines, the remaining yards will be rear yard or the remaining yards will by side yards and no rear lot line will exist.

**Lot Line, Side:** A lot line which is neither a front or rear lot line.

**Lot of Record:** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds or a parcel of land the deed to which was recorded prior to adoption of these Regulations.

**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.

## M

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

**Maintenance Guarantee:** Any security, other than cash, that may be accepted by the County to insure that required improvements will be maintained. (Also, see Performance Guarantee.)

**Major Recreational Equipment:** Boats and boat trailers, travel trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers and the like and recreational vehicles.

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

**Manufactured Home Subdivision:** 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:** 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.

**Manure:** Fecal and urinary defecations of livestock and poultry; may include spilled feed, bedding, or soil.

**Map, Official Zoning District:** A map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Thayer County Board of Commissioners for Thayer County, Nebraska.

**Massage Therapy:** The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

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

**Micro-distillery:** A distillery located in Nebraska that is licensed to distill liquor on the premises of the distillery licensee and produces ten thousand or fewer gallons of liquor annually.

**Milking Parlor:** The area of a dairy where milking takes place.

**Milking Parlor wash water:** Water used to rinse the animals and equipment during the milking process to improve sanitation. The wash water typically includes manure, feed solids, hoof dirt along with detergents and disinfectants that are being used at the operation. The amount of wash water used each day depends upon the number of animals milked and the management practices followed.

**Mini-Storage or Mini-Warehouse:** (See “Self-service Storage Facility”)



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

**Mining and Mineral Extraction:** The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; gases, such as natural gas. Mining also includes quarrying; groundwater diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine location or as part of a mining activity.

**Mobile Home:** (See “Dwelling, Mobile Home”)

**Mobile Home Park:** (See “Manufactured Home Park”)

**Mobile Home Subdivision:** (See “Manufactured Home Subdivision”)

**Mobile Home Site:** A plot of ground designed for accommodation of a single mobile home dwelling.

**Monastery:** A building or group of buildings designed to provide group housing for persons under religious vows or orders.

**Motel:** (See “Hotel”)

**Motor Freight Terminal:** A facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or rail transport.

**Motor Vehicle:** Every self-propelled land vehicle not operated upon rails, except mopeds and self-propelled invalid chairs.

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# N

**Nature Center/Preserve:** Areas intended to remain in a predominately natural or undeveloped state, with or without animals and other wildlife, to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

**Nebraska Revised Reissued Statutes, 1943:** and the abbreviated term Nebr. R. R. S., 1943 are one and the same.

**Net Acre:** Total area exclusive of street or roadway and alley easement.

**Nightclub:** A commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided.

**Non-Conforming Building:** A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**Non-Conforming Use:** A use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

**Non-Farm Buildings:** Are all buildings except those buildings utilized for agricultural purposes on a farmstead of 20 acres or more which produces one thousand dollars or more of farm products each year.

**Non-Farm Dwelling:** Any dwelling that is not a part of a farm regardless of lot size.

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

**No Till Farming:** The soil is left undisturbed from harvest to planting except for nutrient and seed injection. Weed control is accomplished primarily with herbicides.

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

**Nuisance:** A substantial invasion of or interference with another's interest in the private use and enjoyment of their property/land.

**Nursery:** The use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

**Nursery School:** (see "Preschool")

**Nursing Home:** A facility used or occupied by persons recovering from illness or suffering from infirmities of old age required skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.

**Nutrient Application Levels:** The levels of nutrients applied to the waste utilization area.

O

**Occupied Dwelling:** Any residence, church, school and/or business, which has been in use at any time during the 12-month period immediately prior to the date upon which an application for a conditional use permit to construct an LFO or expand or modify a LFO.

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

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

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

**Official Map:** (See Map, Official Zoning District.)

**Off-Street Parking Area or Vehicular Use:** To all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

**Open Lots:** 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:** 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.

**Operating Permit:** An operating permit as required for a LFO by the NDEE.

**Other System Besides Liquid Manure Handling:** An operation using confinement buildings with a mesh or slatted floor over a concrete pit, where the manure is scraped into a waste storage facility, or an operation using dry bedding on a solid floor. In this case the manure and bedding are not combined with water for flushing to a storage structure.

**Outdoor Advertising:** See the definitions of "Advertising Structure" and "Sign".

**Outdoor Storage:** The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

**Overlay District:** A district in which additional requirements will act in conjunction with the underlying zoning district. The original zoning district designation does not change.

**Owner:** One or more persons, including corporations, who have title to the property, structure in question.

## P

**Paintball Course:** An area of land typically designed around hillsides, trees, waterways, rocks, etc. for the purpose of allowing organized combat-like games using paintballs and the different mechanized equipment to fire the paintballs as ammunition. These facilities shall also include any buildings or structures for providing shelter to the participants.

**Parcel:** 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:** Any public or private land available for recreational, educational, cultural, or aesthetic use. For the purposes of establishing a setback for a Livestock Feeding Operation, a Wildlife Management Area (WMA) is not considered a park.

**Parking Area, Private:** An area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

**Parking Area, Public:** An area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

**Parking Lot:** Any open area used for the storage of motor vehicles which contains space rented to the general public.

**Parking Space, Automobile:** An area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than eight and one-half feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

**Parkway:** An arterial highway with full or partial control of access and located within a park or ribbon of park like development.

**Pasture:** An area where crops, vegetative forage growth, post-harvest residues are sustained for the purpose of grazing animals in that area.

**Paunch Manure:** Partially digested material taken from an animal at the time of slaughter.

**Performance Guarantee:** 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:** 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 structure is permanently attached.

**Permanently Attached:** Connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

**Permit:** A document issued by Thayer County, including a Conditional Use Permit, authorizing the applicant to undertake certain activities.

**Permitted Use:** Any land use allowed without condition within a zoning district.

**Person:** An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Thayer County, Nebraska.

**Petroleum Distribution Pipeline:** Transportation facilities for the conveyance of crude petroleum, refined petroleum products such as gasoline and fuel; natural gas; mixed, manufactured, or liquified petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pumping stations, bulk storage, surge and storage tanks.

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

**Pipeline, Major Oil:** A pipeline which is larger than six inches in inside diameter and which is constructed in Nebraska for the transportation of petroleum, or petroleum components, products or wastes, including crude oil or any fraction of crude oil, within, through, or across Thayer County.

**Pit System:** Has a concrete floor and masonry or concrete side walls, is constructed 2–6 feet below the ground. The animal cages, if used, are then built 8 feet or more above the pit floor. Because the pit is built below ground level, care must be taken to ensure that surface and groundwater are not contaminated. Foundation drains and external grading to direct surface water away help to keep manure dry, so that natural composting might occur. The most important benefit of the deep-pit is that manure can be stored for several months or more.

**Pit (Shallow):** The most frequently used pit system. The concrete pit is 4–8 inches deep and is located 3-6 feet below the main floor. The manure and other waste is mechanically scraped or flushed out with water to a storage area, or directly loaded into a spreader for direct field application.

**Planned Unit Development:** A zoning district providing flexible land development when planned and designed as a unit containing one or more land uses.

**Planning Commission:** The Thayer County Planning Commission as established in accordance with section 23-114 R.R.S. Neb. (1943) and with the powers and authority therein granted.

**Plat:** A map showing the location, boundaries, and legal description of individual properties.

**Point Source:** Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fixture, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged.

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

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

**Portable Temporary Classroom:** A temporary building, either stick-built or pre-manufactured (built off-site), installed on the grounds of a state approved school to provide additional classroom space where there is a shortage of capacity. The classroom, as it is temporary (not permanent) and portable is subject to a time limitation as determined by the County. It does not need to be on a permanent foundation but must be properly anchored to the County's building codes. It must also meet any other building code or Zoning Regulation criteria.

**Portland Cement Concrete:** An aggregate with cement binder, characterized by gray\white color. Relatively smooth, uniform concrete surface having few exposed aggregates. Each country has its own standard for Portland cement. The United States, including Thayer County, uses the specification prepared by the American Society for Testing and Materials – ASTM C-150 Standard Specification for Portland cement.

**Preliminary Plat:** The preliminary drawings and information which indicate the proposed layout of a subdivision, as described and defined in the subdivision regulations.

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

**Preschool:** An early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

**Private Club:** A non-profit association of persons who are bona fide members paying dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. A private club may include the serving of food and meals on said premises while providing adequate dining room space and kitchen facilities. A private club may include the sale of alcoholic beverages to members and their guests provided the activity is secondary and incidental to the promotion of some common objective by the organization; and, said sale of alcoholic beverages is in complete compliance with all municipal, state and federal laws.

**Private Well:** A well that provides water supply to less than 15 service connections and regularly serves less than 25 individuals.

**Prohibited Use:** Any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

**Professional Office:** Any building or part thereof used by one or more persons engaged in the practice of law, medicine, accounting, architecture, engineering or other occupation customarily considered as a profession.

**Promotional Device:** Any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.

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

**Public Improvement:** Any drainage facility, roadway, street, sidewalk, sewer or water facility or other improvement for which the government body may ultimately assume the responsibility of maintenance and operation.

**Public Use Area:** That portion of land owned by the United States, the state, or a political subdivision with facilities which attract the public to congregate and remain in the area for significant periods of time. Facilities include, but are not limited to, picnic grounds, campgrounds, lodges, shelter houses, playground equipment, lakes as listed in Table 2 at the end of this chapter, and swimming beaches.

**Public and Private Utility:** Any governmental entity or business which furnishes to the general public telephone service, electricity, natural gas, water, sewer and other services so affecting the general public interest as to be subject to the supervision or regulation of a State agency.

**Public Water Supply:** 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.

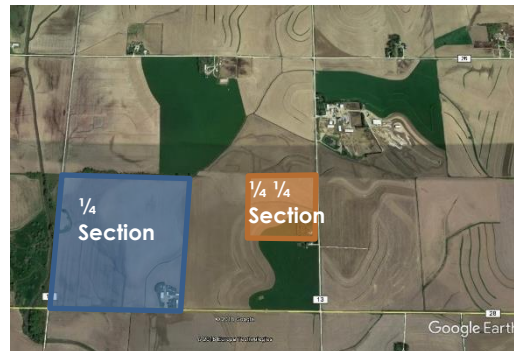
**Pullet:** Young female chicken between 10 and 32 weeks of age, usually this term denotes egg type birds.

## Q

**Quarry:** See Mining and Mineral Extraction Site

**Quarter Section:** That portion of land approximately equal to  $\frac{1}{4}$  of a section of land (160 acres)

**Quarter-Quarter Section:** That portion of land approximately equal to  $\frac{1}{16}$  of a section of land (40 acres)



# R

**Racetrack:** A measured course where machines (usually automobiles), dogs, horses or other animal, are entered in competition against one another or against time.

**Railroad:** 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.

**Railroad Right-of-Way:** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses or car yards.

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

**Raw Materials Storage Area:** Includes but is not limited to feed silos, silage bunkers, and bedding materials.

**Recharge Areas:** The places where rain and snow melt percolate into the ground, refilling the groundwater aquifers.

**Recharge Rate:** The time that is required to add to or replenish water in an aquifer or water table.

**Recreation, Active:** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.

**Recreation Equipment:** Play apparatus such as swing sets and slides, sand-boxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures including tree houses, swimming pools, playhouses, or sheds utilized for storage of equipment. Also see ("Major Recreational Equipment")

**Recreation, Passive:** Leisure-time activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games. This includes open space for nature, and areas for nature walks and observation.

**Recreational Facility:** Facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor-powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

**Recreational Vehicle (RV):** A vehicular unit primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicles (RVs) includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel campers.

**Recreational Vehicle and Boat Repair Facility:** A business/facility solely for the repair and servicing of Recreational Vehicles and Boats, to include the sale of related parts and supplies.

**Recreational Vehicle Park or RV Park:** A tract of land under single ownership developed for recreational use with improved camping sites for recreational vehicles (RVs).

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

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

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

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

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

**Residence:** See Dwelling Unit.

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

**Restaurant, Drive-In:** An establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

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

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

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

**Rezoning:** An amendment to or change in the zoning regulations either to the text or map or both.

**Rezoning, Piecemeal:** The zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

**Right-of-Way (ROW):** A strip of land occupied or intended to be occupied by a street, road, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other similar use.

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

**Road, Improved:** A street, county road, and/or State/Federal Highway that are graded, surfaced and maintained on a regular basis with an approved granular material or hard-surfacing material.

**Road, Private:** A way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. (Also, see Right-of-Way and Street.)

**Road, Public:** All public right-of-way reserved or dedicated for street or road traffic. (Also, see Right-of-Way and Street.)

**Road, Unimproved:** An officially declared minimum maintenance road as well as any road that is not generally graded, crowned or contain a surfacing material of either a granular or hard-surfaced nature.

**Roadside Stand:** A temporary structure or vehicle used primarily for the sale of farm products produced on the premises or adjoining premises. Others basic crafts and drinks may be sold by the same vendor on-site.

**Rodeo Grounds:** A tract of land used for the public performance featuring ordinary rodeo contests. These grounds are often used for other public benefits and performances when sponsored by clubs and organizations of the community.

**Room:** An un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

**Rooming House:** Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals.

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

## S



Aerial of a Sand and Gravel Operation



Aerial view of a Sanitary Landfill

**Sand or Gravel Pit:** Land used for the extraction of sand and/or gravel for public and/or commercial use.

**Sanitary Landfill:** A type of operation in which garbage and refuse, or garbage, or refuse is deposited by a plan on a specified portion of land, and is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to twelve inches over individual cells of garbage and/or refuse, which are closed at the end of each day, and to a depth of at least twenty-four inches over the finished land fill.

**Satellite Dish Antenna:** An antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

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

**School, Day, Pre-, or Nursery:** A school or center for children under school age, whether licensed as a day care 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:** 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:** An institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with the Nebraska Statutes.

**School, Trade:** An institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.

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

**Sediment:** Solid material that is in suspension, is being transported, or has been moved from its original location by air, water, gravity or ice.

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

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

**Self-Service Storage Facility:** A building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

**Semi-solid Manure:** Contains little bedding and usually no extra water added. In most cases, little drying occurs before handling. During wet weather the manure scraped from open lots can also be semi-solid in nature.

**Separate Ownership:** Ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

**Service Stations:** 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 Line, Front Yard:** The line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established. (See illustration under "Yards".)

**Setback Line, Rear Yard or Side Yard:** The line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district. (See illustration under "Yards".)

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

**Shopping Center:** A grouping of retail business and service uses on a single site with common parking facilities.

**Shouse:** See Dwelling Unit, Special Types.

**Sight Triangle:** An area at a street or road intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within these regulations.

**Silo:** A structure or storage area to confine livestock feed.

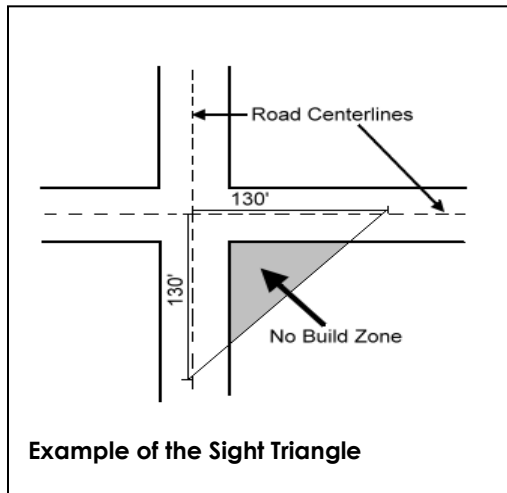
**Similar Use:** The use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

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

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

**Sketch Plan:** A sketch preparatory to preparation of the preliminary plat to enable a subdivider to reach general agreement with the Planning Commission prior to a formal application.

**Sludge:** Solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.



**Soil Excavation, Commercial:** The process of altering the natural (grade) elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated to be used on a private project for a fee.

**Soil Excavation, Public:** The process of altering the natural (grade) elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated by a governmental unit for a governmental purpose.

**Solar Units:** A device designed and used for the purpose of collecting solar energy and utilizing the energy to heat space or water, or for some other use, within a structure.

**Solid Manure:** Combination of urine, bedding, and feces with little or no extra water added. It is usually found in loafing barns, calving pens, and open lots with good drainage.

**Solid Waste:** Waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

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

**Stable, Private:** A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

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

**State:** The State of Nebraska.

**Stockpiling:** The accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for the storage or holding for a period of not more than one year.

**Storage:** The keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

**Storage Containers:** A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**Story:** A space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

**Story, One-Half:** The same as "Half-Story".

**Street:** A public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in these regulations.

**Street Arterial:** A street designated for and designed with the primary function of efficient movement of through traffic between and around areas of a city, village, or county with controlled access to abutting property.

**Street Collection:** A street or highway that is intended to carry traffic from minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

**Street, Curvilinear:** Local streets that deviate from straight alignment and change direction without sharp corners or bends.

**Street, Frontage Access:** 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:** A street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

**Street, Looped:** A continuous local street without intersecting streets and having its two outlets connected to the same street.

**Street, Major:** A street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

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

**Street, Side:** 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:** The centerline of a street right-of-way as established by official surveys.

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

**Structure:** Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

**Structure, Advertising:** (see "Advertising Structure")

**Structure, Temporary:** A structure without any foundation or footing and removed when the designated time period for which the temporary structure was erected has ceased.

**Structural, Alteration:** 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:** 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 another instrument.

**Subdivision Regulations:** The official Subdivision Regulations of Thayer County, together with all amendments thereto, adopted pursuant to Nebraska State Statutes.

**Substantial Improvement:** 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.

**Substations:** Any electrical facility to convert electricity to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

**Surface Water Class A -- Primary Contact Recreation:**

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

**Surface Waters:** Waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

## T

**Tavern:** (See "Bar")

**Taxidermy Service:** The business of preparing, stuffing, and mounting the skins of animals.

**Temporary Use:** A use intended for limited duration to be located in a zoning district permitting such use.

**Tower, Communication:** A structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see "Antenna")

**Tract:** A plot or parcel of land shown by survey, other than a lot in a subdivision which is recorded in the Office of the Register of Deeds.

**Trailer:** A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo or property.

**Transfer Station:** A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an infectious waste incineration facility.

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

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

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

**Transmission Line:** The electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**Transmissivity:** The ability of an aquifer to yield a certain output of groundwater over a set period of time.

**Tree Cover:** The area directly beneath the crown and within the dripline of a tree.

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

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

## U

**Upzoning:** A change in zoning classification of land to a more intensive or more restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple family residential district.

**Usable Open Space:** That part of the ground area of a lot or development devoted to outdoor recreational space, but excluding private or public roadways, accessory off-street parking and loading and other uses and structures.

**Use:** Any purpose for which a structure or tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

**Use, Best:** The recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes the public health, safety and general welfare.

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

**Use, Principal:** The main use of land or structure, as distinguished from an accessory use. (Also, see "Building, Principal")

**Use Regulations:** Regulations identifying permitted and exceptional uses, accessory uses, use limitations and use conditions.

**Used Materials Yard:** 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:** (see "Easement")

## V

**Variance:** A relaxation of the literal terms of the zoning regulations where applicable to avoid undue hardship to a property owner and where the public interest will be served.

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

**Vehicle, Motor:** (See "Motor Vehicle")

**Vineyard:** An area planted with grapevines. (See also "Farm Winery")

**Visual Obstruction:** 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.

## W

**Warehouse:** A building used primarily for the storage of goods and materials.

**Warehouse and Distribution:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**Waste Handling System:** Any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems.

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

**Waste, Industrial:** Any material resulting from a production or manufacturing operation having no net economic value to the source producing it.

**Wastewater Lagoon:** (See Lagoon.)

**Waste Utilization Area:** Land used or reserved for the application of animal wastes from a CAFO.

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

**Water System, Regional:** 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:** 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:** The waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

**Watershed:** The surrounding land area that drains into a lake, river or river system.

**Weather, Severe:** A weather event resulting in winds in excess of 58 miles per hour (95 km/h or 50 knots).

**Wellfield:** A tract of land that contains a number of wells supplying water.

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

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

**Wholesale Trade:** A use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments include: 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.

**Winery, Farm:** (See "Farm Winery")

## X



Example of Xeriscaping  
Source: Google Images

**Xeriscaping:** Landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

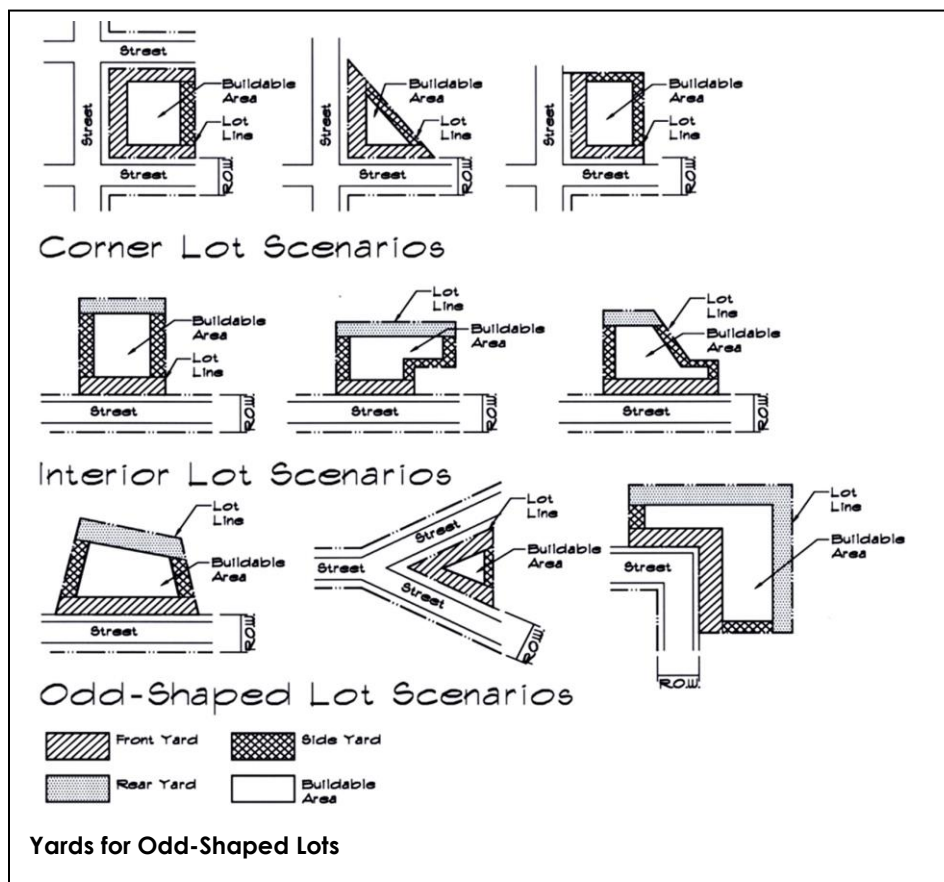
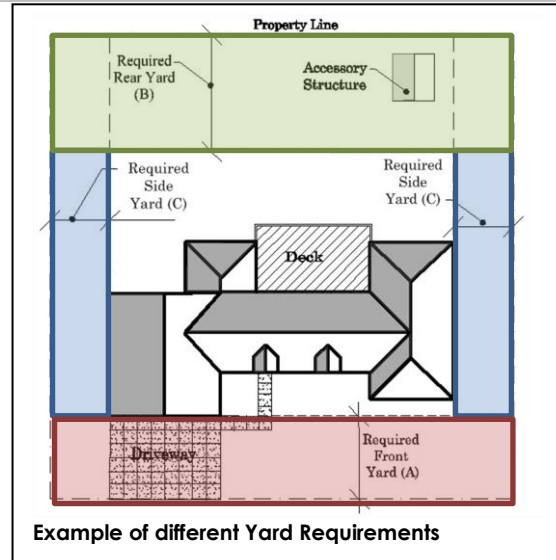
# Y

**Yard:** Open space on a lot which is unoccupied and unobstructed from the ground to the sky, except for permitted obstructions.

**Yard, Front:** A yard extending along the full length of the front lot line from said line to a line drawn parallel to it equal to the depth of the required front yard. A corner lot has a front yard on both streets/roads.

**Yard, Rear:** A yard extending from the rear lot line to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

**Yard, Side:** A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of the required minimum side yard, but excluding any area encompassed within a front yard or rear yard.



## Z

**Zoning Administrator:** Person or persons authorized and empowered by the County Board to administer and enforce the requirements of these Regulations.

**Zoning District:** The same as "District".

**Zoning District, Change of:** The legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the County.

**Zoning Board of Adjustment:** See Board of Adjustment.

**Zoning Regulations:** These official Regulations as approved and adopted in the Zoning Regulations of the Thayer County, Nebraska, together with all amendments thereto, adopted pursuant to sections 23-114 through 23-114.05 R.R.S. Neb. (1943).

## ARTICLE 3: DISTRICTS AND OFFICIAL MAP

### Section 3.01 Establishment of Districts

In order to regulate and restrict the height, location, size and type of buildings, structures and uses, and for the purpose of these Regulations, the jurisdictional area defined in Section 1.03 is hereby divided into districts.

### Section 3.02 Provision for Official Zoning Map

3.02.01 The county is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this 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 3.02 of Resolution No. 1972 of Thayer 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".

3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Board of Commissioners may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

A. 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 May 14, 2025, Resolution No 1972 of Thayer 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.

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## ARTICLE 4: GENERAL REGULATIONS

### Section 4.01 Zoning Standards

No structure or land shall hereafter be used or reused, and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any non-conforming structure damaged or destroyed may be restored in conformance with Article 11 of this regulation.

### Section 4.02 Scope of Regulations

4.02.1 No building, structure, or land within the jurisdiction of Thayer County shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Resolution and after receiving the appropriate zoning permit from the Thayer County Zoning Administrator.

1. Every building hereafter erected shall be located on a lot of record, as defined.
2. More than one principal building for a permitted use may be located upon a lot or tract in the following instances provided the Planning Commission approves the application through a Conditional Use Permit.
  - A. Public, Civic, and Institutional buildings,
  - B. Cottage Court or Multiple-family dwellings,
  - C. Manufactured and Mobile homes as part of a Manufactured Home Park
  - D. Commercial or industrial buildings.
3. Multiple non-residential agricultural buildings may be located on a lot or tract in an agricultural zoning district.

4.02.02 Minimum Maintenance Roads: After a county/township road has been classified by the County Board as a *minimum maintenance road*, or is an unimproved road, no zoning permits for livestock facilities, residential dwellings, mobile home, or manufactured home, shall be issued on any property adjoining such classified road; unless an agreement is made between the applicant/county board/township board. Other non-residential agricultural structures may be built without an improved public access.

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

1. Electric and telephone substations and distribution systems, including transformer stations.
2. Gas regulator stations.
3. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of electricity, gas, or water.
4. Water tower or standpipes.
5. Pumping stations.

### Section 4.03 Reductions in Lot Area Prohibited

4.03.01 No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of these Regulations are not maintained.

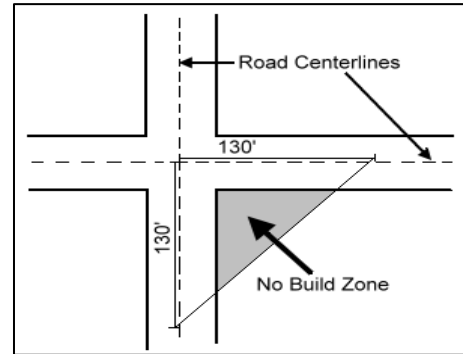
1. This section shall not apply when a portion of a lot is acquired for a public purpose.

2. In circumstances where an otherwise conforming parcel was split into two or more parcels by action of a Public entity and one or more of the resulting lots has been made a non-conforming tract(s) for development, the required minimum lot size may be less than required and may be approved administratively. However, in all circumstances, the minimum setback requirements shall be observed.

#### Section 4.04 Corner Lots or County Road Intersections

4.04.01 **Sight Triangle:** On a corner lot or the intersection of two county roads or a county road and a Federal or State Highway 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 three feet and 10 feet above the grades of the centerline of the intersecting street or road, from the point of intersection 130 feet in each direction measured along the centerline of the streets or roads.

1. For Irrigation equipment, standard setback requirements shall be applicable to both roadway rights-of-way.



#### Section 4.05 Yard Requirements (Setbacks)

4.05.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with these regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

1. Minimum yards (building setback lines) shall be determined by measuring the horizontal distance from the property line to the furthest exterior wall of the existing or proposed structure.
2. Where the property cannot be specifically identified, said setback shall be from the centerline of the road plus  $\frac{1}{2}$  the width of the right-of-way or easement.

4.05.02 No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements.

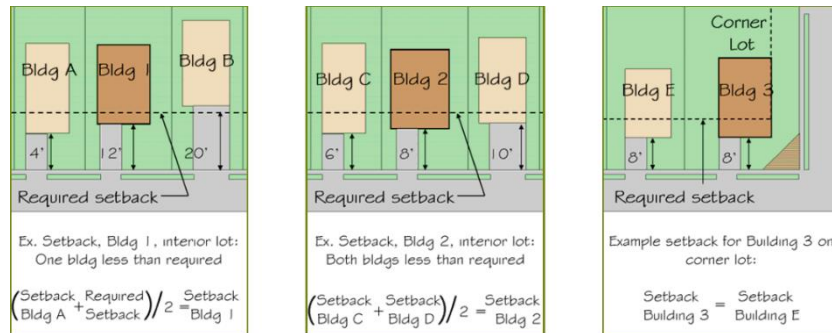
4.05.03 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.

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

4.05.05 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.

## 4.05.07. Waivers

1. The Zoning Administrator may permit a waiver in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that
  - A. More than 40 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and
  - B. A minority of such structures have observed or conformed to an average setback line, see illustration for different provisions:

**Section 4.06 Permitted Obstructions in Required Yards**

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

## 4.06.01 All Yards:

- Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act are necessary for access to a permitted building or for access to a lot from a street or alley;
- Approved freestanding signs;
- Arbors and trellises;
- Awnings and canopies projecting six feet or less into the yard
- Bay windows projecting three feet or less into the yard
- Chimneys projecting 24 inches or less into the yard;
- Clotheslines;
- Egress windows and bulkhead enclosures
- Fences or walls subject to applicable height restrictions'
- Flag poles;
- Off-street parking spaces (open air, no cover)
- Playground and other recreational equipment;
- Window air conditioners projecting not more than 18 inches into the required yard;

## 4.06.02 Rear and Side Yards:

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

## 4.06.03 Irrigation Equipment:

1. Any irrigation well, motor, or fuel tank shall maintain a setback of at least 58 feet from the centerline of a County Road or 25 feet from any other platted roadway, whichever is greater.
2. At any intersection of any public roadways, these setback requirements shall be applicable to both roadway rights-of-way.
3. All pivots which could pivot onto any public roadway shall be equipped with a constructed pivot stop so that the wheels of the pivot closest to the roadway come no closer than one (1) feet to the right-of-way line.

**Section 4.07 Accessory Buildings and Uses**

- 4.07.01 Construction of an Accessory Building shall meet the following:
1. No accessory building shall be constructed before a permit is approved for construction of the principal building.
    - A. Accessory buildings may only be used for up to 12 months unless the main building on the lot is also being used or unless the main building is under construction.
  2. Detached accessory buildings or structures shall be located no closer to any principal building than five feet.
- 4.07.02 Yards: Except as herein provided, no accessory building shall project beyond a required yard line.
1. No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
  2. Service station pumps and pump islands may occupy required yards, provided, however, that they are at least 15 feet from property lines along any road or street.

**Section 4.08 Permitted Modifications of Height Regulations**

- 4.08.01 The height limitations of this Regulation shall not apply to:
- |   |   |
|---|---|
| • Air-Pollution Prevention Devices      | • Grain Elevators                                 |
| • Barns, silos and other ag. structures | • Masts and Aerials                               |
| • Belfries                              | • Non-commercial wind turbines                    |
| • Chimneys                              | • Ornamental Towers and Spires                    |
| • Church Spires                         | • Observation Towers                              |
| • Conveyors                             | • Public Monuments                                |
| • Cooling Towers and Ventilators        | • Radio/Television Towers less than 125 feet tall |
| • Cupolas                               | • Smoke Stacks                                    |
| • Derricks                              | • Solar Panels                                    |
| • Domes                                 | • Stage Towers or Scenery Lots                    |
| • Elevator Bulkheads                    | • Tanks   |
| • Commercial Elevator Penthouses        | • Water Towers and Standpipes                     |
| • Fire Towers                           | • WECS-Commercial / Utility scale                 |
| • Flag Poles                            |   |
- 4.08.02 When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet.
- 4.08.03 Any necessary mechanical apparatus usually required to be placed above the roof level and not intended for human occupancy may be erected to any safe height not in conflict with any other existing federal, state or local regulations, or any other County regulations. These structures shall require permits as required by the County.

**Section 4.09 Occupancy of Basements and Cellars**

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

**Section 4.10 Drainage**

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

**Section 4.11 Swimming Pools**

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

**Section 4.12 Temporary Structures and Uses**

- 4.12.01 Temporary uses are allowed as designated in Section 5.06, **not to exceed 180 days** in duration unless otherwise provided herein, including:
1. Construction offices and structures (containing no sleeping or cooking accommodations) incidental to permitted construction work, but only for the period of such work, are permitted in all districts; not including campers or recreational vehicles.
    - A. Such use shall continue only during the duration of the project and additionally that the contractor's office and equipment sheds are removed within 30 days after the project is complete.
  2. Development sales offices (containing no sleeping or cooking accommodations) incidental to a permitted new housing development, to continue only until the sale or lease of all dwelling units in the development.
  3. Temporary occupancy, of a mobile/manufactured home for residential purposes may be allowed during the permitted construction/reconstruction of a dwelling.
  4. Construction Batch Plants, during active permitted construction.
  5. Seasonal sale of farm produce (including Christmas trees) grown on the premises on districts where permitted, to continue for not more than four months per year; structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
  5. Seasonal Christmas tree stands (grown off site) in any district except a residentially zoned area for a period not to exceed 60 days; display of such trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within 30 feet of the intersection of the curb line/edge of surface of any two streets.
  7. Promotional activities of retail merchants involving the display only of goods and merchandise that are for sale within the principal structure conducted outside of such structure for a period of not more than four days in any three-month period provided that:
    - A. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the County.
    - B. No required off-street parking or loading area will be utilized for such display, storage or dispensing.
    - C. No food or drink shall be displayed outside the building except in accordance with standards and prior written approval of Nebraska Health and Human Services and the Health Inspector
    - D. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, trailers and equipment; rental or the sale of used furniture, appliances, plumbing, housewares, building materials or similar display or sale in any business district except as otherwise permitted by these Regulations.

4.12.02 Temporary Uses Subject to All Zoning Requirements

1. Any temporary use or structure shall maintain all setbacks and performance standards of these zoning regulations.
2. Any property owner with a temporary use exceeding the time limits of these regulations shall apply for an applicable Zoning Permit or immediately cease the temporary use.
2. The Zoning Administrator shall investigate any complaint regarding a Temporary Use as provided in [Article 13](#) of these regulations.

**Section 4.13 Fees**

4.13.01 Required fees shall be as adopted from time to time by the County Board of Commissioners by separate Resolution.

4.13.02 The payment of any and all fees for any zoning permit or request shall be required prior to acceptance of any such application.

## ARTICLE 5: ZONING DISTRICTS

### Section 5.01 Establishment of Districts

5.01.01 **Purpose:** For the purpose of these Regulations, the jurisdictional area of Thayer County defined in Article 1 is hereby divided into the following districts, the respective symbol for each district being set forth with its title:

1. The following districts are agricultural districts:
  - AG** Agricultural District
  - TA** Transitional Agricultural District
2. The following districts are residential districts:
  - RR** Rural Residential District
  - RM** Manufactured Home Residential District
3. The following districts are commercial and industrial districts:
  - FLEX** Rural Commercial/Industrial District
  - I-1** Industrial District

5.01.02 There shall also be established Overlay Zoning Districts as necessary, with certain additional requirements where the requirements of the base zoning districts set out in Section 5.01 may or may not be altered:

- AHO** Airport Hazard Overlay District
- FHO** Floodplain Hazard Overlay District
- WHPO** Wellhead Protection Overlay District

5.01.03 Designation: Each such district may be designated on the Zoning Map, in the Use and Bulk Tables, and elsewhere in the text of these Regulations by symbol only.

### Section 5.02 Official Zoning Map

5.02.01 **General:** The areas and boundaries of such districts are hereby established as shown on the Official Zoning Map, and said Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these Regulations. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the County Clerk and bear the seal of the County. The Official Zoning Map shall be the final authority as to the current zoning status of land, water areas, buildings and structures.

5.02.02 **Zoning Map Changes.** If, in accordance with the provisions of the Regulations changes are made in the district boundaries or on other matter portrayed on the Official Zoning Map, such changes shall be entered promptly after the amendment has been approved by the legislative body with an entry showing the nature of the change, the date, the signature of the Chairman of the County Board of Commissioners and the attestation by the County Clerk. No such change shall become effective until entry is made on the Map.

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

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits or the extraterritorial jurisdiction shall be construed as following such City limits or the extraterritorial jurisdiction;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

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

**Section 5.04 Land Use Categories Matrix Explanation**

- 5.04.01 The Land Use Matrix found in Section 5.06 of this Regulation is a listing of uses that may be allowed within each Zoning District.
1. The different uses are grouped into specific "Land Use Categories".
  2. The "Land Use Categories" are listed in each of the Zoning Districts in lieu of specific uses. It is important to note, if a "Land Use Category" is listed within a specific Zoning District, it DOES NOT indicate every use in the "Land Use Category" is allowed within the specific District.
- 5.04.02 The different uses within Section 5.06 are Permitted (P), Allowed upon approval of a Conditional Use Permit (C), Temporary (T), Exempt from permit (E), or not permitted (-).
1. In order to determine if a specific use is allowed in a Zoning District, the following steps need to be followed:
    - Find the Use Type that matches the application.
    - Look across the table and determine which of the Zoning Districts in which it may be allowed.
    - Note any special criteria for the use(s) by referring to the specific District.
    - Determine where the specific Zoning Districts are by reviewing the Official Zoning Map.
    - Determine the necessary procedures to receive required permits after the land or property is the control of the applicant.
  2. The Table in Section 5.06 also lists Accessory Uses and Temporary Uses which may be allowed or not allowed in any specific Zoning District.

**Section 5.05 Annexation Rule**

Annexation of land to any incorporated municipality within or adjoining Thayer County, Nebraska, shall remove such land from the jurisdiction of this Resolution and any legal extension of any zoning jurisdictional area boundary by any such municipality shall remove such land from the jurisdiction of this Resolution.

## Section 5.06 Land Use Categories/Matrix

Use Category	Use Type	Land Use Districts						Additional Requirements
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-“ = Not Permitted</b>	AG	TA	RR	RM	FLEX	I-1	
Agriculture and Horticulture Uses	Agricultural buildings for general agricultural uses	P	P	P		P	P	See Section 9.27
	Agricultural operations	E	E	E		E	E	
	Application of livestock manure/wastes products	E	E	E		E	E	See Section 9.25
	Application of waste products from municipalities/industrial plants based outside the county	C	C	-		C	C	
	Application of waste products from municipalities/industrial plants based inside the county	P	P	-		P	P	
	Class I LFO	P	C	-		-	-	See Section 9.24
	Class II LFO	C	-	-		-	-	See Section 9.24
	Class III LFO	C	-	-		-	-	See Section 9.24
	Class IV LFO	C	-	-		-	-	See Section 9.24
	Class V LFO	C	-	-		-	-	See Section 9.24
	Community gardens	E	E	E		E	-	
	Composting of dead livestock from operations within the county WHEN part of an approved waste management plan	E	E	-		-	E	
	Composting of dead livestock from operations within the county NOT part of an approved waste management plan	P	C	-		-	C	See Section 9.29
	Composting of dead livestock from operations outside the county	C	C	-		-	C	See Section 9.29
	Composting of manure, sludge from livestock operations within the county, unless part of an approved waste management plan	P	C	-		-	C	See Section 9.24, 9.25, and 9.29
	Composting of manure, sludge from livestock operations outside the county	C	C	-		-	C	See Section 9.24, 9.25, and 9.29
	Composting of sludge or other by-products from municipalities and/or industrial operations outside the county	C	C	-		-	C	See Section 9.24, 9.25, and 9.29
	Composting of sludge or other by-products from municipalities and/or industrial operations inside the county	P	C	-		-	C	See Section 9.24, 9.25, and 9.29
	Conservation/Preservation Easements	C	C	C	C	C	C	See Section 9.17
	Cover crops	E	E	E		E	E	
	Crop production	E	E	E		E	E	
	Greenhouse, public or retail (commercial)	P	P	C		P	P	
	Livestock sales yard	P	C	-		C	P	
	Stockpiling of dead livestock from operations within the county, WHEN part of an approved waste management plan	P	P	-		-	P	
	Stockpiling of dead livestock from operations outside the county	C	C	-		-	C	
	Stockpiling of manure, sludge from livestock operations within the county, when part of an approved waste management plan	P	P	-		-	C	See Section 9.24 and 9.25

Use Category	Use Type	Land Use Districts						Additional Requirements
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-” = Not Permitted</b>	AG	TA	RR	RM	FLEX	I-1	
	Stockpiling of manure, sludge from livestock operations outside the county	C	C	-		-	C	See Section 9.24 and 9.25
	Stockpiling of sludge or other by-products from municipalities and/or industrial operations outside the county	C	C	-		-	C	
	Stockpiling of sludge or other by-products from municipalities and/or industrial operations inside the county	P	C	-		-	C	
	Horses and other non-commercial livestock on residential lot	E	E	E	E	E	E	
	Equestrian centers/stables	P	P	C		P	-	
	Vineyard	E	E	E		E	E	
Agricultural Sales and Service	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution integrated with Agricultural Operation.	P	P	-		P	P	
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for retail or wholesale use.	C	C	-		C	C	
	Agricultural implement & vehicle sales and service	P	P	-		P	P	
	Agricultural Cooperative Production/Distribution Facility	C	C	-		C	C	
	Agricultural research farm	P	P	-		P	P	
	Agricultural processing	P	P	-		P	P	
	Agriculture feed mixing and blending, seed sales, and grain handling operations for retail or wholesale use	P	P	-		P	P	
	Grain storage/Grain Storage System integrated with Agricultural Operation	P	P	-		P	P	See Section 9.27
	Grain storage/Grain Storage System for retail or wholesale use	P	C	-		C	C	See Section 9.27
Residential Living	Live-work unit (as defined)	P	C	-		P	-	
	Mobile Home Dwelling	-	-	-	P	-	-	
	Manufactured Home Dwelling (HUD Code)	P	P	P	P	P	-	
	Manufactured Home Dwelling - workers quarters	P	P	-	P	P	C	
	Seasonal dwelling or cabins	P	P	-		-	-	
	Single-family attached dwelling	C	C	P		P	-	
	Specialty dwelling, (i.e. earthen or Quonset, as defined)	P	P	P		P	-	
	Single-Family dwelling	P	P	P	P	P	-	
	Two-family/Duplex	P	P	P		P	-	
	Multi-family dwellings (3-4 units)	C	C	C		P	-	
	Multi-family dwellings (5+ units)	-	-	-		C	-	
	Multi-family dwellings for workers quarters	C	C	C	C	C	C	

Use Category	Use Type							
	E – Exempt from Permit P = Permitted Uses C = Conditional Uses T = Temporary Uses “-“ = Not Permitted	Land Use Districts						
		AG	TA	RR	RM	FLEX	I-1	Additional Requirements
Residential/ Commercial Institutions	Adult care homes	P	P	P		P	P	
	Assisted Living Facilities	P	P	P		-	-	
	Bed and Breakfast	P	P	P		-	-	See Section 9.11
	Convents	P	P	C		-	-	
	Emergency Residential Shelters	P	P	P		-	-	
	Group Care Home	P	P	P		P	P	
	Group Home	P	P	P		P	-	
	Hospice	P	P	P		P	-	
	Life Care Facility	P	P	-		C	C	
	Monasteries	P	C	-		-	-	
	Nursing Homes	P	-	C		-	-	
	Retirement Homes	P	C	C		-	-	
	Transitional housing	P	P	P		P	P	
Community Services/ Civic Uses	Airport/Heliport	C	C	-		C	C	See Section 5.19
	Cemetery	P	P	C		-	-	
	Churches, synagogues, temples, etc.	P	P	P		P	-	
	Publicly owned and operated community centers & buildings	P	C	C		P	P	
	Privately owned and operated community centers & buildings	P	C	C		P	P	
	Fire and Rescue facilities	P	P	P		P	P	
	Fraternal Organization	C	C	C		P	P	
	Governmental offices	P	P	P		P	P	
	Hospitals	P	P	-		P	P	
	Law enforcement centers	P	P	P		P	P	
	Libraries	P	P	P		P	P	
	Philanthropic Organizations	C	C	C		P	P	
	Museums	C	C	-		P	P	
	Planetariums	C	C	-		-	-	
	Senior citizen centers	C	C	C		C	C	
Treatment, Rehabilitation and Incarceration Facilities	Community correction centers	C	C	-		C	C	
	Drug/alcohol rehabilitation center	C	C	-		C	-	
	Halfway houses	P	P	P		P	P	
	Adult Detention Center	C	C	-		-	C	
	Juvenile Detention Center	C	C	-		-	C	
	Private Prisons	C	C	-		-	C	
	Public Prisons	P	P	-		P	P	

Use Category	Use Type	Land Use Districts						Additional Requirements
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-“ = Not Permitted</b>	AG	TA	RR	RM	FLEX	I-1	
Day-Care, Public and Private Schools	Adult day-care home	P	P	P		P	-	
	Child Care Center	C	C	C		C	C	
	Child Care Home	P	P	P		P	P	
	Colleges and Universities	C	C	-		C	C	
	Family Child Care Home I	P	P	P		P	P	
	Family Child Care Home II	C	C	C		C	C	
	Preschools	C	P	P		P	-	
	Public & private schools (K-12)	P	P	P		C	-	
	Trade, career & technical schools	P	P	P		P	P	
Public Parks and Open Space	Arboretums	P	P	P		P	P	
	Athletic fields	C	C	C		P	P	
	Campground (Public)	P	P	P		P	-	
	Dog Parks (not racing)	P	P	C		P	P	
	Parks, trails, picnic areas, & playgrounds	P	P	P		P	P	
	State parks	P	P	P		P	P	
	Public pools and/or water parks	P	P	P		P	-	
Public/Private Utilities and Communication Services	Oil or natural gas depot, exploration, and pumping	C	C	-		C	C	See Section 9.30
	Pipelines	C	C	C	C	C	C	
	Public works facilities	P	P	P		P	P	
	Solar - Neighborhood Solar Conversion Systems (NSCS)	C	C	C		C	C	See Section 10.04
	Solar - Commercial Solar Conversion Systems (CSCS)	C	C	C		C	C	See Section 10.04
	Wind Energy Conversion Systems – Commercial/Utility Scale	C	C	-		C	C	See Section 10.03
	Wireless telecommunication, facilities & equipment, new tower	C	C	-		C	C	See Section 9.20
	Wireless telecommunication facilities & equipment, monopole, no higher than max. height for a permitted use in the Land Use District	P	P	-		P	P	See Section 9.20
	Wireless telecommunication facilities & equipment, collocated or maintenance	P	P	-		P	P	See Section 9.20
Animal Care	Animal Shelter	C	C	-		P	P	
	Kennel boarding or training	C	C	-		P	P	See Section 9.26
	Kennel, commercial	C	C	-		-	P	See Section 9.26
	Pet cemetery	C	C	-		-	-	
	Pet crematorium	C	C	-		-	C	
	Pet grooming and training	C	C	-		P	P	
	Animal hospital	P	C	-		P	P	

Use Category	Use Type	Land Use Districts						Additional Requirements
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Business and Household Services	Building maintenance & cleaning services	C	C	-		P	P	
	Copying, printing, mailing, & packaging services	C	C	-		P	P	
	Lawn, garden & yard maintenance services	C	C	-		P	P	
	Locksmiths and key duplication	C	C	-		P	P	
	Pest control services	C	C	-		P	P	
	Small appliances & household equipment repair	C	C	-		P	P	
	Well drilling/septic tank cleaning	C	C	-		P	P	
Financial Services	Banks	-	C	-		P	C	
	Automatic Teller Machine (ATM)	-	C	-		P	C	
	Brokerages	-	C	-		P	C	
	Credit Unions	-	C	-		P	C	
	Insurance offices	-	C	-		P	C	
	Financial advisory services	-	C	-		P	C	
	Specialty loan services	-	-	-		P	-	
Food and Beverage Services	Bakery, Retail	C	C	-		P	C	
	Banquet/reception facility	C	C	-		C	-	
	Brew-on Premises Store	C	C	-		P	-	
	Brewery	C	C	-		C	C	
	Craft Brewery (Commercial)	C	C	-		P	P	
	Catering service	C	C	-		P	P	
	Donut and pastry shops	C	C	-		P	C	
	Mobile Food Units	T	T	-		T	T	See Section 9.14
	Restaurants w/o drive-through	C	C	-		P	-	
	Roadside produce stands	T	T	-		T	T	
	Tavern or bar	-	C	-		P	-	
	Drinking establishments	-	C	-		P	-	
	Coffee houses, coffee shops	C	C	-		P	C	
	Brew pub	C	C	-		P	C	
	Micro-brewery (Commercial)	C	C	-		P	C	
	Winery, Farm	C	C	-		P	C	
General Commercial	Antiques and collectables shop	C	C	-		P	-	
	Art galleries	C	C	-		P	-	
	Artisan production shop	P	P	-		P	P	
	Artist Studio	C	C	-		P	C	
	Arts & crafts stores	C	C	-		P	-	
	Bicycle sales & service	C	C	-		P	-	
	Book store	C	C	-		P	-	

Use Category	Use Type	Land Use Districts						Additional Requirements
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-“ = Not Permitted</b>	AG	TA	RR	RM	FLEX	I-1	
	Bridal sales & services	C	C	-		P	-	
	Business support services	C	C	-		P	-	
	Camping equipment sales	C	C	-		P	-	
	Computer hardware/software sales	C	C	-		P	P	
	Dance studios & schools	C	C	-		P	-	
	Electronic/appliance sales/service	C	C	-		P	P	
	Equipment sales/storage/rental	C	C	-		P	-	
	Equipment repair services	C	C	-		P	P	
	Exercise equipment sales	C	C	-		P	-	
	Fabric and sewing supply stores	C	C	-		P	-	
	Farmer's Market	P	P	-		P	-	
	Firearms and ammunition sales	C	C	-		C	C	
	Florists	C	C	-		P	-	
	Food store (specialty) incl. bakeries, meat lockers, butchers, delicatessen, not a full-service grocery	C	C	-		P	-	
	Funeral homes, mortuaries, incl. crematoriums	C	C	-		P	P	
	Garden center	C	C	-		C	-	
	Heating/cooling sales and services	C	C	-		P	P	
	Lawn/garden equipment sales/ service	C	C	-		P	P	
	Musical instrument store	C	C	-		P	-	
	Pawn shops	C	C	-		P	-	
	Photographic equipment/supplies	C	C	-		P	-	
	Pottery store	C	C	-		P	-	
	Religious book and card stores	C	C	-		P	-	
	Shoe stores and repair	C	C	-		P	-	
	Tanning Studio	C	C	-		P	-	
	Taxidermy Services	C	C	-		P	P	
	Tobacco store	C	C	-		C	-	
Special Commercial	Adult Entertainment	P	P	-		P	P	See Section 9.18
	Boat dealers	-	C	-		P	P	
	Building materials dealers	-	-	-		P	P	
	Commercial greenhouses	C	C	-		P	P	
	Business Center	-	-	-		P	P	
	Concrete and cinder block sales	-	-	-		P	P	
	Convenience store	C	C	-		P	C	
	Drive-in theater	C	C	-		P	-	
	Equipment rental and leasing	C	C	-		P	P	
	Fencing dealers	C	C	-		P	P	
	Fireworks stands	T	T	-		T	T	
	Gasoline filling stations, incl. Self-Service	C	C	-		P	C	
	Liquor stores	C	C	-		C	-	
	Monument sales	C	C	-		P	P	

Use Category	Use Type	Land Use Districts						Additional Requirements
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-“ = Not Permitted</b>	AG	TA	RR	RM	FLEX	I-1	
	Motel or hotel	C	-	-	-	C	-	
	Nurseries, retail sales	C	-	-	-	-	P	
	Parking Area, stand- alone	C	-	-	-	P	P	
	Pet Shop	C	C	-	-	P	P	
	Piercing Studio	-	-	-	-	P	P	
	Swimming pool sales	C	C	-	-	P	P	
	Tattoo Parlor	-	-	-	-	P	P	
	Theaters and auditoriums	-	C	-	-	P	-	
Medical Uses, not including Home Occupations	Acupuncture offices	-	C	-	-	P	-	
	Chiropractor offices	-	C	-	-	P	-	
	Dental offices incl. orthodontics	-	C	-	-	P	-	
	Massage therapy	-	C	-	-	P	-	
	Medical offices	-	C	-	-	P	-	
	Optical sales & services	-	C	-	-	P	-	
	Rehabilitation facilities incl. out-patient services	-	C	-	-	P	-	
Office Uses, not including Home Occupations	Accounting services counseling	-	C	-	-	P	-	
	Attorney offices	-	C	-	-	P	-	
	Business offices	-	C	-	-	P	P	
	Consultant offices	-	C	-	-	P	P	
	Investment counseling	-	C	-	-	P	-	
	Photographic studios	-	C	-	-	P	-	
	Real Estate offices	-	C	-	-	P	P	
	Utility/telephone company offices	C	C	-	-	P	P	
Recreational Commercial	Amusement arcade	-	C	-	-	P	P	
	Bowling alley	-	C	-	-	P	P	
	Commercial stables	C	C	-	-	C	-	
	Golf courses, public & private	P	C	C	-	C	-	
	Golf driving ranges	P	C	C	-	C	P	
	Health clubs/spas	C	C	-	-	P	C	
	Miniature golf courses	-	C	-	-	P	-	
	Paintball Course	P	P	-	-	C	C	
	Racetrack	C	C	-	-	C	C	
	Recreational facility, Indoor	C	C	-	-	P	C	
	Recreational facility, outdoor	C	C	-	-	C	C	
	Recreational Vehicle Park / RV Park	C	C	-	-	C	-	See Section 9.13 / See also Public Campground
	Riding Academies	P	P	-	-	C	-	
	Roller- and ice-skating rink	-	-	-	-	P	-	

Use Category	Use Type	Land Use Districts						Additional Requirements
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-“ = Not Permitted</b>	AG	TA	RR	RM	FLEX	I-1	
	Shooting Range, Gun Range, or Archery Range	C	C	-		C	C	
	Shooting Sports (Archery Club or Gun Club) – Indoor	C	C	-		P	P	
	Skate Park	-	-	C		P	-	
	Special Events	T/C	T/C	-		T/C	T/C	See Section 9.31
Auto Services/ Commercial, not including Home Occupations	Auto body repair	C	C	-		C	P	See Section 9.05
	Automotive/machinery repair shop	C	C	-		C	P	See Section 9.05
	Automobile/truck sales, rental & leasing	C	C	-		C	P	
	Automobile/truck washes, self-services or automatic	C	C	-		C	P	
	Motor home dealers	C	C	-		C	P	
	Motorcycle dealers, incl. moped and scooters	C	C	-		C	P	
	Muffler sales & services	C	C	-		C	P	
	Recreational vehicle sales/rentals	C	C	-		C	P	
	Transmission repair shops	C	C	-		C	P	
	Travel trailer dealers	C	C	-		C	P	
	Vehicle Storage	C	C	-		C	P	
	Vehicle Storage, Long-term	C	C	-		C	P	
	Trailer, RV, & boat storage	C	C	-		C	P	
Warehousing and Storage	Bulk materials or machinery storage (fully enclosed)	-	-	-		-	P	
	Fireworks storage	-	-	-		-	C	
	Mini warehouse/self-storage	-	-	-		C	C	See Section 9.08
	Motor Freight Terminals	-	-	-		C	C	
	Outdoor Storage	-	-	-		C	P	
	Outdoor Storage Containers	C	C	-		C	P	
	Storage facilities similar to Portable On-demand storage facilities	C	C	-		C	P	
	Storage/warehousing of non-hazardous materials (fully enclosed)	C	-	-		-	P	
	Warehouse and distribution	C	-	-		C	C	
	Warehousing (enclosed)	-	-	-		-	P	
	Warehousing (Open)	-	-	-		-	C	
	Wholesale business and storage	-	-	-		-	P	
Contractors, Contractor Yards, Storage and Supply	Building materials sales/storage yards (excl. asphalt/concrete mixing)	C	-	-		C	P	
	Bulk materials or machinery storage (fully enclosed)	C	-	-		P	P	
	Carpenters	C	C	-		C	P	
	Construction batch plants	C	C	-		C	P	
	Construction yards incl. offices & equipment storage yards excl. heavy machinery	C	C	-		C	P	

Use Category	Use Type	Land Use Districts						Additional Requirements
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-“ = Not Permitted</b>	AG	TA	RR	RM	FLEX	I-1	
	Electricians	C	-	-	-	P	P	
	Heating & ventilating contractors	C	-	-	-	P	P	
	Masons & bricklayers	C	C	-	-	P	P	
	Plumbers	C	C	-	-	P	P	
	Trade shops (incl. cabinet makers)	C	C	-	-	P	P	
Large Contracting / Materials Manufacturing	Asphalt contractors	-	-	-	-	C	P	
	Concrete block manufacturing	-	-	-	-	-	P	
	Concrete contractors	C	C	-	-	C	P	
	Concrete products	-	-	-	-	-	P	
	Excavating contractors	C	C	-	-	C	P	
	Heavy construction companies	C	C	-	-	C	P	
	Highway/street construction co.	C	C	-	-	C	P	
	Manufactured housing fabrication	-	-	-	-	-	P	
	Prefabricated buildings & components manufacturing	-	-	-	-	-	P	
	Wrecking & demolition contractors	C	C	-	-	C	P	
Food Processing and Manufacturing	Bakery Products Manufacturing	-	-	-	-	-	P	
	Beverage Blending and Bottling (Except Breweries)	-	-	-	-	-	P	
	Biofuels and Distillation Facilities	C	-	-	-	C	C	See Section 9.19
	Coffee, Tea and Spice Processing and Packaging	-	-	-	-	-	P	
	Creamery and Dairy Operations	C	C	-	-	-	P	
	Dairy Products Manufacturing	C	C	-	-	-	P	
	Egg Processing Plants	C	C	-	-	-	P	
	Flour, Feed and Grain Grinding and Milling	C	C	-	-	-	P	
	Fruit and Vegetable processing, canning, preserving, drying and freezing	C	C	-	-	-	P	
	Ice Manufacturing (Incl. Dry Ice)	-	-	-	-	-	P	
	Meat Processing	C	C	-	-	-	P	
	Manufacturing, General	C	-	-	-	C	P	
Mining and Excavation	Brick, firebrick and clay products manufacturing	C	C	-	-	-	C	
	Monument & architectural stone manufacturing	C	C	-	-	-	C	
	Soil excavation/mining for commercial purposes	C	C	-	-	C	C	See Section 9.16
	Soil excavation/mining for a public entity/project	P	P	P	-	P	P	See Section 9.16
	Quarry	C	C	-	-	-	C	See Section 9.16

Use Category	Use Type	Land Use Districts						Additional Requirements
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-“ = Not Permitted</b>	AG	TA	RR	RM	FLEX	I-1	
Metal Processing, Stamping	Culvert manufacturing	C	C	-	-	-	C	
	Fabricated metal products	C	C	-	-	-	C	
	Welding	C	C	-	-	-	C	
	Wire Rope and Cable Mfg.	C	C	-	-	-	C	
Waste Handling	Automobile Wrecking Yard	-	-	-	-	-	C	See Section 9.07
	Landfill, Construction Material	C	C	-	-	-	-	See Section 9.28
	Landfill, Solid Waste	C	C	-	-	-	-	See Section 9.28
	Recycling Center	C	C	-	-	-	C	
	Recycling Processing	C	C	-	-	-	C	
	Sanitary Transfer Station	C	C	-	-	-	C	See Section 9.28
Products Manufacturing	Basket & hamper (wood, reed, rattan, etc.) manufacturing	-	-	-	-	-	P	
	Millwork manufacturing	-	-	-	-	-	P	
	Electronics manufacturing	-	-	-	-	-	P	
	Machinery manufacturing	C	C	-	-	-	P	
	Musical instruments manufacturing	-	-	-	-	-	P	
	Pharmaceuticals manufacturing	-	-	-	-	-	P	
	Printing and publishing plants	-	-	-	-	-	P	
	Tool, die, gauge and machine shops	C	C	-	-	-	P	
	Wind turbine manufacturing	-	-	-	-	-	C	
General Manufacturing (High Hazard)	Bio-Fuels Manufacturing, including Ethanol production	C	C	-	-	-	C	See Section 9.19
	Data Center	-	-	-	-	C	C	See Section 9.22
	Grain Elevator and Storage Facilities	C	C	-	-	C	C	
	Oils, Shortenings, and Fats (edible) Processing and Storage	-	-	-	-	-	C	
	Oils, Vegetables, and Animal (non-edible) Processing and Storage	-	-	-	-	-	C	
	Petroleum, Gasoline, or Lubricating Oil Refining, & Wholesale Storage	-	-	-	-	-	C	
	Salvage Operations	-	-	-	-	-	C	See Section 9.07
	Scrap or Salvage Yards	-	-	-	-	-	C	See Section 9.07
	Waste Recovery Facilities – Commercial, Industrial & Residential	-	-	-	-	-	C	
	Wood Preserving Treatment	-	-	-	-	-	C	

Use Category	Use Type							
	<b>E – Exempt from Permit</b> <b>P = Permitted Uses</b> <b>C = Conditional Uses</b> <b>T = Temporary Uses</b> <b>“-“ = Not Permitted</b>	Land Use Districts						
		AG	TA	RR	RM	FLEX	I-1	Additional Requirements
Accessory Uses	Agricultural Irrigation	P	P	-		P	P	
	Barns	P	P	-		P	P	
	Bins, grain storage	P	P	-		P	P	See Section 9.27
	Carports	P	P	P		-	P	
	Decks, gazebos, patios (elevated or on-grade)	P	P	P		P	P	
	Fences	E	E	E	E	E	E	See Section 9.03
	Freestanding canopy	P	P	-		P	P	
	Fuel storage, does not apply to convenient stores and gas stations	P	P	-		P	P	
	Fuel tanks and dispensing, does not apply to convenient stores and gas stations equipment	P	P	-		P	P	See Section 9.30
	Animals and Livestock on Residential Acreages	E	E	E		E	E	
	Garage, Private	P	P	P	P	P	P	See Section 4.07
	Garage, Storage	P	P	P	P	P	P	See Section 4.07
	Grain Storage Systems	P	P	-		P	P	See Section 9.27
	Greenhouses, Non-commercial	P	P	P		P	P	
	Amateur (shortwave and ham) radio towers	P/C	P/C	C	C	C	C	See Section 9.21
	Heliports	C	C	-		C	C	
	Home Occupations	P	P	P		P	-	See Sections 9.01 and 9.02
	Home based Businesses	P	P	P		P	-	See Sections 9.01 and 9.02
	Outdoor Wood Furnaces	P	P	-		P	P	
	Portable on-demand storage containers	T	T	T		T	T	
	Porch, unenclosed	P	P	P		P	P	
	Private Airstrip	C	C	-		-	C	
	Private Wells	E	E	E		E	E	
	Secondary/Accessory Dwelling Units	C	C	-		-	-	See Section 9.09
	Silos	P	P	-		-	P	See Section 9.27
	Solar - Individual Solar Conversion Systems (ISCS)	P	P	P	P	P	P	See Section 10.04
	Storage sheds	P	P	P		-	-	See Section 4.07
	Storage building using multiple storage containers	-	-	-		-	-	
	Swimming pools	P	P	P	P	-	-	See Section 4.11
	Tennis courts	P	P	P	P	-	-	
	Vending Machines	P	P	-	P	P	P	
	Vending Machine, Reverse	P	-	-		P	P	
	Wind Energy Conversion System, Small (WECS)	C	C	C		C	P	See Section 10.02

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## Section 5.07 AG – Agricultural District

### 5.07.01 Intent:

The AG Agricultural District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses. The AG District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits, and other natural resources, and to protect these uses from incompatible land uses.

The district provides for the location and the establishment and operation of land uses compatible with agriculture and such natural resources; while separating these uses from residential, commercial (non-agricultural) and industrial (non-agricultural) areas. To provide for the location and establishment of residential uses which are accessory and necessary for conducting the practice of agriculture; while placing limitations on non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with the intended primary uses of the district.

### 5.07.02 Permitted Uses

Permitted Uses are allowed with a zoning permit provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 5.06 to determine specific uses allowed as Permitted Uses.

### 5.07.03 Conditional Uses

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions as reviewed by the Planning Commission and approved by the County Board. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

### 5.07.04 Temporary Uses

Temporary uses are subject to the provisions of Section 4.12; said temporary use shall cease at the expiration of the time limit.

### 5.07.05 Accessory Uses

Accessory Uses and Structures may be permitted as shown in Table 5.06, within the standards of Section 4.07.

### 5.07.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)#	Lot Width (feet)	Front Yard (feet)*	Rear Yard (feet)**	Side Yard (feet)***	Max. Height (feet)	Max. Coverage (%)****
Single-family dwelling	3.0	250	25	25	25	45	20
Other Permitted Uses	3.0	250	25	25	25	75	-
Grain Bins and other Agricultural structures (not on the same property as a farmstead) #	3.0	-	25##	25	25	-	-
Conditional Uses	3.0	250	25	25	25	75	-
Accessory structures	3.0	-	25	25	25	45	-

# The minimum lot size may be reduced to one acre (43,560) square feet) with prior approval in writing by the Nebraska Department of Environment and Energy (NDEE).

## Irrigation equipment shall meet setbacks in Section 4.06.03. Grains bins shall meet the separation distance in Section 9.27.

\* Front yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway.

See also Section 4.05.05 Waivers.

\*\* Rear yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet abutting any other platted street, road or highway.

\*\*\* Side yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway.

\*\*\*\* Percentage applies to the buildable area of the lot.

# See also Section 9.27 Grain Bin Placement.

**Note:** At county road intersections, no permanent structures, including grain bins, shall be allowed to be constructed in the Corner Sight Triangle "No Build Zone" in Section 4.04.

#### 5.07.07 Residential Development Regulations

1. The maximum density for residential dwellings in the AG Agricultural District shall be:
  - A. A maximum of two dwelling units per quarter section. Dwelling units on a half-section line shall be assigned to the quarter-section most closely aligned to the dwelling address.
  - B. The maximum density may be exceeded with application for and approval of a **Conditional Use Permit** by Thayer County, provided new dwellings meet all other requirements of these regulations.
2. Thayer County has a policy reflected in its Comprehensive Plan and these Zoning Regulations to support intensive agricultural practices in agricultural districts. Any person making application to build a dwelling unit in the AG District shall acknowledge and accept as reasonable and normal the effects on rural living of normal, usual, customary, or generally accepted farming practices or farming operations, and all matters in any way related to or incidental thereto, as the same now exist, or as the same may be hereafter developed in the county including but not limited to:
  - A. noise from tractors or other farm equipment and aerial spraying at all hours and noise from livestock at all hours;
  - B. dust from animal pens, field work, harvesting, and gravel roads;
  - C. increased flies, mosquitoes, or other insects that are attracted to crops, livestock, or manure;
  - D. odor from livestock operations and animal confinement operations, and order from silage, manure, and manure application procedures including; liquid manure being distributed on farm ground via pivot or other method, stockpiling of manure away from the livestock feeding operation for later distribution, or distributing manure on farm ground as fertilizer;
  - E. smoke from burning ditches or other approved burning;
  - F. the use and application practices for all livestock waste, herbicides, pesticides, fertilizer and other chemicals, including drift by aerial spraying or other application of such products;
  - G. all field preparation, harvest practices, and all livestock animal husbandry practices;
  - H. the movement of livestock, farm products, manure, machinery, and equipment on public roads; and
  - I. all other similar or related farming practices or farming operations, and all matter in any way related or incidental thereto.

#### 5.07.08 Supplementary Regulations

1. Roadside stands for sale of agricultural produce shall not exceed 200 square feet in area.
2. See Livestock setbacks in Section 9.24.
3. Separation distances for specific uses to dwellings & dwellings to uses:

Shooting Ranges	¼ mile
Landfills (all types)	¾ mile
Racetracks including horse racetracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Private Air Strips not including landowner's residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous materials, substances, or waste, including manufacturing of such	¾ mile

\* Distances shall be measured to dwellings and dwellings to the listed uses.

## Section 5.08 TA – Transitional Agricultural District

### 5.08.01 Intent:

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

### 5.08.02 Permitted Uses

Permitted Uses are allowed with a zoning permit provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 5.06 to determine specific uses allowed as Permitted Uses.

### 5.08.03 Conditional Uses

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions as reviewed by the Planning Commission and approved by the County Board. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

### 5.08.04 Temporary Uses

Temporary uses are subject to the provisions of Section 4.12; said temporary use shall cease at the expiration of the time limit.

### 5.08.05 Accessory Uses

Accessory Uses and Structures may be permitted as shown in Table 5.06, within the standards of Section 4.07.

### 5.08.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)#	Lot Width (feet)	Front Yard (feet)*	Rear Yard (feet)**	Side Yard (feet)***	Max. Height (feet)	Max. Coverage (%)****
Single-family dwelling	3.0	250	25	15	15	35	20
Other Permitted Uses	3.0	250	25	15	15	75	20
Grain Bins and other Agricultural structures (not on the same property as a farmstead)#	3.0	-	25##	15	15	-	-
Conditional Uses	3.0	250	25	15	15	75	20
Accessory structures	3.0	250	25	15	15	35	-

# The minimum lot size may be reduced to one acre (43,560) square feet) with prior approval in writing by the Nebraska Department of Environment and Energy (NDEE).

## Irrigation equipment shall meet setbacks in Section 4.06.03. Grains bins shall meet the separation distance in Section 9.27.

\* Front yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway.  
See also Section 4.05.05 Waivers.

\*\* Rear yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet abutting any other platted street, road or highway.

\*\*\* Side yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway.

\*\*\*\* Percentage applies to the buildable area of the lot.

# See also Section 9.27 Grain Bin Placement.

**Note:** At county road intersections, no permanent structures, including grain bins, shall be allowed to be constructed in the Corner Sight Triangle "No Build Zone" in Section 4.04.

**5.08.07 Residential Development Regulations**

1. The maximum density for residential dwellings in the TA Transitional Agricultural District shall be:
  - A. A maximum of **two** dwelling units per quarter section. Dwelling units on a half-section line shall be assigned to the quarter-section most closely aligned to the dwelling address.
  - B. The maximum density may be exceeded with application for and approval of a **Conditional Use Permit** by Thayer County, provided new dwellings meet all other requirements of these regulations.
2. Thayer County has a policy reflected in its Comprehensive Plan and these Zoning Regulations to support intensive agricultural practices in agricultural districts. Any person making application to build a dwelling unit in an agricultural district shall acknowledge and accept as reasonable and normal the effects on rural living of normal, usual, customary, or generally accepted farming practices or farming operations, and all matters in any way related to or incidental thereto, as the same now exist, or as the same may be hereafter developed in the county including but not limited to:
  - A. noise from tractors or other farm equipment and aerial spraying at all hours and noise from livestock at all hours;
  - B. dust from animal pens, field work, harvesting, and gravel roads;
  - C. increased flies, mosquitoes, or other insects that are attracted to crops, livestock, or manure;
  - D. odor from livestock operations and animal confinement operations, and order from silage, manure, and manure application procedures including; liquid manure being distributed on farm ground via pivot or other method, stockpiling of manure away from the livestock feeding operation for later distribution, or distributing manure on farm ground as fertilizer;
  - E. smoke from burning ditches or other approved burning;
  - F. the use and application practices for all livestock waste, herbicides, pesticides, fertilizer and other chemicals, including drift by aerial spraying or other application of such products;
  - G. all field preparation, harvest practices, and all livestock animal husbandry practices;
  - H. the movement of livestock, farm products, manure, machinery, and equipment on public roads; and
  - I. all other similar or related farming practices or farming operations, and all matter in any way related to or incidental thereto.

**5.08.08 Supplementary Regulations**

1. Roadside stands for sale of agricultural produce shall not exceed 200 square feet in area.
2. See Livestock setbacks in Section 9.24.
3. Separation distances for specific uses to dwellings & dwellings to uses:

Shooting Ranges	¼ mile
Landfills (all types)	¾ mile
Racetracks including horse racetracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Private Air Strips not including landowner's residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous materials, substances, or waste, including manufacturing of such	¾ mile

\* Distances shall be measured to dwellings and dwellings to the listed uses.

## Section 5.09 RR – Rural Residential District

### 5.09.01 Intent:

The intent of this district is to provide for rural density residential development, along with compatible supporting uses in areas with infrastructure supportive of rural neighborhood development. These developments include single family dwellings on moderate sized lots, along with low-density multifamily residential structures such as duplexes and townhouses. This district should be used to encourage residential development in areas not included in the growth plans outside of the incorporated areas and any extraterritorial jurisdiction of Thayer County. The intent of this district is to recognize the gradual urbanization near cities and to provide for the proper development and facilities necessary for future growth.

### 5.09.02 Principal Uses:

Permitted Uses are allowed with a zoning permit provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 5.06 to determine specific uses allowed as Permitted Uses.

### 5.09.03 Conditional Uses

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions as reviewed by the Planning Commission and approved by the County Board. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

### 5.09.04 Temporary Uses

Temporary uses are subject to the provisions of Section 4.12; said temporary use shall cease at the expiration of the time limit.

### 5.09.05 Accessory Uses

Accessory Uses and Structures may be permitted as shown in Table 5.06, within the standards of Section 4.07.

### 5.09.06 Height and Lot Requirements:

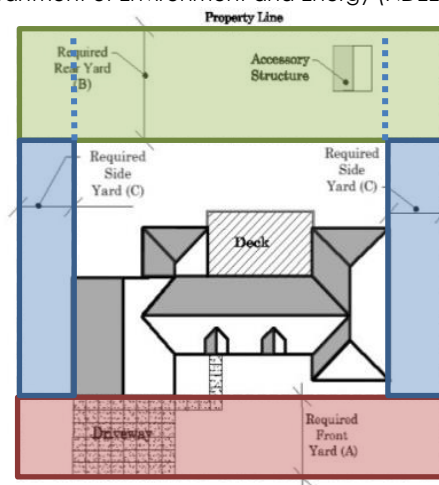
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)#	Lot Width (feet)	Front Yard (feet)*	Rear Yard (feet)**	Side Yard (feet)***	Max. Height (feet)	Max. Coverage (%)****
Single-family dwelling	3.0	100	25	15	15	35	30
Other Permitted Uses	3.0	100	25	15	15	35	30
Conditional Uses	3.0	100	25	15	15	35	30
Accessory structures	3.0	100	25*	15	15	35-	-

- # If lot is connected to municipal water or municipal sewer, then the minimum lot size shall be one acre (43,560) square feet; or greater if required by the Nebraska Department of Environment and Energy (NDEE).
- \* Front yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road or highway.  
See also Section 4.05.05 Waivers.
- \*\* Rear yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet abutting any other platted street, road or highway or interior property line.
- \*\*\* Side yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway.
- \*\*\*\* Percentage applies to the buildable area of the lot.

#### Note:

At county road intersections, no permanent structures, including grain bins, shall be allowed to be constructed in the Corner Sight Triangle "No Build Zone" in Section 4.04.



**5.09.07 Supplemental Requirements:**

1. All access shall meet the County Highway Superintendent's specifications.

**Section 5.10 Reserved**

*This Section is reserved for future use.*

**Section 5.11 Reserved**

*This Section is reserved for future use.*

## **Section 5.12 R-M – Manufactured Home Residential District**

### **5.12.01 Intent:**

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

### **5.12.02 Principal Uses:**

Permitted Uses are allowed with a zoning permit provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 5.06 to determine specific uses allowed as Permitted Uses.

### **5.12.03 Conditional Uses**

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions as reviewed by the Planning Commission and approved by the County Board. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

### **5.12.04 Temporary Uses**

Temporary uses are subject to the provisions of Section 4.12; said temporary use shall cease at the expiration of the time limit.

### **5.12.05 Accessory Uses**

Accessory Uses and Structures may be permitted as shown in Table 5.06, within the standards of Section 4.07.

### **5.12.06 Area and Lot Requirements**

1. Structures built outside of an approved Manufactured Home Park shall meet the bulk requirements of the RR Rural Residential District (Section 5.09.06).

### **5.12.07 Special Design Criteria for the R-M District**

1. A manufactured home development shall have a lot area of not less than two acres. No manufactured or mobile homes or other structures shall be located less than 65 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State Highway. The setback on all other court property lines shall be 10 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single manufactured or mobile home dwelling shall have an area of not less than 4,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:
  - A. Side yard setback shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 25 feet on the side abutting a street/road.
  - B. Front yard setback shall not be less than 25 feet.
  - C. Rear yard setback of not less than 25 feet.
3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings shall be:
  - A. Maximum height for principal uses shall be 35 feet.
  - B. Maximum height for accessory uses shall be 10 feet.
5. Each lot shall have access to a hard surfaced drive not less than 24 feet in width, excluding parking.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the City. The water supply shall be sufficient for domestic use and for fire protection.

7. Service buildings including adequate laundry and drying facilities. Common toilet facilities for mobile homes which do not have these facilities within each unit may be provided.
8. **Storm shelters shall be required;** shelters shall meet the following criteria:
  - A. Shelter space equivalent to two persons per mobile home lot,
  - B. Designed in conformance with FEMA P-361 "Safe Rooms for Tornadoes and Hurricanes" by the Federal Emergency Management Agency (FEMA) as it may be updated, and any other referenced material by FEMA,
  - C. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
9. All pad locations shall be hard surfaced with properly reinforced poured in place Concrete.
10. Not less than 10 percent of the total park area shall be designated and used for park, playground and recreational purposes.
11. Each manufactured or mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.
12. All access shall meet the County Highway Superintendents specifications.

**5.12.08 Site Plan Requirements**

1. A complete site plan of the manufactured home development shall be submitted for approval showing:
  - A. A development plan and grading plan.
  - B. The area and dimensions of the tract of land.
  - C. The number, location, and size of all home spaces.
  - D. The area and dimensions of park, playground and recreation areas.
  - E. The location and width of roadways and walkways.
  - F. The location of service buildings and any other proposed structures.
  - G. The location of water and sewer lines and sewage disposal facilities.
  - H. Plans and specifications of all buildings and other improvements constructed or to be constructed within the development.

**Section 5.13 Reserved**

*This Section is reserved for future use.*

**Section 5.14 Reserved**

*This Section is reserved for future use.*

**Section 5.15 Reserved**

*This Section is reserved for future use.*

## Section 5.16 FLEX – Commercial/Industrial District

### 5.16.01 Intent

It is the intent of the FLEX Commercial/Industrial District to provide standards in areas suitable for limited industrial, commercial, wholesaling, and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties, especially residential properties. This district is intended to extend at least 660' more or less from paved highways and may be extended through a zone map amendment.

### 5.16.02 Principal Uses

Permitted Uses are allowed with a zoning permit provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 5.06 to determine specific uses allowed as Permitted Uses.

### 5.16.03 Conditional Uses

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions as reviewed by the Planning Commission and approved by the County Board. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

### 5.16.04 Temporary Uses

Temporary uses are subject to the provisions of Section 4.12; said temporary use shall cease at the expiration of the time limit.

### 5.16.05 Accessory Uses

Accessory Uses and Structures may be permitted as shown in Table 5.06, within the standards of Section 4.07.

### 5.16.06 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.) #	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)**	C Side Yard (feet*)*	Max. Height (feet)	Max. Coverage (%)****
Permitted Uses	5,000	50	50	25	10	45	50
Grain Bins & other Agricultural structures	3.0	-	25##	25	10	-	-
Conditional Uses	5,000	50	50	25	10	45	50
Accessory structures	5,000	50	50	25	10	45	10

# If lot is not connected to municipal water and sewer, then the minimum lot size shall be 3 acres

## Irrigation equipment shall meet setbacks in Section 4.06.03. Grains bins shall meet the separation distance in Section 9.27.

\* Front yard setback shall be 83 feet from the centerline of a State or County Road or shall be 50 feet when abutting any other platted street, road of highway.

\*\* Rear yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet abutting any other platted street, road of highway or interior property line.

\*\*\* Side yard setback shall be 58 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway.

\*\*\*\* Percentage applies to the buildable area of the lot.

**Note:** At county road intersections, no permanent structures, including grain bins, shall be allowed to be constructed in the Corner Sight Triangle "No Build Zone" in Section 4.04.

### 5.16.07 Site Plan Approval

An application for a zoning permit and/or a conditional use permit in the FLEX Industrial District shall include a site development plan for review and approval which shall include the following information:

1. A topographic map of the area showing contour intervals and other significant physical features of the land.

2. An area map showing streets, roads, railroads, all public improvements, utility easements and facilities, parks and recreation areas, and other buildings and structures including any existing structure on the applicant's property.
3. An exact site plan of the lot showing:
  - A. Building location and setbacks.
  - B. Number and size of parking spaces including ADA parking.
  - C. Location of landscaping.
  - D. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
  - E. Location and exact size of any outdoor sales area.
  - F. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
  - G. Signs.
4. The Zoning Administrator may ask for any other information to be added to the site plan prior to review.
5. Any changes made to the site plan during construction must be approved by the Zoning Administrator and a Site Plan Amendment filed by the developer.

#### 5.16.08 Supplemental Requirements

1. Additional Use Regulations:
  - A. Yards shall be landscaped and maintained with trees, shrubs, plantings, and lawns when they abut or are located across any street or road from an AG, TA, RR, or RM district.
  - B. Open storage of materials attendant to a permitted use shall be screened on all sides by a solid wall, fence or sight obscuring plant material not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than the wall or fence.
  - C. All open and un-landscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.
2. Performance standards in Section 9.13 shall be followed.
3. No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an oblique fence not less than eight feet in height.
4. Separation distances for specific uses to dwellings & dwellings to uses:

Shooting Ranges	¼ mile
Landfills (all types)	¾ mile
Racetracks including horse racetracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Private Air Strips not including landowner's residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous materials, substances, or waste, including manufacturing of such	¾ mile

\* Distances shall be measured to dwellings and dwellings to the listed uses.

## Section 5.17 I-1 – Industrial District

### 5.17.01 Intent

The I-1 District provides appropriate space for industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.

### 5.17.02 Principal Uses

Permitted Uses are allowed with a zoning permit provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 5.06 to determine specific uses allowed as Permitted Uses.

### 5.17.03 Conditional Uses

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions as reviewed by the Planning Commission and approved by the County Board. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

### 5.17.04 Temporary Uses

Temporary uses are subject to the provisions of Section 4.12; said temporary use shall cease at the expiration of the time limit.

### 5.17.05 Accessory Uses

Accessory Uses and Structures may be permitted as shown in Table 5.06, within the standards of Section 4.07.

### 5.17.06 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Acres)#	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)**	C Side Yard (feet)***	Max. Height (feet)	Max. Coverage (%)
Permitted Uses	½ acre	100	50	25	25	75	-
Conditional Uses	½ acre	100	50	25	25	75	-
Accessory structures	½ acre	100	50	25	25	75	-

# If the lot is not connected to municipal water and sewer, then the minimum lot size shall be 3 acres

\* Front yard setback shall be 83 feet from the centerline of a County Road or shall be 50 feet when abutting any other platted street, road, or highway.

\*\* Rear yard setback shall be 83 feet from the centerline of a County Road or shall be 25 feet abutting any other platted street, road, or highway.

\*\*\* Side yard setback shall be 83 feet from the centerline of a County Road or shall be 25 feet when abutting any other platted street, road, or highway.

**Note:** At county road intersections, no permanent structures, including grain bins, shall be allowed to be constructed in the Corner Sight Triangle “No Build Zone” in Section 4.04.

### 5.17.07 Site Plan Approval

An application for a zoning permit and/or a conditional use permit in the I-1 Industrial District shall include a site development plan for review and approval which shall include the following information:

1. A topographic map of the area showing contour intervals and other significant physical features of the land.
2. An area map showing streets, roads, railroads, all public improvements, utility easements and facilities, parks and recreation areas, and other buildings and structures including any existing structure on the applicant's property.

3. An exact site plan of the lot showing:
  - A. Building location and setbacks.
  - B. Number and size of parking spaces including ADA parking.
  - C. Location of landscaping.
  - D. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
  - E. Location and exact size of any outdoor sales area.
  - F. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
  - G. Signs.
4. The Zoning Administrator may ask for any other information to be added to the site plan prior to review.
5. Any changes made to the site plan during construction must be approved by the Zoning Administrator and a Site Plan Amendment filed by the developer.

#### 5.17.08 Supplemental Requirements

1. Additional Use Regulations:
  - A. Yards shall be landscaped and maintained with trees, shrubs, plantings, and lawns when they abut or are located across any street or road from an AG, TA, RR, or RM district.
  - B. Open storage of materials attendant to a permitted use shall be screened on all sides by a solid wall, fence or sight obscuring plant material not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than the wall or fence.
  - C. All open and un-landscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.
2. Performance standards in Section 9.13 shall be followed.
3. Separation distances for specific uses to dwellings & dwellings to uses:

Shooting Ranges	¼ mile
Landfills (all types)	¾ mile
Racetracks including horse racetracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowner's residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile
Commercial storage of hazardous materials, substances, or waste, including manufacturing of such	¾ mile

\* Distances shall be measured to dwellings and dwellings to the listed uses.

#### Section 5.18 Reserved

*This Section is reserved for future use.*

## Section 5.19 AHO - Airport Hazard Overlay District

### 5.19.01 Intent

The intent of this district is be appended and to overlay any of the primary zoning districts as described in this Resolution to protect the safe use of public airports and their Airport Hazard Area, in Thayer County, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are registered with the Nebraska Department of Aeronautics, as designated on the Official Zoning Map of Thayer County, Nebraska.

#### **Designated Public Airport**

The designated public airport for which these regulations have been prepared for is the **Hebron, Nebraska, Municipal Airport**.

#### **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.

### 5.19.02 Definitions

**Airport** shall mean an area of land or water designed and set aside that is used or intended to be used for the landing and taking off takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes; includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.

**Airport hazard** shall mean any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; that penetrates any approach, operation, transition, or turning zone.

**Airport hazard area** shall mean any area of land or water upon which an airport hazard might be established if not prevented as provided in the act, but such area shall not extend in any direction a distance in excess of three miles from the adjacent boundary of an airport; the limits provided for approach, operation, transition, and turning zones.

**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.

**Approach zone** shall mean a zone that extends from the end of each operation zone and is centered along the extended runway centerlines.

**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.

**Existing runway** shall mean an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

**Instrument runway** 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.

**Operation zone** shall mean a zone that is longitudinally centered on each existing or proposed runway.

**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.

**Political subdivision** shall mean any municipality, city, village, or county.

**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.

**Runway** shall mean a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length;

**Structure** means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

**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.

**Tree** shall mean any object of natural growth.

**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 arcs 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.

**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.

**5.19.03 Airport Zones.** The following are intended for use with this specific overlay zoning district. The Airport Hazard Area consists of Operation Zones, Approach Zones, Turning Zones, and Transition Zones

**1. Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:

A. Instrument Runways:

- 1) 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 10 miles from the operation zone where it is 16,840 feet wide.
- 2) Height Limit: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the 10-mile limit.

B. Visual Runways:

- 1) 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.
- 2) 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.

**2. Operation Zones** are longitudinally centered on each existing or proposed runway:

A. Length:

- A. For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway.
- B. For existing and proposed turf runways, the operation zones begin and end at the runway ends.
- C. For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 hundred feet on either side of the runway centerline.
- D. For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline;

B. 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.

**3. 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.

**4. Turning Zones** extend three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

**5.19.04 Height Restrictions**

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired, or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in subsection 5.19.03 above.

**5.19.05 Airport Zoning Map and Location**

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Airport Zoning Map, which is attached hereto and made a part hereof by reference. A copy of the Airport Zoning Regulations and Airport Zoning Map shall at all times be on file in the office of the Zoning Administrator and County Clerk.

**5.19.06 Permit Requirements, Exceptions, Application Forms, And Fees**

1. Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would not violate the requirements of Section 5.19.04 above, within the Airport Hazard Area must first obtain a permit from Zoning Administrator.
2. Exception:  
Within the Turning Zones, no permit shall be required for any construction, reconstruction, repair, or planting of anything which, when completed, or, in the case of natural growth, when mature, does not exceed seventy-five 75 feet above the nearest existing or proposed runway end.
3. Application Form:  
Application for a permit as required under these regulations shall be made on a form to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)
4. Permit Fee:  
The fee for each permit issued shall be established by the County Board as a separate Resolution to the Zoning Resolution, and all fees so paid shall be deposited into the airport's revenue fund.

**5.19.07 Non-Conforming Structures**

1. Within the Airport Hazard Area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth; and no such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 50% or more of their original condition, or abandoned for a period of 12 months or more; shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow, as the case may be, to a height above the heights permitted by these regulations. Transmission lines and other communication lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.
2. Except as provided in subsection (3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. A permit shall be granted under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use would not result in an increase in height or a greater hazard to air navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under

this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.

3. An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

#### **5.19.08 Marking of Non-Conforming Structures**

Whenever the Zoning Administrator determines that a specific structure or object in the Airport Hazard Area exceeds the height restrictions and existed prior to the promulgation of these regulations, the owner(s) and/or the lessor(s) of the premises on which the structure or object is located shall be notified in writing by the Zoning Administrator. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The Zoning Administrator shall specify the required marking and lighting, consistent with these regulations entitled "Marking and Lighting of Structures". The cost of marking or lighting shall not be assessed against the owner or lessor of said premises.

#### **5.19.09 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, and shall have all the powers and perform all the duties of the administrative agency as provided in the Airport Zoning Act.

#### **5.19.10 Variance from Regulations**

1. Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in a manner inconsistent with the airport zoning regulations adopted under this regulation may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed only if the board of adjustment makes the same findings for the granting of variances generally as set forth in subsection section 23-168.03, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this regulation.

2. In granting any permit under or variance from any airport zoning regulation adopted under this regulation, the administrative agency or board of adjustment may, if it deems such action is advisable to effectuate the purposes of the regulation and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

**5.19.11 Zoning Board of Adjustment**

The Thayer 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.* and such other powers and duties as are conferred and imposed by law.

**5.19.12 Permitted Principal Uses and Structures**

Any use or structure that is 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 this Article.

**5.19.13 Conditional Uses**

Any conditional use that is 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 established in this Article.

**5.19.14 Accessory Structures**

Any accessory use or structure that is 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 this Article.

**5.19.15 Conflicting Regulations**

In the event of any conflict between any airport zoning regulations adopted under this regulation and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern.

## Section 5.20 WHPO - Wellhead Protection Overlay District

### 5.20.01 Intent

This district is intended to overlay the primary zoning districts herein established and described in this Article. This district provides protection from contamination of such wells through regulation of land uses which have the potential for contamination of the groundwater source(s) from which said wells derive water. The intent of this district is also to protect existing and future agricultural uses, which are in balance with the natural environment, which are compatible with existing agricultural uses and which will not present unacceptable potential for contamination of the public water supply system wells, from over-regulation by said municipalities or public water supply systems with regard to wellhead protection.

#### 1. Prerequisite requirements for application of the overlay district

- A. Prior to the application of this overlay district to any lands in Thayer County, the municipality or public water supply system, which maintains and operates water supply wells within or adjoining the County for which the wellhead protection areas include lands within Thayer County, shall make application to the Thayer County Planning Commission and Thayer County Board of Commissioners seeking application of this district to specified lands within the County. Prior to making such application and prior to approval of any application of this overlay district to any lands within the County, the municipality or other public water supply system making such application shall have first complied with all other requirements of the Wellhead Protection Area Act (Neb. Rev. Stat. 46-1501 through 45-1509 and the additional requirements listed as follows.
  - 1) Delineation of the wellhead protection area(s) based upon a twenty (20) year time of travel recharge zone, as defined by the Nebraska Department of Environment and Energy (NDEE).
  - 2) Approval of such wellhead protection area(s) by the NDEE.
  - 3) Completion and mapping of an inventory of potential contamination sources within the wellhead protection area(s), including identification of abandoned wells.
  - 4) Formulation, adoption and enforcement of land use control regulations for those portions of the wellhead area within the corporate limits and zoning jurisdiction area of the municipality which are appropriated to minimize the potential for contamination to the water supply of the municipality.
  - 5) Formulation of emergency / contingency / long-range plans in the event of disruption of the supply of water from wells in the wellhead protection area(s).
  - 6) Formulation and implementation of an on-going public involvement / education program to permit public comment in the establishment of a wellhead protection program and a plan to provide public information regarding the program and voluntary cooperation with the same.
  - 7) Development of a program to install and maintain Wellhead Protection Area signs on roadways around the wellhead protection area(s).
- B. The municipality or other public water supply system shall execute an interlocal agreement with Thayer County for the administration of the regulations within the land areas to be included in this Wellhead Protection Overlay District.
  - 1) In such agreement, the municipality or other public water supply system shall agree to accept the wellhead protection regulations set forth in this overlay district, agree to pay to the County any fees negotiated between such entity and the County for the administration of these regulations in those land areas under the County's zoning jurisdiction, agree to pay all legal costs associated with any legal challenge to the requirements of this overlay district, and agree to hold the County harmless from any liability related to the requirements of this district, except for proper administration and enforcement of the requirements of this district by the County, together with other terms and conditions which are acceptable to the parties involved in any such interlocal agreement.

**5.20.02 Permitted Uses**

Uses which are allowed in the primary zoning district(s) on which this district is overlain, shall be allowed, except when specifically prohibited in this section. All such allowable, uses shall comply with the additional wellhead protection restrictions set forth in this section.

**5.20.03 Conditional Uses**

Any use listed as a conditional use in the primary zoning district(s) on which this wellhead protection overlay district is overlain, except when specifically prohibited in this section. All such conditional uses shall comply with the additional wellhead protection restrictions set forth in this section.

**5.20.04 Prohibited Uses**

Uses which are prohibited in the primary zoning district(s) on which this district is overlain, shall be prohibited and, regardless of whether prohibited in the primary zoning district(s), the following uses and structures shall be specifically prohibited on any land area on which this wellhead protection overlay district is applied:

1. **AFOs:** Confined or intensive animal feeding uses and associated waste handling facility uses;
2. **Landfills** and refuse recycling centers.

**5.20.05 Limitation on Application of this Overlay District**

1. **Area of Overlay.** This district may only be applied to lands within wellhead protection areas based upon a twenty (20) year time of travel recharge zone, as defined by the Nebraska Department of Environmental Quality. In the event the boundaries of any such wellhead protection area(s) do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such areas shall be expanded to, but not beyond, the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries:
2. **Official Zoning Map.** Whenever the County Planning Commission and County Board have conducted public hearings regarding application of this overlay zoning district in accordance with this Resolution, and the County Board has acted to approve the application of a wellhead protection overlay district, the boundaries of such wellhead protection area (overlay zoning district), defined in accordance with this section, shall be indicated on the Thayer County, Nebraska, Official Zoning Map.

**5.20.06 Wellhead Area Protection Requirements**

The following restrictions shall apply to all uses within any land areas on which this Wellhead Protection Overlay District is applied:

1. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or in association with another land use, shall comply with the rules and regulations of the Nebraska Administrative Code and any other regulation or code that is applicable to storage of such materials. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or other land area, **in excess of 1,100 gallons** shall be prohibited, except when a conditional use for a commercial or industrial use is authorized.
  - A. For a commercial or industrial use, a condition of approval shall be compliance with the rules and regulations of Titles 126 and 159 of the Nebraska Administrative Code and any other regulation or code that is applicable to storage of materials.
2. Fuel storage associated with any irrigation well engine shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30 and with Title 126 of the Nebraska Administrative Code and any other regulation or code that is applicable to storage of such materials.

3. Fuel storage, except when associated with a commercial or industrial use authorized as a conditional use (Item 1 above) and except for any fuel storage associated with any irrigation well engines (Item 2 above) shall not be permitted **within 1,000 feet** of any well protected under this wellhead protection overlay district.
4. Bulk storage of fertilizers, herbicides, pesticides and other materials, determined by the United States Environmental Protection Agency (EPA) to be hazardous materials, shall be prohibited, except when a conditional use for such use is authorized and such authorization includes a condition that all such uses shall comply with the applicable rules and regulations of Titles 118, 126, 128, 159, 198 and 200 of the Nebraska Administrative Code and any other regulation or code that is applicable to storage of such materials.
5. No septic tank, tile field, or other on-site sewage disposal system, associated with any residential, commercial, industrial, or other type of land use shall be located **within 1,000 feet** of any well protected under this wellhead protection overlay district, provided that if a lot of record, as defined, exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one septic tank and tile field or other on-site sewage disposal system may be established, provided such tank, tile field or other system complies with the requirements of Title 124 of the Nebraska Department of Environmental Quality.
6. Domestic, irrigation and any other water wells shall not be located **closer than 1,000 feet** of any well protected under this wellhead protection overlay district, provided that if a lot of record, as defined in this regulation, exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one (1) well may be established, provided such well shall be constructed in accordance with the rules and requirements of Title 178 and any other regulation or code that is applicable to establishment of such well.
7. Any application of fertilizers, pesticides, or herbicides to the land or crops through an irrigation system (chemigation) shall comply with the rules and requirements of Title 195 of the Nebraska Administrative Code.
8. If any land area contained within a wellhead protection overlay zoning district is also part of a special protection area or ground water management area, established under the Groundwater Management Protection Act, all uses within such areas, including agricultural uses, shall comply with the action plan and best management practices established for such areas by the local Natural Resource District(s) and Title 196 of the Nebraska Administrative Code.

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## Section 5.21 FHO - Floodplain Hazard Overlay District

### 5.21.01 Intent of Floodplain Hazard Overlay

This section is intended to provide an overlay district to incorporate the required and adopted Floodplain Management regulations within the zoning jurisdiction of Thayer County, Nebraska.

1. Statutory Authorization  
The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in Nebraska Revised Statutes Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood prone area.
2. Findings of Fact
  - A. Flood Losses Resulting from Periodic Inundation  
The flood hazard areas of Thayer County , Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  - B. General Causes of the Flood Losses  
These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.
3. Statement of Purpose  
It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 5.18.01(2) by applying the provisions of this ordinance to:
  - A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
  - B. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
  - C. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
  - D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.
4. Adherence to Regulations  
The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

**5.21.02 General Provisions**

1. Lands to Which Ordinance Applies
  - A. This ordinance shall apply to all lands within the jurisdictions of Thayer County identified on the Flood Insurance Rate Map (FIRM) panels shown on the Index 31169CIND0 adopted September 30, 2004, as Zones A, A1-30, AE, AO, or AH, and within the FHO zoning district established in this regulation. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the Thayer County Commissioners or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in this Section.
2. Rules for Interpretation of District Boundaries

The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation.

  - A. In such cases where the interpretation is contested, the Thayer County Board of Adjustment (BOA) will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Thayer County Board of Adjustment and to submit their own technical evidence, if so desired.
3. Compliance

Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations
4. Abrogation and Greater Restriction

This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only
5. Interpretation

In their interpretation and application, the provisions of this ordinance 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
6. Warning and Disclaimer of Liability

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

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

**5.21.03 Establishment of Overlay Zoning District**

The mapped floodplain areas within the jurisdiction of this ordinance are hereby established as the Flood Hazard Overlay District, as identified on the Flood Insurance Rate Map.

- A. Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: a floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study #31169CV000A dated September 30, 2004, and on accompanying FIRM panels.
- B. The flood fringe area shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway area shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within these areas, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited

**5.21.04 Floodplain Management Administration**

1. Designation of Floodplain Administrator  
The Thayer County Planning & Zoning Administrator is hereby designated as the community's local floodplain administrator. The Floodplain Administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local floodplain administrator position is unfilled, the Chairman of the County Board of Commissioners shall assume the duties and responsibilities herein
2. Permits Required  
A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a Floodplain Development Permit.
3. Duties of the Floodplain Administrator
  - A. Duties of the Floodplain Administrator shall include, but not be limited to, the following:
    - 1) Review, approve, or deny all applications for Floodplain Development Permits.
    - 2) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
    - 3) Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
    - 4) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
    - 5) Coordinate with the Nebraska Department of Natural Resources (DNR) to obtain base flood elevation information when applicable and required.
    - 6) Notify adjacent communities and the Nebraska Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
    - 7) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
    - 8) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
    - 9) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.

- 10) Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
  - 11) Ensure comprehensive development plan as amended is consistent with this regulation.
  - 12) In the event the Floodplain Administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this ordinance.
4. Application for Permit and Demonstration of Compliance
- A. To obtain a Floodplain Development Permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
    - 1) Identify and describe the proposed development and estimated cost to be covered by the Floodplain Development Permit.
    - 2) Describe the land on which the proposed development is to be done by lot, block, tract, and house and streets address, or similar description that will readily identify and definitely locate the proposed building or development.
    - 3) Indicate the use or occupancy for which the proposed development is intended.
    - 4) Be accompanied by plans and specifications for proposed construction.
    - 5) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
  - B. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
    - 1) All such proposals are consistent with the need to minimize flood damage;
    - 2) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
    - 3) Structures will be anchored to prevent flotation, collapse, or lateral movement;
    - 4) Construction materials are flood resistant;
    - 5) Appropriate practices to minimize flood damage have been utilized; and
    - 6) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
  - C. For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the Floodplain Administrator and be completed by a licensed surveyor, engineer, or architect,
  - D. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
  - E. For all development proposed in the floodway, no-rise certification shall be provided to the Floodplain Administrator and be completed by a licensed professional engineer.
  - F. Any other such information as reasonably may be required by the Thayer County Planning & Zoning Administrator shall be provided

- G. **Letters of Map Revision:** Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6 allow for changes to the special flood hazard area through a Letter of Map Revision (LOMR) or a Letter of Map Revision Based on Fill (LOMR-F), provided the community determines that the land and any existing or proposed structures that would be removed from the floodplain are "reasonably safe from flooding." The community acknowledgement form asserting this is required for LOMR and LOMR-F applications and must be signed by the floodplain administrator. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
- 1) Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
  - 2) Applicant shall demonstrate that the property and any existing or proposed structures will be "reasonably safe from flooding," according to the minimum design standards in FEMA Technical Bulletin 10-01.
  - 3) All requirements listed in the Simplified Approach in FEMA Technical Bulletin 10-01 shall be met and documentation from a registered professional engineer shall be provided. If all of these requirements are not met, applicant must provide documentation in line with the Engineered Approach outlined in FEMA Technical Bulletin 10-01.
5. Flood Data Required
- A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
  - B. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.
6. Variance and Appeals Procedures for this Section
- A. The Thayer County Board of Adjustment (BOA), as established in [Article 12 of this Regulation](#), shall hear and decide appeals and requests for variances from the requirements of this Section.
  - B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement or determination made by the Floodplain Administrator in the enforcement or administration of this section, according to the procedures established in Article 12.
  - C. 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 Nebraska Revised Statutes §23-168 for counties.
  - D. In evaluating such appeals and requests, the Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
    - 1) The danger to life and property due to flooding or erosion damage;
    - 2) The danger that materials may be swept onto other lands to the injury of others;
    - 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
    - 4) The importance of the services provided by the proposed facility to the community;
    - 5) The necessity of the facility to have a waterfront location, where applicable;

- 6) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
  - 7) The compatibility of the proposed use with existing and anticipated development;
  - 8) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
  - 9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - 10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
  - 11) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.
7. Conditions for Variances to this Section
- A. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
  - B. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
  - C. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-H below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
  - E. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - F. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
  - G. Variances shall only be issued upon a determination that the variance in the minimum necessary, considering the flood hazard, to afford relief.
  - H. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
  - I. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by Thayer County.

- J. Agricultural structures:  
A variance is authorized to be issued for the construction or substantial improvement of agricultural structures provided the requirements of this section and the following are satisfied.
- 1) Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
  - 2) Has low damage potential (amount of physical damage, contents damage, and loss of function).
  - 13) Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
  - 4) Complies with the wet floodproofing construction requirements of subsection 5.21.05(2)(C) of this regulation.
8. Enforcement of this Section
- A. Violations:  
Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.
- B. Notices:  
When the Floodplain Administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
- 1) Be in writing;
  - 2) Include an explanation of the alleged violation;
  - 3) Allow a reasonable time for the performance of any remedial act required;
  - 4) Be served upon the property owner or their agent as the case may require; and
  - 5) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.
- C. Penalties
- 1) 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, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall be fined as provided in Section 13.04 of this regulation, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
  - 2) The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
  - 3) Nothing herein contained shall prevent Thayer County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

**5.21.05 Standards for Floodplain Development**

1. General Provisions
  - A. Alteration or Relocation of a Watercourse
    - 1) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
    - 2) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources (DNR) have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency (FEMA).
  - B. Encroachments
    - 1) When proposing to permit any of the following encroachments, the standards in this section shall apply:
      - a. Any development that will cause a rise in the base flood elevations within the floodway; or
      - b. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
      - c. Alteration or relocation of a stream; then
    - 2) The applicant shall:
      - a. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
      - b. Supply the fully approved package to the Floodplain Administrator including any required notifications to potentially affected property owners.
  - C. Floodway
    - 1) Within any Floodway, any new construction or substantial improvements shall be prohibited
    - 2) Standards in the Floodway
      - a. New structures for human habitation are prohibited
      - b. All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of this section.
      - c. In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 5.3 (H) "Subdivisions" below, in meeting the standards of this section
    - 3) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway:
      - a. Agricultural uses such as general farming, pasture, nurseries, and forestry
      - b. Residential uses such as lawns, gardens, parking, and play areas
      - c. Nonresidential uses such as loading areas, parking, and airport landing strips
      - d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

## 2. Elevation and Floodproofing Requirements

### A. Residential Structures

- 1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above **two (2) feet above the base flood elevation**.
- 2) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
- 3) In the floodway, new structures for human habitation are prohibited.

### B. Nonresidential Structures

- 1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above **two (2) feet above the base flood elevation or**, together with attendant utility and sanitary facilities, **floodproofed** so that below one (1) foot above the base flood elevation:
  - a. The structure is watertight with walls substantially impermeable to the passage of water and
  - b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy
  - c. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the Floodplain Administrator.
- 2) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the FIRM.

### C. Wet-floodproofing for Agricultural Structures by Variance

- 1) When owners elect to wet floodproof agricultural structures, the structure shall:
  - a. Be anchored to resist flotation, collapse, and lateral movement.
  - b. Have flood damage-resistant materials below the base flood elevation in compliance with the definition in Section 8.0 "Flood damage resistant materials"
  - c. Have mechanical, electrical, and utility equipment elevated to or above one (1) foot above the base flood elevation or floodproofed so that below one (1) foot above the base flood elevation they are:
    - i. Watertight and substantially impermeable to the passage of water; and,
    - ii. Capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy
  - d. Have flood openings in compliance with the requirements that the structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - i. A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
    - ii. The bottom of all openings shall not be higher than one (1) foot above grade, and
    - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters
  - e. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

- D. Critical Facilities
- New construction or substantial improvement of any critical facility is prohibited in all areas of the floodplain and the 0.2% annual chance floodplain, unless all of the following provisions are met
- 1) No feasible alternative site exists for the construction of an equivalent facility within the corporate or extraterritorial jurisdiction boundaries of Thayer County.
  - 2) The facility has the lowest floor, including basement, of all structures elevated to one (1) foot above the 0.2% annual chance flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the 0.2% annual chance flood elevation.
    - a. The structure is watertight with walls substantially impermeable to the passage of water and
    - b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - 3) If the 0.2% annual chance floodplain is not identified, the facility shall have the lowest floor, including basement, elevated to three (3) feet above the base flood elevation or be floodproofed to three (3) feet above the base flood elevation with the standards of:
    - a. Have flood damage-resistant materials below the base flood elevation in compliance with the definition of "Flood damage resistant materials".
  - 4) The facility has at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of carrying emergency support vehicles and the top of the access road is no lower than the 0.2% annual chance flood elevation.
- E. Space Below Lowest Floor
- 1) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
  - 2) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation 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. A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
    - b. The bottom of all openings shall not be higher than one (1) foot above grade, and
    - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
- F. Accessory Structures
- 1) Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:
    - a. The structure shall not be used for human habitation.
    - b. The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.
    - c. The floor area shall not exceed 800 square feet.
    - d. The structure shall have a low damage potential.
    - e. The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

- f. The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - i. A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
  - ii. The bottom of all openings shall not be higher than 2 foot above grade, and
  - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
- g. No utilities shall be installed except electrical fixtures in the structure, which must be elevated to or above 2 foot above the base flood elevation or floodproofed so that below 2 foot above the base flood elevation they are:
  - i. Watertight and substantially impermeable to the passage of water; and
  - ii. Capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy
- h. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- i. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

G. Manufactured Homes

- 1) Within any floodplain, new manufactured homes shall be prohibited
- 2) All existing manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
  - b. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.
  - c. Any additions to the manufactured home be similarly anchored.

H. Existing Structures

- 1) The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required, and the provisions of this section shall apply.
- 2) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
- 3) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of Section 5.21.05(2)(C) herein.
- 4) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

**3. Design and Construction Standards****A. Anchoring**

- 1) All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

**B. Building Materials and Utilities**

- 1) All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
- 2) All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**C. Drainage**

- 1) Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

**D. Water Supply and Sanitary Sewer Systems**

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

**E. Other Utilities**

- 1) All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

**F. Storage of Materials**

- 1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- 2) The storage of other material or equipment may be allowed if 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.

**G. Recreational Vehicles (RVs)**

- 1) Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.
- 2) Recreational vehicles to be placed on sites within the floodplain shall:
  - a. Be on site for fewer than 180 consecutive days; and
  - b. Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
  - c. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

## H. Subdivisions

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

**5.21.06 Nonconforming Use**

1. Unless more specifically specified below, Article 11 of this Regulation shall apply to any use non-conforming as to the requirements of this regulation.
  - A. A structure or use of a structure or premises that was lawful before the passage or amendment of this ordinance, but that is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
    - 1) If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance.
    - 2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
  - B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

**5.21.07 Amendments**

1. Unless more specifically specified below, Article 14 of this Regulation shall apply to the amendment of this section.
  - A. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be taken until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard.
    - 1) Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Thayer County. At least ten days shall elapse between the date of this publication and the public hearing.
  - B. A copy of such amendments will be provided to the Nebraska Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) for review and approval before being adopted.

### **5.21.08 Definitions**

Unless more specifically defined below, all definitions of Article 2 of this Ordinance shall apply.

**0.2% Annual Chance Floodplain** shall mean the floodplain that would be inundated by the 0.2% annual chance flood and delineated on the Flood Insurance Rate Maps.

**0.2% Annual Chance Flood Elevation** shall mean the elevation to which floodwaters are expected to rise during a 0.2% annual chance flood.

**Accessory Structure**, for floodplain management purposes, shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Also shall be known as "appurtenant structure."

**Agricultural Structure**, for floodplain management purposes, shall mean a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

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

**Base Flood** shall mean the flood having one (1) percent chance of being equaled or exceeded in any given year.

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

**Basement**, for floodplain management purposes, shall mean any area of the building having its floor subgrade (below ground level) on all sides.

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

**Critical Facility** shall mean any property that, if flooded, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to: facilities that produces, use, or store hazardous materials; hospitals, nursing homes, and housing likely to contain vulnerable populations; emergency support function facilities like police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers; public and private utility facilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

**Development** shall mean any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

**Drainway** shall mean "watercourse." See definition for "watercourse."

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

**Flood or Flooding** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas.

**Flood Fringe** shall mean that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

**Flood Insurance Rate Map (FIRM)** shall mean an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** shall mean the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

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

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

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

**Flood-resistant material** shall mean any building product capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Prolonged contact is defined as at least 72 hours.

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

**Highest Adjacent Grade** shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

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

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

**Manufactured Home Park or Subdivision** for the purposes of this section shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

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

**Overlay District**, for the purpose of this section, shall mean a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

**Post-FIRM Structure** means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated September 30, 2004, whichever is later.

**Pre-FIRM Structure** means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated September 30, 2004, whichever is later.

**Principally Above Ground** shall mean that at least 51 percent of the actual cash value of the structure is above ground.

**Recreational Vehicle (RV)**, for purposes of this section, shall mean a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (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** shall mean the base flood elevation (BFE) plus a freeboard factor as specified in this Regulation.

**Special Flood Hazard Area (SFHA)** shall mean 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 purposes of this section, shall mean the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also 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**, for purposes of this section, shall mean a walled and roofed building that is principally above ground, as well as a manufactured home and a gas or liquid storage tank that is principally above ground.

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

**Substantial Improvement**, for purposes of this section, shall mean reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which 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**, for purpose of this section, shall mean a grant of relief to an applicant from the requirements of this ordinance that allows construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Violation** shall mean a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** shall mean any depression two feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well-defined banks.

**Section 5.22    Reserved**

*This Section reserved for future use.*

## ARTICLE 6: CONDITIONAL USE PERMITS

### Section 6.01 Purpose and Intent

The conditional use procedure provides for public review and discretionary Commission and Board review and approval of uses and projects which have unusual site development or operating characteristics; potentially negative effects on surrounding property; or substantial impact on the County's development objectives or realization of its Comprehensive Plan. This Section is designed to provide an opportunity for comprehensive public review of such projects and to specify conditions which may be necessary to mitigate impacts on Thayer County, in conformance with Neb. Rev. Stat. §23-114.01(4).

### Section 6.02 Applicability

Within each Zoning District there are certain uses listed as a conditional use in Section 5.06 of this Regulation. The Commission may recommend, and the Board may approve, a Conditional Use Permit (CUP) temporarily, permanently or for a specific time interval.

### Section 6.03 Application

- 6.03.01 A CUP application shall be made on forms provided by the Zoning Administrator.
1. The application shall be accompanied by a detailed description of the proposed use, with such site plans or drawings as are necessary for staff, Commission and Board to evaluate the request.
    - A. The site plan shall include at minimum the area and dimensions of the parcel, location and size of structures, access, and parking areas, and describe or locate sources of water and wastewater treatment.
    - B. Exterior elevations and floorplans of structures shall be provided to scale.
  2. Applications shall be filed with the Zoning Administrator with deadlines as established by the Zoning Administrator to assure adequate time for notice and review.
- 6.03.02 A request for a CUP, or modification of a CUP, may be initiated by a property owner, the owner's authorized agent, a lessee with the authorization of the landowner, the Planning Commission, or the Board of Commissioners

### Section 6.04 Legal Notice

- 6.04.01 Publication. Upon receipt of a completed application, and payment of fees as specified by this Regulation, notice of the CUP request shall be provided to the public at least 10 days prior to the hearing.
1. Notice of the time and place of the public hearing before the Commission shall be given by publication thereof in the County's legal newspaper.
  2. A copy of such notice shall be provided to the Chair of any municipal, county, or joint planning commission having jurisdiction over land within three miles of the subject property. In the absence of a planning commission, such notice shall be given to the clerk of the relevant unit of local government.
  3. A copy of such notice shall be mailed, by first class mail, to the property owners of record of parcels of land adjacent to the subject property, included those parcels separated by rights-of-way.
- 6.04.02. Board public hearing notice shall be as prescribed by the Board.

### Section 6.05 Coordination of Review

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

**Section 6.06 Planning Commission Public Hearing**

Upon receipt of a completed initial application, and payment of fees as specified by this Regulation, the Commission will schedule a public hearing. The Commission recommendation, along with the Zoning Administrator's review, shall be transmitted to the Board. Such recommendation on the CUP shall be in the form of approval, disapproval, approval with conditions, or continuance.

**Section 6.07 Board of Commissioners Public Hearing**

6.07.01 The Board shall hold a public hearing on the CUP.

1. The Board shall consider the Commission's recommendation and shall approve the CUP without conditions, approve with conditions, refer back to the Commission for further consideration of specified matters, continue the request, or deny the application.
2. If the Commission fails to submit their recommendation within 90 days from the date of application, the Board may hold a public hearing and act on the CUP without the Commission's report.

**Section 6.08 Conditions of Approval**

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

**Section 6.09 Standards for Review**

6.09.01 The following criteria should be considered by the Commission and Board:

1. That the establishment, maintenance, or operation of the CUP will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. Both ingress and egress to the property and conditional use thereon and the existing and proposed buildings and structures thereon is appropriate with particular reference to automobile and truck safety, traffic flow, site distance, roadway and bridge capacities, convenience and access in case of fire or catastrophe.
3. Off-street parking, including spaces for handicapped persons, is adequate for the use proposed and will not create any safety hazards relative to public roadways;
4. Refuse disposal or manure collection and disposal facilities and operations and other service facilities are appropriate relative to location, capacity and safety;
5. Water supply, sewage disposal systems are appropriate relative to size, capacity, topography, soil conditions, water table, flood hazard, location, surface water drainage and, where applicable, are located at least an acceptable distance from the ordinary high water mark of any river, stream or water course to avoid any potential surface water contamination.
6. The number, location, size and use of buildings and structures proposed is appropriate relative to the size of the site and protection of adjoining properties and scenic views.
7. Setbacks and separation distances for neighboring uses meet or exceed minimum requirements of the zoning district in which the conditional use is located.
8. Provisions to avoid development within any area subject to flooding and / or to avoid modification of any wetlands.
9. The types of operations to be conducted on the site will not result in inappropriate levels of traffic, noise, dust, odor, or undue potentials for air, or surface or groundwater contamination, or explosion hazards.
10. The use is compatible with the *Thayer County Comprehensive Plan*.

**Section 6.10 Issuance of CUP**

- 6.10.01 The Zoning Administrator shall issue a Conditional Use Permit consistent with the terms of the conditional use approval and other applicable ordinances, regulations, and resolutions.
- 6.10.02 The Commission may, after notice and public hearing, make a recommendation to the Board to revoke a conditional use permit if it determines the use, structure is in violation of the terms and conditions of the conditional use permit or other applicable ordinances, regulations and resolutions.
- 6.10.03 The Board may, after publication and public hearing, revoke a CUP if it determines the use or structure is in violation of the terms and conditions of the CUP or other applicable ordinances, regulations, and resolutions.
1. The decision to revoke a CUP shall be effective immediately.

**Section 6.11 Modification of Conditional Use Permit Requirements**

The Zoning Administrator may approve minor modifications in a CUP if it is determined the modification does not affect the findings related to the conditions for approval as contained in this Section. Any changes to a CUP, other than minor modifications, must be approved by the Board upon review and recommendation by the staff and Planning Commission.

**Section 6.12 Scope of Approval**

A CUP granted pursuant to this Section applies to a specific parcel of land and shall run with the land unless otherwise specified by the Board.

**Section 6.13 Effective Date**

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

**Section 6.14 Conditional Use Permits Approved Under Previous Regulations**

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

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## ARTICLE 7: PARKING REQUIREMENTS

### Section 7.01 Applicability

In any zoning district, all structures built, and all uses established, hereafter shall provide accessory off-street parking and loading spaces as indicated in the requirements set forth in this section. Where an existing structure or use is expanded, accessory off-street parking and loading spaces shall be provided in accordance with the requirements for the area, capacity, or employment on the site.

### Section 7.02 Off-Street Automobile Parking

- 7.02.01 Off-street automobile storage or parking shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley.
1. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
- 7.02.02 In all districts except residential districts, if vehicle storage space or parking space required in this Article cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning Commission and County Board, the Planning Commission and County Board may permit such space to be provided on other off-street property, provided such property lies within the same zoning district and lies within 400 feet of an entrance to such principal use.
1. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. In Districts residential districts, required off-street parking for residential use shall be provided on the lot on which is located the use to which the parking pertains.
  2. Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 7.02.03 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 7.02.04 Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require tabulation for classrooms and assembly areas).
- 7.02.05 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator, based upon comparable uses listed.
- 7.02.06 All off-street parking, whether required or not, shall meet the ADA requirements in Section 7.05 of this Regulation.

## Section 7.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
<b>Commercial and Office including but not limited to:</b>		
Agricultural Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Auditoriums/Stadiums/arenas	1 space/4 seats in main assembly area	None required
Automotive Rental/Sales	1 space/500 s.f. of gross floor area	1 space/establishment
Automotive Servicing	4 spaces/repair stall	None required
Boarding Houses/Bed and Breakfasts	1 space/rental units	None required
Body Repair	5 spaces/repair stall	None required
Bowling Alleys	4 spaces/alley plus 1 space per 2 employees	1 space/establishment
Campground or RV Park	1 space/camping unit	None required
Child Care Centers	1 space/employee + 1 space or loading stall/each 5 persons of licensed capacity	None required
Churches, Synagogues, and Temples	1 space/4 seats in main worship area	None required
Clubs, including fraternal organizations	1 space/500 s.f. of gross floor area	None required
Commercial Recreation	1 space/2 persons of licensed capacity	1 space/establishment
Communication Services	1 space/500 s.f. of gross floor area	1 space/establishment
Construction Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Dance Hall, skating rink	1 space/100 square feet of floor area + 1 space/2 employees	None required
Educational Uses, Primary facilities	2 spaces/classroom	2 spaces/structure
Educational Uses, Secondary facilities	8 spaces/classroom + 1 space/employee on largest shift	2 spaces/structure
Equipment Rental/Sales	1 space/500 s.f. of gross floor area	1 space/establishment
Food sales	1 space/200 s.f. of gross floor area	2 spaces/establishment
Funeral homes, Mortuaries and Chapels	8 spaces/reposing room	2 spaces/establishment
General retail sales establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Guidance Services	1 space/300 s.f. of gross floor area	None required
Hospitals	1 space/2 licensed beds	3 spaces/structure
Hotels and Motels	1 space/rental unit + 1 space/each 200 s.f. of public meeting area	1 space/establishment
Laundry Services	1 space/200 s.f. of gross floor area	None required
Libraries	1 space/400 s.f. of gross floor area + 1 space/ 2 employees	1 space/structure
Medical Clinics	5 spaces/staff doctor, dentist, chiropractor	None required
Offices and Office Buildings	1 space/300 s.f. of gross floor area + 1 space/2 employees	None required
Restaurants w/ drive-thru	Greater of the two: 1 space/40 s.f. of dining area, or 1 space/150 s.f. of gross floor area	1 space/establishment
Restaurants (General)	Parking equal to 30% of licensed capacity	2 spaces/establishment
Roadside stands	4 spaces/establishment	None required
Service Oriented Establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Theaters, Auditoriums, & Places of Assembly	1 space/4 persons of licensed capacity	1 space/establishment
Veterinary Establishments	1 spaces/500 square feet/staff doctor	None required
<b>Residential/Housing including but not limited to:</b>		
Assisted-living facilities	.5 space/dwelling unit	1 space/structure
Convalescent & Nursing Home Services	1 space/4 beds + 1/employee on the largest shift	2 space/structure
Duplex	2 spaces per dwelling unit	None required
Group Care Facility	1 space/4 persons of licensed capacity	2 space/structure
Group Home	1 space/4 persons of licensed capacity	2 space/structure
Multi-family / Apartments	1 space/sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Mobile Home Park	2/dwelling unit	None required
Residential (Single-family, attached and detached)	2 spaces/dwelling unit (1 may be enclosed or semi-enclosed)	None required
<b>Industrial Uses including but not limited to:</b>		
Adult entertainment establishments	1 space/2 persons of licensed capacity	None required
General Manufacturing	1 space / maximum number of employees during the largest shift	2 spaces/establishment
Wholesaling / Distribution Operations	1 space/2 employees on the largest shift	2 spaces/establishment

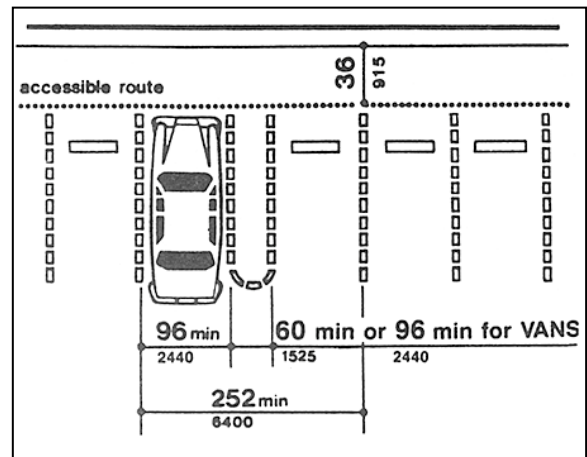
### Section 7.04 Off-Street Parking: Shared Parking Requirements

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

### Section 7.05 Off-Street Parking: Parking for Individuals with Disabilities

7.05.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000



Source: <http://www.ada.gov/adastd94.pdf>

7.05.02 Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 7.05.04 of this Regulation.
  - A. The vertical clearance at such spaces shall comply with Section 7.05.05 of this Regulation. All such spaces may be grouped on one level of a parking structure.
2. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
3. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
4. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
5. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with Section 7.05.06 of this Regulation.
6. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with Section 7.05 of this Regulation shall be provided in accordance with Section 7.05.01; except as follows:
  - A. Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;
  - B. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
7. Valet parking: valet parking facilities shall provide a passenger loading zone complying with Section 7.05.06 of this Regulation located on an accessible route to the entrance of the facility.

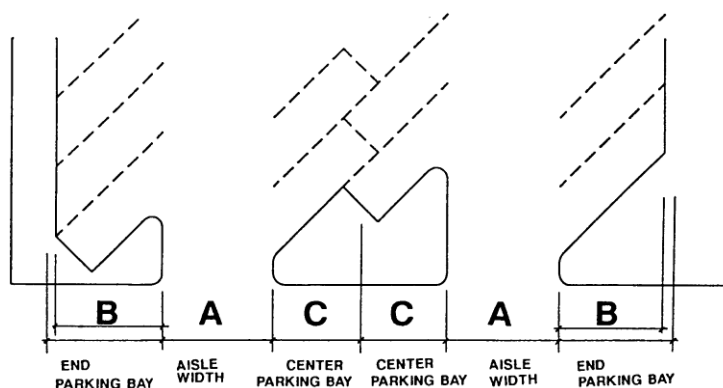
- 7.05.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
1. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
  2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- 7.05.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 7.05.02(1) shall have an additional sign stating the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 7.05.05 Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with Section 7.05.02(1), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 7.05.06 Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

**Section 7.06 Off-Street Parking Design Criteria**

- 7.06.01 Standard parking stall dimensions shall not be less than 10 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb.

7.06.02 For standard parking lots, minimum dimensions shall be as follows:

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



7.06.03 Minimum dimensions for a parallel parking space shall be 10 feet by 23 feet.

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## ARTICLE 8: SIGN REGULATIONS

### Section 8.01 Compliance with Sign Regulations

8.01.01 All signs constructed, erected, modified or moved after the effective date of this Ordinance shall comply with the regulations herein, unless expressly exempted.

1. All signs shall require a zoning permit (sign permit) prior to construction, unless expressly exempted.

### Section 8.02 Sign Definitions

The following are the definitions relating to signs within the Thayer County zoning jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

**CLOSED SIGN** shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

**COMMERCIAL MESSAGE SIGN** shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMUNITY OR CIVIC SIGN** shall mean a sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the motoring public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local chamber of commerce or other civic organization or non-profit entity.

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

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

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

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

**FREESTANDING SIGN** shall mean any sign 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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











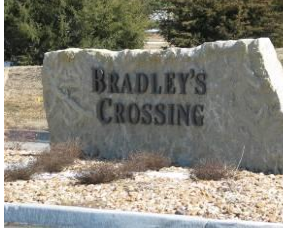





**SUSPENDED SIGN** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

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

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

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

 <p><b>Animated Sign</b></p>	 <p><b>Announcement Sign</b></p>	 <p><b>Awning Sign</b></p>	 <p><b>Banner/Flag Sign</b></p>
 <p><b>Banner Sign (Commercial)</b></p>	 <p><b>Building Marker Sign</b></p>	 <p><b>Canopy Sign</b></p>	 <p><b>Changeable Copy Sign</b></p>
 <p><b>Commemorative Sign</b></p>	 <p><b>Construction Sign</b></p>	 <p><b>Electronic Message Sign</b></p>	 <p><b>Gas Station Price Sign</b></p>
 <p><b>Marquee Sign</b></p>	 <p><b>Monument Sign</b></p>	 <p><b>Multi-faced Sign</b></p>	 <p><b>Off-Premises Sign</b></p>

 <p>Painted Wall Sign</p>	 <p>Parapet Sign</p>	 <p>Pole Sign</p>	 <p>Political Sign</p>
 <p>Projecting Sign</p>	 <p>Public/Traffic Information Sign</p>	 <p>Roof Sign</p>	 <p>Roof-Integral Sign</p>
 <p>Sandwich Board Sign</p>	 <p>Sign Stacking</p>	 <p>Subdivision Identification Sign</p>	 <p>Suspended Sign</p>
 <p>Temporary Sign</p>	 <p>Wall Sign</p>	 <p>Warning Sign</p>	 <p>Window Sign</p>

## Section 8.03 Sign Area Computation

### 8.03.01 Computation of Area of Individual Signs

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

**8.03.02 Computation of Height**

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

**Section 8.04 Sign Schedules**

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

	AG	TA	RR	RM	FLEX	I-1
Animated	-	-	-	-	C	C
Announcement	+	+	+	+	+	+
Banner	+	+	-	-	+	+
Canopy	+	+	-	-	+	+
Changeable Copy	+	+	-	-	+	+
Destination	+	+	+	+	+	+
Electronic Message Board	-	-	-	-	+	+
Flashing	-	-	-	-	-	-
Freestanding (Other than Pole Sign)	C	C	C	C	+	+
Illuminated	C	C	-	-	+	+
Incidental	+	+	+	+	+	+
Marquee	-	-	-	-	+	+
Monument	C	C	C	C	+	+
Nameplate	+	+	+	+	+	+
Off-Premises (Billboard)	-	-	-	-	C	C
On-Premises (Billboard)	C	C	-	-	C	C
Pennant	+	+	-	-	+	+
Pole	C	C	-	-	C	+
Projecting	+	+	-	-	+	+
Portable	T	T	T	T	T	T
Roof	-	-	-	-	-	-
Roof-Integral	+	+	-	-	C	C
Subdivision	C	C	C	C	C	C
Suspended	+	+	-	-	+	+
Temporary	T	T	T	T	T	T
Wall	+	+	-	-	+	+
Window	+	+	-	-	+	+

+: permitted    -: not permitted

C: Conditional Use

T: Temporary

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

	AG	TA	RR	RM	FLEX	I-1
<b>Animated</b>						
Max. Square Ft.	-	-	-	-	200	200
Max. Height Ft.	-	-	-	-	45	45
Max. Number	-	-	-	-	1	1
<b>Announcement</b>						
Max. Square Ft.	32	32	6	6	32	32
Max. Height Ft.	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1
<b>Banner</b>						
Max. Square Ft.	32	32	-	-	32	32
Max. Height Ft.	NA	NA	-	-	NA	NA
Max. Number	NA	NA	-	-	NA	NA
<b>Canopy</b>						
Max. Square Ft.	250 <sup>7</sup>	250 <sup>7</sup>	-	-	250 <sup>7</sup>	250 <sup>7</sup>
Max. Height Ft.	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-
<b>Changeable Copy</b>						
Max. Square Ft.	32	32	-	-	32	32
Max. Height Ft.	NA	NA	-	-	NA	NA
Max. Number	NA	NA	-	-	NA	NA
<b>Destination</b>						
Max. Square Ft.	16	16	16	16	16	16
Max. Height Ft.	8	8	8	8	8	8
Max. Number	1	1	1	1	1	1
<b>Electronic Message Board</b>						
Max. Square Ft.	-	-	-	-	32	32
Max. Height Ft.	-	-	-	-	15	20
Max. Number	-	-	-	-	1	1
<b>Flashing</b>						
Max. Square Ft.	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-
<b>Freestanding (other than Pole Sign)</b>						
Max. Square Ft.	32	32	-	-	64	92
Max. Height Ft.	10	10	-	-	12	14
Max. Number	1	1	-	-	1	1
<b>Illuminated</b>						
Max. Square Ft.	NA	NA	NA	NA	NA	NA
Max. Height Ft.						
Max. Number						
<b>Incidental</b>						
Max. Square Ft.	25 each	25 each	10 each	25 each	25 each	25 each
Max. Height Ft.	10	10	6	10	10	10
Max. Number	NA	NA	NA	NA	NA	NA
<b>Marquee</b>						
Max. Square Ft.	-	-	-	-	250	250
Max. Height Ft.	-	-	-	-	45	45
Max. Number	-	-	-	-	1	1
<b>Monument</b>						
Max. Square Ft.	50	50	32	32	80 <sup>2</sup>	120 <sup>3</sup>
Max. Height Ft.	10	10	6	6	12	14
Max. Number	1	1	1	1	1	1
<b>Nameplate</b>						
Max. Square Ft.	2	2	2	2	2	2
Max. Height Ft.	-	-	-	-	-	-
Max. Number	1	1	1	1	1	1
<b>Off-Premises (Billboard)</b>						
Max. Square Ft.	-	-	-	-	400	400
Max. Height Ft.	-	-	-	-	20	20
Max. Number	-	-	-	-	1	1
<b>On-Premises (Billboard)</b>						
Max. Square Ft.	400	400	-	-	400	400
Max. Height Ft.	20	20	-	-	20	20
Max. Number	1	1	-	-	1	1
<b>Pennant</b>						
Max. Square Ft.	32	32	-	-	32	32
Max. Height Ft.	8	8	-	-	8	8
Max. Number	NA	NA	-	-	NA	NA
<b>Pole</b>						
Max. Square Ft.	-	-	-	-	60 <sup>5</sup>	80 <sup>6</sup>
Max. Height Ft.	-	-	-	-	20	20
Max. Number	-	-	-	-	1	1

	AG	TA	RR	RM	FLEX	I-1
<b>Projecting</b>						
Max. Square Ft.	16	16	-	-	16	16
Max. Height Ft.	20	20	-	-	20	20
Max. Number	1	1	-	-	1	1
<b>Portable</b>						
Max. Square Ft.	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1
<b>Roof</b>						
Max. Square Ft.	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-
<b>Roof-Integral</b>						
Max. Square Ft.	16	16	-	-	32	32
Max. Height Ft.	45	45	-	-	45	45
Max. Number	1	1	-	-	1	1
<b>Subdivision</b>						
Max. Square Ft.	500	500	500	500	500	500
Max. Height Ft.	35	35	35	35	35	35
Max. Number	1	1	1	1	1	1
Max. Lot area s.f.	5,000	5,000	5,000	5,000	5,000	5,000
<b>Suspended</b>						
Max. Square Ft.	20	20	-	-	20	20
Max. Height Ft.	10	10	-	-	10	10
Max. Number	1	1	-	-	1	1
<b>Temporary</b>						
Max. Square Ft.	NA	NA	NA	NA	NA	NA
Max. Height Ft.						
Max. Number						
<b>Wall</b>						
Max. Square Ft.	200 <sup>7</sup>	200 <sup>7</sup>	-	-	200 <sup>7</sup>	200 <sup>7</sup>
Max. Height Ft.	15	15	-	-	45	45
Max. Number	1	1	-	-	1	1
<b>Window</b>						
Max. Square Ft.	200 <sup>7</sup>	200 <sup>7</sup>	-	-	200 <sup>7</sup>	200 <sup>7</sup>
Max. Height Ft.	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-

- <sup>1</sup> Monument signs may be increased from 32 square feet in area to 64 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
- <sup>2</sup> Monument signs may be increased from 80 square feet in area to 160 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
- <sup>3</sup> Monument signs may be increased from 120 square feet in area to 240 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual signs for every use/storefront.
- <sup>4</sup> Pole signs may be increased from 30 square feet in area to 60 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
- <sup>5</sup> Pole signs may be increased from 60 square feet in area to 120 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
- <sup>6</sup> Pole signs may be increased from 80 square feet in area to 160 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
- <sup>7</sup> Canopy/Wall/Window signs shall not exceed 10 percent of the total wall area, or the number indicated whichever is greater.

NA = Not Applicable – Refer to specific structural sign types

**Section 8.05 Signs, Special Conditions****8.05.01 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.

**8.05.02 Signs for Stand-alone ATMs:**

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.

**8.05.03 Signs for Coffee Kiosks and other Kiosks:**

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/Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk/Kiosk, painted within a drive lane or in any curbing defining a drive lane
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
5. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.

**8.05.04 Livestock Feeding Operation Signs:**

Livestock Feeding Operation shall be permitted up to two off-site signs in the right-of-way of county roads subject to all County and State regulations. The sign shall not exceed 200 square feet and shall not obstruct county or directional signage.

**8.05.05 Temporary Signs**

Temporary signs shall only be allowed when meeting the following criteria:

1. Temporary signs may be for a continual period. Said temporary signs shall be removed upon the conclusion of the purpose.
2. Temporary signs shall not be placed within a public right-of-way, unless otherwise authorized.

**8.05.06 Emergency Signs**

Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

**8.05.07 Other Signs Forfeited**

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

**8.05.08 Signs Exempt from Zoning Regulation**

The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, as per Section 4.04 of this Regulation, and/or a collision hazard to the public:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
2. Agricultural signs signifying a specific crop seed and/or test plot;
3. Any religious symbol;
4. Construction signs when equal to six square feet or less;
5. Any sign identifying a public facility or public/civic event;
6. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;
7. Holiday lights and decorations with no commercial message;
8. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
9. A political sign exhibited in conjunction with the election of political candidates. Only four political signs shall be allowed per legal lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not be placed within the R.O.W.

**8.05.09 Signs Prohibited Under These Regulations**

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

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

**Section 8.06 Sign Lighting**

**8.06.01** Signs may be illuminated by direct lighting.

1. No lighting shall include flashing, intermittent, or moving lights (except giving public service information such as time) and shall shield light from the traveled ways and adjacent property.

## ARTICLE 9: SUPPLEMENTAL REGULATIONS

### Section 9.01 Home Occupations and Home-Based Businesses in Residential Districts

#### 9.01.01 Intent

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

#### 9.01.02 Procedure

Home Occupations and Home-based Businesses: An application for a home occupation or home-based business, within residentially zoned areas shall be made to the Thayer County Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

#### 9.01.03 Permitted home occupations

Listed below are permitted home occupations.

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. 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 contractors, 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 chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

#### 9.01.04 Prohibited home occupations

Listed below are prohibited home occupations.

1. Kennels, stables, veterinarian clinics/hospitals.
2. Medical and dental clinics, hospitals.
3. Restaurants, clubs, drinking establishments.
4. Motor vehicle repair
5. Undertaking and funeral parlors.
6. Adult Entertainment Uses.

#### 9.01.05 Performance Standards for Home Occupations

Listed below are the performance standards for home occupations.

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.

5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home-based business.
7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
8. 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.
9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

#### **9.01.06 Permitted home-based businesses**

Listed below are permitted home-based businesses.

1. Workrooms for 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, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to two stations), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
4. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
5. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
6. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
7. Child Nurseries or Child Care

#### **9.01.07 Prohibited home-based businesses**

Listed below are prohibited home based businesses.

1. Kennels, stables, veterinarian clinics/hospitals.
2. Medical and dental clinics, hospitals.
3. Restaurants, clubs, drinking establishments.
4. Motor vehicle.
5. Undertaking and funeral parlors.
6. Adult Entertainment Uses.

**9.01.08 Performance Standards for Home Based Businesses**

Listed below are the 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 the time of application. All alterations and additions shall meet all building and zoning criteria of Thayer County.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
6. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.
7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
8. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
  - A. Two additional spaces for the unrelated employees;
  - B. Two additional spaces to be used for client/visitor parking;
  - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
  - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
  - E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking; and
  - F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
9. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
10. No retail sales are permitted from the site other than incidental sales related to services provided.
11. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
12. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
13. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

**9.01.09 Revocation**

1. Conditions. A home occupation and home-based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
  - A. That any condition of the home occupation or home-based business permit has been violated;
  - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
  - C. That the permit was obtained by misrepresentation or fraud;
  - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; or
  - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Thayer County Board of Adjustment. The Zoning Administrator, within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Thayer County Board of Adjustment. The Thayer County Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home-based business 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 9.02 Home Occupations and Home-Based Businesses in Agricultural Districts****9.02.01 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.

**9.02.02 Procedure**

Home Occupations and Home-based Businesses: An application for a home occupation or home-based occupation, within agriculturally zoned areas shall be made to the Thayer County Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

**9.02.03 Permitted home occupations**

Listed below are permitted home occupations.

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. 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 chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.

6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

#### **9.02.04 Prohibited home occupations**

Listed below are prohibited home occupations.

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

#### **9.02.05 Performance Standards for Home Occupations**

Listed below are the performance standards for home occupations.

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure.
5. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. Additional and/or separate entrance(s) 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.

#### **9.02.06 Permitted home-based businesses**

Listed below are 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 two stations), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

#### **9.02.07 Prohibited home-based businesses**

Listed below are prohibited home based businesses.

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

**9.02.08 Performance Standards for Home-Based Businesses**

Listed below are the 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 the time of application. All alterations and additions shall meet all building and zoning criteria of Thayer County.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.
5. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home-based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to store damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
10. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
  - A. Two additional spaces for the unrelated employees;
  - B. Two additional spaces to be used for client/visitor parking;
  - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
  - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
  - E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
  - F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
11. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

**9.02.09 Revocation**

1. Conditions. A home occupation and home-based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
  - A. That any condition of the home occupation or home-based business permit has been violated;
  - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
  - C. That the permit was obtained by misrepresentation or fraud;
  - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
  - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Thayer County Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Thayer County Board of Adjustment. The Thayer County Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home-based business 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.

**Section 9.03 Fences and Screening**

- 9.03.01 Fences and walls up to six feet in height shall be permitted in any required yard, or along the edge of any yard, provided that within any required front yard, no fence, wall or hedge shall be over four feet in height.
1. In Industrial Districts, height may exceed six feet; however such fences or walls shall be no closer than 25 feet to a county road. No hedges shall be permitted to encroach onto public rights-of-way or across property lines.
  2. No fence or hedge shall obscure the required corner sight triangle. *(See Section 4.04 Corner Lots or County Road Intersections.)*
- 9.03.02 Trees or hedges reaching over six feet in height shall be permitted in any required yard or along the edge of any yard, provided that such trees or hedges be planted outside the road right-of-way. No such trees and hedges shall be permitted to encroach onto public rights-of-way or across property lines.
1. Trees shall not be planted under overhead utility lines.
- 9.03.03 Screening for Junkyards
1. Junkyards (salvage or wrecking yards) shall be screened with an eight-foot-high opaque, solid fence, brick wall, or earth berm so as to provide visual and aural separation between such use and adjacent areas.
  2. Junkyards (salvage or wrecking yards) located next to railroad right-of-way shall have a 10-foot-high opaque, solid fence, brick wall, or earth berm on the property line common to the railroad right-of-way.
- 9.03.04 All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.
- 9.03.05 All holding, or incineration areas of dead livestock shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.
1. No storage or incineration of dead livestock shall be located in road right-of-way or on any other land not owned or leased by the livestock operation.

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**Section 9.04 Performance Standards for Industrial Uses**

- 9.04.01 Intent  
The standards in this section shall apply to industrial uses in any zoning district.
- 9.04.02 Physical Appearance  
All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
- 9.04.02 Fire hazard  
No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of Thayer County.
- 9.04.03 Noise  
No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used, and measurement may include breakdowns into a reasonable number of frequency ranges.
- 9.04.05 Sewage and Liquid Wastes:  
No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- 9.04.06 Air Contaminants
1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
  2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
4. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
5. Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million (5ppm), carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
6. Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case, shall such vibration exceed a displacement of three thousandths of an inch (0.003") measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
7. Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

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

- 9.05.01 Where permitted in commercial districts, all repair activities must take place within a completely enclosed building.
1. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways.
- 9.05.02 Any spray painting must take place within structures designed for that purpose and approved by the zoning administrator.
- 9.05.03 All outdoor display areas for rental and sales facilities shall be hard surfaced.
- 9.05.04 Body repair services are permitted as an accessory use to vehicle rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

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#### **Section 9.06 Standards for Open-Air Sales Display and Storage**

- 9.06.01 Open-air sales display and storage, including used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or other equipment sales and storage shall require a Conditional Use Permit (CUP).
1. The Zoning Permit application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:
    - A. The open-air sales, display, and storage area shall be surfaced with aggregate, crushed stone, or rock material for a uniform depth of at least 3 inches.

- B. The side and rear lot lines, when abutting properties used for residential dwellings, shall be screened with a wall or fence with its surface at least 50 percent solid and at least 6 feet high.
  - C. The County's lighting standards shall be followed.
- 9.06.02 Aside from following the County's sign regulations in Article 8 above, no lighted flashing signs, or revolving beacon lights shall be permitted.
- 9.06.03 The open-air area shall be maintained free of weeds, debris, trash, and other objectionable materials.

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**Section 9.07 Junk Yards or Salvage Yards**

Junk Yards and salvage of materials may be allowed in identified districts; provided the following minimum conditions are met (additional conditions may be required depending upon the operation and the proposed location).

- 9.07.01 Construction and operation shall comply with all applicable codes or requirements.
  - 1. Receiving areas for junk or salvage material shall be designed to avoid the depositing of junk or salvage material outside a building or outside screened (solid fence) storage areas.
  - 2. See Section 9.03 for Screening requirements.
- 9.07.02 Junk yards and salvage of materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by the Corps of Engineers.
- 9.07.03 Junk or salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or Federal highway, or locally designated Expressway, Major Arterial, and Other Arterial as per the State of Nebraska Department of Transportation or subsequent successor agency.
  - 1. Junk material kept outside a building or buildings shall not be located in the required front yard.
  - 2. Junk or salvage material kept outside a building or buildings shall be at least 100 feet from the boundaries of the I-1 zoning district and shall be at least 660 feet from the any residential district or use.
- 9.07.04 All motor vehicles shall have all fluids drained prior to placement within the facility.

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**Section 9.08 Self-Storage Units (Mini-Warehouses)**

- 9.08.01 Activities within a self-storage facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- 9.08.02 Site Design.
  - 1. Minimum lot size of the Self-Storage facility shall be 5,000 square feet.
  - 2. Facilities must maintain landscape buffer yards of 50 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required;
    - A. At least 35 percent of all yards shall be landscaped
  - 3. All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock or other approved rock other than gravel. All driveways within the facility shall provide a hard surface with a minimum width of 25 feet.
  - 4. Storage units may not open into the front yard.
  - 5. The total area covered by buildings shall not exceed 50 percent of the site.
  - 6. Site development shall include provisions for stormwater management.

7. The maximum height shall be 20 feet for any structure in the facility.
- 9.08.03 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

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**Section 9.09 Accessory Dwelling Units (ADU)**

- 9.09.01 One accessory dwelling unit per lot may be allowed by Conditional Use Permit where dwellings are otherwise permitted in Section 5.06 under the following conditions:
1. The accessory dwelling unit shall fit within the allowable development area of the lot.
  2. The total square footage of the ADU shall not exceed the lesser of 1,000 square feet or 40% of the square footage of the principal dwelling, excluding the garages, carports, and space used for mechanical equipment, such as heating, utilities and water heater or pumps. Any other unfinished space in a basement is included in the square footage to allow it to be furnished in the future. The calculation for the principal dwelling shall be based on the floor area as of the date the special permit is filed.
  3. No more than two bedrooms are allowed in the ADU. Bedroom shall mean any room or space used or intended to be used for sleeping purposes.
- 9.09.02 The owner of the lot is required to live on the property in either the principal dwelling or the ADU. The owner of the lot shall file with the Register of Deeds, a deed restriction agreement on the property stating the accessory dwelling cannot be sold separately from the principal dwelling.
1. The deed restriction agreement must be to the satisfaction of the County Attorney. The deed restriction agreement shall be recorded prior to any zoning permit for the ADU.
- 9.09.03 The ADU must meet the same setback requirements as the principal dwelling of the district. The height of the ADU must meet the height limit of the district for a dwelling but be no higher than the principal dwelling.
- 9.09.04 The ADU must share the same access point to the public or private street as the principal dwelling.
1. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the road right-of-way than the principal dwelling.
- 9.09.05 The ADU must share utilities with the principal dwelling unless the owner can demonstrate a practical problem with sharing due to the topography or other unique site considerations.

**Section 9.10 Dwelling Unit, Special Types**

This section is intended to establish special conditions by which Special types of dwelling units may be established within the jurisdiction of Thayer County.

**9.10.01 Tiny Houses**

Tiny houses fall under two separate categories, Site Built and RV/Park Model/Camper.

**1. Site Built Tiny Houses**

- A. Tiny homes shall have at least one habitable room with not less than 120 sf of gross floor area;
- B. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
- C. Habitable rooms shall not be less than seven feet in any horizontal dimension;
- D. Ceiling height effect on room area:
  - 1) Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - 2) The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
- E. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
- F. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
- G. Tiny homes shall have a kitchen area and sink;
- H. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
- I. All electrical shall be in compliance with all local, state and/or federal electrical codes;
- J. The unit shall meet all egress requirements found in local, state, and/or federal codes;
- K. All foundations shall meet local, state, and/or federal building codes;
- L. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
- M. No Site-Built Tiny House shall be constructed in any floodplain.

**2. RV/Park Model/Camper**

- A. The unit shall be constructed upon a single chassis;
- B. The unit shall have 400 sf or less when measured at the largest horizontal projections;
- C. The unit shall be self-propelled or permanently towable by a light duty truck;
- D. The unit shall not be considered to be designed for use as a permanent dwelling but as a temporary living quarter;
- E. All electrical, including temporary hook-ups, shall be in compliance with all local, state and/or federal electrical codes;
- F. All plumbing and other mechanical systems shall not be permanently connected to a supply or discharge source;
- G. The wheels and axles shall remain on the unit at all times;
- H. Accessory structures shall not be supported by these units;
- I. No RV/Park Model/Camper shall be constructed in any floodplain.

**3. Tiny House Villages/Communities**

- A. Tiny house villages/communities may be allowed as part of a Manufactured Home Park or development.

**9.10.02 Grain Bin Homes**

Any residential structure meeting the definition of a grain bin home shall meet the following criteria:

1. Grain bin homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Grain bin homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Grain bin homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the grain bin home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the grain bin(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

**9.10.03 Cargo Container Homes**

Any residential structure meeting the definition of a cargo container home shall meet the following criteria:

1. Cargo container homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Multiple containers shall be structurally and permanently attached to each other;
3. Cargo container homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Cargo container homes shall have a kitchen area and sink;

10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the cargo container home shall be structurally designed regarding all attachments and cantilevers;
14. All modifications needed to convert the cargo container(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
17. No Cargo Container Homes shall be constructed in any floodplain.

**9.10.04 Tree-house Homes**

Any residential structure meeting the definition of a tree house home shall meet the following criteria:

1. Tree house homes shall only be permitted as an accessory use to a primary structure;
2. Tree house homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, and hallways;
7. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
8. All electrical shall be in compliance with all local, state and/or federal electrical codes;
9. The unit shall meet all egress requirements found in local, state, and/or federal codes;
10. All tree house homes designed as recreational structures and/or sleeping quarters shall be structurally designed prior to construction and sealed by a structural engineer.

**9.10.05 Quonset Homes**

Any residential structure meeting the definition of a Quonset home shall meet the following criteria:

1. Quonset homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Quonset homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;

5. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Quonset homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the Quonset home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the Quonset into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

#### **9.10.06 Shouses**

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
  - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
  - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers';

14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
  15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
  16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
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#### **Section 9.11 Bed and Breakfast Inn**

9.11.01 Bed and Breakfasts shall meet the following requirements:

1. Maintain a residential exterior appearance.
  2. Owner must reside on the premises.
  3. Breakfast must be served on premises, included within the room charge, for guests of the facility and shall be the only meal provided.
  4. Off-street parking shall be provided as required by Article 7.
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#### **Section 9.12 Short Term Rentals (STRs)**

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

##### **9.12.01 Performance Standards**

1. Said short-term rental shall be located in a primary residential structure.
  - A. An accessory dwelling unit may not be used as a short-term rental.
2. Said short-term rental shall not allow the property to be used for party rentals.
3. Said short-term rental shall file the required lodging taxes with the county and state.
4. Said short-term rental shall be properly maintained including structural maintenance and the grounds.
5. Said short-term rental shall meet all state and federal life safety codes and display said permits in a prominent location.
6. Said short-term rental shall not increase the normal level of traffic in the immediate area.
7. Said short-term rental shall not be used for any type of illegal activities as defined by state and federal laws.
8. Said short-term rental shall not be used for any of the following:
  - A. Housing sex offenders;
  - B. Operating a structured sober living home or similar enterprise;
  - C. Selling illegal drugs;
  - D. Selling alcohol or another activity that requires a permit or license under the Nebraska Liquor Control Act; or
  - E. Operating a sexually oriented business.

##### **9.12.02 Remedies**

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

**Section 9.13 Recreational Vehicle (RV) Parks and Campgrounds**

9.13.01 No Recreational Vehicle Park or Campground shall be constructed within the zoning jurisdiction of Thayer County unless the proper permit is approved and issued by the County, and all improvements constructed in conformance with the permit.

1. Application for a zoning permit shall include a site plan of sufficient detail to assure conformance with the requirements of this Regulation.

9.13.02 Site Requirements

1. The tract to be used as a recreational vehicle park or campground shall not be less than two acres in area.
  - A. The maximum number of recreational vehicle or camp sites shall be 15 per acre.
  - B. A Recreation Vehicle Park shall be separated from all existing LFOs by the same distances established for residential dwellings.
  - C. A Recreation Vehicle Park shall be separated from existing residential dwellings and subdivisions by a minimum of ½ mile.
2. Each recreational vehicle and camp site shall be plainly marked.
  - A. The minimum dimensions of a recreational vehicle, trailer, or camp site shall be 30 feet wide by 60 feet long.
  - B. Each recreational vehicle, trailer, or camp site shall be separated from other recreational vehicles, trailers, or camp sites by at least 15 feet.
  - C. Recreational vehicles (RVs) may be parked only in marked sites while in use.
3. 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.
4. 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 12 feet in width; and
  - C. All interior access drives and parking areas shall be surfaced with gravel, asphalt, or other material to free the site of mud.
5. There shall be one off-street parking space, in addition to the camper pad, per each individual recreational vehicle/camp site.
6. Each pad location shall be equipped as follows:
  - A. Electrical outlet.
  - B. A sanitary sewer connection per Nebraska DEE 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 pervious 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.
7. A storm shelter shall be constructed to meet the expected maximum capacity during peak camping season.
  - A. The storm shelter shall be designed and constructed in conformance with FEMA P-321 and P-320—Safe Rooms for Tornadoes and Hurricanes and Taking Shelter from the Storm—as they may be updated.
  - B. The storm shelter shall be designed to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.
8. One permanent dwelling unit may be constructed within the Recreational Vehicle Park to be used strictly by the RV Park owner/operator or the resident superintendent.

9.13.03 Operational Requirements

1. Under no circumstances shall a mobile home or manufactured home be parked in a recreational vehicle park or campground.
2. 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.
3. 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 four 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.
4. Wheels and tires shall remain in the in-transit position.
5. No porches, lean-tos, or additions shall be constructed onto any recreational vehicles. Canvas screen rooms or awnings may be allowed.
6. A recreational vehicle dwelling may only be skirted with lattice, solid skirting may be installed immediately adjacent to the tires.

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**Section 9.14 Mobile Food Units**

- 9.14.01 Mobile Food Units (food trucks) are a temporary use allowed in specific zoning districts; however, these uses shall abide by the following requirements:
1. All units shall be located off the public road rights-of-way or outside road easements.
  2. All units shall operate only during typical business hours. In no case shall a unit be open for more than one hour after the legal closing time of local bars.
  3. All refuse shall be transported off-site.
  4. No unit shall use intense lights, and all lights shall be downcast and shielded.

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**Section 9.15 Roadside Stands**

- 9.15.01 A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
- 9.15.02 A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
- 9.15.03 A roadside stand may operate for a maximum of 180 days in any one year.

**Section 9.16 Sand and Gravel Mineral, Stone, Rock, and Soil Extraction and Quarries.**

9.16.01 A Conditional Use Permit may be granted for the extraction and storage of sand and gravel, mineral, stone, rock, soil extraction and quarries in the designated zoning district; provided the following special conditions shall be considered (among others determined appropriate/relevant by the County).

1. When any extraction material is sold, removed, and transported on Thayer County roads it shall be the responsibility of the property owner to meet the following conditions:
  - A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours;
  - B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
  - C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
  - D. The application shall identify proposed vehicle and equipment storage areas;

9.16.02 Mining Operations

1. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility;
2. Topsoil shall be collected and stored for redistribution on the site at termination of the operation;
3. Excavation/storage shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than 3:1 as set by the County. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
4. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public;
5. Costs for any damage to the county roads or bridges used for access to the site which requires additional maintenance or repair for the normal county maintenance or repair as a result of additional traffic generated, shall be the responsibility of the owner of the property from which the soil is being removed. The determination of the costs and the method of repair and maintenance shall be prescribed by the Thayer County Highway Superintendent. The property owner may appeal the Superintendent's decision to the Thayer County Board of Commissioners within 30 days after receiving the Superintendent's decision;
6. The owner of the property shall obtain adequate insurance to cover any of the damage which may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Zoning Administrator's office prior to issuing a Conditional Use Permit; and
7. To assure conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the County.

9.16.02 Mining Exceptions. This Section shall not apply to:

1. Removals, extractions, and operations that remove less than 100 cubic yards from a given location.
2. Mining for soil donated to a municipality, county, or the State of Nebraska.
3. Sand and gravel quarries, or the commercial removal of soil, used for public road purposes.

**Section 9.17 Conservation/Preservation Easements**

- 9.17.01 In accordance with Nebraska Revised Statute §76-2111, conservation easements and preservation easements as herein defined represent private agreements to separate property rights on a parcel of land.
- 9.17.02 **Approval Required**  
In accordance with Nebraska Revised Statutes §76-2112 in order to minimize conflicts with land use planning, any new conservation / preservation easement in the County's jurisdiction shall be subject to approval by the County Board of Commissioners.
1. Easements in a city or village Extraterritorial Jurisdiction (ETJ) shall be approved by the City Council or Village Board, after referral to the appropriate Planning Commission.
  2. Easements in the County's jurisdiction shall first be referred to the County Planning Commission which shall, within 60 days of the referral, provide comments regarding the conformity of the proposed easement to the Comprehensive Plan. If such comments are not received within said 60 days, the proposed easement shall be deemed approved by the Planning Commission.
- 9.17.03 **Application for Approval**  
The owner or agent of the owner of real property on which a conservation / preservation easement is proposed shall submit a copy of the proposed easement to the Zoning Administrator for referral to the Planning Commission and County Board.
1. The Zoning Administrator shall provide notice as specified for a Conditional Use Permit review.
- 9.17.04 **Planning Commission Consideration**  
In accordance with Nebraska Revised Statutes §76-2112, the Planning Commission shall review the proposed easement for consistency with the Comprehensive Plan, and specifically review the proposed easement for compliance with the definition of such easements as set forth herein and for consistency with the Future Land Use Plan set out in the Comprehensive Plan. If such proposed easement complies with said definition and the Comprehensive Plan, a recommendation of approval shall be forwarded to the County Board.
1. A recommendation of denial of such proposed easement may be forwarded if:
    - A. The proposed easement is found to be not in the public interest because the proposed easement is inconsistent with the Comprehensive Plan, or
    - B. The proposed easement is found to be not in the public interest because the proposed easement is inconsistent with any national, state, regional or local program furthering conservation or preservation, or
    - C. The proposed easement is found to be not in the public interest because the proposed easement is inconsistent with any known proposal by a governmental body for use of the land on which the easement is proposed.
- 9.17.05 **Board of Commissioners Consideration**  
After receiving a recommendation with regard to any proposed conservation / preservation easement, the County Board of Commissioners shall review the recommendation of the Planning Commission and shall approve or deny such easement based upon the same factors set forth in Section 9.17.03 above. The Board shall provide written notification to the Applicant regarding the decision on the proposed easement within 10 calendar days of the decision.

## Section 9.18 Adult Entertainment

### 9.18.01 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.
2. *Findings and Rationale.* This section is based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the County Board, and
  - A. Bindings, interpretations, and narrowing constructions incorporated in the case of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004), *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); and other applicable case law;
  - B. Reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois – 2011-12*; *Manatee County, Florida – 2007*; *Hillsborough County, Florida – 2006*; *Clarksville, Indiana – 2009*; *El Paso, Texas – 2008*; *Memphis, Tennessee – 2006*; *New Albany, Indiana – 2009*; *Louisville, Kentucky – 2004*; *Fulton County, GA – 2001*; *Chattanooga, Tennessee – 1999-2003*; *Jackson County, Missouri – 2008*; *Ft. Worth, Texas – 2004*; *Kennedale, Texas – 2005*; *Greensboro, North Carolina – 2003*; *Dallas, Texas – 1997*; *Houston, Texas – 1997, 1983*; *Phoenix, Arizona – 1995-98, 1979*; *Tucson, Arizona – 1990*; *Spokane, Custer – 2001*; *St. Cloud, Minnesota – 1994*; *Austin, Texas – 1986*; *Indianapolis, Indiana – 1984*; *Garden Grove, California – 1991*; *Los Angeles, California – 1977*; *Whittier, California – 1978*; *Oklahoma City, Oklahoma – 1986*; *New York, New York Times Square – 1994*; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); *Dallas, Texas – 2007*; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), McLeary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), Adult Business Study: Town and Village of Ellicottville, Cattaraugus County, New York (January 1998).

3. The County Board finds:
  - A. Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
  - B. Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.
  - C. Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating. Additionally, the County's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the County. The County finds that the cases and documentation relied on in this resolution are reasonably believed to be relevant to said secondary effects.
3. The Board hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

**9.18.02 Geography:**

These uses shall be permitted in locations as specified in Section 5.06 of this Resolution, within limited areas of the following Zoning Districts:

1. **The AG Agricultural District:** provided the establishments are **confined to within ¼ mile of any State or Federal Highway** in Thayer County.
2. **The TA Transitional Agriculture District:** provided the establishments are **confined to within ¼ mile of any State or Federal Highway** in Thayer County.
3. **The FLEX Rural Commercial/Industrial District:** provided the establishments are **confined to within ¼ mile of any State or Federal Highway** in Thayer County.
4. **The I-1 Industrial District.**

**9.18.03 Definitions**

**Redacted. Full text available at the Planning and Zoning Office.**

Redacted

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**9.18.04     Redacted**

Redacted

**Redacted**

**Section 9.19 Biofuels and Distillation Facilities**

9.19.01 The following conditions shall be met when locating a biofuels facility within the zoning jurisdiction of Thayer County. The standards are intended to protect the health, safety, and general welfare of the residents of the county.

1. Access to the facility shall be paved and connect to a hard-surfaced street/road classified as an arterial.
2. If access is onto a county road or city street, the applicant must provide evidence that the paving of such highway, road or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.
  - A. If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the paving in order for the pavement to handle the size and weight of the loads.
3. The applicant shall be required to construct and acquire right-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.
  - A. The facility if located adjacent to a railroad line shall have sufficient area to provide for sidings for loading and unloading raw or finished product. The sidings shall be constructed at the applicant's expense.
4. The facility shall not be located in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.
5. Water supply wells for the facility shall not be located within the 20-year time of travel of any municipal well.
6. The facility shall be designed to recycle, in a manner compliant with all county and state rules and regulations, a minimum of 75 percent of the water used by the facility including water used for distillation.
7. All fuel storage tanks shall be located in a manner that will not allow for contamination of any groundwater or surface water.
8. Total equipment height limited to the requirements of the zoning district.
9. All fuel storage tanks shall be within an impermeable containment levy system.
10. Site plan review required.
11. Lighting must be compliant with all applicable regulations.
12. Noise produced by facility must comply with noise ordinance regulations.

9.19.02 Site plan review is required through the Conditional Use Permit process, prior to development.

**Section 9.20 Radio, Television and Wireless Communication Towers****9.20.01 Intent**

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and the Spectrum Act of 2012 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

**9.20.02 Definitions**

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996, the Spectrum Act of 2012 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

**Base Station** shall mean a structure that supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time of the application is filed.

**Broadcasting Tower** shall mean a structure for the transmission or broadcast of radio, television, radar, microwaves or other electromagnetic frequencies which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial towers not exceeding 50 feet in height shall not be considered broadcast towers.

**Collocation** shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Conforming commercial earth station** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

**Eligible facilities request** is defined as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

**Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure, as certified by a Professional Engineer. This area is typically less than the total height of the structure.

**In Writing** refers to the means in which an applicant for a telecommunications tower is notified. The "in writing" clause has been defined to include the minutes of the governing body's proceedings including findings of fact.

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

**Replacement** shall mean the removal and upgrade of transmission equipment and not the structure on which it is located.

**Specific and absolute timeframe:** this refers to the timeframe allowed for processing a telecommunication applications under Section 6409 (a) of the Spectrum Act of 2012.

**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.

#### **9.20.03 Tower Construction Standards**

Listed below are tower construction standards.

1. Towers shall be allowed 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 and issuance of the permit by the Zoning Administrator.
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.

#### **9.20.04 Application to develop a Tower**

1. Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Administrator for the applicable 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 applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
- E. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the County Board and federal and state and ANSI standards.
- F. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
- G. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
- H. The application, based upon the specific and absolute timeframe established by the FCC, shall be processed and decided within 60 days of the application becoming completed. However, the 60-day application processing period may be extended only:
  - 1) By mutual agreement between Thayer County and the applicant, or
  - 2) By Thayer County's determination that the application is incomplete.
    - a) If Thayer County deems the application to be incomplete, the County shall notify the applicant of the incompleteness within 30 days of the initial filing.
    - b) The County shall clearly and specifically delineate writing the missing information
    - c) The clock shall resume when the information is provided but may tolled again if Thayer County notifies the applicant within 10 days that the application remains incomplete.
    - d) The County shall not request new information beyond what is already required.
  - 3) If the application is not acted upon within 60 days, the application shall be deemed to be approved by the governing body.

#### **9.20.05 Setbacks and Separation or Buffer Requirements**

Listed below are setbacks and separation requirements for towers and exception to height restrictions of towers.

- 1. Measurements
  - A. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto.
  - B. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
- 2. The Planning Commission may recommend, and County Board approve, a reduction in tower setbacks with a Conditional Use Permit if they determine that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.

3. All towers up to 50 feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district.
  - A. Towers in excess of 50 feet in height shall be set back a minimum of 100 percent of the tower height.
4. Towers of 100 feet or less in height may be located in residentially zoned districts, as specified in Section 5.06, provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the property owner, by a minimum of one hundred percent (100%) of the height of the tower.
5. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
6. Towers must meet the following minimum separation requirements from other towers:
  - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
  - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
7. Towers shall be held to all height requirements as prescribed in the Airport Hazard Area District and the FAA.
8. As part of its conditional use approval process, the Planning Commission and County Board of Commissioners may, after public notice and hearing, permit the tower to exceed the height restrictions otherwise allowable in the district.

#### **9.20.06 Structural Standards for Towers Adopted**

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

#### **9.20.07 Illumination and Security Fences**

1. Towers shall not be artificially lighted except as required by the FAA. Any tower subject to this Section that is required to be lit under FAA requirements and using a strobe light shall be equipped with dual mode lighting. In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

#### **9.20.08 Exterior Finish**

1. Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission and County Board.
2. Stealth Towers: 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.

#### **9.20.09 Landscaping**

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall have their landscape maintained to avoid weeds and prevent excessive runoff.

**9.20.10 Prohibitions**

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

**9.20.11 Substantial Change**

Thayer County may only require an amended conditional use permit for changes/modifications on a telecommunication 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"
  - 1) increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, or
  - 2) Protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
- B. Towers in the right-of-way, and all base stations, a "substantial change"
  - 1) increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater, or
  - 2) protrudes from the edge of the structure more than 6 feet
- C. All Towers and base stations, a substantial change:
  - 1) involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
  - 2) entails any excavation or deployment outside the current site of the tower or base station;
  - 3) defeats the existing concealment elements of the tower or base station; or
  - 4) does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to any of the "substantial change" thresholds identified above.

**2. Changes in Height**

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

**9.20.12 Inspections**

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

**9.20.13 Maintenance**

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

**9.20.14 Abandonment**

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

**9.20.15 Review Denial Procedures for Permit**

1. Any decision to deny an application to place, construct or modify a wireless facility must be "in writing" and supported by substantial evidence contained in a written record.
2. The regulation of placement, construction, and modification of personal wireless services facilities by Thayer County shall not unreasonably discriminate among providers of functionally equivalent services;
3. The regulation of the placement, construction, and modification of personal wireless service facilities by Thayer County shall not prohibit or have the effect of prohibiting the provision of personal wireless services;
4. Thayer County shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations.

**Section 9.21 Amateur Radio Towers and FCC Regulations**

- 9.21.01 Noncommercial radio towers not exceeding 50 feet in height are not considered Wireless Communications Towers by definition.
- 9.21.02 Radio towers, antennas and other appurtenances operated by licensed amateur radio operators ("ham radio") may not exceed 75 feet in height. This height has been determined by the County to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission (FCC).
- 9.21.03 Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Board may grant a Conditional Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the County Board shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).
- 9.21.04 Amateur radio towers shall be subject to typical provisions for Accessory Structures, including setback requirements.
- A. Such radio towers shall not be located within any front yard.

**Section 9.22 Data Centers**

- 9.22.01 Intent: The purpose of this section is to regulate the location, design, construction, and operation of data centers within the jurisdiction in order to promote efficient and responsible development, ensure compatibility with surrounding land uses, protect the environment, and safeguard public health, safety, and welfare.
- 9.22.02 Data Center Facilities
1. Data Centers may be established in areas with adequate infrastructure, including but not limited to reliable power supply, access to fiber-optic networks, and appropriate road capacity.
    - A. Applicant shall provide evidence of sufficient water and wastewater capacity from the Utility provider, or certification by a Professional Engineer if water is to be provided by well and onsite wastewater treatment systems.
    - B. Applicant shall provide a signed letter from the electric utility demonstrating ability to serve the facility without decreased system capacity.
    - C. Applicant shall be responsible for all costs to extend infrastructure.
  2. Data centers shall be allowed as a principal or accessory use within Districts designated in the Land Use Matrix in Section 5.06.
  3. Accessory uses directly related to data center operations, such as maintenance facilities, security offices, and employee amenities, are allowed as permitted.
- 9.22.03 Development Standards
1. Setbacks and Buffer Zones
    - A. Buffer zones consisting of landscaping, walls, or other measures may be required to provide visual and noise mitigation between the data center and adjacent properties, particularly in residential or sensitive use areas.
    - B. Data centers shall be designed to ensure compatibility with the surrounding built environment, including the use of materials, colors, and architectural elements blending into the character of the area.
    - C. Exterior walls and roofs should be designed to minimize visual impact of the facility, including use of earth-tone colors and non-reflective surfaces.
  2. Sufficient on-site parking spaces shall be provided to meet the needs of employees and visitors.
  3. Access to data centers should be designed to ensure efficient traffic flow and prevent congestion, considering the volume and type of anticipated traffic.
- 9.22.04 Environmental Considerations
1. Data centers shall be designed and operated to maximize energy efficiency, including the use of energy-efficient servers, cooling systems, and lighting.
  2. Renewable energy sources, such as solar or wind power, should be considered for on-site energy generation whenever feasible.
  3. Data centers shall implement water-efficient practices, including the use of recycled water for cooling systems and landscaping, and the installation of water-saving fixtures within the facility.
- 9.22.05 Operational Requirements
1. Data centers shall have emergency response plans in place to address potential hazards, such as power outages, fires, and natural disasters.
  2. Adequate fire suppression and detection systems shall be installed and maintained in compliance with applicable fire codes.
  3. Data centers shall implement noise mitigation measures to minimize impacts on nearby residential areas, including the use of sound-insulated walls and equipment enclosures.
  4. Data centers shall implement appropriate security measures, including controlled access, surveillance systems, and adequate lighting, to ensure the protection of data and infrastructure.

**Section 9.23 Reserved**

This Section is reserved for future use.

**Section 9.24 Livestock Regulations****9.24.01 Intent.**

This Section is written specifically to provide Livestock Feeding Operation (LFO) regulations. The contents of this Section shall be strictly adhered to in regard to any livestock use.

**9.24.02 LFO Setbacks and Design Standards.**

1. The following setbacks and design standards are minimum sanitation and odor practices for Thayer County. The Thayer County Board of Commissioners, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as: property values, dust, lighting, waste disposal and dead livestock.
2. An LFO will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation.
3. Each operation type shall be classified in one of five levels according to the total number of A.U. in the operation at any one time. Levels will include:
  - Class I Facility = 301-1,000 animal units;
  - Class II Facility = 1,001-2,500 animal units;
  - Class III Facility = 2,501-5,000 animal units;
  - Class IV Facility = 5,001-10,000 animal units; and
  - Class V Facility = 10,001 or more animal units.
  - A. LFOs having more than one type of feeding operation at one location shall be categorized according to the total number of animal units.
  - B. LFOs having 301 animal units or more shall also locate at a distance as specified under the ECH or Open Lots in the following Table from a platted residential area, occupied dwelling, public park, recreational area, church, cemetery, religious area, school, historical site, and residential district.

**Table 9.24.02 LFO Spacing and Distance**

Size of Proposed LFO in Animal Units.		Setback from Non-farm, other Residence and/or other LFOs (miles)
Class I 301-1000	ECH	½
	OPEN	¾
Class II 1001 to 2500	ECH	¾
	OPEN	1.0
Class III 2501-5000	ECH	1.0
	OPEN	1.25
Class IV 5001-10,000	ECH	1.25
	OPEN	1.5
Class V 10,000+	ECH	1.5
	OPEN	1.75

Note: The setbacks under this section shall increase by one-fourth (1/4) mile for each 5000 AU (or fractional portion thereof) of authorized capacity above 10,000 AU not to exceed a setback of 2 miles. No Class V LFO shall be located within two miles of a municipality.

ECH = Environmentally Controlled Housing

OPEN = Open Lot Operations

**9.24.03 LFO Permit and Permit Requirements**

1. All LFOs with the required permits as shown on the Land Use Matrix (Section 5.06) as provided and meeting the requirements of this section:
  - A. The minimum setbacks/separation distance requirements shall be met resulting in 25 points being tabulated in the Livestock Siting Matrix below (or have impact easements).
  - B. NDEE requirements of the Livestock Siting Matrix below (Section 9.24.04) being met for an additional 25 points being tabulated in the Table below (NDEE requirements shall be met prior to operation).
  - C. LFOs requiring an NDEE Construction Permit shall score at least 25 additional points for a minimum score of 75 points on the Livestock Siting Matrix below.
2. LFOs are subject to the license requirements, waste disposal requirements and recommendation of the State of Nebraska and the Land Use specifications in the Thayer County Comprehensive Plan.
3. A Conditional Use Permit shall be approved after public notice has been given and public hearings have been conducted as required by law and this regulation; and the applicant has met the minimum point totals required in the Livestock Siting Matrix below.
4. All existing LFOs previously granted a conditional use permit may expand within their designated level without applying for another conditional use permit; except for the 10,000 and above which requires a new Conditional Use Permit for each expansion beyond 10,000 A.U.'s and shall meet the new separation requirements as outlined in **Table 9.24.02**.
5. All LFOs expanding to the next level shall require a zoning permit as identified in the Land Use Matrix. The LFO shall not be located less than the required distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described. In addition, these facilities shall be required to meet the minimum requirements described above.
6. All LFOs over 10,000 Animal Units shall be required to obtain a new zoning permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section below.

## 9.24.04 Livestock Siting Matrix

**BASIC INFORMATION**

A Livestock Operation Information		Number	Points	Score
	Operation Name:			
	Type of Livestock:			
1	Number of animals (for multiple species or production phases, record separately)			
2	Animal Units (see Animal Units tab for calculator)			
3	Class IV or larger livestock operation (5,001 animal units or more)			

**NDEE STATUS**

B Environmental Protection Plans		Yes	No	Points	Score
1	NDEE has issued letter that no construction and/or operating permit is required			25	
	OR				
2	All NDEE construction and operating permit(s) will be in place prior to operation, as required, including the following (if not applicable, write NA):			25	
3	Nutrient Management Plan				
4	Animal Mortality Management Plan				
5	Request for Inspection of Animal Feeding Operation (Title 130 - Form A)				
6	Permit Application (Title 130 - Form B)				
7	Applicant Disclosure (Title 130 - Form C)				
8	Livestock Feeding Operation Narrative				
9	Livestock Feeding Operation Site Plan, Construction Drawings, and Maps				
10	Construction Quality Assurance Plan				
11	Manure Production and Storage/Treatment Calculations				
12	Operation and Maintenance Plan				
13	Chemical Management Plan				
14	Emergency Response Plan				
15	Sludge Management Plan				
16	Livestock Operation Closure Plan				
17	Best Management Practices for Odor Control				
SUBTOTAL (subtotal not to exceed 25 points for this section)					0

**SETBACKS/SEPARATION DISTANCES**

C Siting Relative to County Setback.		Distance			
		Yes	No	Points	Score
1	Separation meets or exceeds county setbacks, or an impact easement / distance waiver is in place. 25 points if "Yes".			25	
SUBTOTAL					0

**OTHER CONSIDERATIONS**

D Environmental and Zoning Compliance Record		Yes	No	Points	Score
1	Owner has operated a livestock feeding operation (LFO) for at least 5 years AND is in good standing with County, State or Federal enforcement agencies and have not had any violation citations during that time period.			5	
SUBTOTAL					0

E Water Quality Protection - Livestock Facilities		Yes	No	Points	Score
1	The majority of animals housed within a confinement building			2	
	For only the facility that contains the majority of manure or effluent, select any that describe the livestock waste control facility:				
2	Open lot with stockpile			0	
3	Vegetative treatment system for runoff			1	
4	Runoff containment structures			1	
5	Roofed manure containment			2	
6	Concrete-equivalent containment structure			1	
7	Clay-lined or Geomembrane-lined containment structure			0	
8	Compact concrete pens (cattle)			3	
9	Deep Pit Waste System			3	
10	Water Catchment below chickens			0	
11	Chickens with bedding laid on floor and composting facilities on site			6	
12	Hoop building systems with bedding and composting on site			3	
13	Additional storage capacity (25% or more than NDEE requirements)			3	
9	Select the smallest separation distance between any well used for domestic purposes and a Livestock Waste Control Facility:				
	0 to 99 feet			-75	
	100 to 150 feet			-10	
	151 to 300 feet			-5	
	301 feet to 1,000 feet			2	
	More than 1,000 feet			10	
SUBTOTAL (total not to exceed 10 points for this section)					0
F Odor and Dust Control for Facilities		Yes	No	Points	Score
	Check all that apply for the majority of animal confinement or manure storage:				
1	Biofilter treatment of exhaust air from fans (primarily for odor control)			3	
2	Oil/water sprinkling for dust control in animal areas			2	
3	Electrostatic/Ionization system for dust control in animal areas			2	
4	Windbreaks placed to intercept air emissions			2	
5	Solids routinely separated from liquids and:			1	
	Stockpiled for later application to land			0	
	Composted, dried and used for bedding, or equivalently treated.			4	
6	Cover on manure storage or first (settling) cell of multi-cell system			2	
7	Impermeable cover with flare or gas treatment			5	
10	Other supplemental odor reduction measures (supported by verifiable scientific data)			2	
SUBTOTAL					0

G Manure Application Practices		Yes	No	Points	Score
1	Select the primary method of manure application under normal conditions for the majority of manure applied and indicate any control practices followed for application to 50% or more of the land receiving manure:				
1a	Subsurface application (also referred to as "injection", "knifing in manure", etc.)			3	
1b	Surface-applied solids			0	
	Incorporated within 2 days of application			5	
	Incorporated within 3 to 7 days of application			2	
	Incorporated prior to planting but more than 7 days after application			1	
1c	Surface-applied slurry or effluent (excl. sprinkler irrigation)			-5	
	Application equipment discourages drift and encourages entry into soil			2	
	Incorporated within 2 days of application			3	
	Incorporated within 3 to 7 days of application			1	
1d	Sprinkler irrigation of concentrated livestock waste			-10	
1e	Sprinkler irrigation for dewatering			-3	
	Utilize drop nozzles or distribution hoses			1	
	Utilize a monitoring and alarm system			1	
	Irrigation distribution system has a complete disconnect from the water source or appropriate mechanical devices, as specified by NDEE, during application			1	
	Irrigation distribution system does NOT have a complete disconnect from the water source during application or appropriate mechanical devices, as specified by NDEE			-2	
2	Cover conditions for manure application (Indicate all that apply for the selected method and majority of land receiving manure)				
	Conservation tillage is implemented			1	
	No-till farming is implemented			2	
	Application is primarily to fields with a growing crop			1	
	Application is primarily to fields with an established crop canopy			2	
	Cover crops or additional approved erosion-control practices are used			2	
	<b>SUBTOTAL (total not to exceed 6 points for this section)</b>				0
H Manure Application Separation		Yes	No	Points	Score
1	Additional separation provided, above and beyond minimum requirements, from land application areas to closest dwelling or public place. Applies to all application areas.				
	Additional 50 to 100 feet			1	
	Additional 101 to 500 feet			2	
	Additional 501 to 1,320 feet			3	
	Additional 1,321 to 2,640 feet			4	
	Additional 2,641 feet and greater			5	
2	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any dwellings or public places			2	
3	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any surface waters			3	
4	Vegetative buffers present on 25 to 50% of natural surface drains on all application areas			1	
5	Vegetative buffers present on 51 to 100% of natural surface drains			3	
	<b>SUBTOTAL</b>				0
I Additional Assurance of Environmental Protection		Yes	No	Points	Score
1	Assurance that the following plans will be kept current, displayed and/or readily accessible on site, and included in training procedures during operation:				
	Operation and Maintenance Plan			1	
	Animal Mortality Composting Plan			1	
	Chemical Management Plan			1	
	Emergency Response Plan			1	
	BMP for Odor Control Plan			1	
	Nutrient Management Plan			1	
2	Assurance that earthen livestock waste control facilities having compacted-soil liners will be constructed to meet and be verified as having a permeability rate $\leq$ 0.125 inch/day			1	
3	Assurance that earthen livestock waste control facilities having geomembrane liners will be installed according to the construction quality assurance / quality control plan and documentation will be maintained			1	
	<b>SUBTOTAL</b>				0

<b>J Traffic</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Main entrance to livestock operation located on minimum maintenance road			-3	
2	Livestock operation has a cost-share agreement with the county for road maintenance			5	
3	Vehicle entrance and turnaround is designed so that traffic will not be required to back into the livestock operation from the county road			3	
4	Heavy vehicle route established that avoids bridges or roads with weight restrictions			3	
5	For the primary application method under normal conditions, the livestock operation can avoid county roads to apply:				
	Up to 25% of manure nutrients generated			1	
	25 to 50% of manure nutrients generated			2	
	More than 50% manure nutrients generated			3	
<b>SUBTOTAL</b>					0
<b>K Authorized Representative and Manager Residency</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Authorized representative/Manager lives or will live within one year of beginning operation:				
2	On the site or within the separation distance for LFO			5	
3	Between separation distance for LFO and 10 miles of the livestock operation			3	
4	Between 10 miles and 50 miles of the livestock operation			1	
<b>SUBTOTAL</b>					0
<b>L Neighbor - Community Communication</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Communication with 100% of the property owners within a one-mile radius			5	
<b>SUBTOTAL</b>					0
<b>M Economic Impact Factors</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Will add property value as of county permit issue date by:				
	\$50,000-\$250,000			1	
	\$250,000-500,000			2	
	\$500,000-\$1,000,000			3	
	More than \$1,000,000			4	
2	Will create the following number of new full-time or equivalent jobs:				
	1 to 3			1	
	4 to 9			2	
	10 or more			3	
<b>SUBTOTAL</b>					0
<b>N Landscape and Aesthetic Appearance</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Check all that will apply:				
	Landscaping plan will be implemented in the current or next growing season			2	
	Landscaping will include trees at least 2 years old			2	
	Landscaping will include trees less than 2 years old			0	
2	Visual barriers (i.e. fences, gating, trees) will be put in place prior to occupancy			2	
3	Animal mortality will be managed so as to not be viewable from a public road			1	
	Handling of animal mortalities will be viewable from public road			-5	
4	Site designed to facilitate clean surface water drainage away from livestock operation			2	
5	Separation distance of at least 1.5 times county required distance from centerline of frontage road to livestock facility			3	
<b>SUBTOTAL</b>					0
<b>Cumulative Points</b>					0

**Total Score (A project that reaches 75 points or above shall be granted a conditional use permit by the county) =**

**0**

**9.24.05 Application Procedures and Minimum Requirements**

1. The producer shall have a Pre-submission meeting with the Thayer County Zoning Administrator to discuss tentative plans and layouts prior to formal submission of any zoning application for an LFO.
2. The application material shall include:
  - A. A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the NDEE or any other applicable State Agency.
  - B. The applicant shall submit all pertinent materials and designs.
  - C. The applicant shall file a copy of the proposed Operation and Maintenance Plan, the proposed Manure Management Plan, and all approved NDEE plans and permits. The approved plans shall be submitted after NDEE approval. Said plans shall be filed with the Thayer County Zoning Administrator and reviewed prior to final issuance of the permit for consistency.
  - E. An annual manure management plan shall be submitted to the Thayer County Zoning Administrator which shall follow "best possible management practices" as specified by NDEE in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
  - F. If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in this Article. Said area shall also be located on the proposed site plan indicated in letter A above.
  - G. All ground surfaces within outside livestock pens shall be maintained to ensure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
  - H. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
  - I. All runoff or waste generated by an LFO facility shall be contained within the associated farming operation, or, on the premises upon which the LFO is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution and avoid surface and groundwater contamination as regulated by the State of Nebraska.
  - J. The applicant shall provide information regarding all monitoring wells to the local NRD for review and comment.
  - K. Applicant shall enter into a haul route agreement with the Thayer County Road Department.

**9.24.06 Permit Review Timeline**

1. The application, based upon the specific and absolute timeframe herein established by the County, shall be processed and decided within 90 days of the application becoming accepted as complete. However, the 90-day application processing period may be extended:
  - A. By mutual agreement between Thayer County and the applicant, or
  - B. By Thayer County's determination that the application is incomplete.
2. If Thayer County deems the application to be incomplete, the County shall notify the applicant of the incompleteness within 30 days of the initial filing.
  - A. The County shall clearly and specifically delineate in writing the missing information.
  - B. The clock shall resume when the information is provided but may be tolled again if Thayer County notifies the applicant within 10 days that the application remains incomplete.
  - C. The County shall not request new information beyond what is already required.

3. If final action is not taken within 90 days the application shall be deemed approved.
  - A. The applicant may have up to 18 months to begin construction, or request an extension from the Zoning Administrator.

#### 9.24.07 New Residential Uses/Developments near Livestock Feeding Operations

The setbacks from a new non-farm residence to an existing LFO are as shown in the following table.

**Table 9.24.07 Non-Farm Residence Spacing and Distance**

	SIZE OF EXISTING AGRICULTURAL OPERATION AND/OR LFO IN A.U.					
	100-300	301-1,000	1,001-2,500	2,501 – 5,000	5,001-10,000	10,000+
<b>New Non-Farm Residence</b>	½ mile	½ mile	¾ mile	1 mile	1 ¼ mile	1 ½ mile

#### 9.24.08 Exceptions

1. Any Class I Livestock Feeding Operation use in existence as of the effective date of these Regulations, and which is located within the minimum spacing distance in Table 9.24.02 to any church, school, public use, other LFO or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area following the requiring permitting process, provided the proposed expansion complies with **all** of the following limitations:
  - A. Such expansion will not decrease the distance from the LFO use to any church, school, public use, other LFO or single-family dwelling not of the same ownership and not on the same premises with said LFO which is less than the minimum prescribed spacing distance.
  - B. Any physical expansion of the existing LFO shall be immediately contiguous with the facilities of the existing LFO.
  - C. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in an LFO that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a Conditional Use Permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the County Board of Commissioners.
  - D. If such expansion results in such LFO being required to obtain a new construction permit from NDEE, introduction of additional animals shall be prohibited until said permit is issued by NDEE or other applicable or successor agency has been issued and such LFO shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this Resolution.

#### 9.24.09 Impact Easements

1. The owner of a proposed new or expanded LFO requesting to build closer than allowed in Table 9.24.02 shall be required to obtain an Impact Easement from any operations and/or other uses within the required separation distance, and shall be held to the minimum conditions, as well as any others agreed upon by both parties;
  - A. An owner or owners of an existing LFO or residence and associated facilities that will be encroached upon may be allowed to expand in the future even though the expansion may encroach into their required separation distances.
  - B. Such minimum distance shall be measured from the nearest point of the area used or approved under this Resolution for the animal feeding or waste handling use, to such dwelling.

- C. Application of waste which is in solid form to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.
- 2. The owner of a proposed dwelling unit requesting to build closer than allowed in Table 9.24.07 shall be required to obtain an Impact Easement from the LFO owner within the required separation distance, and shall be held to the minimum conditions, as well as any others agreed upon by both parties.
  - A. The owner(s) of an existing LFO and associated facilities that will be encroached upon may be allowed to expand the operation and facilities in the future even though the expansion may encroach into their required separation distances.
  - B. Such minimum distance shall be measured from the nearest point of the area used or approved under this Regulation for the animal feeding or waste handling use, to such dwelling.
  - C. Application of waste which is in solid form to the surface of the land, application of composted waste, or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.

## Section 9.25 Manure Regulations

### 9.25.01 Composting of Manure

1. These regulations shall provide direction for the composting of manure to encourage the activity, while minimizing adverse impacts to people and property.
2. **Manure Conversions**
  - One animal unit (AU) produces approximately 55 lbs. of dry manure per day
  - One cubic foot of manure = 62 lbs. wet or 55 lbs. dry
  - One AU = one cubic foot of dry manure
  - One cubic yard = 27 cubic feet
  - One cubic yard of dry manure = approximately 1500 lbs. dry manure
  - 10,000 cubic yards of dry manure = the yearly dry manure production from 750 AU
  - 20,000 cubic yards of dry manure = the yearly dry manure production from 1500 AU
3. **Off-site Class Size Equivalents**
  - Class I = 4,000 cubic yards, up to 13,000 cubic yards
  - Class II = greater than Class I up to 67,000 cubic yards
  - Class III = greater than Class II up to 268,000 cubic yards
  - Class IV – greater than Class III
4. **Composting Setback Requirements**  
Composting setbacks shall be defined by Class Size.
  - The composting location may be closer than the defined setback to the owner's residence.
  - Setbacks may be reduced with impact easements as provided in Section 9.24 above.

**TABLE 9.25.01: Composting Setbacks**

Operation Size*	Setback (miles)
Class I	0.5
Class II	1.0
Class III	1.25
Class IV	1.5
Class V or larger	2.0

\* As specified in Sections 9.24.02 or 9.25.01 (3) above.

### 5. Composting Operations Requirements

Manure composting shall be a part of the livestock operations manure management plan as approved by NDEE.

### 9.25.02 Stockpiling of Manure

1. These regulations shall provide direction for the stockpiling of manure to encourage the activity, while minimizing adverse impacts to people and property.
2. **Manure Stockpiling Requirements**
  - A. Compost or raw manure stockpiling shall be part of a manure management plan.
  - B. Any product stockpiled must be used within an 8-month period.

**9.25.03 Paunch Manure**

1. It is hereby found and declared that unsanitary disposal of paunch manure creates health and sanitary hazards, promotes the breeding of vermin, flies, and other pests, pollutes water and atmosphere, produces noxious odors and is an affront to the aesthetic values of the citizens of Thayer County. It is further found and declared that the elimination of open disposal of paunch manure and the prevention of health, sanitation, and aesthetic nuisances in the future is in the best interests of the citizens of Thayer County and the State of Nebraska; and that the accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this Regulation. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that this regulation be liberally construed to effectuate the purposes as stated herein.

**2. Definitions**

For the purpose of this Regulation, certain terms and words are defined as set forth in this Section. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular shall include the plural; unless the natural construction of the wording indicates otherwise.

**Applicant:** Any person who owns or is in possession of real property upon which paunch manure is proposed to be disposed.

**Application Site:** The property upon which paunch manure is to be disposed.

**Dispose:** To apply, dump, leave, place, unload, or otherwise get rid of.

**Generator:** Any person whose act or process produces paunch manure.

**Incorporate into the Soil:** To work a material into the surface of the soil by plowing, disking, or other means.

**Paunch Manure:** Partially digested material taken from an animal at the time of slaughter.

**Person:** Any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality, governmental subdivision, or organization of any kind.

**Storage:** The temporary holding or leaving of a material in a location or position other than where it will ultimately reside or be used.

**3. Permits**

- A. It shall be unlawful for any person to use any land, premises, or property in Thayer County for the storage and disposal of any paunch manure without first making application for and securing a required permit to do so. The permit shall be issued by the Board of Commissioners pursuant to procedures in the Thayer County Zoning Regulations.
- B. The application shall include, but not be limited to, the following:
  - 1) The name, address, telephone number, and ownership status of the generator of the paunch manure.
  - 2) The name, address, and telephone number of the person who will be disposing paunch manure.
  - 3) The name, address, and telephone number of the owner of the paunch manure application site.
  - 4) The legal description of the paunch manure application site.
  - 5) The current and future use of the proposed application site.
  - 6) The type of vehicles or facilities used to transport paunch manure to the application site.
  - 7) A description of the method of disposal and storage of paunch manure at the application site. If storage or disposal facilities are to be utilized, engineering plans and specifications must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Thayer County Board of Commissioners.
  - 8) A description of the method of application of paunch manure.
  - 9) A description of the method of incorporating paunch manure into the soil.

- 10) A topographic map of the application and storage site(s) which shall include:
  - a) The locations and names of neighboring home sites or farmsteads and adjacent land owned by others.
  - b) The location of wells within 500 feet of the application site boundary.
  - c) The specific location(s) of proposed storage site(s).
- 11) Submit a soil analysis of the application site, which analysis shall include:
  - a) pH
  - b) Soil Cation Exchange Capacity
  - c) Heavy metals
  - d) Nitrogen
  - e) Water Table Evaluation
  - f) Percolation tests

**4. Conditions for Disposal**

No person shall permit the unloading, dumping, or other disposal of any paunch manure at any place except a licensed and permitted application site. This shall not prohibit a person from disposing of paunch manure from his own animals or household upon his own land as long as such disposal does not create a nuisance or hazard to health of others.

**5. Regulations**

The following regulations shall be the minimum regulations observed by any person to whom a permit is granted for the disposal of paunch manure. These regulations shall govern the disposal, storage, and incorporation of paunch manure in Thayer County and any failure to fully comply with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.

- A. Paunch manure will not be disposed of in the county unless it has 65 percent or less moisture content, unless otherwise permitted by the Thayer County Board of Commissioners.
- B. During the months of March through November, all paunch manure that is land applied shall be incorporated into the soil within 24 hours of the application. If the paunch manure cannot be incorporated into the soil within such 24-hour period, it shall not be land applied.
- C. Paunch manure shall not be land applied within 500 feet of an inhabited residence, business or facility or land frequented by the public (excluding business, facility, residence or residences of owner or applicator).
- D. Storage of paunch manure shall comply with recommended Nebraska Department of Environmental and Energy guidelines.
- E. A comment letter from the County Highway Superintendent.

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**Section 9.26 Kennels****9.26.01 Separation Distance**

1. Any kennel shall be located at least one-half (1/2) mile from any undeveloped lot of record less than twenty acres in area, school, church, public use area, or dwelling unit not on the same lot of record.
  - A. Measurement of this distance shall be from the point of the kennel structure or kennel runs nearest such facility and the nearest wall of a school, church, or dwelling, or the nearest boundary of a lot of record less than twenty acres in area or public use area.
2. The Board may waive the minimum separation distance with the Conditional Use Permit, when the applicant can demonstrate the animals kenneled will present no or very limited noise or other impacts on adjoining properties.

**9.26.02 Disposal of waste.** Disposal of dead animals, animal waste, bedding, and other waste material shall be in accordance with the requirements of the Nebraska Department of Agriculture and Nebraska Department of Environment and Energy.

**9.26.03 License.** The owner of any kennel shall have a license/permit for a kennel as required by the State of Nebraska.

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**Section 9.27 Grain Bin Placement****9.27.01 Purpose**

The National Electrical Safety Code (NESC) specifies horizontal and vertical line clearance requirements for grain bins located close to power lines. If the required distance is not met, either the power line or the grain bin must be moved.

**9.27.02** For a grain bin or building used for grain storage which requires filling by use of a portable auger, elevator or conveyor or requires overhead probing of stored grain, the minimum setback from any existing primary voltage electric power distribution line owned and maintained by a public utility shall be equal to the height of the highest filling or probing opening on such bin or building plus eighteen (18) feet, or the distance prescribed in Section 234 of the latest published edition of the National Electrical Safety Code, whichever is greater.

## Section 9.28 Sanitary Landfill Regulations

### 9.28.01 Purpose

It is hereby found and declared that unsanitary disposal of garbage and refuse creates health and sanitary hazards, promotes the breeding of rats, flies and other vermin, pollutes water and the atmosphere, produces noxious odors and insults the aesthetic values of the citizens of Thayer County. It is hereby further found and declared that the elimination of open dumps and the prevention of health, sanitation and aesthetic nuisances in the future is in the best interests of the citizens of the county and the State of Nebraska; and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Regulation. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that the Regulation be liberally construed to effectuate the purposes as stated herein.

### 9.28.02 Definitions

For the purpose of this Regulation, certain terms and words are herewith defined, as set forth in this Regulation. All words used in the present tense shall include the future tense, all words in the plural number shall include the singular number and all words in the singular number shall include the plural number; unless the natural construction of the wording indicates otherwise.

**Applicant:** Individuals, firms, corporations or any political subdivisions of the State including any governmental authority created by statute.

**Department:** The Nebraska Department of Environmental and Energy.

**Garbage:** Rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and dead animals rejected by rendering plants.

**Junk:** Old 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; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.

**Person:** Any person, firm, partnership, association, corporation, company or organization of any kind.

**Rubbish:** Nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.

**Refuse:** Putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and industrial wastes; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.

**Sanitary Landfill:** A type of operation in which garbage, rubbish, and refuse or garbage, rubbish, or refuse is deposited by plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to twelve inches over individual cells of garbage and refuse or garbage or refuse, which are closed at the end of each day, and to a depth of at least four feet over the finished landfill.

#### **9.28.03 Landfill Permits**

It shall be unlawful for any person to use any land, premises or property within Thayer County for the disposal of any garbage, rubbish, and refuse, or garbage, rubbish, or refuse without first making application to the County.

The application to operate a sanitary landfill shall be filed with the Thayer County Planning and Zoning and shall contain:

1. A description and plat of the land on which the disposal of garbage and refuse or garbage or refuse is proposed
2. A description of the sequence and plan of operation
3. Type and capacity of equipment to be used for operations
4. Plans for fire, nuisance and vermin control
5. Existing and proposed roadways and easements
6. Existing topography and water courses
7. A diagram and written statement explaining the proposed location and extent of earthwork and fill operations
8. Proposed measures to control storm drainage and estimated daily or weekly volume of garbage and refuse, or garbage or refuse to be placed in the sanitary landfill
9. Subsoil data including percolation tests, ground water, and soil types.

No permit to operate a sanitary landfill will be issued, unless the applicant has first complied with the requirements of the Nebraska Department of Environmental and Energy (NDEE) and the applicable sections of the Nebraska State Statutes, Sections 13-1701 through 13-1714.

Any permit to operate a sanitary landfill will become null and void whenever the Nebraska Department of Environmental and Energy revokes a license or does not renew a license.

#### **9.28.04 Disposal Conditions**

No person shall dump or otherwise dispose of any refuse, garbage, junk, or rubbish at any place except a licensed and permitted sanitary landfill area; however, this does not prohibit a person from disposing of refuse and rubbish from his own household upon his own land as long as such disposal does not create a nuisance or hazard to health or others; and provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved permit shall be exempt from the requirements of this Section.

The following conditions shall be agreed to by the operator/owner:

1. That the permittee, his agents and servants, will comply with all of the terms, conditions, provisions, requirements and specifications contained in these regulations.
2. That the permittee, his agents and servants, will faithfully operate the sanitary landfill for which the permit is issued in accordance with the provisions of these Regulations.
3. That the permittee, his agents and servants, will save harmless Thayer County from any expense incurred through the failure of the permittee, his agents and servants, to operate and maintain the sanitary landfill as required by these Regulations, including any expense Thayer County may be put to for correcting any condition or violation of these Regulations by Thayer County's own labor and equipment whenever the Board of Commissioners determines it is necessary for the County to correct any unsanitary condition or conditions that violate of these Regulations or from any damages growing out of the negligence of the permittee or his agents or servants.

4. That the permittee and his agents, as further assurance for the operation of the sanitary landfill, shall provide therein, that in the event, the permittee fails to comply and fails to operate the sanitary landfill within the terms, requirements, and conditions of these Regulations for any period of time, the Thayer County Board of Commissioners may then, upon resolution, have the right to have hired the necessary equipment and labor to adequately bring the landfill operation to a satisfactory closing.

**9.28.05 Physical Improvements**

The following physical improvements shall be made before a sanitary landfill site is approved for operation:

1. The property shall be fenced as shown on approved plans for application with an entrance gate that can be locked. A temporary inner fence shall be installed bordering all active areas of landfill areas to reasonably control or to stop blowing paper and other materials.
2. Operating procedures and time schedules shall be clearly listed on signs posted at the site entrance.
3. Where employees or personnel will be on duty for more than four consecutive hours, convenient sheltered toilet facilities shall be provided.

**9.28.06 Regulations**

The following regulations shall be observed by any person, firm or corporation to whom a permit is granted for the operation of a sanitary landfill. These regulations shall govern the operation of all sanitary landfills in Thayer County and any failure to observe these regulations shall be sufficient grounds for suspension or revocation of the permit as hereinafter provided.

1. All garbage and other refuse accepted by the permit holder shall be thoroughly compacted by equipment of a size and weight capable of carrying out all necessary operations. Sufficient auxiliary equipment shall be available on the site or otherwise available to permit operation in case of equipment breakdown.
2. Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two feet prior to its compaction.
3. The area of the landfill shall be policed as necessary to prevent fire and smoke and to collect all scattered materials; shall be neat and orderly at all times and shall be covered at the end of each day's operation, as well as when wind conditions warrant it through the day, with sufficient material to prevent blowing litter, fly and rodent attraction and breeding, release of odor, fire hazard, and unsightly appearance.
4. A minimum depth of 12 inches of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill shall be covered at the end of each day's operation, with cover material.
5. When the fill has been brought up to four feet below the desired finished grade, it shall be covered with compacted cover material for a minimum depth of four feet, graded and seeded in such a manner as to prevent erosion. The finally graded and seeded finished surface of the fill shall be maintained at final grade free from erosion and in a well seeded manner for a period of two years after filling operations have been completed.
6. Where the trench system of sanitary landfill is used, successive parallel trenches must be at least two feet apart.
7. Where the landfill operation is conducted in a ravine, the sides of the ravine shall be terraced prior to landfilling if the slope of the sides of the ravine is 1:1 or greater.
8. In the event that refuse material exists on the site at the time the permit is issued, whether in the form of an open dump or any other form, such refuse material shall be collected, compacted, and covered with cover material at least four feet in depth at the finished grade or with at least six inches of cover material on areas in which landfilling operations will be conducted. This cover operation shall be completed within 15 working days after the issuance of a permit for the sanitary landfill, unless some other period of time is specified in the permit.
9. Access roads to the disposal area shall be maintained and surfaced so as to be negotiable by trucks and other motor vehicles at all reasonable times.
10. The salvage or scavenging of materials from the landfill is prohibited.
11. The burning of garbage and refuse, or garbage or refuse, on the landfill site is prohibited.

12. No landfill operations shall be conducted so that fill will be placed in streambeds or other areas where streams would be obstructed or where erosion by the stream would remove cover material. There shall be no seepage or drainage of any material from the fill of such a nature as would constitute an odor nuisance or health hazard, or pollute any water course or underground water aquifer.
13. The permittee shall provide surface drainage facilities on the landfill site which will permit the drainage of storm water. The existence of standing pools of water on the finished face of the landfill six hours after the last precipitation shall constitute evidence of inadequate surface drainage.
14. The permittee shall take such measures as are necessary to control dust.
15. Deposition of liquids and hazardous material, contaminated or polluted liquids or hazardous substance shall be deposited only after receiving approval from the Nebraska Department of Environmental and Energy as to such time and such location with the immediate coverage.
16. Other reasonable measures shall be taken to control insects and rodents.
17. Noncombustible and non-putrescible waste such as cinders, broken paving or materials resulting from construction or demolition work may be deposited in the landfill provided such materials shall be leveled and spread at sufficient intervals to prevent unsightly appearance or rodent harborage and shall be covered as required for a completed sanitary landfill; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.
18. The discharging of firearms is prohibited.
19. Before any site is abandoned, all exposed refuse shall be covered with a layer of suitable cover material, to minimum compacted depth of four feet. The site otherwise shall be left in a reasonably neat condition so as not to offend adjacent property owners and incite opposition to the establishment of new sites.
20. A comment letter from the County Highway Superintendent.

#### **9.28.07 Enforcement - Permit Suspension and Revocation**

The officers responsible for the enforcement of the provisions of this Regulation shall be the Planning Administrator, County Sheriff and Building Inspector, or other designees as set by the Board of Commissioners.

The officers will notify in writing any permit holder who is violating the provisions of this Section, or of the Zoning Regulations, of the specific manner in which the Regulations are being violated. Unless said violation is corrected within a reasonable time after notice is received in writing to the permit holder, the officers shall notify the County Board of Commissioners in writing stating the non-compliance or violation. In the event the permit holder refuses to correct the violations within 24 hours after notice in writing by the officers, as directed by the Board of Commissioners, the Board of Commissioners may, in the interest of public health, direct Thayer County either with the equipment and employees of the permit holder or with equipment and employees of Thayer County to do such work as is necessary to correct any condition violating this Regulation, and which, if left uncorrected may be hazardous to the public health. The cost to Thayer County of correcting such conditions shall be incurred against the permit holder who shall be required to pay all costs and expenses of Thayer County in correcting said conditions or the County may use the cash or performance bond to pay the incurred expenses. The County Board of Commissioners may, after the permit holder is given an opportunity for a hearing, revoke the permit for the violation of any of the provisions of this Regulation.

#### **9.28.08 Permit Reinstatement**

Whenever any sanitary landfill permit provided for in this Regulation has been revoked, a request for reinstatement shall be treated the same as the initial CUP application.

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**Section 9.29 Waste Disposal Sites**

- 9.29.01 A permit may be granted for any waste material disposal, composting site, garbage disposal, or land fill operations in the designated zoning district; provided the following criteria shall be considered (among others determined appropriate/relevant by the County):
1. The effects on the adjacent property and traffic
  2. The public necessity and advantage
  3. The maintenance of access routes related to all weather conditions and droppings of rubbish and litter.
  4. The effects on underground water quality
  5. The immediate and long-term effects on the environment and the public
  6. The concerns for public safety
  7. The application shall include documents to indicate conformance to all applicable governmental regulations and standards.
  8. The application shall include affidavits or permits from the US Environmental Protection Agency and/or the Nebraska Department of Environment and Energy, in the event approval is required by these agencies.

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**Section 9.30 Above ground Storage Tanks (AST)**

- 9.30.01 All above ground storage tanks (AST) shall comply with the following requirements.
1. All Commercial AST's shall be on a minimum site of 1 acre of land.
  2. All Commercial AST's shall comply with all requirement of the Nebraska State Fire Marshal's office. Proof of said compliance is required prior to operating said location.
  3. All Commercial AST's shall have the proper containment cells as required by NDEE and EPA. Proof of said compliance is required prior to operating said location.
  4. All Commercial AST's shall be set back a minimum of 100 feet from any right-of-way.
  5. All Commercial AST's shall have a minimum separation distance of 300 feet from any structure not on the applicant's property or development.
  6. All Commercial AST's shall have their own separate and distinct ingress and egress points to the site.
  7. A Commercial AST that is established as a fuel or fertilizer depot may be required to have more than one point of ingress and egress.
  8. All entry points shall be reviewed and signed off on, as to location, by the County Highway Superintendent in the case of a county road or NDOT in the case of a state or federal highway. Proof of said compliance is required prior to operating said location.
  9. All Commercial AST's shall provide specific list and data to the county and the local fire departments regarding the materials stored on the site.
  10. A Commercial AST that is established as a fuel or fertilizer depot may be required to conduct a traffic study to determine traffic impacts of the site on the surrounding transportation system.

## **Section 9.31 Special Events Requirements**

### **9.31.01 Intent**

These requirements are focused on special events that typically do not fall into specific criteria and are temporary in nature, yet exceed the provisions of Section 4.12 for temporary uses. These events may include large numbers of people as well as vehicular traffic (including recreational vehicles). These events are limited uses in the nature of an amusement or attraction. Contemplated uses of this nature are:

1. Tractor pulls; races
2. Fundraising events
3. Festivals; concerts;
4. Motorcycle or similar rallies;
5. Fireworks displays
6. Sports events

### **9.31.02 Procedure**

1. The Zoning Administrator, if he/she determines that the use is a one time, occasional, or annual event, under the control of a reliable sponsor, may approve an application for a Special Events Zoning Permit to allow the activity to proceed.
2. Any Special Event where alcoholic beverages will be sold, allowed and/or consumed shall require an additional approval, liquor license, by the County Board of Commissioners, following all prescribed procedures for said permit.
3. If the Zoning Administrator determines that the use will be conducted occasionally (as opposed to a single event), or that the activity is likely to be associated with site impacts (traffic, dust, noise and activity), he/she shall refer the matter to the Planning Commission and County Board of Commissioners as a Conditional Use.
4. The Planning Commission and County Board of Commissioners, after an examination of all facts and circumstances, and the imposition of appropriate conditions, may allow the use on a temporary, occasional, or recurring conditional basis.

### **9.31.03 Permit Requirements**

1. Special Events Permit requirements shall include, but are not limited to:
  - A. Establish appropriate time limits for operation, if necessary.
  - B. Establish necessary mitigation procedures that will need to be undertaken to minimize traffic impacts.
  - C. Establish the number of times the activity may operate.
  - D. Establish the beginning and ending dates of said Special Event.
  - E. Access
  - F. Set conditions as operating principles, including the advice and approval of the Thayer County Emergency Manager.
  - G. Incorporate rules and conditions established by the Nebraska State Fire Marshal, the Nebraska Liquor Commission, Nebraska State Patrol or other Nebraska state agency and any resolutions established by Thayer County.
2. The Special Permit is a license to operate an activity. It may be revoked for failure to operate within the established conditions and shall not run from operator to operator.
3. The Permit shall be signed by both the property owner and the operator.
4. Any Permit approved by the Planning Commission and County Board of Commissioners shall also be countersigned by the Zoning Administrator.

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## ARTICLE 10: RENEWABLE ENERGY

### Section 10.01 Intent

It is the intent of this article to provide for the orderly development of renewable energy generation facilities in conformance with the *Thayer County Comprehensive Plan*, while ensuring adequate protection of public health, safety, and welfare.

### 10.01.02 Definitions

The following are defined for the specific use of this article.

**Abandon** shall mean, for purposes of this section, failure to have a power purchase agreement in place for 90 days and decommissioning has not commenced, or a turbine has not been actively generating and selling power for 365 days. See Section 10.03.09 and 10.04.06(5) following.

**Accessory Solar Energy Systems** shall mean any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

**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.

**ADLS Lighting System** shall mean an Aircraft Detection Lighting System (ADLS) which provides reliable, continuous 360-degree radar surveillance of the airspace around sites and automatically activates obstruction lighting only when aircraft is detected within outer perimeter area.

**Battery Energy Storage Systems** (BESS) are devices that enable energy to be stored and then released when the power is needed, not including standard car batteries.

**Bond, Collateral** shall mean, for purposes of this section, an indemnity agreement for a fixed amount, payable to Thayer County, executed by the owner and supported by the deposit with Thayer County of cash, negotiable bonds of the United States (not treasury certificates), state or municipalities, negotiable certificates of deposit or an irrevocable letter of credit.

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

**Commenced Commercial Operation** shall mean, for purposes of this section, the signed date on the turbine completion certification for the turbine whose capacity first brings the wind generation facility's cumulative generating capacity to 100 kW or more.

**Concentrated Solar Power** shall mean a solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

**Decommission/Decommissioning** shall mean, for purposes of this section:

- (a) the removal of aboveground wind turbine tower(s) after the end of a wind generation facility's useful life or abandonment;
- (b) except as provided in rule, the removal of all buildings, cabling, electrical components, roads, or any other associated facilities; and
- (c) except as provided in rule, reclamation of all surface lands to the previous grade and to comparable productivity in order to prevent adverse hydrological effects.

**Electric Utility** shall mean the public electric utility providing retail service to a given area.

**Escrow, Cash** shall mean a dedicated account of moneys delivered by the grantor, promisor, or obligor into the hands of the Thayer County Board of Commissioners, to be held by the latter until performance of a condition of these regulations and/or permit approval.

**Expansion** shall mean, for purposes of this section, the addition of one or more additional wind turbines, or larger size/capacity of wind turbines, to operation of a wind generation facility after approval of a permit by the Thayer County Board. Repowering is considered expansion when meeting these criteria.

**Facility, WECS** shall mean, for purposes of this section, any place, amenity, or piece of equipment provided for a particular purpose in support of wind energy development.

**Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure, as certified by a Professional Engineer.

**Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

**Infrastructure, WECS** shall mean, for purposes of this section, the physical structures, and facilities (e.g. buildings, roads, towers, power supplies, transformers, etc.) needed for the operation of the WECS enterprise.

**Inhabitable Dwelling** shall mean, for purposes of this section, a structure or part of a structure used as a home, residence, or sleeping place by a person maintaining a household or by two or more persons maintaining a common household, but does not include outbuildings, yard areas, or other land associated with the structure.

**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.

**Micro-Wind Energy Conversion System** shall mean a wind energy conversion system (WECS) of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

**Net Excess Generation** shall mean, on an ISCS, the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period.

**Net Metering** shall mean a system of metering electricity in which a local distribution utility buys excess power from customer-generator facilities with a rated capacity at or below twenty-five kilowatts.

**Owner, Project** shall mean, for purposes of this section, a person(s) or entity who owns panels, turbines, towers, and/or other components of a solar or wind energy conversion system.

**Non-participating Landowner** shall mean an individual or group of individuals not involved in the overall project via land leases and other such means who may or may not be impacted by the Solar or WECS project.

**Participating Landowner** shall mean individual or group of individuals involved directly or indirectly in an overall project via land lease and or other such means.

**Person** shall mean, for purposes of this section, any individual, firm, partnership, company, association, corporation, city, town, or local governmental entity or any other state, federal, or private entity, whether organized for profit or not.

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

**Repowering** shall mean the combined activity of dismantling or refurbishing existing renewable energy facilities and commissioning new ones. Any change from approved permits shall require amended or new permits from Thayer County.

**Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.

**Shadow Flicker** shall mean the visual strobe-like effect that occurs when the rotating blades of wind turbines cast repeating shadows.

**Solar Access** shall mean the ability to receive sunlight across real property for any solar energy device.

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

**Solar Conversion System (SCS)** shall mean an assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

**Solar Conversion System, Commercial** shall mean a commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

**Solar Conversion System, Ground-Mounted** shall mean any SCS which is directly supported and attached to the ground.

**Solar Conversion System, Individual** shall mean an individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

**Solar Conversion System, Neighborhood** shall mean a neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

**Solar Skyspace** shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.



Example of a Solar Conversion System, Ground-mounted



Example of a, Structure-mounted Solar System

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.

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

**Solar Oriented Subdivision** shall mean a subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

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

**Standby Letter of Credit** (SBLC) shall mean a guarantee made by a bank on behalf of a client, which ensures payment will be made even if their client cannot fulfil the payment; it is a payment of last resort from the bank, and ideally, is never meant to be used.

**Structurally-mounted System** shall mean an energy production system designed to be mounted on a building, including residential dwellings.

**Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 kV) 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 (WECS).

**Tower** shall mean the vertical structures that support electrical, rotor blades, or meteorological equipment.

**Tower Height** shall mean the height above grade of the first fixed portion of a wind turbine tower.

**Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**Wind Energy Conversion System** (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid; also known as a "Wind Farm".

**Wind Farm**—See WECS.

**Wind Generation Facility**—See WECS.

**Wind Turbine** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

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## **Section 10.02 Small Wind Energy Systems (WECS)**

### **10.02.01 Purpose and Findings**

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. Thayer County finds that wind energy is an abundant, renewable energy resource. The County, through this regulation, will permit small wind energy systems for individual "Net Metering" use.

### **10.02.02 Definitions** See Section 10.01.02 above.

### **10.02.03 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 of ½ acre to one acre the tower height shall be limited to 80 feet.
  - B. For property of one acre or more, the maximum tower height cannot exceed 100Ft, except as imposed by FAA regulations.
2. Noise
  - A. Small wind energy systems shall not exceed 40 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 (AWEA).

4. Compliance with Building and Zoning Codes
  - A. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
  - B. An engineering analysis of the tower showing compliance with the official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted. The manufacturer frequently supplies this analysis. 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. 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. All towers shall adhere to the setbacks established in the following table (most restrictive shall apply):

	Wind Turbine – Small WECS
Property Lines	One times the total height
Distance between multiple units	One times the total height
Road Rights-of-Way	One times the tower height
Road Easements*	One times the tower height
Public conservation land	NA
Wetlands and Rivers as identified by the National Wetlands Inventory	NA

N/A – not applicable

## Section 10.03 Commercial/Utility Scale Wind Energy Conversion Systems (WECS)

### 10.03.01 Purpose and Findings

In order to balance the need for clean, renewable energy resources with the protection of the health, safety, and welfare of the residents of Thayer County, Nebraska, the County finds these regulations are necessary in order to ensure that wind energy conversion systems (WECS) are appropriately designed, sited and installed. These regulations pertaining to all wind energy conversion systems are intended to respond to equipment available at the time of adoption. Thayer County recognizes that this is an emerging technology and that new means of collecting wind energy, including but not limited to vertical axis wind turbine generators are under development. Accordingly, these standards will be reviewed and may be amended as technology advances.

### 10.03.02 Definitions: See Section 10.01.02 above.

### 10.03.03 Application Requirements

Commercial/Utility Scale wind energy systems (WECS) shall be permitted as a conditional use within any district where the use is listed and allowed in **Section 5.06**. A Meteorological Tower may be approved separately from an aggregated Wind Farm application. The following requirements and information shall be met and supplied:

1. The name(s) and contact information of project applicant and project owner(s).
2. The legal description and address of the project.
3. Narrative: A description of the project including number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines, and means of interconnecting with the electrical grid.
  - A. Include the name of turbine manufacturers and models, and BESS specifications if any.
  - B. Provide point of contact for general contractor (when selected)
4. Site layout plan(s):
  - A. The site plan(s) shall be drawn so that North is to the top, and include:
    - 1) Legal description, including tax identification/parcel numbers,
    - 2) Location of property lines and setbacks,
    - 3) Location of wind turbine towers, indicating the location, height, and distance to nearest existing or proposed structures and property lines,
    - 4) Direction of prevailing winds,
    - 5) Electrical grid, including one-line diagram of the interconnection,
    - 6) Location of all underground structures including septic tanks and wells,
    - 7) Easements, right-of-way (names included), building locations, setback lines, and overhead utilities lines on project property,
    - 8) Proposed road access points,
    - 9) Related accessory structures including any proposed battery systems.
  - B. The site plan shall show adjacent property and structures, noting existing structures, land use and zoning designations, to extent of required setbacks.
  - C. The latitude and longitude of individual wind turbines shall be noted.
  - D. Site layout shall be drawn to scale, stamped and sealed by a Professional Engineer or Licensed Surveyor authorized and certified to do business in Nebraska.
5. A USGS topographical map, or maps, showing:
  - A. Any other WECS or turbines within 1 mile of the proposed WECS facility;
  - B. Location of all known Communication Towers within two miles of the proposed WECS facility
  - C. Location of water bodies, waterways, wetlands, historic sites, parks, and wildlife management areas within two miles of the proposed WECS facility.
6. Description of potential impacts on nearby WECS facilities and wind resources on adjacent properties.

7. Documentation required by **Section 10.03.07** below of:
  - A. Land ownership and/or legal control of the property.
  - B. Easement agreements.
  - C. Copies of required federal permits and notifications
8. Acoustical and Infrasound Analysis certifying the noise requirements in this regulation can be met, conducted by an INCE -USA board certified Noise Control Engineer. authorized and certified to do business in Nebraska.
9. Shadow Flicker Analysis required by **Section 10.03.07(8)** below.
10. Professional Engineer's certification required by **Section 10.03.07(10)** below.
11. Road Reports required by **Section 10.03.08** below.
12. Decommissioning Plan including proposed financial guarantee, as required by **Section 10.03.09** below.
13. The CWECS operator shall procure and maintain a current insurance policy (that) will cover liability, installation, operation, and any possible damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility. The amount of said policy shall be established as a condition of approval. The CWECS shall be warranted against any system failures reasonably expected in severe weather operation conditions. Annual proof of such insurance shall be provided to the County Board of Commissioners.
14. Escrow Account for Compliance
  - A. Applicant shall be required to fund an escrow account for investigation of complaints for but not limited to, shadow flicker, stray voltage, noise, and signal interference, with the amount of funds to be set at the discretion of the Thayer County Board of Commissioners.
  - B. When the escrow account balance is below \$5,000, Thayer County shall notify the Applicant. The Applicant shall replenish within 45 days of the notification.
  - C. When a complaint is filed regarding a violation of items listed in item A. of this section, the process shall start with a written complaint to the Zoning Administrator specifying the complaint subject(s). The Zoning Administrator has 30 days from the date the complaint is submitted to investigate the matter, or hire someone to investigate if special equipment is needed, and issue a written report to the complainant and the Board of Commissioners. If there is no violation found by the Zoning Administrator, the complainant has 30 days to hire an independent source qualified to investigate and submit a finding. If not done so, the complaint is deemed waived, and the complainant may not file another complaint for 6 months. Should a violation be determined by the Zoning Administrator or an independent source, the owner/operator of the CWECS has 30 days to remedy the matter or the tower will be shut down. If no action is taken by the Zoning Administrator or the Board of Commissioners within 60 days from the date of complaint, the complainant may file suit to force action to be taken by the County.

#### **10.03.04 Aggregated Projects**

1. Aggregated projects may jointly submit a single Wind Farm application with multiple WECS and supporting equipment, and be reviewed under joint proceedings, including notices, public hearings, reviews, and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as if on the same parcel.
4. The Zoning Administrator's substantive review may take at least 90 days before a public hearing is scheduled, to allow sufficient time for technical analysis and public process.

**10.03.05 Performance Standards**

All WECS facilities shall adhere to the following performance standards:

1. **Site Area:** Located on a lot or parcel of at least 10 acres in size.
2. **Noise:** No commercial/utility WECS shall exceed 40 dBA at the nearest inhabitable dwelling.
  - A. Noise may exceed 40 dBA during periods of severe weather as designated by the US Weather Service.
3. **Height Requirement:** No Commercial WECS may exceed **650 ft above ground level** in total height.
4. **Monopole:** All wind turbines which are a part of a commercial/utility WECS shall be installed with a tubular, monopole type tower.
5. **Clearance:** Rotor blades or airfoils must maintain a minimum of 30 feet of clearance between their lowest point and the ground.
6. **Color and finish:** All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
  - A. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
7. **Lighting:** Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the Federal Aviation Administration (FAA) permits and regulations.
  - A. All CWECS projects, which require notice to the FAA via 14CFR, Part 77 obstruction evaluation process, will be required by Thayer County to submit to the FAA a request for Aircraft Detection Lighting System (ADLS) Marking and Lighting (M&L) Study.
    - 1) Upon completion of the M&L Study, the ADLS shall be installed, commissioned, and maintained to the extent allowed by the FAA. ADLS shall be operational within 12 months of the start of construction.
    - 2) If ADLS system is not operational within 12 months, as required by subsection 7.A(1) above, the Conditional Use Permit shall be considered immediately revoked, in accordance with procedures in Article 6 of this regulation. Any construction shall cease and a new CUP application will be required for the entire project.
  - B. Lighting should be positioned or shielded to avoid visual impact to neighboring properties to the extent possible conforming to FAA rules. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
8. **Feeder Lines:** All electrical lines equal to or less than 34.5 kV in capacity installed as part of a WECS shall be buried at least six feet below finished grade, unless proven infeasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
9. **Ownership notice:** The owner of record of any WECS shall notify the Thayer County Zoning Administrator of any subsequent change of ownership within 30 days.

**10.03.06 Setbacks**

1. All towers shall adhere to the setbacks established in the following table (the most restrictive shall apply):

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Participating Landowner Property Line	1.1 x total unit height	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or a distance equal to total height.
Distance between multiple units	1.1 x total unit height	Monopoles: 750 feet Lattice/Guyed 1,500 feet
Distance to surveyed right- of-way	1.5 x total unit height from County Road*	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or a distance equal to total height.
Distance to non- participating Landowner Property Line	1.0 mile & 40 dBA	
Distance to non- participating inhabitable dwelling	1.5 mile & 40 dBA **	
Distance to any participating inhabitable dwelling	1.1 x total unit height**	
Distance to any municipality	1.5 mile & 40 dBA from municipal limits	
Distance to any school, church, or cemetery	1.5 mile & 40 dBA	
Distance to any US/State Highway right-of-way	1.0 mile & 40 dBA	
Public conservation land	1.0 mile & 40 dBA	600 feet
Wetlands and Rivers as identified by the National Wetlands Inventory	1.0 mile & 40 dBA	

\* ROW setback shall be measured from edge of the road easement for a County Road or the edge of a platted street, road, or highway.

\*\* 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.

2. **Impact Easements.** Recorded documents shall specifically identify the legal description of the subject property.
- A non-participating property owner may request to build closer than allowed in this section by signing and recording an Impact Easement from any operations within the required separation distance.
  - A WECS owner may encroach on the required setback distance to non-participating property lines with a recorded Impact Easement signed by the affected property owner.

**10.03.07 Safety and Design Standards and Additional Requirements**

All WECS facilities shall adhere to the following safety and design standards:

1. **Signage:** All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
  - A. All other signage shall comply with the sign regulations found in these regulations.
2. **Waste Disposal:** Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site within 60 days and disposed of in accordance with all applicable local, state and federal regulations.
3. **Interference:** The Applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to Thayer County for a Conditional Use Permit.
4. **Drainage System:** The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the WECS.
5. **FAA:** Applicant shall provide copies of FAA notices of determination of no hazard to air navigation.
6. **FCC:** Applicant shall provide evidence appropriate FCC permits have been filed.
7. **Easements:** Easement agreements for transmission lines, feeder lines and substations required for the operation of the WECS, shall be in place prior to application for a permit.
  - A. Easements shall be filed with the Thayer County Register of Deeds.
  - B. Voluntary easements for the crossing of any form of neighboring properties shall be required and filed with the Application.
8. **Shadow Flicker:** Applicant shall conduct an analysis on potential shadow flicker at any occupied building with direct line- of-sight to the WECS.
  - A. The analysis shall identify the locations of shadow flicker that may be caused by the project and expected durations of the flicker at these locations from sun-rise to sun- set over the course of a year.
  - B. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year and describe measures that shall be taken to eliminate or mitigate the problems.
  - C. Shadow Flicker on an occupied building shall not exceed thirty (30) hours per year.
9. **Incident Plan:** Applicant shall prepare an Incident Response Plan which ensures their employees have the necessary equipment and training to effectively handle emergencies such as oil spills, turbine fires, turbine structural damage (or collapse) or equipment, including access to heavy equipment needed for rescue of trapped personnel.
  - A. The Fire Chief, EMS Captain, County Sheriff, and County Emergency Management shall sign-off on the Incident Response Plan prior to beginning operations.
  - B. Any and all changes to the Incident plan shall be reviewed by Fire, EMS, Law Enforcement, and Emergency Management.

**10. Engineer's Certification:** Certification shall be provided by a Professional Engineer registered in the State of Nebraska competent in disciplines of wind energy conversion systems and approved by Thayer County Planning Commission and Thayer County Board of Commissioners, including the following:

- A. Design specifications of the wind energy unit, including the tower, base, and footings, and unit components.
- B. For buildings or structurally-mounted units, the certified and sealed engineering plans prepared by a Professional Engineer registered in the State of Nebraska must show how the wind energy unit will be installed for the portions of the structure proposed for use in the mounting of the unit, and must state and show that the proposed wind energy unit is compatible with the portions of the mounting structure proposed for use, and does not impose a safety hazard to the main structure or adjacent property or their occupants.
- C. Drawings that indicate the Total Height from the grade level of each structure prior to any modifications and including any engineered break points on the tower.
- D. The wind survival speed of the entire unit, including the supporting structure, turbine, rotor blades, covers, and other components.
- E. Data pertaining to the tower or supporting structure's safety and stability, including any safety results from test facilities.

**11. Additional Safety Review:** The Board of Commissioners may, at their, discretion, request an independent Third-party commissioning report be provided to the County to assure that all components of the aggregate CWECS project have been installed and perform in accordance with all local, State, and federal jurisdictions and regulatory code requirements. All commissioning reports expenses will be paid by the developer. Said report shall be furnished to the County by the landowner / developer at no cost to the County. The report shall verify that the CWECS complies with all submitted drawings and specifications provided to the Board of Commissioners at the time the conditional use permit was approved.

#### **10.03.08 Roads and WECS projects**

1. Each WECS tower shall apply for a unique 911 address.
  - A. The 911 address shall be posted at the road entrance for each tower, and on or at each tower, no higher than fifteen feet above ground level.
2. Applicants shall prepare road reports and secure permits as follows:
  - A. Identify haul routes for all municipal, township, or county roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation, or maintenance of the WECS, and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
  - B. Conduct a pre-construction survey, in coordination with the County Road Department, to determine existing road conditions.
    - 1) The survey shall include photographs and a written agreement to document the condition of the public facility.
    - 2) A cash escrow account shall be created to cover the total cost of repairing the road(s) and bridges to preconstruction conditions.
    - 3) The escrow amount will be maintained and kept available until all road(s) and bridge repairs are completed and all debts are paid in full.
  - C. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions within 30 days.
  - D. Applicant shall provide material safety data sheets (MSDS) to the Zoning Administrator pertaining to materials utilized on the project.

**10.03.09 WECS Discontinuation and Decommissioning**

1. A WECS shall be considered a discontinued use after one year without energy production, unless a continuation plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service, including repowering.
  - A. The Zoning Administrator may refer the continuation plan to the Planning Commission for consideration of revocation under **Section 6.10.02**.
  - B. Repowering shall be considered regular maintenance, and no permit would be required, only when no tower or blade, or other equipment is extended. Turbines may be replaced with a higher-rating nameplate if the total height does not increase.
  - C. An amended permit is required when the height of any tower is changed, or when BESS or additional towers are added to the project.
2. Each Commercial/Utility WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use.
  - A. The Decommissioning Plan shall include at minimum:
    - 1) The manner in which the facility will be decommissioned—the facility will be dismantled and no explosive will be used.
    - 2) A decommissioning schedule;
      - a) All above-ground structures, including Meteorological Towers, shall be removed within one year of the discontinuation of use as defined.
    - 3) Detailed estimate of the cost of decommissioning a wind generation facility by a professional engineer licensed in the State of Nebraska, including:
      - a) dismantling and removal of all towers, turbine generators, transformers, overhead cables and debris of the facility;
      - b) removal of
        - i. underground cables to a depth forty-eight (48) inches;
        - ii. removal of foundations, buildings, and ancillary equipment to a minimum depth of forty-eight (48) inches below grade;
        - iii. site restoration and reclamation to the approximate original topography that existed prior to the construction of the facility with grading, topsoil respread over the disturbed areas at a depth similar to that in existence prior to the disturbance, and reseeding to achieve the same utility of native vegetation of the surrounding area to prevent adverse hydrological effects,
        - iv. Sections **10.03.09(2)A(3)b(i, ii, and iii)** immediately above may be waived by the Board with a signed request by the applicable landowner, identifying the underground cables; foundations, buildings, and ancillary equipment; and/or surface features the landowner prefers to remain in place explaining a valid reason the landowner prefers those features to remain.
      - c) repairs and reconstruction from damage to public roads, culverts and natural drainage ways resulting directly from the decommissioning of a wind generation facility;
      - d) the current salvageable value of the facility, as determined by an independent evaluator.
    - B. All access roads shall be removed, cleared, and graded, unless a property owner agreement indicates otherwise, or the County through official action of the County Board agrees to keep the road.
    - C. The cost estimates shall be made by a competent party as determined or approved by the Thayer County Commissioners.
      - 1) The plan shall also identify the financial resources available to pay for decommissioning and removal of the WECS and accessory facilities.
      - 2) Expenses related to the decommissioning shall be the responsibility of the WECS facility owner, including any expenses related to releasing any easements.

3. Applicant shall provide as-built plans including structural and electrical drawings of all facilities and all disturbances associated with the wind generation facility. The as-built plans must be certified by a professional engineer licensed in the State of Nebraska that the information included on depicted as-built plans is complete and accurate.
4. The Board, after hearing the Commission's recommendation, may reject a decommissioning plan if:
  - A. it finds that the plan does not provide for decommissioning as defined in this section; and
  - B. the plan does not adequately describe the cost of decommissioning.
5. The form of financial resources will be a cash escrow account deposited in a Thayer County fund. The amount deposited shall be 120% of the decommissioning cost estimate determined appropriate by the Board of Commissioners. The Decommissioning plan must be updated every five years and the financial resources must be updated to account for any new decommissioning cost. Moneys from this fund may also be used to decontaminate a property that has debris from a turbine structure that has failed or/and is being decommissioned. A request must be submitted in writing to use funds to decontaminate from the affected property prior to total completed decommissioning of the structure including elements required in 10.03.09 (2) A. (3) bi-iv.

**Section 10.04 Solar Energy Uses****10.04.01 Purpose.**

No solar panel, neighborhood solar, or solar farm shall be installed or constructed within the zoning jurisdiction of Thayer County, Nebraska, unless a zoning permit has been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

**10.04.02 Definitions** *See Section 10.01.02 above.***10.04.03 General Provisions Applying to ISCS, NSCS, and/or CSCS**

The following provisions shall apply, typically, to two or more of the different solar conversion systems in this Section

1. **Agriculture:** Solar panels used to provide power to agricultural irrigation wells, potable drinking wells, and other agricultural uses (not residence, barns, sheds) shall be exempt from these regulations.
2. **For Commercial and Neighborhood SCS:** Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
3. **For Commercial and Neighborhood SCS:** Applicant shall comply with specific requirements of the local fire department.
4. **Maintenance:**  
All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.
5. **Decommissioning:**  
All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan agreed to upfront by the Thayer County Board, the electric utility, and the owner/developer.
6. **Repowering:**  
If any operation of an SCS is suspended for purposes of repowering, replacement, or maintenance, decommissioning provisions will not apply for up to six months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than one year will be considered abandoned and Decommissioning provisions will apply.
  - A. Repowering does not require a new or amended permit if the footprint of the SCS is the same or reduced. Any increase in the footprint or height of structures at the facility will require permit amendment.
7. **Other Requirements:**
  - A. Any applicant for a SCS project shall demonstrate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
  - B. Details shall be included of any proposed Battery Energy Storage Systems (BESS).
  - C. All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
  - D. SCS may be installed in the floodway fringe subject to floodplain regulations, as may be amended from time to time, given that all components are installed a minimum of two feet (2') above base flood elevation and subject to written authorization of the Floodplain Administrator.
    - 1) No SCS shall be constructed in the identified Floodway.
  - E. Maintenance of all leased ground, including control of noxious weeds.
8. **Concentrated Solar Power (CSP) systems** are prohibited within Thayer County's jurisdiction.

9. **Decommissioning Plan:** Financial assurances shall be in place as part of a Decommissioning Plan.

**10.04.04 Individual Solar Conversion Systems (ISCS)**

**1. General Requirements for ISCS:**

ISCS's shall conform to the required front, side, and rear lot setback requirements except as provided herein:

- A. The applicant for any ISCS shall provide evidence that they have a valid Net Metering agreement with the electric utility.
- B. An ISCS which is attached to an integral part of the principal building shall meet all local, state, and federal codes for building, electrical, plumbing, and accessibility.
- C. A ground-mounted ISCS may be located only in the required rear yard provided it does not exceed 12-feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
- D. Setbacks: No ground mounted ISCS shall be located in the required side yard or frontyard.
- E. All ISCS's shall have an agreed solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted SCS is in place and operational.

**2. Structural Requirements:**

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

**3. Site Plan:**

The application for a zoning permit shall be accompanied by a site plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

**4. Preexisting Solar Panels:**

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid permit issued by Thayer County, may continue to be utilized so long as it is maintained in operational condition.

**5. Decommissioning**

- A. Whenever an SCS ceases operation on a property, the property owner shall be required to report this to the County and the electric utility.
- B. Whenever, a ground mounted SCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

**10.04.05 Neighborhood Solar Conversion Systems (NSCS)****1. General Requirements for NSCS:**

- A. NSCS's shall meet the following requirements as provided herein:
- 1) An NSCS shall be set on its own lot within the neighborhood/development and shall meet underlying setbacks for principal structures.
  - 2) The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development.
  - 3) No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net Metering agreement.
  - 4) The developer shall provide the County with all solar easements established; however, the County shall not be responsible for enforcing said easements.
  - 5) All solar easements shall be enforced by an established Homeowners Association for the development/neighborhood.
  - 6) A ground mounted NSCS shall be protected with fencing and/or bollards.
  - 7) All connections to the uses within the neighborhood shall be made underground.
  - 8) An access agreement between the developer, Homeowners Association, and any other necessary other entity and the electric utility shall exist in case of an emergency.
  - 9) A Net Metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity; and
  - 10) All ground mounted NSCS's shall have an agreed solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground- mounted NSCS is in place and operational.

**2. Structural Requirements:**

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

**3. Solar Oriented Subdivision/Site Plan:**

- A. Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed.
- 1) Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.
- B. The application for a permit shall be accompanied by a site plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- C. The developer shall install all underground wiring as prescribed by the electric utility.
- D. All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.
- E. The developer shall provide the County Zoning Administrator with as-builts including wiring locations.

**4. Decommissioning**

- A. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of a NSCS must occur in the event they are not in use for 12 consecutive months, as outlined in **Section 10.04.07 below**.

**10.04.06 Commercial Solar Conversion Systems (CSCS):****1. Applicability**

The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, The County finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in urbanized, non-urbanized, or low-density areas with other uses.

**2. Site Development Standards:**

- A. Lot coverage:** Requirements of the underlying zoning shall apply to solar panels and structures.
- B. Setbacks:** A Fifty (50) foot setback shall be provided from all property lines or road/access easements.
  - 1) A fifty-foot (50') setback shall apply measured from a lot line that abuts a residential zoning district.
  - 2) Power inverters or other sound-producing equipment (producing in excess of 40 dBA) shall be set back a minimum of one hundred fifty (150) feet from all property lines.
- C. Height:** Solar panel arrays shall not exceed **20 feet** in height; otherwise, height requirements of the district shall apply.
- D. 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 industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
- E. Stormwater Management:** Fixed panel solar arrays shall be considered pervious and the property shall be designed to absorb or detain specific runoff. 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.
- F. Fencing:** Due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to eight feet in height is permitted provided the fencing material is predominantly open.
- G. Incident Plan:** Applicant shall prepare an Incident Response Plan which ensures their employees have the necessary equipment and training to effectively handle emergencies such as equipment fires, structural damage (or collapse), and materials spills, including access to heavy equipment needed for rescue of trapped personnel.
  - A) The Fire Chief, EMS Captain, and County Sheriff shall sign-off on the Incident Response Plan prior to beginning operations.
- H. Signage:** Signs shall conform to the County Sign Regulations.
- I. Power Lines:** 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.
- J. Other Codes:** 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.

**3. Submittal Requirements:**

All Plans shall contain the following:

- A. A site plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines.
- B. The site plan shall include roads, electric lines, and/ or overhead utility lines.
- C. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District.
- D. A copy of the interconnection agreement with the local electric utility.
- E. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant.
- F. Structural engineering analysis for a solar panel, array and its foundation, as applicable.
- G. Manufacturer's recommended installations, if any.
- H. Documentation of land ownership and/or legal authority to construct on the property.
- I. Decommissioning plan.

**4. Compliance with Other Regulations:**

- A. Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State's adopted electrical code and that has been pre- approved by the associated power district meeting their Distribution Generation Requirements and Guidelines; and
- B. This subsection does not waive any requirements of any state or Federal codes, electrical codes or other technical codes as applicable.

**5. Discontinuation:**

- A. A CSCS shall be considered abandoned after one year without energy production. The solar equipment owner shall remove all SCS equipment and appurtenances within one year of abandonment, as outlined in **Section 10.04.07 below.**

**10.04.07 Solar Facility Decommissioning Plan**

- 1. A **NSCS or CSCS** shall be considered a discontinued use after one year without energy production, unless a continuation plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the facility to service.
  - A. The Zoning Administrator may refer the continuation plan to the Planning Commission for consideration of revocation under **Section 6.10.02.**
  - B. An amended permit is required when the footprint of solar panels is expanded, or when BESS is added to the project.

2. Each **NSCS or CSCS** shall have a Decommissioning Plan outlining the anticipated means and cost of removing the facility at the end of their serviceable life or upon being discontinued use.
  - A. The Decommissioning Plan shall include at minimum:
    - 1) The manner in which the facility will be decommissioned.
    - 2) A decommissioning schedule;
      - a) All above-ground structures shall be removed within one year of the discontinuation of use as defined.
    - 3) Detailed estimate of the cost of decommissioning a solar facility by a professional engineer licensed in the State of Nebraska, including:
      - a) dismantling and removal of all solar panels, support structures, transformers, overhead cables and debris of the facility;
      - b) removal of
        - i. underground cables to a depth forty-eight (48) inches;
        - ii. removal of foundations, buildings, and ancillary equipment to a minimum depth of forty-eight (48) inches below grade;
        - iii. site restoration and reclamation to the approximate original topography that existed prior to the construction of the facility with grading, topsoil respread over the disturbed areas at a depth similar to that in existence prior to the disturbance, and reseeding to achieve the same utility of native vegetation of the surrounding area to prevent adverse hydrological effects,
      - iv. Sections **10.04.07(2)A(3)b(i, ii, and iii)** immediately above may be waived by the Board with a signed request by the applicable landowner, identifying the underground cables; foundations, buildings, and ancillary equipment; and/or surface features the landowner prefers to remain in place explaining a valid reason the landowner prefers those features to remain.
      - c) repairs and reconstruction from damage to public roads, culverts and natural drainage ways resulting directly from the decommissioning of a solar generation facility;
      - d) the current salvageable value of the facility, as determined by an independent evaluator.
    - B. All access roads shall be removed, cleared, and graded, unless a property owner agreement indicates otherwise, or the County through official action of the County Board agrees to keep the road.
    - C. The cost estimates shall be made by a competent party as determined or approved by the Thayer County Commissioners.
      - 1) The plan shall also identify the financial resources available to pay for decommissioning and removal of the NSCS or CSCS and accessory facilities.
      - 2) Expenses related to the decommissioning shall be the responsibility of the facility owner, including any expenses related to releasing any easements.
  3. Applicant shall provide as-built plans including structural and electrical drawings of all facilities and all disturbances associated with the solar generation facility. The as-built plans must be certified by a professional engineer licensed in the State of Nebraska that the information included on depicted as-built plans is complete and accurate.
  4. The Board, after hearing the Commission's recommendation, may reject a decommissioning plan if:
    - A. it finds that the plan does not provide for decommissioning as defined in this section; and
    - B. the plan does not adequately describe the cost of decommissioning.

5. Letter of Credit

A decommissioning Standby Letter of Credit (SBLC) is required upon approval of a conditional use permit granted for the installation of NSCS or CSCS facilities. All SBLC documentation is to be presented to the County Attorney and County Treasurer for review prior to approval of the CUP.

A. Letter of Credit requirements.

- 1) The SBLC is required prior to construction commencing.
- 2) The SBLC must be issued or confirmed by a bank with AA or equivalent rating by one of the three major rating agencies (Fitch, Moody's, or S & P) in the United States of America.
- 3) The SBLC shall be Irrevocable, Clean and contain an Evergreen clause (automatically renews annually).
- 4) Eighteen months prior to the end of the power purchasing agreement, a professional engineer and/or decommissioning company shall evaluate the current decommissioning costs and the SBLC shall be no less than the current estimated costs.
- 5) If a new power purchasing agreement is put in place, then the SBLC shall be reviewed and reset based upon the new agreement.

B. Determination of Letter of Credit amount.

- 1) The amount of the SBLC shall be determined by a professional engineer licensed in the State of Nebraska.
- 2) The dollar amount metric shall include the current decommissioning costs compounded by the average inflation rate for similar decommissioning, reclamation work over the life of the power purchasing agreement.

C. Penalties for Failure to Submit Letter of Credit

- 1) If Applicant does not submit an acceptable SBLC to Thayer County within the timeframe required by this regulation, the CUP shall be revoked by the Board.
- 2) The project owner shall submit a new application for approval prior to resuming operations.

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## ARTICLE 11: NON-CONFORMITIES

### Section 11.01 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 11.02 Nonconforming Lots of Record

11.02.01 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:

1. The yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
2. Such lot has been owned separately and individually from adjoining tracts at a time when the creation of a lot of such size and width at such location would have been lawful.
3. 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.

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

### Section 11.03 Nonconforming Structures

11.03.01 *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.

11.03.02 *Enlargement, Repair, Alterations:* Any such structure as defined 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.

11.03.03 *Damage or Destruction:* In the event that any structure as defined 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 which does not comply with the applicable lot size requirements 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 zoning 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. When a building, the use of which does not conform to the provisions of the Thayer County Zoning Regulation but is allowed to continue under said regulations,

is damaged by fire, explosion, act of God, or the public enemy said building may be rebuilt within 12 months to its previous size, animal units and footprint. Said destruction shall not be an intentional act by the property owner or resident. Said building may be rebuilt within 500 feet of its previous area as long as it does not cause a violation to the Thayer County Zoning Regulations that the original building was not in violation of. Notwithstanding, an extension to the 12 months may be granted by the Planning Commission not to exceed an additional 12 months.

A. *Moving*: No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

#### **Section 11.04 Nonconforming Uses**

11.04.01 *Nonconforming Uses of Land*: Where at the effective date of adoption or amendment of this resolution, lawful use of land exists that is made no longer permissible under the terms of this resolution as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this resolution;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this resolution; and
3. If any such nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.

11.04.02 *Nonconforming Uses of Structures*: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this resolution, that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission through the conditional use process either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguard in accord with the provisions of this resolution;

4. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located; and
6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### **Section 11.05 Repairs and Maintenance**

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

#### **Section 11.06 Uses Under Conditional Use Permit Not Nonconforming Uses**

Any use for which a Conditional Use Permit has been issued as provided in this Resolution shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

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## ARTICLE 12: BOARD OF ADJUSTMENT

### Section 12.01 Intent

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

### Section 12.02 BOA Membership

- 12.02.01 The Board of Adjustment shall consist of five members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason.
1. Each member is to be appointed for a term of three years and may be removed for cause by the appointing authority upon written charges and after public hearing.
  2. No member of the Board of Adjustment shall be a member of the County Board of Commissioners.
  3. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
  4. One member of the Board of Adjustment shall be appointed by the County Board from the membership of the County Planning Commission, and the loss of membership on the Planning Commission by said member shall also result in their immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment.

### Section 12.03 Rules and Meetings

- 12.03.01 The Board of Adjustment shall adopt rules in accordance with the provisions of this resolution and state statutes.
1. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. Said Chair, or in their absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
  2. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the County Clerk and shall be a public record.
- 12.03.02 An appeal to the Board of Adjustment may be taken by any person or persons aggrieved or by any officer, department, board, or bureau of the County by any decision, other than the approval or denial of a conditional use permit application, of an administrative officer, planning commission, and/or County Board, depending upon the nature of aggrievement. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Board a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- 12.03.03 The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent, or by attorney.

#### **Section 12.04 Powers**

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

1. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by such regulation to pass; and
3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantially impairing the intent and purpose of any zoning regulations, but no such variance shall be authorized unless the Board of Adjustment finds that:
  - A. The strict application of the resolution would produce undue hardship;
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
  - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
4. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned, or the intended use of the property concerned is not of so general or recurring a nature as to make reasonable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

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

#### **Section 12.05 Appeal of Board Decisions**

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

**ARTICLE 13: ADMINISTRATION AND ENFORCEMENT****Section 13.01 Zoning Administrator**

- 13.01.01 As provided in §23-114.04 *et seq.* (Nebraska Revised Statutes), a Zoning Administrator shall be appointed by the Thayer County Board of Commissioners and shall administer and enforce these Regulations. The Zoning Administrator may be provided with the assistance of such other persons as the County Board may direct.
- 13.01.02 The Zoning Administrator shall have the following authority and responsibility:
1. Make available to the public application forms for permits, conditional use requests to the Commission, amendments to this Resolution and / or Official Zoning Map, and for appeals to the Board of Adjustment; and issue zoning permits and certificates of zoning compliance as required by this regulation, and to maintain records of all such applications and permits issued.
  2. Conduct inspections of sites and structures to determine compliance with the terms of the Zoning Regulations. Where violations are determined to exist, the Zoning Administrator shall have the authority to issue letters of violation, stop work orders and any other legal remedy to assure compliance with the requirements of this Resolution.
  3. Provide interpretation of the text of this regulation and the Official Zoning Map when necessary and such other technical and clerical assistance as the public, the Planning Commission, Board of Adjustment and Board of Commissioners may require.
  4. Maintain and provide information to the public regarding the requirements of the Zoning Regulations and provide for the timely publishing of legal notices and other notifications relative to administration of this Resolution as prescribed by law.
  5. Maintain permanent and current records with regard to this Resolution, including but not limited to all maps, amendments, zoning permits, certificates of zoning compliance, variances, appeals, conditional uses and applications thereof together with all records of meetings and public hearings.

**Section 13.02 Zoning Permit Required**

- 13.02.01 It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any structure, until the proper zoning permit shall have been issued therefore by the Zoning Administrator.
1. Agricultural operations and crop production, other than Livestock Feeding Operations, as defined in Article Two of this Resolution, shall be subject to the requirements of this Resolution, but shall be exempt from permit requirements as specified in Section 5.06.
  2. Non-residential farm buildings and agricultural irrigation facilities, as defined in Article Two of this Resolution, shall be subject to the requirements of this Resolution, and shall require a zoning permit prior to construction.
  3. Any waste handling facility, as defined in Article Two of this Resolution, which may be associated with a farm building, shall be considered a non-farm structure use and shall be subject to all applicable requirements of this Resolution, including requiring a zoning permit.
- 13.02.02 It shall be unlawful to use or occupy or permit the use or occupancy of any building, land, or premises, or construction or connection to water or sewer facilities or part thereof, without approval of a Certificate of Compliance by the Zoning Administrator.

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

**Section 13.03 Application for a Zoning Permit**

- 13.03.01 Written application on forms prescribed and furnished by the Zoning Administrator stating such information as may be required for the enforcement of these regulations shall be submitted and shall be accompanied by a site plan, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, existing and intended use of each structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and proposed use to be made of the lot, existing and proposed water and sanitary sewer facilities, as may be necessary to determine and provide for the enforcement of these regulations.
1. 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.
  2. 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.
- 13.03.02 The Zoning Administrator shall issue a written permit, or denial, thereof, with reasons in writing within 30 days from the date of the acceptance of the application.
1. When a proposed use must also be reviewed for additional criteria, such as a conditional use, use in a floodplain, use in an Airport Hazard Overlay, etc., must yield until such use is permitted or denied as may be required by this regulation, or state/federal regulations and statute.
- 13.03.03 Except where an extension has been obtained in writing from the Zoning Administrator, permits issued shall expire if work has not started within one year.

**Section 13.04 Enforcement by the Zoning Administrator**

- 13.04.01 It shall be the duty of the Zoning Administrator to enforce these Regulations in accordance with its provisions.
1. All departments, officials, and public employees of Thayer County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of these regulations and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of these Regulations.
  2. Any person may file a written complaint, stating the probable cause alleging violation of this regulation. The Zoning Administrator shall exercise discretion in investigating such complaints and taking appropriate action to bring subject property into compliance.
- 13.04.02 **Violations.** Any of the following shall be a violation of these Regulations and shall be subject to the remedies and penalties provided:
1. **Use or Structure Without Permit or Approval:** To allow any use, or construct/remodel any structure, subject to these Regulations without necessary Zoning Permits.

2. **Activities Inconsistent with the Zoning Regulations:** The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in contravention of these Regulations.
3. **Activities Without Permit or Approval:** To engage in any development or other activity of any nature upon land that is subject to these Regulations without all required approvals.
4. **Activities Inconsistent with Permit:** To engage in any development, use, construction, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other authorization required by these Regulations.
5. **Activities Inconsistent with Conditions:** To violate, by act or omission, any term, condition, or qualification placed by a decision-making authority, upon any permit or authorization.
6. **Increasing Intensity of Use:** To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of these Regulations.
7. **Failure to Remove Improvements:** To fail to remove any improvement installed, created, erected, or maintained in violation of these Regulations, or for which the permit has lapsed.

#### 13.04.03 Remedies

1. Withhold Permits.
  - A. The Zoning Administrator may deny or withhold approval of a Zoning Permit or Certificate of Compliance, or other approval for any land, structure, or improvements thereon, where there is an uncorrected violation of any provision of these Regulations, or of a condition or qualification of a Zoning Permit previously granted by the County, until the violation is corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
  - B. The County Board may deny or withhold any approvals on a property owned, operated, or being developed by a person who owns, operates, has developed, or otherwise caused an uncorrected violation of these Regulations until the violation is corrected.
2. Approve with Conditions.
  - A. Instead of withholding a permit as described above, the Zoning Administrator or County Board may grant such authorization subject to the condition that the violation is corrected.
3. Revoke Approval.
  - A. Any Zoning Permit may be revoked when the Zoning Administrator determines:
    - 1) That there is a departure from the plans, specifications, or conditions as required under terms of the approval;
    - 2) That the development approval was procured by false representation or was issued by mistake; or
    - 3) That any of the provisions of these Regulations are being violated.
  - B. Any Conditional Use Permit or other approval by the County Board, may be revoked by the County Board upon due notice to the applicant and known parties in interest, when the County Board determines an uncorrected violation of this Regulation.
4. Stop Work Order.
  - A. With or without revoking any approval or authorization, the Zoning Administrator may ask the County Board to issue a stop work order on any land, structure or building, any unpermitted use, or permitted use on which there is an uncorrected violation of a provision of these Regulations or of a Zoning Permit.

5. Injunctive or Other Equitable Relief.
  - A. The County may seek injunction or other equitable relief in court, to stop any violation of these Regulations, of a Zoning Permit, of a Conditional Use Permit, or any other approval.

13.04.04 As provided in §23-114.05 (Nebraska Revised Statutes), any person, partnership, limited liability company, association, club, or corporation violating these regulations or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit, or proceeding in violation of such permit, shall be guilty of a Class III misdemeanor.

1. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.
2. In addition to other remedies, the County Board or the Zoning Administrator, as well as any owner or owners of real estate within the district affected by these regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; or to prevent the illegal act, conduct, business, or use in or about such premises.
3. Any taxpayer or taxpayers in the county may institute proceedings to compel specific performance by the Zoning Administrator, County Board, or any other responsible officials of Thayer County.

### **Section 13.05 Enforcement Procedures**

13.05.01 Investigation.

1. Upon receipt of a signed, written complaint, or a County staff or elected official's visual observation of a property, indicating an apparent violation of these Regulations or of any permit or approval, the Zoning Administrator shall conduct an investigation without trespass on the subject property to document the issues of concern.

13.05.02 Non-Emergency Matters.

1. In the case an apparent violation of these Regulations that does not constitute an emergency or require immediate attention, the Zoning Administrator shall give notice of the nature of the violation to the property owner of record, the Zoning Permit holder, or renter/lessee of property.
  - A. The persons receiving notice shall have thirty (30) days from the date of the notice to correct the violation.
  - B. Notice shall be given in person, by US mail to the address of the owner of record in the Thayer County Assessor's Office, by email if known, or by posting a notice in a visible location on the property.
2. Notice of violation shall state the nature of the violation, and the time period for compliance. The notice shall state the corrective steps necessary, and may state the nature of subsequent penalties and enforcement actions should the situation not be corrected.

13.05.03 Emergency Matters.

1. In case of violations of these Regulations that constitute an emergency situation, as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this Section without prior notice.

## ARTICLE 14: AMENDMENTS

### Section 14.01 Zoning Amendments

#### 14.01.01 Authority:

For the purpose of promoting, and protecting the public health, safety and general welfare, the County Board may from time to time, in the manner hereinafter set forth, amend, change, supplement, revise, or repeal any or all of the regulations or the Zoning map district boundaries themselves.

#### 14.01.02 Initiation of Amendments:

Amendments may be proposed by the legislative body, the Planning Commission, any other governmental body, the owner of the property affected, or any other interested person or organization.

#### 14.01.03 Form of Proposed Amendment:

Such proposals shall be in writing and shall be accompanied by a filing fee as set by the Thayer County Board of Commissioners, except for proposals initiated by a governmental body. The proposal shall contain the recommended language if a change in the text is proposed or a map showing the present and proposed zoning if a zoning map change is initiated.

### Section 14.02 Planning Commission Consideration of Amendment:

#### 14.02.01 Planning Commission Recommendation:

1. All proposed amendments shall first be submitted to the Planning Commission for recommendation and report prior to public hearings.

#### 14.02.02 Planning Commission Public Hearing:

1. The Planning Commission shall hold at least one public hearing, with notice as specified in as specified in Neb. Rev. Stat. §23-164 (Reissue 1997).
  - A. Notice of the time and place of the public hearing shall be given by the publication thereof in a newspaper of general circulation in the County one time at least 10 days prior to such hearing.
  - B. Notice of the time and place of such hearing shall be given in writing to the Chairman of any municipal, county, or joint planning commission, or, if no planning commission exists, to the clerks of local government units, which have jurisdiction over land within three miles of the property affected by the proposed amendment.
  - C. Notice, in all cases, shall contain a statement regarding the proposed changes in regulations or restrictions or in the boundaries of any district.
  - D. If the proposed amendment will affect specific property, it shall be designated by legal description and general street location and, in addition to publication notice, written notice shall be mailed to all owners of land located within 1,000 feet of the area proposed for amendment if said neighboring property is located within the county's jurisdiction.
    - 1) If said neighboring property is located within a municipal jurisdiction, notice shall be sent to property owners within 300 feet of the property to be rezoned.
  - E. Failure to receive notice, however, shall not invalidate any subsequent action taken by the Planning Commission or the County Board so long as such notice was in fact published and mailed in accordance with these provisions.
2. Hearings on Proposed Amendment:
  - A. The Planning Commission shall hold a public hearing on each proposed amendment and shall cause an accurate written summary to be made of the proceedings which summary shall be preserved by the Secretary to the Planning Commission.

- B. The Planning Commission shall submit a written recommendation of approval or disapproval of such proposed amendment to the County Board within 30 days, which recommendation shall make findings based upon the evidence presented of:
  - 1) The existing uses of land and zoning classifications of property in the area that will be affected by the proposed amendment;
  - 2) The suitability of the property in question to the new zoning classification;
  - 3) The effect of the proposed amendment on the use of land and administration of zoning in the County;
  - 4) The accessibility of the property to County services; streets and roads, sewage and water facilities and refuse disposal services; and
  - 5) The general health, safety and welfare of the community and any other considerations deemed appropriate by the Planning Commission in furtherance of the objectives of zoning and the County comprehensive plan.

**Section 14.03 Board Consideration of Amendment:****14.03.01 Action by County Board:**

1. The County Board shall not act upon a proposed amendment to these Regulations until it shall have received a written recommendation and report from the Planning Commission and until notice of the hearing on the proposed amendment has been given in the manner prescribed in these Regulations.
2. Notice of Board Hearing:
  - A. Upon the development of recommendations from the Planning Commission, the County Board shall hold at least one public hearing thereon, notice of the time and place of which shall be given by the publication thereof in a newspaper of general circulation in the County one time at least 10 days prior to such hearing.
3. County Board adoption:
  - A. The County Board may adopt, modify, or reject the recommendation of the Planning Commission and may either grant the proposed amendment by Resolution adopting the change or deny the amendment by failing to adopt a Resolution. If the proposal is not acted upon by the County Board within 90 days of the date upon which the report and recommendation is received from the Planning Commission, the proposal shall be deemed to have been denied.
4. Protest:
  - A. If a protest against the proposed amendment is filed in the Office of the County Clerk within 14 days after the Planning Commission public hearing, duly signed and acknowledged by the owners of 20 percent or more either of the area of the lots, included in the proposed amendment, or of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such proposed amendment shall not become effective except by the favorable vote of a 2/3 majority of the County Board.

**14.03.02 Adoption of Amendments:** Upon adoption of an amendment to the Thayer County Zoning Regulations, the following steps shall be undertaken in order to provide a clear understanding of said amendment:

1. A copy of the adopted Resolution as approved by the County Board shall be placed in a section at the back of the Zoning Regulations;
2. All deletions from the text shall be shown with a strikeout within the body of the regulation;
3. All additions to the Zoning Regulation shall be shown as bold and in italics within the body of the regulation; and
4. At the end of the amended section, in parenthesis, the date of passage and Resolution number shall be included within the body of the regulation.

**Section 14.04 Comprehensive Plan Relationship**

This Regulation is designed to implement the elements of the comprehensive plan as required by state statutes. Any amendment to the regulations or Official Zoning Map shall conform to the Comprehensive Plan adopted by the governing body.

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**ARTICLE 15: LEGAL STATUS PROVISIONS****Section 15.01 Severability**

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

**Section 15.02 Purpose of Catch Heads**

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

**Section 15.03 Repeal of Conflicting Resolutions**

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

**Section 14.04 Effective Date**

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

APPROVED AND ADOPTED by the Board of Commissioners of Tayer, Nebraska.

This 14 day of May, 2025

Dean Krueger

(CHAIR, COUNTY BOARD OF COMMISSIONERS)

(Seal)



ATTEST:

Maureen Burns

(COUNTY CLERK)

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