



Boone County, Nebraska Zoning Regulations

**Adopted by
Boone County, Nebraska**

2014 Update

RESOLUTION NO. 214-47



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BOONE COUNTY, NEBRASKA
ZONING REGULATIONS
RESOLUTION NO. 214-47

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

Be it resolved by the Boone County Board of Commissioners that:

ARTICLE 1: TITLE

These Regulations shall be known and may be cited as the Zoning Regulations for Boone County, Nebraska.

ARTICLE 2: REPEAL

Any zoning resolution and all amendments thereto are hereby repealed.

ARTICLE 3: SCOPE

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

ARTICLE 4: PURPOSE AND JURISDICTIONAL AREA

Section 1 Purpose.

The purpose of this resolution is to promote health, safety, morals or the general welfare of the County, and to secure safety from fire, flood, and other dangers and was designed to lessen the congestion in the streets, roads, and highways, to provide adequate light and air, to prevent the overcrowding of lands, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation, water, services, schools, parks, and other public requirements.

Section 2 Jurisdictional Area

These zoning regulations shall apply to all unincorporated land and buildings within the limits of Boone County except that unincorporated territory lying outside of but within one (1) mile of the nearest point of all incorporated cities and villages which have exercised the authority to zone in one (1) mile extra-territorial areas.

ARTICLE 5: ESTABLISHMENT OF DISTRICTS; PROVISION FOR OFFICIAL ZONING MAP

Section 1. Districts.

For the purpose of these regulations, Boone County, Nebraska, except the jurisdictional limits of any community, is hereby divided into the following districts:

- A-1 Agricultural - Primary District
- A-2 Agricultural - Secondary District
- A-3 Agricultural - Transitional District
- R-1 Residential District
- R-M Mobile Home District
- C-1 Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- PU Public/Semi-Public Use District
- FP Flood Plain Overlay District

Section 2. Official Zoning Map.

The boundaries of these districts are hereby established as shown on the Official Zoning Map of Boone County, Nebraska, which is hereby included and made a part of with all explanatory matter thereon, is hereby adopted by reference and is hereby declared to be a part of these Regulations.

The Official Zoning Map shall be identified by the signature of the Boone County Board of Commissioners attested to 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 Article 5 of a Resolution of Boone County, Nebraska" together with the date of the adoption of these Regulations.

If, in accordance with the provisions of these Regulations, changes are made in district boundaries or other matter portrayed on the Official Zoning map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved and adopted by the County Board of Commissioners.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the County Clerk shall be the final authority as the current zoning status of land, water areas, buildings and other structures.

ARTICLE 6: INTERPRETATION OF DISTRICT BOUNDARIES

Section 1. Boundaries.

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

- 1.1 Boundaries indicated as approximately following the center lines or right-of-way of streets, highways or alleys shall be construed to follow such center or right-of-way lines unless otherwise noted.
- 1.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 1.3 Boundaries indicated as following city/village limits shall be construed as following city/village limits.
- 1.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 1.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- 1.6 Boundaries indicated as parallel to or extensions of features indicated in subsection 1.1 through 1.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 1.7 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstance not covered by subsections 1.1 through 1.6 above, the Board of Adjustment shall interpret the district boundaries.

ARTICLE 7: APPLICATION OF DISTRICT REGULATIONS

Section 1. Application.

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

- 1.1 No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, relocated, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- 1.2 No building or other structure shall hereafter be erected or altered:
 - A. to exceed the height;
 - B. to accommodate or house a greater number of families;
 - C. to occupy a greater percentage of lot area;
 - D. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;than herein required; or in any other manner contrary to the provisions of these regulations.
- 1.3 No part of a yard, or other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with these regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 1.4 No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements established by these regulations.
- 1.5 No water or sewer facility shall be constructed, altered, connected or used unless in conformity with all of the regulations herein specified.

Section 2. Conflicts.

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

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

ARTICLE 8: CONDITIONAL USES, PROCEDURES AND STANDARDS

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

Section 1. Permitted.

Permitted uses are those uses permitted outright in the district.

Section 2. Conditional Uses.

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

2.1 Procedure. After receiving an application and fee, the amount to be established by the governing body, and after a public hearing, the County Board of Commissioners after recommendation of the planning commission may authorize a conditional use permitted in a zoning district, provided it is found that the location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. An application for a conditional use permit shall include a site plan which shall denote the location of any hazardous materials. Notice for such hearings shall be given in the manner provided by these regulations.

A. Public Hearing on a Conditional Use. A proposed conditional use shall be considered by the Planning Commission at a public hearing held within forty-five (45) days after filing of the application. The Zoning Administrator shall give notice of the hearing in the following manner:

- (1) By publication of a notice in a legal newspaper of general circulation in the County not less than ten (10) days prior to the date of the hearing.
- (2) By sending notices by mail not less than ten (10) days prior to the date of hearing to the record title holders within the area enclosed by lines parallel to and three hundred (300) feet from the exterior boundaries of the operation, structure or use involved, using for this purpose the name and address of owners as shown upon the records of the County Assessor. Applicant shall present the Zoning Administrator with a property list certified to by a registered abstractor of the record title holders within said three hundred (300) feet. The notification area of property owners may be increased based upon the application of use and the required distances in each district or otherwise specified in these Regulations. The Zoning Administrator reserves the right to give notice to any other person(s) or agency as deemed necessary. Failure to receive such notice shall not invalidate any proceedings in connection with the application for a conditional use.

B. Recess of the Hearing by Planning Commission. The Planning Commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners or persons whom it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed.

C. Action on a Conditional Use. The Planning Commission may recommend approval, approval with specified conditions or disapproval of a conditional use to the County Board of Commissioners. The County Board of Commissioners

may then act upon the Conditional Use after considering the Planning Commission's recommendation. A file of all recommendations and actions pertaining to Conditional Uses will be maintained in a manner prescribed by the County Board of Commissioners.

- D. Notification of Action. The Zoning Administrator shall notify the applicant for a conditional use in writing of the Commissioners' action within seven (7) days after the decision has been rendered.

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

- A. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
- B. Ingress and egress shall be so designed as to minimize congestion in the public street, road or highway.
- C. The use shall be in harmony with the character of the area and most appropriate use of the land. The planning commission considering an application for a conditional use may consider, among other things, the most appropriate use of land, the conservation and stabilization of the value of property, adequate open space for light and air, concentration of population, congestion of public streets, and the promotion of public safety, health, convenience, and comfort. The planning commission may stipulate and require such conditions and restrictions upon the conditional use and operation as is deemed necessary for the protection of the public interest and to secure compliance with these regulations. All decisions of the planning commission may be appealed to the governing body, by any person aggrieved by the decision of the planning commission, or any taxpayer, officer, department, board, or bureau of the county. Such appeal must be presented to the Zoning Administrator with fifteen (15) days after the decision is made by the planning commission. In the event of an appeal, the governing body, after a public hearing, may reverse, affirm or modify the decision of the planning commission.

2.3 If an approved conditional use is not begun within a period of twelve (12) months following approval, the conditional use permit shall become null and void.

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

- A. Any operation or owner who has been granted a Conditional Use Permit (CUP) shall be subject to a review thereof upon a formal complaint being filed with the Zoning Administrator by any person who may be affected by the granting of a CUP. The formal complaint process shall follow the following procedures:
 - (1) A complainant shall file a written complaint with the Zoning Administrator. The complaint shall be on a form provided by the Zoning Administrator and shall list the name and address of the complainant, the

- name and address of the holder of the CUP, the nature of the complaint, and the requested relief the complainant seeks. The complaint shall be accompanied by a filing fee as identified in the County Fee Schedule.
- (2) Within seven (7) days of the receipt of a complaint as set forth in subparagraph (1) above, the Zoning Administrator shall send a copy of the complaint to the holder of the CUP by certified mail, return receipt requested, and notify the holder of the CUP that he/she or it has seven (7) days to respond in writing to the Zoning Administrator concerning the allegations contained in the complaint.
 - (3) Upon receipt of the holder of the CUP's response to the complaint, the Zoning Administrator shall send a copy of the response to the complainant by certified mail, return receipt requested. In addition, the Zoning Administrator shall schedule an informal meeting with the complainant and the holder of the CUP within seven (7) days of the Zoning Administrator's receipt of the holder of the CUP's response. Notice of the informal meeting shall be sent to the complainant and the holder of the CUP by certified mail, return receipt requested. The time and date of the meeting may be changed by mutual agreement of the complainant, holder of the CUP, and the Zoning Administrator, but in no event shall the meeting be continued more than seven (7) days beyond the time originally set by the Zoning Administrator. Either time the complainant or the holder of the CUP may be represented at the informal meeting by his/her or it's attorney. The purpose of the meeting is for the complainant and holder of the CUP to attempt to resolve the nature of the complaint, with the assistance of the Zoning Administrator. If the matter of the complaint is resolved, the Zoning Administrator shall reduce the agreement to writing and the same shall be signed by the complainant and the holder of the CUP. The agreement shall be kept on file with the Zoning Administrator and shall become a part of the holder of the CUP's Conditional Use Permit.
 - (4) If the complainant and the holder of the CUP are unable to resolve the nature of the complaint as set forth in subparagraph (3) above, or if the holder of the CUP fails or refuses to either respond in writing to the Zoning Administrator or to attend the informal meeting as provided in subparagraph (3) above, the complaint shall be referred to the Planning Commission for action. The Planning Commission shall give notice as required by law and conduct a public hearing on the complaint. The purpose of the hearing will be to identify and quantify the complaint and to impose solution(s) to the problem or add additional conditions to the holder of the CUP's Conditional Use Permit. If, after the public hearing and the approval and adoption of the solution(s) or additional conditions to the CUP by the Planning Commission, the holder of the CUP fails or refuses to comply with the same or fails or refuses to comply with any regulations set forth by the Nebraska Department of Environmental Quality (DEQ) or appropriate agency, the holder's CUP may be revoked by the Planning Commission after the Planning Commission shall have given notice as required by law and conducted a second public hearing on the revocation of the CUP.
 - (5) If the complainant shall fail or refuse to attend the informal meeting with the holder of the CUP and the Zoning Administrator, the complaint shall be dismissed.

- (6) The Zoning Administrator, Planning Commission, or Governing Body shall retain the right to file complaints on their own behalf as appointed or elected officials for any violation of a holder's CUP or a violation of any rules or regulations of the DEQ or any other state agency having jurisdiction over the subject matter of the CUP. Any complaint filed by the Zoning Administrator, Planning Commission, or Governing Body shall not be subject to the payment of the seventy-five dollar \$75.00 complaint filing fee.
 - (7) All documentation concerning all complaints filed under this section, whether dismissed or otherwise, and all associated matters shall be kept on file in the office of the Zoning Administrator. In addition, all such documentation shall constitute a public record and subject to inspection and review by the public. The filing fee of said complaint shall be retained by the Zoning Administrator regardless of review outcome.
- 2.5 Conditional use permits are issued for the use of the property according to the terms of the permit or until the use of the property is changed to a permitted use or another allowed conditional use in the district. To change to another conditional use allowed within the district, the same procedures of this section for establishing a conditional use shall be followed.
- 2.6 The Zoning Administrator shall cause the conditional use permit, any amendments and all applicable instruments to be filed with the register of deeds for recording. The recording costs shall be paid by the applicant for the conditional use permit.

ARTICLE 9: COMPREHENSIVE PLAN RELATIONSHIP

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

ARTICLE 10: CLASSIFICATION OF UNLISTED USES, MATRIX

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

ARTICLE 11: NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES.

Section 1. Intent

Within the districts established by these regulations or amendments that may later be adopted there exists lots, structures and uses of land and structures which were lawful and not in violation of any zoning regulation of Boone County before this resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of these regulations or future amendment.

It is the intent of these regulations to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by these regulations to be incompatible with permitted uses in the districts involved. It is further the intent of these regulations 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.

In those instances where lots, structures, and uses of land and structures were not lawful at the time these regulations was passed or amended, Boone County reserves the right to and intends to take action to require correction of such unlawful practices. Unlawful uses and practices shall not be accepted as non-conforming uses and practices by allowing such to exist for any period of time.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of these regulations by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

Section 2. Non-Conforming Uses of Land.

Where at the effective date of adoption or amendment of these regulations, 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:

- 2.1 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 these regulations;
- 2.2 No such non-conforming use shall be moved in whole or in part of any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these regulations;
- 2.3 If any such non-conforming use of land ceases for any reason for a period of more than twelve (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.

Section 3. Non-Conforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 3.1 No such structure may be enlarged or altered in a way which increases its non-conformity, except as provided for in Article 21, Section 11.
- 3.2 Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of these Regulations or signed waiver by all affected property owners as specified through use and setback requirements in these Regulations. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in

the office of the Boone County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described in these Regulations.

- 3.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 4. Non-conforming 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 these regulations, that would not be allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.1 No existing structure devoted to a use not permitted by these regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 4.2 Any non-conforming 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 these regulations, but no such use shall be extended to occupy any land outside such building;
- 4.3 If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment, 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 non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of these regulations.
- 4.4 Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- 4.5 When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for twelve (12) months during any three-year period, 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.
- 4.6 Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 5. Repairs and Maintenance.

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replace value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of these regulations shall not be increased.

Section 6. Uses Under Exception Provisions, Not Non-Conforming Uses.

Any use for which a conditional permit is issued, as provided, in these regulations, shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district subject to conditions of the permit.

ARTICLE 12: A-1 AGRICULTURAL - PRIMARY DISTRICT

The A-1 Agricultural District regulations are intended to provide for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses; to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization; to provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable; to provide for the location and govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses which are named as permitted or conditional uses in this district and are appropriate to other property in the area. The nature of the A-1 District and the uses allowed outright or by conditional use precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 District regulations afford such services, amenities and protection to residential; uses located therein.

Section 1. Permitted Principal Uses.

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

- 1.1 Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
 - A. All use of farm chemicals, including application of pesticides and herbicides, shall be governed by State Agencies and applicants using restricted-use pesticides shall be required to be certified as required by law.
 - B. Agricultural operations having up to three hundred (300) animal units are considered a farm and are permitted by right provided other requirements in this district are met and submission of a no-fee livestock, registration permit to the Zoning Administrator.
 - C. Mobile homes are permitted only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one (1) year permit which must be renewed annually and which shall be subject to the conditions of the permit.
- 1.2 New single family dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road.
- 1.3 Utility substation, pumping station, water reservoir and telephone exchange.
- 1.4 Fire Station.
- 1.5 Public parks and recreation areas, playgrounds, community centers, forest and conservation areas, private non-commercial recreation areas including country clubs, swimming pool and golf courses but not including commercial miniature golf, golf driving ranges, motorized cart tracks.
- 1.6 Private kennels and facilities, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
- 1.7 Roadside stands offering agricultural products for sale on the premises.
- 1.8 Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept are no closer than 100 feet from the property line.

- 1.9 Stockpiling of animal waste manure shall be maintained in an area at least thirteen hundred and twenty (1,320) feet or one-quarter mile from any neighboring residence. Stockpiling of animal manure shall be maintained in a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

Section 2. Conditional Uses.

- 2.1 Bed and breakfast residence subject to the following conditions in addition to those imposed by the Planning Commission:
- A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
 - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
 - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- 2.2 Privately owned parks, playgrounds, golf courses, dude ranches, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges. All uses requiring buildings or structures shall conform to the floodplain regulations.
- 2.3 Single-family dwellings on less than twenty (20) acres, provided the following minimum conditions are met:
- A. Minimum acres equal three (3) acres
 - B. The maximum dwelling density, both existing and new dwellings, is no more than two (2) dwelling units per ¼ Section. The lot shall be in a rectangular shape and the plat or lot split shall designate from which ¼ Section the lot is being removed.
 - C. All driveways shall be adjacent to an improved county/state road or highway.
 - D. All drives shall be arranged to provide adequate sight lines per State of Nebraska Department of Roads standards and approved by the County Highway Superintendent.
 - E. All lots shall meet standards for well and septic systems as established by the Nebraska Departments of Health and Human Services and Environmental Quality.
- 2.4 Privately owned cabins and seasonal dwellings subject to the flood plain regulations and subdivision regulations.
- 2.5 Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary District Regulations.
- 2.6 Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
- 2.7 Radio and television towers and transmitters.
- 2.8 Airports.
- 2.9 Cemetery.
- 2.10 Community sewage disposal facilities.
- 2.11 Church, seminary and convent.
- 2.12 Public and parochial school; college.
- 2.13 Hospital, sanitarium, nursing home, and retirement home.

- 2.14 Sanitary landfill siting or expansion conducted in a manner and method approved by the County Board of Commissioners, provided said landfill is not closer than one thousand (1,000) feet to a municipal well and/or one mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution.
- 2.15 Lawn and Garden Nurseries.
- 2.16 Seed and feed sales, machine repair shop, livestock equipment construction and sales, as a primary occupation in conjunction with an agricultural operation and be operated on the premises.
- 2.17 Commercial Kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
- 2.18 The spreading, stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
- 2.19 The application of livestock manure through a center pivot or similar device shall require a conditional use permit.
- 2.20 The application of livestock manure in Boone County by operations located outside the County shall require a conditional use permit.
- 2.21 Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Boone County Comprehensive Plan.

The following minimum sanitation and odor practices, and those imposed by the Planning Commission and/or County Board of Commissioners in considering the health, safety, and general welfare of the public, including such items as property values, dust, lighting, disposal of waste and dead livestock. The Conditional Use Permit, if approved, shall be approved after public notice has been given and public hearing conducted as required by law and contingent upon the approval of a Livestock Waste Control Permit if required under Title 130 under the Nebraska Department of Environmental Quality (DEQ).

- A. Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include 301-1,000 animal units; 1,001-2,500 animal units; 2,501-5,000 animal units; 5,001-7,500 animal units; 7,501-10,000 animal units; and 10,001+ animal units. LFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

NOTE: Agricultural Operations of 300 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit, see Section 1.1,B hereof.

All existing LFOs that have been granted a conditional use permit may expand within their designated level, as outlined below and in Table 1, without applying for another conditional use permit. All new LFOs and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than

at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:

- (1) LFO having 301 to 1,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 2,640 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 1,320 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (2) LFO having 1,001 to 2,500 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 5,280 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 2,640 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (3) LFO having 2,501 to 5,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 7,920 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 3,960 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (4) LFO having 5,001 to 7,500 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 10,560 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 5,280 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (5) LFO having 7,501 to 10,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 11,880 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 6,600 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (6) LFO having more than 10,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 11,880 feet plus 0.5 feet per A.U. over 10,000 A.U. from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 6,600 plus 0.25 feet per A.U. over 10,000 A.U. from any non-farm residence or other residence not on the owners' property or other LFO.

- (7) The distance requirements for levels (1) through (6) may be decreased or waived by a conditional use permit and waiver signed by all of the property owners of non-farm residences or other residence not on the owner's property within the distances specified, as well as any other conditions deemed necessary and proper at the time of approval. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Boone County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described hereof.
 - (8) LFOs having up to 1,000 animal units shall locate at least 2,640 feet from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, A-3 District, PU District, R-1 District and/or R-M District. LFOs having more than a 1,000 animal units shall locate at a distance as specified by ECH or Open Lots in Section 2.21, A (2-4) from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, A-3 District, PU District, R-1 District and/or R-M District.
 - (9) The separation distances required ECH and Open Lots, within the Valentine Soil Association, Elsmere-Wann-Loup Association, Thurman-Hord-Loretto Association, shall be maintained regardless of LFO size. The required separation distances of the larger LFO shall be the determining distance between the facilities. This requirement shall not fall under the waiver process.
- B. Conditional Use Permits recommended by the Planning Commission and approved County Board of Commissioners shall be based upon a proposed site plan and conditions or requirements pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (DEQ) or any other applicable State Agency. The applicant shall file a copy of his/her Operation and Maintenance Plan and Manure Management Plan as filed with the DEQ with the Zoning Administrator, and shall also file a copy of all approved DEQ plans and permits with the Zoning Administrator within thirty (30) days after they are issued by the DEQ.
 - C. An annual manure management plan shall be submitted to the Zoning Administrator which shall follow the "best possible management practices" in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
 - D. If stockpiling of animal waste is part of the manure management plan, the waste shall be maintained in an area at least ¼ mile from a platted residential area and at the respective distance from a neighbors' dwelling as outlined in Section 2.21, A(1-5) of this Article.
 - E. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
 - F. In no event shall any manure storage unit or system be constructed in a Flood Plain (as delineated on the Federal Emergency Management Agency's Flood Plain map as adopted by Boone County) or 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 a designated Floodway and flooded areas of standing water shall be prohibited.

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

The separation distance between LFOs shall be the distance of the larger facility within the Valentine Soil Association, Elsmere-Wann-Loup Association, Thurman-Hord-Loretto Association. In addition, the overlapping of separation circles within the Valentine Soil Association, Elsmere-Wann-Loup Association, Thurman-Hord-Loretto Association shall not be allowed.

Size of Proposed LFO in Animal Units.		Non-farm, Other Residence, or other LFO - miles (feet)
301-1,000	ECH	½ (2,640)
	OPEN	¼ (1,320)
1,001-2,500	ECH	1 (5,280)
	OPEN	½ (2,640)
2,501-5,000	ECH	1 ½ (7,920)
	OPEN	¾ (3,960)
5,001 – 7,500	ECH	2 (10,560)
	OPEN	1 (5,280)
7,501 – 10,000	ECH	2 ¼ (11,880)
	OPEN	1 ¼ (6,600)
10,000+	ECH	2 ¼ (11,880) + 0.5 feet per A.U. over 10,000
	OPEN	1 ¼ (6,600) + 0.25 feet per A.U. over 10,000

ECH = Environmentally Controlled Housing Operations

OPEN = Open Lot Operations

Section 3. Accessory Uses.

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

- 3.1 Buildings and uses customarily incidental to the permitted and conditional uses.
- 3.2 Home occupation.
- 3.3 Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Section 4. Lot Requirements and Intensity of Use.

The minimum lot requirements shall be as follows:

- 4.1 Minimum Lot Area and density:
 - A. Single family dwellings - Twenty (20) acres excluding road R.O.W. and at a density of no more than two existing or new acreage or farmsteads per ¼ section, except as herein exempted or on non-conforming lots of record.
 - (1) The lot shall be in rectangular shaped. Should the lot be located within two (2) ¼ Sections, the plat or lot split certificate shall designate from which ¼ Section tract the lot is being removed.
 - B. Mobile homes shall not be permitted except on agricultural operations of twenty (20) acres or greater.
 - C. Seasonal dwellings - Three (3) acres excluding road R.O.W.
 - D. All other permitted and special uses - No minimum except for setbacks and sanitation requirements, or as designated in a Conditional Use Permit.
- 4.2 Exemptions:

- A. More than one (1) dwelling or mobile home may be permitted on an agricultural operation provided the residence is an accessory use to an agricultural operation and under the same ownership as the existing dwelling(s) or mobile home(s).
- B. Existing Farmsteads with single-family dwellings at the time of adoption of these Regulations may be located on lots of less than twenty (20) acres by conditional use provided that the lot is a lot of record or, is subdivided from a ¼ Section tract, as defined within these Regulations, the lot is platted in accordance with the Subdivision Regulations, and that the lot complies with all of the following conditions:
 - (1) The lot created shall not be less than three (3) acres in area, excluding road R.O.W.
 - (2) The lot has legal access to an improved street or county road.
 - (3) The lot contains soil suitable for a septic system or sanitation requirements outlined in these regulations.
 - (4) Should the lot be located within two ¼ Sections tracts, the plat or lot split certificate shall designate from which ¼ Section the lot is being removed.

4.3 Minimum Lot Widths, Setbacks, Yards, and Height of Buildings.

- A. Minimum lot widths shall be as follows:

Single Family Dwellings	200 feet
Seasonal Family Dwellings	100 feet
Other Permitted Uses	200 feet
- B. Minimum front yards shall be as follows:

Single Family Dwellings	30 feet
Seasonal Family Dwellings	20 feet
Other Permitted Uses	30 feet
- C. Minimum side and rear yards shall be as follows:

Single Family Dwellings	Side/15 feet, Rear/25 feet
Seasonal Family Dwellings	Side/15 feet, Rear/20 feet
Other Permitted Uses	Side/15 feet, Rear/25 feet
- D. Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the existing visual center of the road centerline when such yards are contiguous to a County road or state highway, excluding the site triangles of intersections and except as provided for herein.
- E. Maximum height for structures intended for human occupancy shall be thirty-five (35) feet; all others are not restricted.

Section 5. Supplementary Regulations.

- 5.1 All new and existing livestock feeding operations and farms with livestock of 300 animal units or less shall require a no-fee livestock registration permit. In addition, all new or expanded Livestock Feeding Operations of over 300 animal units shall require a Conditional Use Permit as subject to in Section 2.21 of this Article.
 - A. Agricultural Operations having 300 A.U. or less that exceed density levels as defined in these Regulations shall be classified as an LFO of 301-1,000 A.U. and shall require a Conditional Use Permit as subject to in Section 2.21 of this Article.
 - B. New or expanded Agricultural Operations having 100 to 300 animal units or less shall locate no closer than at the following distances:
 - (1) ECH operations shall locate 1,320 feet from a non-farm residence or other residence not on the owners' property.

- (2) Open Lot Operations shall locate 1,320 feet from a non-farm residence or other residence not on the owners' property.
- 5.2 New non-Farm residences shall be located no less than at the following distances and those shown in Table 2, Non-farm Residence Spacing and Distance, from an existing agricultural operation having between 50 and 300 animal units and an LFO based upon the type of operation.
- A. New non-farm residences shall locate at least 5,280 feet from an ECH operation having between 100 and 300 animal units, at least 5,280 feet from an ECH operation having 301-1000 animal units, at least 7,920 feet from an ECH operation having 1001-5000 animal units, at least 13,200 feet from an ECH operation having 5001-10,000 animal units, and at least 15,840 feet from an ECH operation having more than 10,000 animal units.
- B. New non-farm residences shall locate at least 5,280 feet from an Open Lot Operation having between 100 and 300 animal units, at least 5,280 feet from an Open Lot Operation having 301-1000 animal units, at least 6,600 feet from an Open Lot Operation having 1001-5000 animal units, at least 9,240 feet from an Open Lot Operation having 5001-10,000 animal units, and at least 11,880 feet from an Open Lot Operation having more than 10,000 animal units.

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

	SIZE OF EXISTING AGRICULTURAL OPERATION AND LFO IN A.U.									
	100-300		301-1000		1001-5000		5001-10,000		10,000+	
	ECH	OPEN	ECH	OPEN	ECH	OPEN	ECH	OPEN	ECH	OPEN
New Non-farm Residence	1	1	1	1	1 ½	1 ¼	2 ½	1 ¾	3	2 ¼

ECH = Environmentally Controlled Housing Operations

OPEN = Open Lot Operations

ARTICLE 13: A-2 AGRICULTURAL - SECONDARY DISTRICT

The intent of the Agricultural - General District shall be to recognize the use of agricultural land for purposes of farming and other agricultural practices and to allow for increased development where conditions prove favorable while protecting water quality and minimizing flood hazards.

Section 1. Permitted Principal Uses.

The following principal uses are permitted in the Agriculture A-2 District.

- 1.1 Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
 - A. All use of farm chemicals, including application of pesticides and herbicides, shall be governed by State Agencies and applicants using restricted-use pesticides shall be required to be certified as required by law.
 - B. Agricultural operations having up to three hundred (300) animal units are considered a farm and are permitted by right provided other requirements in this district are met and submission of a no-fee livestock registration permit to the Zoning Administrator.
 - C. Mobile homes are permitted only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one (1) year permit which must be renewed annually and which shall be subject to the conditions of the permit.
- 1.2 New single family dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts include those that have frontage on a minimum maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road as a condition of the permit.
- 1.3 Utility substation, pumping station, water reservoir and telephone exchange.
- 1.4 Fire Station.
- 1.5 Public parks and recreation areas, playgrounds, community centers, forest and conservation areas, private non-commercial recreation areas including country clubs, swimming pool and golf courses but not including commercial miniature golf, golf driving ranges, motorized cart tracks.
- 1.6 Private kennels and facilities, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
- 1.7 Roadside stands offering agricultural products for sale on the premises.
- 1.8 Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept are no closer than 100 feet from the property line.
- 1.9 Stockpiling of animal waste manure shall be maintained in an area at least thirteen hundred and twenty (1,320) feet or one-quarter mile from any neighboring residence. Stockpiling of animal manure shall be maintained in a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

Section 2. Conditional Uses.

- 2.1 Bed and breakfast residence subject to the following conditions in addition to those imposed by the Commission:
 - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.

- C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
 - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
 - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- 2.2 Privately owned parks, playgrounds, golf courses, dude ranches, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges. All uses requiring buildings or structures shall conform to the floodplain regulations.
- 2.3 Single-family dwellings on less than ten (10) acres, provided the following minimum conditions are met:
- A. Minimum acres equal three (3) acres
 - B. The maximum dwelling density, both existing and new dwellings, is no more than four (4) dwelling units per ¼ Section. The lot shall be in a rectangular shape and the plat or lot split shall designate from which ¼ Section the lot is being removed.
 - C. All driveways shall be adjacent to an improved county/state road or highway.
 - D. All drives shall be arranged to provide adequate sight lines per State of Nebraska Department of Roads standards and approved by the County Highway Superintendent.
 - E. All lots shall meet standards for well and septic systems as established by the Nebraska Departments of Health and Human Services and Environmental Quality.
- 2.4 Privately owned cabins and seasonal dwellings subject to the flood plain regulations and subdivision regulations.
- 2.5 Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary District Regulations.
- 2.6 Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums
- 2.7 Radio and television towers and transmitters.
- 2.8 Airports.
- 2.9 Cemetery.
- 2.10 Community sewage disposal facilities.
- 2.11 Church, seminary and convent.
- 2.12 Public and parochial school; college.
- 2.13 Hospital, sanitarium, nursing home, and retirement home.
- 2.14 Sanitary landfill siting or expansion conducted in a manner and method approved by the Board of County Commissioners, provided said landfill is not closer than one thousand (1,000) feet to a municipal well and/or one mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution.
- 2.15 Lawn and Garden Nurseries.
- 2.16 Seed and feed sales, machine repair shop, livestock equipment construction and sales, as a primary occupation in conjunction with an agricultural operation and be operated on the premises.
- 2.17 Commercial Kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.

- 2.18 The spreading, stockpiling or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
- 2.19 The application of livestock manure in Boone County by operations located outside the County shall require a conditional use permit.
- 2.20 The application of livestock manure through a center pivot or similar device shall require a conditional use permit.
- 2.21 Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Boone County Comprehensive Plan.
- The following minimum sanitation and odor practices, and those imposed by the Planning Commission and/or County Board of Commissioners in considering the health, safety, and general welfare of the public, including such items as property values, dust, lighting, disposal of waste and dead livestock. The Conditional Use Permit shall be approved after public notice has been given and public hearing conducted as required by law.
- A. Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include 301-1,000 animal units; 1,001-5,000 animal units; 5,001-10,000 animal units; and 10,001+ animal units. LFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

NOTE: Agricultural Operations of 300 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit, see Section 1.1,B hereof.

All existing LFOs that have been granted a conditional use permit may expand within their designated level, as outlined below and in Table 1, Article 12, without applying for another conditional use permit. All new LFOs and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:

- (1) LFO having 301 to 1,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 2,640 feet from any non-farm residence or other residence not on the owners' property.
 - (b) Open lot operations shall locate at least 1,320 feet from any non-farm residence or other residence not on the owners' property.
- (2) LFO having 1,001 to 5,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 5,280 feet from any non-farm residence or other residence not on the owners' property.
 - (b) Open lot operations shall locate at least 2,640 feet from any non-farm residence or other residence not on the owners' property.
- (3) LFO having 5,001 to 10,000 animal units shall locate the following distances:

- (a) ECH operations shall locate at least 10,560 feet from any non-farm residence or other residence not on the owners' property.
 - (b) Open lot operations shall locate at least 5,280 feet from any non-farm residence or other residence not on the owners' property.
- (4) LFO having more than 10,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 13,200 feet from any non-farm residence or other residence not on the owners' property.
 - (b) Open lot operations shall locate at least 7,920 feet from any non-farm residence or other residence not on the owners' property.
- (5) The distance requirements for levels (1) through (4) may be decreased or waived by a conditional use permit and waiver signed by all of the property owners of non-farm residences or other residence not on the owner's property within the distances specified, as well as any other conditions deemed necessary and proper at the time of approval. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Boone County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described hereof.
- (6) LFOs having up to 1,000 animal units shall locate at least 2,640 feet from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, A-3 District, PU District, R-1 District and/or R-M District. LFOs having more than a 1,000 animal units shall locate at a distance as specified by ECH or Open Lots in Section 2.21, A (2-4) from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, A-3 District, PU District, R-1 District and/or R-M District.
- B. Conditional Use Permits recommended by the Planning Commission and approved by the County Board of Commissioners shall be based upon a proposed site plan and conditions or requirements pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (DEQ) or any other applicable State Agency. The applicant shall file a copy of his/her Operation and Maintenance Plan and Manure Management Plan as filed with the DEQ with the Zoning Administrator, and shall also file a copy of all approved DEQ plans and permits with the Zoning Administrator within thirty (30) days after they are issued by the DEQ.
- C. An annual manure management plan shall be submitted to the Zoning Administrator which shall follow the "best possible management practice" in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
- D. If stockpiling of animal waste is part of the manure management plan, the waste shall be maintained in an area at least ¼ mile from a platted residential area and at the respective distance from a neighbors' dwelling as outlined in Section 2.21, A(1-5) of this Article.
- E. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
- F. In no event shall any manure storage unit or system be constructed in a Flood Plain (as delineated on the Federal Emergency Management Agency's Flood Plain map as adopted by Boone County) or 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 a designated Floodway and flooded areas of standing water shall be prohibited.

Section 3. Accessory Uses.

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

- 3.1 Buildings and uses customarily incidental to the permitted and conditional uses.
- 3.2 Home occupation.
- 3.3 Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Section 4. Lot Requirements and Intensity of Use.

The height and minimum lot requirements shall be as follows:

4.1 Minimum Lot Area:

- A. Single family dwellings - Ten (10) acres excluding road R.O.W. and at a density of no more than four existing or new acreage or farmsteads per ¼ section, except as herein exempted or on non-conforming lots of record.
 - (1) The lot shall be in rectangular shaped. Should the lot be located within two (2) ¼ Sections, the plat or lot split certificate shall designate from which ¼ Section tract the lot is being removed.
- B. Mobile homes shall not be permitted except on agricultural operations of twenty (20) acres or greater.
- C. Seasonal dwellings - Three (3) acres excluding road R.O.W.
- D. All other permitted and special uses - No minimum except for setbacks and sanitation requirements, or as designated in a Conditional Use Permit.

4.2 Exemptions:

- A. More than one (1) dwelling or mobile home may be permitted on an agricultural operation provided the residence is an accessory use to an agricultural operation and under the same ownership as the existing dwelling(s) or mobile home(s).
- B. Existing Farmsteads with single-family dwellings at the time of adoption of these Regulations may be located on lots of less than ten (10) acres by conditional use provided that the lot is a lot of record or, is subdivided from a ¼ Section tract, as defined within these Regulations, the lot is platted in accordance with the Subdivision Regulations, and that the lot complies with all of the following conditions:
 - (1) The lot created shall not be less than three (3) acres in area, excluding road R.O.W.
 - (2) The lot has legal access to an improved street or county road.
 - (3) The lot contains soil suitable for a septic system or sanitation requirements outlined in these regulations.
 - (4) Should the lot be located within two ¼ Sections tracts, the plat or lot split certificate shall designate from which ¼ Section the lot is being removed.

4.3 Minimum Lot Widths, Set Backs, Yards, and Height of Buildings.

- A. Minimum lot widths shall be as follows:
 - Single Family Dwellings 200 feet
 - Seasonal Family Dwellings 100 feet
 - Other Permitted Uses 200 feet
- B. Minimum front yards shall be as follows:
 - Single Family Dwellings 30 feet
 - Seasonal Family Dwellings 20 feet
 - Other Permitted Uses 30 feet

- C. Minimum side and rear yards shall be as follows:
 - Single Family Dwellings Side/15 feet, Rear/25 feet
 - Seasonal Family Dwellings Side/15 feet, Rear/20 feet
 - Other Permitted Uses Side/15 feet, Rear/25 feet
- D. Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the existing visual center of the road centerline when such yards are contiguous to a County road or state highway, excluding the site triangles of intersections and except as provided for herein.
- E. Maximum height for structures intended for human occupancy shall be thirty-five (35) feet; all others are not restricted.

Section 5. Supplementary Regulations.

- 5.1 All new and existing livestock feeding operations and farms with livestock of 300 animal units or less shall require a no-fee livestock registration permit. In addition, all new or expanded Livestock Feeding Operations of over 300 animal units shall require a Conditional Use Permit as subject to in Section 2.21 of this Article.
 - A. Agricultural Operations having 300 A.U. or less that exceed density levels as defined in these Regulations shall be classified as an LFO of 301-1,000 A.U. and shall require a Conditional Use Permit as subject to in Section 2.21 of this Article.
 - B. New or expanded Agricultural Operations having 100 to 300 animal units or less shall locate no closer than at the following distances:
 - (1) ECH operations shall locate 1,320 feet from a non-farm residence or other residence not on the owners' property.
 - (2) Open Lot Operations shall locate 1,320 feet from a non-farm residence or other residence not on the owners' property.
- 5.2 New non-Farm residences shall be located no less than at the following distances and those shown in Table 3, Non-farm Residence Spacing and Distance, from an existing an agricultural operation having between 50 and 300 animal units and an LFO based upon the type of operation.
 - A. New non-farm residences shall locate at least 3,960 feet from an ECH operation having between 100 and 300 animal units, at least 3,960 feet from an ECH operation having 301-1000 animal units, at least 6,600 feet from an ECH operation having 1001-5000 animal units, at least 11,880 feet from an ECH operation having 5001-10,000 animal units, and at least 14,520 feet from an ECH operation having more than 10,000 animal units.
 - B. New non-farm residences shall locate at least 3,960 feet from an Open Lot Operation having between 100 and 300 animal units, at least 3,960 feet from an Open Lot Operation having 301-1000 animal units, at least 5,280 feet from an Open Lot Operation having 1001-5000 animal units, at least 7,920 feet from an Open Lot Operation having 5001-10,000 animal units, and at least 10,560 feet from an Open Lot Operation having more than 10,000 animal units.

TABLE 3: NON-FARM RESIDENCE SPACING AND DISTANCE(Distances given in miles)

	SIZE OF EXISTING AGRICULTURAL OPERATION AND LFO IN A.U.									
	100-300		301-1000		1001-5000		5001-10,000		10,000+	
	ECH	OPEN	ECH	OPEN	ECH	OPEN	ECH	OPEN	ECH	OPEN
New Non-farm Residence	3/4	3/4	¾	3/4	1 1/4	1	2 1/4	1 1/2	2 3/4	2

ECH = Environmentally Controlled Housing Operations

OPEN = Open Lot Operations

ARTICLE 14: A-3 AGRICULTURAL - TRANSITIONAL DISTRICT

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

Section 1. Permitted Principal Uses.

The following principal uses are permitted in the A-3 Agricultural - Transitional District:

- 1.1 Agriculture, farming, dairy farming, livestock and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises; provided that the operation is no more than three hundred (300) animal units and, that any building, structure or yard for the raising, confinement, housing or sale of livestock or poultry shall be located at least one thousand three hundred twenty (1,320) feet from a neighbors dwelling, and further provided, that there shall be no feeding, spreading, accumulation or disposal of garbage, rubbish or offal on any open surface of the land.
- 1.2 Churches and publicly owned and operated community buildings, public museums, public libraries.
- 1.3 Single-family dwellings, provided the intensity of use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road.
- 1.4 Fish hatcheries, apiaries, aviaries.
- 1.5 Forests and wildlife reservations, or similar conservation projects.
- 1.6 Fur farming for the raising of fur bearing animals.
- 1.7 Golf courses and clubhouses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
- 1.8 Hospitals, sanitariums, homes for the aged and feeble minded.
- 1.9 Private Kennels, provided the buildings and pens shall be located at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
- 1.10 Mushroom barns and caves.
- 1.11 Nurseries, greenhouses and truck gardens.
- 1.12 Philanthropic or eleemosynary institutions.
- 1.13 Picnic groves.
- 1.14 Publicly owned parks and playgrounds, including public recreation or service building within such parks, public administrative building, police and fire stations, and public utility buildings and structures.
- 1.15 Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
- 1.16 Railroad rights-of-way not including railroad yards.
- 1.17 Riding stables and riding tracks.
- 1.18 Cemeteries and mortuaries.

- 1.19 Home occupation subject to the following:
 - A. That such uses are located in the dwelling used by a person as his/her private residence.
 - B. That no assistance other than a member of the family household is employed, and no window display or sign, either illuminated or more than two (2) square feet in area is used to advertise the same.
- 1.20 Accessory Uses.
 - A. A hobby shop may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed are not sold for profit, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, fumes, or electrical interference.
 - B. Building and uses customarily incidental to the permitted and conditional uses.
 - C. Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.

Section 2. Conditional Uses

- 2.1 Airports and heliports.
- 2.2 Bed and breakfast residence subject to the following conditions in addition to those imposed by the Commission:
 - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
 - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
 - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- 2.3 Commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
- 2.4 Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil, subject to the following conditions, the supplementary regulations and to the approval of the Board of Commissioners after a hearing and recommendation of the Planning Commission:
 - A. The application shall include a grading map showing existing contours, proposed excavation contours, and the proposed final grade contours.
 - B. The application shall include a statement identifying the effect on the groundwater table of the adjoining properties.
 - C. The application shall identify the location of proposed vehicle and equipment storage areas, erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff onto adjacent land.
 - D. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation.

- E. Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible.
- F. Materials excavated shall not be stored within a designated floodway.
- G. Within nine (9) months after the completion of extraction of any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, or sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 2.5 The application of manure by any livestock feeding operation (LFO as defined in these Regulations) from inside or outside the County shall require a Conditional Use Permit.
- 2.6 Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 2.7 Privately owned cabins and seasonal dwellings subject to the flood plain regulations and subdivision regulations.
- 2.8 Radio and television towers and transmitters.

Section 3. Area and Intensity Regulations.

In the A-3 Agricultural-Transitional District the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows:

- 3.1 There shall be a front yard of no less than thirty (30) feet.
- 3.2 There shall be a side yard on each side of a building not less than fifteen (15) feet.
- 3.3 There shall be a rear yard of no less than twenty-five (25) feet.
- 3.4 The minimum width of a lot shall be two hundred (200) feet; provided, that where a lot in separate ownership at the time of adoption of these regulations, has less width than herein required, these regulations shall not prohibit the erection of a one-family dwelling provided that the side yards are not reduced more than 15% and all other requirements are met.
- 3.5 The minimum single family dwelling size shall be six hundred and fifty (650) square feet of living floor area.
- 3.6 Single family dwellings shall be located on lots no less than five (5) acres excluding road R.O.W. except as herein exempted or on non-conforming lots of record.
- 3.7 Seasonal dwellings shall be located on lots no less than three (3) acres excluding road R.O.W. except as herein exempted, as provided in Article 21, Section 14, or on non-conforming lots of record.
- A. Minimum Lot Width and Yard Requirements:
 - Lot Width 100 feet
 - Front yard 20 feet
 - Side yard 15 feet
 - Rear yard..... 20 feet
- 3.8 Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the existing visual center of the road centerline when such yards are contiguous to a County road or state highway, excluding the site triangles of intersections and except as provided for herein.

- 3.9 Height of Buildings.
- A. Maximum height for structures intended for human occupancy shall be thirty-five (35) feet.
 - B. All other structures not restricted, except that when located within one hundred (100) feet of the R-1 or R-M Districts, buildings or structures shall not exceed thirty-five (35) feet in height.

ARTICLE 15: R-1 RESIDENTIAL DISTRICT

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

Section 1. Permitted Principal Uses:

- 1.1 Single-family dwellings.
- 1.2 Bed and breakfast residence subject to the following provisions:
 - A. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - B. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
 - C. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
 - D. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- 1.3 General agricultural operations, but this shall not include or permit:
 - A. The confined feeding of livestock.
 - B. The spreading, accumulation, feeding or use of garbage or animal waste in any manner on the open surface of the land.
 - C. A use or activity engaged in within three hundred (300) feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
 - D. The construction of agricultural buildings or structures closer than sixty (60) feet from the right-of-way.
- 1.4 Public parks and recreational areas and community buildings owned and operated by a public agency.
- 1.5 Churches, synagogues, and other similar places of worship.
- 1.6 Public and parochial schools.
- 1.7 Golf courses, pitch and putt golf courses and driving tees. Miniature golf is permitted if it is a part of the total golfing operation.
- 1.8 Home occupations, subject to the following:
 - A. That such uses are located in the dwelling used by a person as his/her private residence.
 - B. That no assistance other than a member of the family household is employed, and no window display or sign, either illuminated or more than two (2) square feet in area is used to advertise the same.
- 1.9 Accessory buildings and uses.

Section 2. Conditional Uses:

- 2.1 Any public building erected on land used by any department of the City, County, State or Federal Government.
- 2.2 Telephone exchange, electric substations, communication towers and structures, regulatory stations or other public utilities.
- 2.3 Medical Clinic, hospitals, rest homes, and nursing homes.
- 2.4 Vocational, private and business schools.
- 2.5 Multi-unit dwellings, provided such use is part of a Planned Unit Development-Residential.

Section 3. Lot Requirements.

In the R-1 Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot or tract, shall be as follows subject to the sanitary requirements (Article 21, Section 14) of these Regulations:

- 3.1 There shall be a front yard of not less than thirty (30) feet.
- 3.2 There shall be a side yard on each side of a building not less than eight (8) feet, except on corner lots, the setback for all buildings shall be a minimum of thirty (30) feet on the side abutting a street/road.
- 3.3 There shall be a rear yard of no less than twenty-five (25) feet.
- 3.4 The minimum width of a lot shall be one hundred (100) feet
- 3.5 Every dwelling or accessory building or structure hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area, excluding road R.O.W., of not less than three (3) acres or not less than one-quarter (1/4) acre per family subject to the sanitary requirements (Article 21, Section 14) of these Regulations.
- 3.6 Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the road centerline when such yards are contiguous to a County road or state highway.
- 3.7 Height of Buildings.
 - A. Maximum height for principal uses: thirty-five (35) feet.
 - B. Maximum height for accessory uses: twenty (20) feet.

ARTICLE 16: R-M MOBILE HOME RESIDENTIAL DISTRICT

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

Section 1. Permitted Principal Uses.

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

- 1.1 Mobile Home Court.
- 1.2 Single family dwelling.
- 1.3 Public School.
- 1.4 Private and public park, playground and recreational facilities.
- 1.5 Church, educational facilities and parish house.
- 1.6 On-site sign.
- 1.7 Multi-unit dwellings, provided such use is part of a Planned Unit Development-Residential.
- 1.8 Buildings and uses customarily incidental to the permitted uses.
- 1.9 Off-street parking.

Section 2. Permitted Conditional Uses.

- 2.1 Home occupation, subject to the following:
 - A. That such uses are located in the dwelling used by a person as his/her private residence.
 - B. That no assistance other than a member of the family household is employed, and no window display or sign, either illuminated or more than two (2) square feet in area is used to advertise the same.
- 2.2 Nursery or day-care schools.
- 2.3 Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 2.4 Sewage disposal and water supply and treatment facilities.
- 2.5 Campgrounds.
- 2.6 Public buildings.

Section 3. Area and Lot Requirements.

- 3.1 A mobile home court shall have an area of not less than five (5) acres. No mobile homes or other structures shall be located less than sixty-three (63) feet from the road centerline when contiguous to or having frontage to a County road or state highway. The setback on all other court property lines shall be twenty-five (25) feet. These areas shall be landscaped. The minimum lot width for a mobile home court shall be two hundred (200) feet.
- 3.2 Each lot provided for occupancy of a single mobile home shall have an area of not less than seven thousand five hundred (7,500) square feet, excluding road R.O.W., and a width of not less than seventy (70) feet for an interior lot, eighty (80) feet for a corner lot, or forty-five (45) feet when facing a cul-de-sac turnaround or curve on a minor loop street. Each individual lot shall have:
 - A. Side yards shall not be less than eight (8) feet on one side and not less than eight (8) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of thirty (30) feet on the side abutting a street/road.
 - B. Front yard of not less than thirty (30) feet.
 - C. A rear yard of not less than twenty-five (25) feet.

3.3 There shall be a minimum livable floor area of five hundred (500) square feet in each mobile home.

3.4 Height of Buildings.

A. Maximum height for principal uses: thirty-five (35) feet.

B. Maximum height for accessory uses: twenty (20) feet.

Section 4. Community Facilities

4.1 Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking.

4.2 Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with Article 21 of these Regulations. The water supply shall be sufficient for domestic use and for fire protection.

4.3 Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.

4.4 Not less than 8% of the total court area shall be designated and used for park, playground and recreational purposes.

Section 5. Plan Requirements.

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

5.1 A development plan and grading plan of the court.

5.2 The area and dimensions of the tract of land.

5.3 The number, location, and size of all mobile home spaces.

5.4 The area and dimensions of the park, playground and recreation areas.

5.5 The location and width of roadways and walkways.

5.6 The location of service buildings and any other proposed structures.

5.7 The location of water and sewer lines and sewage disposal facilities.

5.8 Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

ARTICLE 17: C-1 COMMERCIAL DISTRICT

The intent of the C-1 District shall be to provide for commercial businesses that principally support the buying needs for rural residents of Boone County.

Section 1. Permitted Principal Uses.

- 1.1 Agricultural implement sales and services.
- 1.2 Animal hospitals when all facilities are within an enclosed building.
- 1.3 Automobile and truck sales and service.
- 1.4 Automotive accessory stores.
- 1.5 Boat sales, service and rental.
- 1.6 Bowling alleys.
- 1.7 Car washes.
- 1.8 Construction equipment rental and sales.
- 1.9 Convenience stores.
- 1.10 Electric and telephone substations and offices.
- 1.11 Gift and souvenir shops.
- 1.12 Hotels and motels including accessory service uses, such as newsstands, messenger and telegraph stations, swimming pools (for motel guests only), flower and gift shops.
- 1.13 Indoor skating rinks.
- 1.14 Indoor theaters.
- 1.15 Lumber and building materials sales yards.
- 1.16 Mobile home sales and service.
- 1.17 Motorcycle sales, service and rental.
- 1.18 Nursery and garden stores.
- 1.19 Package liquor stores.
- 1.20 Parks, playgrounds and community buildings owned and operated by a public agency.
- 1.21 Restaurants and tea room, including drive-in and carry-out establishments.
- 1.22 Service stations or filling stations (light service work only).
- 1.23 **Additional uses as delineated in the Land Use Matrix of these regulations.**

Section 2. Conditional Uses.

- 2.1 Signs and billboards.
- 2.2 Governmental buildings.
- 2.3 Mortuary.
- 2.4 Outdoor amusement establishments such as amusement parks, permanent carnival and kiddie parks, miniature golf pitch and putt courses, driving ranges and other similar establishments.
- 2.5 Drive-in theaters.
- 2.6 Campgrounds (subject to the Supplemental District Regulations governing campgrounds).
- 2.7 Radio and television towers and transmitters.
- 2.8 Dance halls and ballrooms.
- 2.9 Taverns.
- 2.10 **Additional uses as delineated in the Land Use Matrix of these regulations.**

Section 3. Height and Area Regulations.

In District C-1 the height of the buildings, the minimum dimensions of lots and yards and the minimum lot area permitted on any lot shall be as follows:

- 3.1 Height of Buildings.
 - A. Maximum height for principal uses: sixty (60) feet, except that when located within one hundred (100) feet of the R-1 or R-M Districts buildings or structures shall not exceed thirty-five (35) feet in height .
 - B. Maximum height for accessory uses: twenty (20) feet.
- 3.2 The front yard requirements shall be not less than thirty-five (35) feet.
- 3.3 The side yard shall not be less than ten (10) feet.
- 3.4 The depth of the rear yard shall be at least twenty-five (25) feet. Where an alley of record exists such rear yard may be measured from the centerline of said alley.
- 3.5 Minimum lot width shall be at least one hundred fifty (150) feet.
- 3.6 Minimum lot area shall be at least one (1) acre excluding road R.O.W.
- 3.7 The total coverage of all buildings shall not occupy more than forty (40) percent of the lot area.
- 3.8 Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the road centerline when such yards are contiguous to a County road or state highway.

ARTICLE 18: I-1 LIGHT INDUSTRIAL DISTRICT

The intent of the I-1 Light Industrial District shall be to provide for businesses involved in the manufacturing or handling of light industrial materials.

Regarding Adult Establishments, it is the intent of Boone County is not to prohibit these uses but to regulate the secondary effects related to the uses within the County.

Section 1. Permitted Principal Uses.

The following principal uses are permitted in the I-1 District:

- 1.1 Light industrial uses except those specifically permitted in the I-2 District and except those which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare. Permitted uses shall include uses such as:
 - A. Assembly of metal products.
 - B. Building materials storage and sales yard.
 - C. Concrete or cement products manufacture.
 - D. Dyeing and cleaning establishment.
 - E. Farm and industrial equipment sales.
 - F. Laboratory.
 - G. Manufacture and assembly of electrical and electronic appliances.
 - H. Manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber and paint.
 - I. Manufacture of light sheet metal products including heating and ventilation equipment.
 - J. Machine shop or other metal working excluding drop hammers and other noise producing tools.
 - K. Painting and publishing business.
 - L. Stone and monument works.
 - M. Storage of farm and agriculture products.
 - N. Truck and freight terminal.
 - O. Utility substation, pumping station and water reservoir.
 - P. Warehouse or storage houses used for the warehousing or storage of non-hazardous products and materials.
 - Q. Living quarters used by watchmen or custodians of the industrially used property.
 - R. **Additional uses as delineated in the Land Use Matrix of these regulations.**

Section 2. Conditional Uses

The Governing Body may, by conditional use permit, authorize the following exceptions subject to such conditions as the Governing Body deems necessary, to include, but not restricted to, proper setback, landscaping, screening, fencing, maintenance provisions and other similar requirements.

- 2.1 Warehouses or storage houses used for the warehousing or storage of hazardous products and materials.
- 2.2 Wholesale merchandise sales and storage houses including the commercial warehousing and storage of hazardous material either in mass or bulk.
- 2.3 Adult Establishments
- 2.4 **Additional uses as delineated in the Land Use Matrix of these regulations.**

Section 3. Lot Requirements.

The minimum lot requirements shall be as follows in these regulations.

- 3.1 Minimum yard size of permitted uses:
 - Front Yard 35'
 - Side Yard 10'
 - Rear Yard 25'
- 3.2 All front yards, except for access drives and guest parking, shall be landscaped and maintained with trees, shrubs, flowers and lawns.
- 3.3 All other yards shall be landscaped and maintained with trees, shrubs, flowers and lawns when they abut or are located across any street from an A-1, A-2, A-3, R-1, R-M or C-1 District.
- 3.4 Height of Buildings.
 - A. Maximum height for principal uses: sixty (60) feet, except that when located within one hundred (100) feet of the R-1 or R-M Districts buildings or structures shall not exceed thirty-five (35) feet in height .
 - B. Maximum height for accessory uses: twenty-five (25) feet.
- 3.5 Minimum lot width shall be at least one hundred fifty (150) feet.
- 3.6 Minimum lot area shall be at least one (1) acre excluding road R.O.W.
- 3.7 The total coverage of all buildings shall not occupy more than fifty (50) percent of the lot area.
- 3.8 Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the road centerline when such yards are contiguous to a County road or state highway.

ARTICLE 19: I-2 HEAVY INDUSTRIAL DISTRICT

The intent of the I-2 Heavy Industrial District shall be to provide for businesses involved in the manufacturing or handling of any industrial materials.

Section 1. Permitted Principal Uses

The following uses are permitted in the I-2 Heavy Industrial District:

- 1.1 Any uses permitted in the I-1 District.
- 1.2 Any other industrial, manufacturing or commercial agricultural use, except those uses specially permitted as a conditional use in this district.
- 1.3 Living quarters used by watchmen or custodians of the industrially used property.
- 1.4 Warehouses or storage house used for the warehousing or storage of non-hazardous products and materials.
- 1.5 Wholesale merchandise sales and storage houses except for commercial warehousing and storage of hazardous material either in mass or bulk.
- 1.6 **Additional uses as delineated in the Land Use Matrix of these regulations.**

Section 2. Conditional Uses.

- 2.1 Abattoirs
- 2.2 Alfalfa dehydrating plant
- 2.3 Acetylene gas manufacturing or storage
- 2.4 Asphalt manufacture or refining
- 2.7 Boiler works
- 2.8 Burlap manufacture
- 2.9 Cement, lime, gypsum or plaster-of-paris manufacture
- 2.10 Fat rendering
- 2.11 Fertilizer manufacture and bone grinding
- 2.12 Fireworks or explosive manufacture
- 2.13 Forage plant
- 2.14 Packing house
- 2.15 Plating works
- 2.16 Sausage manufacture
- 2.17 Slaughter house
- 2.18 Smelter
- 2.19 Stock yards
- 2.20 Storage or baling of scrap paper, iron, bottles, rages or junk
- 2.21 Tallow, grease or lard manufacture or refining from animal fat
- 2.22 Vinegar manufacture
- 2.23 Yeast plant
- 2.24 Radio and television towers and transmitters.
- 2.25 Warehouses or storage houses used for the warehousing or storage of hazardous products and materials.
- 2.26 Wholesale merchandise sales and storage houses including the commercial warehousing and storage of hazardous material either in mass or bulk.
- 2.27 Vehicle wrecking yards, junkyards, salvage yards, and scrap processing yards subject to the following:
 - A. The operation shall be located on a tract of land at least six hundred sixty (660) feet from a residential district zone.
 - B. The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a solid fence or wall, of uniform height, insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood.

- The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
- C. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, or within the public right-of-way.
 - D. Burning of paper, trash, junk, or waste materials shall be permitted only after approval of the Fire Department. The burning, when permitted, shall be done only during daylight hours.
 - E. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.
 - F. This use shall not be located on or visible from an arterial or major street or highway.
- 2.28 Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration or hazardous.
- 2.29 **Additional uses as delineated in the Land Use Matrix of these regulations.**

Section 3. Lot Requirements

The minimum lot requirements shall be as follows:

- 3.1 Minimum yard sizes of permitted uses:
 - Front Yard 35'
 - Side Yard 10'
 - Rear Yard 25'
- 3.2 Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the road centerline when such yards are contiguous to a County road or state highway.
- 3.3 Height of Buildings.
 - A. Maximum height for principal uses: sixty (60) feet, except that when located within one hundred (100) feet of the R-1 or R-M Districts buildings or structures shall not exceed thirty-five (35) feet in height .
 - B. Maximum height for accessory uses: twenty-five (25) feet.
- 3.4 Minimum lot width shall be at least one hundred fifty (150) feet.
- 3.5 Minimum lot area shall be at least one (1) acre excluding road R.O.W.
- 3.6 The total coverage of all buildings shall not occupy more than fifty (50) percent of the lot area.

ARTICLE 20: PU PUBLIC/SEMI-PUBLIC USE DISTRICT

The intent of the PU District shall be to provide for public areas utilized and needed by residents of Boone County.

Section 1. Permitted Principal Uses.

- 1.1 Public parks and recreation areas, picnic areas, playgrounds, community centers, forest and conservation areas, private non-commercial recreation areas including country clubs, swimming pool and golf courses but not including commercial miniature golf.
- 1.2 County Fairgrounds.
- 1.3 Indoor skating rinks.
- 1.4 Outdoor amusement establishments such as amusement parks, permanent carnival and kiddie parks, miniature golf pitch and putt courses, driving ranges and other similar establishments.
- 1.5 **Additional uses as delineated in the Land Use Matrix of these regulations.**

Section 2. Conditional Uses.

- 2.1 Governmental buildings.
- 2.2 Campgrounds (subject to the Supplemental District Regulations governing campgrounds).
- 2.3 Privately owned parks, playgrounds, golf courses, dude ranches, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges. All uses requiring buildings or structures shall conform to the floodplain regulations.
- 2.4 Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept are no closer than 100 feet from the property line.
- 2.5 Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
- 2.6 Utility substation, pumping station, water reservoir and telephone exchange.
- 2.7 Fire Station.
- 2.8 Radio, phone and television towers and transmitters.
- 2.9 Cemeteries.
- 2.10 Community sewage disposal facilities.
- 2.11 Church, seminary and convent.
- 2.12 Public and parochial school; college.
- 2.13 Hospital, sanitarium, nursing home, and retirement home.
- 2.14 **Additional uses as delineated in the Land Use Matrix of these regulations.**

Section 3. Height, Area and Intensity Regulations.

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

- 3.1 Height of Buildings.
 - A. Maximum height for principal uses: sixty (60) feet, except that when located within one hundred (100) feet of the R-1 or R-M Districts buildings or structures shall not exceed thirty-five (35) feet in height .
 - B. Maximum height for accessory uses: twenty (20) feet.
- 3.2 The front yard requirements shall be not less than thirty-five (35) feet.
- 3.3 The side yard shall not be less than ten (10) feet.
- 3.4 The depth of the rear yard shall be at least twenty-five (25) feet. Where an alley of record exists such rear yard may be measured from the centerline of said alley.
- 3.5 Minimum lot width shall be at least one hundred fifty (150) feet.
- 3.6 Minimum lot area shall be at least one (1) acre excluding road R.O.W.

- 3.7 The total coverage of all buildings shall not occupy more than forty (40) percent of the lot area.
- 3.8 Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the road centerline when such yards are contiguous to a County road or state highway.

ARTICLE 21: SUPPLEMENTARY DISTRICT REGULATIONS

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

Section 1. Height Limitations

Chimney, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, except where specifically required, are not subject to the height limitations contained in the District Regulations.

Section 2. Amenities, Fire

Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard, may be permitted by the Zoning Administrator for a distance of not more than three and one-half (32) feet and where the same are so placed as not to obstruct lights and ventilation.

Section 3. Side Yards

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

Section 4. Radio and Television Towers

Radio and television towers shall be permitted in any district, except Residential Districts, with a Conditional Use Permit provided the height of the radio or television tower does not conflict with any airport approach or landing zone or with any other regulations and strobe lights are eliminated during nighttime use.

Section 5. Corner Lots

On a corner lot or property in any district, no buildings, structures, opaque fences, trees or shrubs shall be erected, planted or allowed to grow in such a manner as to materially impeded vision between a height of two and one-half (2 ½) and eight (8) feet above the grades of the centerline of the intersecting street or road, from the point of intersection one hundred twenty (120) feet in each direction measured along the centerline of the streets or roads, except for single pole utility structures, railroad crossing signs, road directional and safety signs, and agricultural crops.

Section 6. Recreation Equipment, Storage

Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, camping busses or converted trucks, and tent trailers shall not be stored or parked within the required front yard of a residential district and no such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.

Section 7. Building Setback

- 7.1 The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure.
- 7.2 All new non-farm residences shall locate no less than at the corresponding distances provided in Section 5.2 of Article 12 and 13 from an Existing Agricultural Operation or LFO with more than one hundred (50) animal units located in any affected adjacent Zoning District.
- 7.3 All uses permitted in each district locating two thousand six hundred forty (2,640) feet or less from a public park, recreation area, church, cemetery, religious area, school,

historical site, R-1 residential district, or R-M mobile home residential district shall require a conditional use permit, unless otherwise specified in these Regulations.

Section 8. Temporary Structures

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts; however, basements and cellars shall not be occupied for residential purposes until the entire building is completed.

Section 9. Caretaker's Quarters

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

Section 10. Rental Units

In all districts permitting dwellings, the renting of not to exceed two sleeping rooms with total occupancy of not to exceed three persons for whom may be furnished, but with the prohibiting of separate culinary accommodations for such tenants shall be permitted for each dwelling unit except that the floor area of the rented space shall not exceed twenty-five percent (25%) of the total area of the dwelling

Section 11. Front yards.

The front yards heretofore established shall be adjusted in the following cases:

- 11.1 In Residential Districts, where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
- 11.2 In Residential Districts, where forty percent (40%) or more of the frontage on one side of the street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
 - A. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners or the adjacent buildings on the two (2) sides, or
 - B. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- 11.3 In the A-1, A-2 and A-3 Districts, where a building is to be erected or enlarged and is completely within two hundred fifty (250) feet of a building in existence at the time of adoption of this regulation, such building may be erected as close to the road right-of-way as the existing building, provided that such structure or addition complies with Article 21 Section 5.

Section 12. Accessory Uses

- 12.1 Accessory buildings shall not be used for dwelling purposes.
- 12.2 Yard requirements for accessory buildings are as follows:
 - A. Front Yard: No accessory building shall be located between the front property line and the front building line of the principle building.
 - B. Side Yard: Same as the principle building in which the accessory use is located.
 - C. Rear Yard: No accessory building shall be located closer than three (3) feet from the property line or within ten (10) feet of any other building on adjacent properties, and no accessory building shall be located within any easement or right-of-way.

An accessory building requiring direct vehicle access from an alley shall have a minimum setback of twenty (20) feet for parking unless the side of the building providing no access is parallel with the alley.

- 12.3 Attached Accessory Use: Any accessory structure attached to the principle building shall be considered as part of the principle building and shall meet the same requirements as specified for the principle building.
- 12.4 Fire Hazardous Accessory Uses: No accessory use shall be located within ten (10) feet of a residential dwelling that creates a fire hazard or would subject the residential structure to fire, such as a fireplace, barbecue oven, or flammable liquid storage.

Section 13. Sanitary Requirements

- 13.1 It shall be unlawful to occupy a residential structure or any building for living purposes that does not have an approved waste system. For purposes of this Article, an approved system shall meet or be equivalent to criteria as defined by "Rules and Regulations for the Design, Operation and Maintenance of Septic Tank System in Nebraska", as published by the Nebraska State Department of Environmental Quality.
- 13.2 No waste absorption field (septic tank, cesspools, etc.) shall be constructed any closer than twenty-five (25) feet from any adjacent property line.
- 13.3 There shall be no waste absorption field located closer than fifty (50) feet from any other residential structure.
- 13.4 There shall be no waste absorption field located closer than one hundred (100) feet from a water well provided, however, where geology and subsurface conditions and topography would indicate that seepage could reach the well supply, a greater distance would be required.
- 13.5 A private sewage lagoon shall be located no closer than two hundred (200) feet of the house it serves and not less than five hundred (500) feet from any other house or residential boundary.
- 13.6 The following minimum lot area are required in all residential districts and for all seasonal housing, where permitted:
 - A. With private water and private sewer: Same as the Intensity of Use Regulations for each District.
 - B. With public water and private sewer: Two and one-half (2 1/2) Acres.
 - C. With private water and public sewer: One (1) Acre.
 - D. With public water and public sewer: One-quarter (1/4) Acre (10,890 sq. ft.).
- 13.7 Soil percolation tests shall be conducted in the area where the system will be located for those soils having severe limitations for such systems as identified by the Boone County Soil Survey and Boone County Comprehensive Plan.
- 13.8 A waste disposal system evaluation shall be required for septic systems serving all new residences. Evaluations shall be on forms furnished by the office of the Zoning Administrator.

Section 14. Lot Splits or Subdivision of Land.

No lot, lots, tracts, or parcels of land shall be split nor subdivided which would create a nonconforming lot or tract in the district in which it is located.

Section 15. Existing Lots or Lots-of-Record

In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any lot-of-record or zoned lot even though such lot fails to meet the area requirements. However, in no instance shall a dwelling be constructed upon a lot that has less than five (5) foot side yards nor less than a twenty (20) foot front yard or a lot that is less than thirty (30) feet wide or on a lot with soil conditions

which do not permit the use of a septic tank and lateral fields and private water supplies as required within these Regulations.

Section 16. Sand and Gravel Mineral, Stone, Rock, and Soil Extraction and Quarries

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

Section 17. Screening

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

Section 18. Fences, Walls, Hedges and Trees.

- 18.1 Fences, walls and hedges may 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 two and one-half (2 1/2) feet in height nor closer than twenty-five (25) feet to a public right-of-way. The only exception to the foregoing shall be that fences of a woven wire type, or at least eighty (80) percent open may be erected to forty-eight (48) inches in height closer than twenty-five (25) feet to any property line parallel or perpendicular to a public right-of-way, and they shall not exceed seven (7) feet in height in residential districts. The height of a fence shall be determined by a measurement from the ground beneath the fence to the top of the highest part of the fence. Manmade earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence.

It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures must comply with these regulations.

18.2 Allowed and prohibited materials.

Construction of any fence or wall in the following districts shall also comply with the additional fencing regulations.

A. Residential Districts.

1. Allowed Materials. Fences and walls shall be made of quality, durable materials that require low maintenance. Acceptable materials for a fence include: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board), or other manufactured material or combination of materials commonly used for fencing.
2. Prohibited Materials. Fences and walls shall not be made of or contain:
 - a. Scrap materials such as scrap lumber and scrap metal.
 - b. Materials not typically used for designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, plywood or livestock fencing materials.

B. Commercial or Industrial Districts.

1. Allowed Materials. Fences and walls shall be made of quality, durable materials that require minimal maintenance. Acceptable materials for fencing in commercial and industrial districts include, but not limited to chain link, prewoven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials, or other manufactured material or combination of materials commonly used for fencing.
2. Prohibited Materials. Fences or walls shall in commercial or industrial districts shall not be constructed of or contain:
 - a. Scrap materials such as scrap lumber and scrap metal.
 - b. Materials not typically used for designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, plywood or livestock fencing materials.

- 18.2 Trees may be permitted in any required yard or along the edge of any yard, provided that such trees are located sixty-three (63) feet or more from the existing visual center of the road centerline when such yards are contiguous to a County road or State highway in Boone County. However, trees are subject to the requirements of Article 21, Section 5 of these Regulations.

Section 19. Signs

All signs adjacent to Interstate and Major Highways must comply with the Rules and Regulations of the Department of Roads, in accordance with the provisions of Article 13, Chapter 39, of the Revised Statutes of Nebraska, 1943.

Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device, or in such a manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic. All signs shall be maintained in a neat and presentable condition. Signs shall be of a kind and character not unsightly or unduly conspicuous in the area in which they are erected.

In the event their use shall cease, they shall be removed promptly and the area restored to a condition free from refuse and rubbish. After thirty (30) days of notice and failure to do so, the County shall remove the sign and assess the charges to the owner.

A permit must be obtained from the Nebraska Department of Roads prior to erecting any signs within six hundred sixty (660) feet of the edge of the right-of-way of the Interstate or Major Highway systems.

19.1 Signs in the A-1, A-2, A-3, and FP Districts.

- A. Signs permitted in the A-1, A-2, A-3, and FP Districts shall be erected and maintained at least fifteen (15) feet from the street line or road.
- B. One name plate or sign indirectly illuminated or not illuminated less than twelve (12) square feet in area for each dwelling.
- C. One temporary sign, not illuminated, less than six (6) square feet in area, advertising the sale, lease, or rental of the property.
- D. One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots in the tract, and not exceeding forty-eight (48) square feet in area. The sign shall be reduced in size by six (6) square feet for each lot less than eight (8) in the subdivision.
- E. Signs identifying a business established or business uses provided that not more than four hundred (400) square feet of sign area shall be permitted for each four hundred (400) feet of street or highway frontage. In no case shall business signs be permitted within fifty (50) feet of a residential district, a public park, historical site, church, or a school.

19.2 Signs in the R-1 and R-M Districts.

- A. Signs permitted in the R-1 and R-M Districts shall be erected and maintained at least fifteen (15) feet from the street or road line.
- B. One name plate or sign indirectly illuminated or not illuminated less than three (3) square feet in area for each dwelling.
- C. One temporary sign, not illuminated, less than six (6) square feet in area, advertising the sale, lease, or rental of the property.
- D. One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots in the tract, and not exceeding forty-eight (48) square feet in area. The sign shall be reduced in size by six (6) square feet for each lot less than eight (8) in the subdivision.

19.3 Signs in the C-1 District.

- A. Signs permitted in the R-1 and R-M Districts.
- B. Signs identifying a retailing and service establishment area. One (1) sign not exceeding fifty (50) square feet in area. Signs shall be limited to those identifying the establishment, except that no business sign shall be located within fifty (50) feet of a lot in a residential district, public park, historical site, school, or church and if illuminated shall cast no direct light on adjacent residential property or on streets/roads.

19.4. Signs in the I-1 and I-2 Districts.

In the I-1 and I-2 Districts, identification and advertising signs accessory to the allowed use are permitted, except that they shall be limited to one hundred (100) square feet and none shall be located within one hundred (100) feet of a lot in a residential district, public park, historical site, school or church unless it meets the requirements for a business sign in a C-1 District.

Section 20. Public Utility Facilities Lot Size Requirements

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

- Electric and telephone substations and distribution systems.
- Gas regulator stations.

- Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the transmission of electricity, gas, or water.
- Pumping stations.
- Radio, television, and microwave transmitting or relay stations and towers, except as may be required to meet setback requirements.
- Transformer stations.
- Water tower or standpipes.

Section 21. Small Wind Energy Systems

21.1 Purpose

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

21.2 Definitions

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

- A. Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power.
- B. Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

21.3 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:

A) Tower Height

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

B) Setbacks

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

C) Noise

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

D) Approved Wind Turbines

- 1. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.

E) Compliance with Building and Zoning Codes

- 1. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
- 2. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Iowa and certified by a licensed professional engineer shall also be submitted.
- 3. The manufacturer frequently supplies this analysis.
- 4. Wet stamps shall not be required.

F) Compliance with FAA Regulations

- 1. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

G) Compliance with National Electrical Code

1. 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.
2. The manufacturer frequently supplies this analysis.

H) Utility Notification

1. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owner generator.
2. Off-grid systems shall be exempt from this requirement.

21.4 Setbacks

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

	Wind Turbine- Non-Commercial WECS	Meteorological Towers
Property Lines	One times the total height	One times the tower height
Neighboring Dwelling Units*		One times the tower height
Road Rights-of-Way**	One times the tower height	One times the tower height
Other Rights-of-Way	One times the tower height	One times the tower height
Wildlife Management Areas or State Recreational Areas	NA	600 feet
Wetlands, USFW Types III, IV, and V	NA	600 feet
Other Structures adjacent to the applicant's sites	NA	One times the tower height
Other existing WECS not owned by the applicant	NA	
River Bluffs		

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

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

Section 22. Commercial/Utility Grade Wind Energy Conversion Systems

22.1 Purpose

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

22.2 Definitions

- A. 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.
- B. Commercial WECS shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.
- C. Hub Height shall mean the distance from ground level as measured to the centerline of the rotor.
- D. Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.
- E. Feeder Line shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall

be the substation serving the wind energy conversion system.

- F. 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 sighting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, or other applications to monitor weather conditions.
- G. Property Line shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.
- H. Public Conservation lands shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
- I. Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.
- J. Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
- K. Substations shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.
- L. 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.
- M. Tower shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.
- N. Tower Height shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.
- O. 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.
- P. Wind Energy Conversion System 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.
- Q. Wind Turbines 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.

22.3 Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a Permitted Use in the A-1 and A-2 Districts provided all regulations are met and as a Conditional Use within the A-3 District. The following requirements and information shall be met and supplied:

- A. The name(s) of project applicant.
- B. The name of the project owner.
- C. The legal description and address of the project.
- D. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
- E. Site layout, including the location of property lines, wind turbines, feeder lines, and all related

- accessory structures. This site layout shall include distances and be drawn to scale.
- F. Certification by an Engineer competent in disciplines of WEC's.
 - G. Documentation of land ownership or legal control of the property.
 - H. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks; where actual WEC will be considered.
 - I. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System not owned by the applicant.
 - J. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
 - K. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met
 - L. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan.
 - M. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency prior to the issuance of a zoning permit.
 - N. Evidence that there will be no inference with any commercial and/or public safety communication towers.
 - O. Decommissioning Plan as required by this regulation.

22.4 Aggregated Projects

- A. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
- B. Permits may be issued and recorded separately.
- C. Joint projects will be assessed fees as one project.

22.5 Setbacks

All towers shall adhere to the setbacks (measured from the edge of the tower) established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	150 feet from property lines; however, the setback may be less when two adjoining property owners are within the aggregate project.	One times the tower height.
Neighboring Dwelling Units*	1,000 feet	One times the tower height.
Road Rights-of-Way**	One-half the rotor diameter.	One times the tower height.
Wildlife Management Areas and State Recreational Areas	600 feet***	600 feet***
Wetlands, USFW Types III, IV, and V	300 feet***	300 feet***
Other structures and cemeteries adjacent to the applicant's sites	One-half the rotor diameter.	One times the tower height.
Other existing WECS not owned by the applicant.	NA	NA
River Bluffs	One-half the rotor diameter.	NA

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

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known. Such right-of-ways shall be verified with the Nebraska Department of Roads and County Roads Department.

*** Setback may be reduced based on review of proposed distance and approval by Nebraska Game & Parks Commission, U.S. Fish and Wildlife, and Army Corps of Engineers. Such reduction shall not be less than 100 feet and be based on certified engineer reports showing no effects on the identified areas. Applicant shall submit report and approval or evidence that the study has been performed and the request for approval has been submitted to the appropriate agency prior to the issuance of a zoning permit. Such permit would be conditional and contingent upon such approval.

22.6 Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:

- A. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
- B. 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.
- C. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
- D. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
- E. 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.
- F. Lighting:
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
- G. Other signage:
All other signage shall comply with the sign regulations found in these regulations.
- H. Feeder Lines:
All communications and feeder lines associated with the project distribution system installed as part of a WECS shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
- I. Waste Disposal:
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- J. Discontinuation and Decommissioning:
A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.

Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with

decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

Within one (1) year after the fifteenth (15th) anniversary of commercial operations of the wind facility, the owner of the wind facility will place a surety bond or equivalent financial security in an amount estimated to decommission plan in the easement contract. If the wind facility is repowered or new equipment is added so that decommissioning is not necessary, the security will be released.

K. Noise:

No Commercial/Utility WECS shall exceed 60 dBA at the nearest structure or use occupied by humans. Such structures or uses include dwelling units, churches, daycares, and the like, but do not include barns, sheds, or agricultural, commercial or industrial uses.

L. Interference:

The applicant shall minimize or mitigate interference with any commercial or public safety 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 the county for permits.

M. Roads:

Applicants shall:

- a. Identify all county, municipal and/or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.
- c. Be responsible for restoring the road(s) and bridges to preconstruction conditions.

N. 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.

ARTICLE 22: AGV VALENTINE SOIL OVERLAY DISTRICT

This is an overlay district which is placed over any area zoned A-1 located in Boone County having a Valentine Soil Association.

Section 1. Purpose and Intent

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

Section 2. Findings of Fact and General Provisions

- 2.1 Valentine Soils are subject to extensive erosion and high permeability rates that directly effect surface and subsurface conditions.
- 2.2 Soils and Natural Resources: Soils, soil vulnerability for pesticide contamination, soil suitability for lagoons and septic tanks, topography, and other resource maps and data generated through the Soil Survey of Boone County and Natural Resource Commission are reviewed to determine compatibility. Natural Resources Districts are consulted with to determine any problems or concerns and consistency to ground water management plans.
- 2.3 These Regulations shall apply to all lands within the jurisdiction of Boone County that are located in the A-1, A-2, and A-3 Zoning Districts and have a Valentine Association Soil Classification. This area lies predominantly in the northwest part of Boone County.
- 2.4 All new or expanded uses in this overlay district shall meet those regulations of the A-1 District, other requirements outlined in the Boone County Zoning Regulations, and the following:
 - A. Single family dwellings shall locate at a density of no more than one (1) for one hundred sixty (160) acres;
 - B. All new or expanded livestock feeding operations shall be permitted only by a conditional use permit and shall require a synthetic-lined lagoon, deep pits or an above ground sealed storage facility as its waste handling system.
 - C. The overlapping of separation circles within the Valentine Soil Association, Elsmere-Wann-Loup Association, Thurman-Hord-Loretto Association shall not be allowed.

ARTICLE 23: FP FLOOD PLAIN OVERLAY DISTRICT

This is an overlay district which is placed over any zoning district in designated flood areas.

Section 1. Intent

The intent of this overlay district is to limit the use of land within the established flood plain areas described and delineated as Zone A or as the 100 year Flood Designation on the most current and adopted Flood Insurance Rate Map of Boone County as prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development and as adopted by Boone County.

Section 2. Boone County Floodplain Resolution and Regulations

The 1999 Floodway and Flood Fringe Resolution #99-40, shall continue in affect and enforced, until such time as they are amended.

Section 3. Disclaimer of Liability

The degree of flood protection required by Resolution #99-40 is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Said Resolution does not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. Said Resolution shall not create liability on the part of the county or any officer or employee thereof for any flood damages that may result from reliance on said Resolution or any administrative decision lawfully made thereunder.

- A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

Section 2. General Provisions

- 2.1 Lands to Which Regulations Apply: These Regulations shall apply to all lands within the jurisdiction of the Boone County identified on the Flood Insurance Rate Map (FIRM), and any revisions thereto, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FF and FW established in Section 4.0 of these regulations. In all areas covered by these regulations no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the Boone County Board of Commissioners or its duly designated representative under such safeguards and restrictions as the Boone County Board of Commissioners or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the county and where specifically noted in Sections 5.0, 6.0, and 7.0.
- 2.2 The Enforcement Officer: The Highway Superintendent of Boone County is designated as the County's duly designated Enforcement Officer.
- 2.3 Rules for Interpretation of District Boundaries: The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the Flood Insurance Rate Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Boone County Board of Commissioners will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Boone County Board of Commissioners and to submit his own technical evidence, if it is so desired.
- 2.4 Compliance: Within identified special flood hazard areas of this County, no development shall be located, extended, converted or structurally altered without full compliance with the terms of these Regulations and other applicable regulations.
- 2.5 Abrogation and Greater Restrictions: It is not intended by these regulations to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where these regulations impose greater restrictions, the provision of these regulations shall prevail. All other regulations inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.
- 2.6 Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- 2.7 Warning and Disclaimer of Liability: The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood

height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This regulation 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. These regulations shall not create liability on the part of Boone County or any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.

- 2.8 Severability: If any section, clause, provision, or portion of this regulation is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.
- 2.9 Appeal: Where a request for a permit to develop or a variance is denied by the Boone County Highway Superintendent, the applicant may apply for such permit or variance to the Boone County Board of Commissioners.

Section 3. Development Permit

- 3.1 Permit Required: No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 12.0.
- 3.2 Administration:
 - A. The Boone County Highway Superintendent is hereby appointed to administer and implement the provisions of these regulations.
 - B. Duties of the Boone County Highway Superintendent shall include, but not be limited to:
 - (1) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
 - (2) Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - (3) Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - (5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
 - (6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.
 - (6) When flood proofing is utilized for a particular structure the Boone County Highway Superintendent shall be presented certification from a Registered professional engineer or architect.
- 3.3 Application for Permit: To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - A. Identify and describe the development to be covered by the floodplain development permit.

- B. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
- C. Indicate the use or occupancy for which the proposed development is intended.
- D. Be accompanied by plans and specifications for proposed construction.
- E. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- F. Give such other information as reasonably may be required by the Boone County Highway Superintendent.

Section 4. Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain (FP) areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts all uses not meeting the standards of these regulations and those standards of the underlying zoning district shall be prohibited.

Section 5. Standards for Floodplain Development

- 5.1 No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this section and these Regulations are satisfied.
- 5.2 All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of Section 6. If Flood Insurance Study data is not available, the County shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- 5.3 Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.
- 5.4 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 - A. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - B. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 - C. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- D. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

5.5 Storage of Material and Equipment

- A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- 5.6 Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

Section 6. Flood Fringe Overlay District - (Including AO and AH Zones)

- 6.1 Permitted Uses: Any use permitted in Section 7.0 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 are met.

6.2 Standards for the Flood Fringe Overlay District

- A. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the base flood elevation.
- B. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Boone County Highway Superintendent as set forth in Section 3.2, B(7).
- C. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings

may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

E. Manufactured Homes:

(1) All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;

(b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(d) Any additions to the manufactured home be similarly anchored.

(2) Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the County's FIRM on sites:

(a) Outside of a manufactured home park or subdivision,

(b) In a new manufactured home park or subdivision,

(c) In an expansion to an existing manufactured home park or subdivision, or

(d) In an existing manufactured home park or subdivision on which a manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6.3 E (1).

(3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the County's FIRM that are not subject to the provisions of Section 6.2,E(2) be elevated so that either:

(a) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6.2,E(1).

F. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of these regulations. A recreational vehicle is ready for

highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

- G. Located within the areas of special flood hazard established in Section 2.1 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the County's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures shall:
 - (a) Have the lowest floor elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the County's FIRM (at least two feet if no depth number is specified), or
 - (b) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 3.2B(7).
- (3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

H. Appurtenant Structures:

- (1) Can not be used for human habitation.
- (2) Use of the structure must be limited to the storage of motor vehicles or other items readily removable in the event of a flood warning.
- (3) The structure must be built using unfinished and flood damage resistant materials.
- (4) The structure must be adequately anchored to prevent floatation, collapse, or other later movement which may result in damage to other structures. This is a mandatory measure, pursuant to 44 CFR Section 60.3 (a) (3). It must also meet the 44 CFR Section 60.3 (c) (5) opening requirements.
- (5) No utilities shall be installed except any electrical fixture in the structure must be elevated or floodproofed **one (1) foot** above the base flood elevation.
- (6) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (7) The structure shall not exceed 700 square feet.
- (8) The structure must comply with the floodway provisions of the County's Regulations and address floodway encroachment provisions in 44 CFR 60.3 (c) (10) or (d) (3).

Section 7.

Floodway Overlay District

7.1

Permitted Uses: Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other regulation. The following are recommended uses for the Floodway District:

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

7.2

Standards for the Floodway Overlay District: New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Sections 5.0 and 6.0. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section 5.6(d) of these regulations, in meeting the standards of this Section.

Section 8.

Variance Procedures

8.1

The Boone County Board of Commissioners shall hear and decide appeals and requests for variances from the requirements of these regulations.

8.2

The Boone County Board of Commissioners shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Boone County Highway Superintendent in the enforcement or administration of these regulations.

8.3

Any person aggrieved by the decision of the Boone County Board of Commissioners or any taxpayer may appeal such decision to the District Court as provided in Section 25-1901 Et Seq R.R.S. Neb.

8.4

In passing upon such applications, the Boone County Board of Commissioners shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
- K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

8.5 Conditions for Variances

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (8.5, A-F below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.
- F. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 9. Nonconforming Use

9.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of the regulation, but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:

- A. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to these regulations. The Utility Department shall notify the Highway Superintendent in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.
- B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

9.2 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the

provisions of these regulations. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

Section 10. Penalties for Violation

Violation of the provisions of these regulations or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100), and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the Boone County Board of Commissioners or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 11. Amendments

The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Boone County. At least fifteen (15) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

Section 12. Definitions

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

"Appeal" means a request for a review of the Boone County Highway Superintendent's interpretation of any provision of these regulations or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH zone on a County'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" means the flood having one percent chance of being equaled or exceeded in any given year.

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

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

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

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

- A. The overflow of inland or tidal waters.
- B. The usual and rapid accumulation of runoff of surface waters from any source.

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

"Flood Insurance Rate Map (FIRM)" means an official map of a County, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the County.

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

"Floodplain" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical

significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities/counties 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" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New Construction" For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a county and includes any subsequent improvements to such structures.

"Overlay District" is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure is above ground.

"Recreational Vehicle" means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Special Flood Hazard Area" is the land in the floodplain within a County subject to one percent or greater chance of flooding in any given year.

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

such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

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

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

"Variances" is a grant of relief to a person from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

ARTICLE 24: AH AIRPORT HAZARD OVERLAY DISTRICT

Section 1. Intent

This district is established as an overlay district for application over any primary zoning district in order to protect the safe use, public investment, and utility of public airports and their Airport Hazard Area, within Boone County's zoning jurisdiction, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are licensed by the Nebraska Department of Aeronautics, as designated on the Official Zoning Map of Boone County, Nebraska.

Section 2. Designated Public Airport

The designated public airport for which these regulations have been prepared is the Albion Municipal Airport located in Sections 6 and 7, Township 20 North, Range 6 West of the 6th P.M., in Boone County which is within the planning and zoning jurisdictional area of Boone County, Nebraska. Information on the Albion Municipal Airport can be obtained from the Nebraska Department of Aeronautics at www.aero.nebraska.gov or at www.airnav.com/airports/.

Section 3. Definitions

For purposes of the Airport Hazard Overlay, the following terms are defined:

- 3.1 Airport means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft and 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.
- 3.2 Airport Hazard means 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; or penetrates any approach, operation, transition, or turning zone.
- 3.3 Airport Hazard Area means any area of land or water upon which an airport hazard might be established if not prevented as provided in the Nebraska Airport Zoning Act, but such area shall not extend in any direction a distance in excess of the limits provided for approach, operation, transition, and turning zones.
- 3.4 Airport Layout Plan means 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.
- 3.5 Approach Zone means a zone that extends from the end of each operation zone and is centered along the extended runway centerlines.
- 3.6 Electric Facility means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in Section 70-1001.01, R.R.S. 1943, for the transmission or distribution of electrical power to the electric supplier's customers.
- 3.7 Existing Runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.
- 3.8 Height of Structure means the height of any building, structure or object measured from its highest point to the nearest existing or proposed runway end elevation.
- 3.9 Instrument Runway means an existing runway with precision or nonprecision 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 zoning regulation, 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.
- 3.10 Operation Zone means a zone that is longitudinally centered on each existing or proposed runway.
- 3.11 Person means 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.

- 3.12 Political Subdivision means any city, village, or county.
- 3.13 Proposed Runway means 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.
- 3.14 Runway means a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.
- 3.15 Structure means any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.
- 3.16 Transition Zone means a zone that extends outward at a right angle to the runway centerline and upward at a rate of one (1) foot vertically for every seven feet horizontally (7:1). 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 150 feet above the highest elevation on the existing or proposed runway.
- 3.17 Tree means any object of natural growth.
- 3.18 Turning Zone shall comprise all portions of the hazard area not contained in the Operation Zones, Approach Zones and in the Transitional Zones.
- 3.19 Turning Zone's Outer Limit means the area located at a distance of three (3) 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 150 feet above the highest elevation on the existing or proposed runway.
- 3.20 Visual Runway means 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.

Section 4. Hazard Area Description

In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted 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.

The airport hazard area consists of Operation Zones, Approach Zones, Turning Zones and Transitional Zones. The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones. The inner boundary of the hazard area is a boundary line consisting of a series of intersecting tangents five hundred (500) feet from and parallel to the centerline of the instrument runway or landing strip and two hundred fifty (250) feet from and parallel to the respective centerlines of all other runways or landing strips and connecting the inner boundaries of adjacent Approach Zones at the ends of the runways, landing strips or proposed runways or landing strips.

Section 5. Zone Descriptions and Regulations

- 5.1 **Operation Zones** are longitudinally centered on each existing or proposed runway:
 - A. *Length.* For existing and proposed paved runways, the operation zone extends two hundred (200) feet beyond the ends of each runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends;
 - B. *Width.* For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline; and
 - C. *Height.* The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.
- 5.2 **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. The dimensions of the zones are as follows:

- A. For an existing or proposed instrument runway:
- (1) Length and Width. An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is 1,000 feet wide at the end of the zone nearest the runway and expands uniformly to 16,840 feet wide at the farthest end of the zone; and
 - (2) Height Limit. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 50 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that 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 ten-mile limit.
- B. For an existing or proposed visual runway:
- (1) Length and Width. An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is 500 feet wide at the end of the zone nearest the runway and expands 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; and
 - (2) Height. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 40 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end.

5.3 **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.

5.4 **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.

Section 6. Height Restrictions

No building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto 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 Section 5 above or in the diagrams below:

of the nearest runway or landing strip, except for any permits required by other sections of these Regulations.

8.3 Application Forms:

Application for a zoning permit as required under these regulations shall be made upon a form or forms to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting (Mean Sea Level Elevation).

8.4 Permit Fees:

The fee for each zoning permit shall be the normal fee charged by the county plus any other additional fees determined by the county and/or the Albion Airport Authority.

Section 9. Non-Conforming Uses and Structures

- 9.1 Within the zoned airport hazard area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of eighty (80) percent or more of their original condition, or abandoned for a period of twelve (12) consecutive months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the airport hazard zone.
- 9.2 Except as provided in subsection (9.3) 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.
- 9.3 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.

Section 10. Marking of Non-Conforming Structures

Whenever the Zoning Administrator shall determine, or shall be notified by the Nebraska Department of Aeronautics or the Albion Airport Authority, that a specific non-conforming structure or object exists and has

existed prior to the passage of these regulations and within the airport hazard zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the Zoning Administrator and shall, within a reasonable time, permit the marking thereof by suitable lights or other signals designated by the Zoning Administrator as is based on recommendations of the Nebraska Department of Aeronautics and/or Albion Airport Authority. The cost of such marking shall not be assessed against the owner or lesser of said premise.

Section 11. Administrative Agency

The County Zoning Administrator or his/her designee of Boone County, Nebraska shall administer and enforce these regulations, and the Albion Airport Authority shall be the administrative agency provided for in Neb. Rev. Stat. Section 3-319 (Reissued 2007), and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act within the zoning jurisdictional area of the county.

Section 12. Variance from Regulations

12.1 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 State Statute, 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.

12.2 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.

Section 13. Board of Zoning Adjustment

The Board of Zoning Adjustment of Boone County, Nebraska shall be the Board of Zoning Adjustment with respect to these regulations, to have and to exercise the powers conferred by Neb. Rev. Stat. Section 3-320, et. Seq. (Reissued 2007), and such other powers and duties as are conferred and imposed by law.

Section 14. Conflicts

In the event of any conflict between these airport hazard regulations and any other regulations established by these or other regulations, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent or restrictive limitation shall govern and prevail.

ARTICLE 25: OFF-STREET PARKING REQUIREMENT

Section 1. Off-Street Parking Requirements.

At the time of erection of a structure or building, or at the time of enlargement, or change in use of an existing structure, building or land within any district in the County, off-street parking spaces shall be provided and maintained for all uses unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by Sections 1.1 through 1.7. Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of property and shall exclude stairwells; elevator shafts; hallways; ornamental utility equipment; and space devoted to off-street parking or loading. The number of employees or a new or expanding business shall be estimated in a manner approved by the Planning Commission and the number of employees of an established business shall be determined from an examination of the payroll.

	<u>Use</u>	<u>Area or Parking Space</u>
1.1	Residential Uses.	
A.	One family dwellings, multi-family dwellings, and mobile homes:	Two (2) parking spaces per dwelling unit.
B.	Residential hotel; rooming or boarding house:	Four (4) parking spaces per five (5) guest accommodations plus one(1) additional space for owner.
C.	Housing restricted to aged, disabled, etc.:	One-half (1/2) space per unit.
D.	Dormitories and other lodging facilities and rooms for unmarried student:	One (1) parking space per occupant for the first 20 occupants and a total number of spaces equal to 75 percent of the total number of occupants or 20 spaces, whichever is greater.
1.2	Commercial Residential Uses.	
A.	Hotel:	One (1) parking space per two (2) guestrooms plus on space per two (2)employees.
B.	Motel:	One (1) parking space per guest room or suite plus one (1) additional space for owner or manager.
C.	Club, lodge:	Parking spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
1.3	Institutions.	
A.	Convalescent hospital, nursing home, rest home, sanitarium, residents or home for aged:	One (1) parking space per two beds for patients or patients or residents.
B.	Hospital:	Three (3) parking spaces per two (2) beds.

- 1.4 Places of Public Assembly.
- A. Church, chapel, temple, or synagogue: One (1) parking space per four (4) seats or eight (8) feet of bench length in the main auditorium.
 - B. Library, reading room: One (1) parking space per four-hundred(400) feet of floor area plus one space per two (2) employees.
 - C. Pre-school nursery, kindergarten: Two (2) parking spaces per teacher.
 - D. Elementary or intermediate School: One (1) parking space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or eight (8) feet of bench length in the auditorium or assembly room, whichever is greater.
 - E. High School: One (1) parking space per classroom plus one (1) space per administrative employee plus one (1) space for each six (6) students or one (1) space for four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.
 - F. College, vocational school, commercial school for adults: One (1) parking space per five (5) seats in classrooms.
 - G. Other auditoriums, meeting rooms: One (1) parking space per four (4) seats or eight (8) feet of bench length.
- 1.5 Commercial Amusements.
- A. Stadium, arena, theater: One (1) parking space per four (4) seats or eight (8) feet of bench length.
 - B. Bowling alley: Five (5) parking spaces per alley, plus one (1) space per two (2) employees.
 - C. Dance hall, skating rink: One (1) space per one-hundred (100) feet of floor area plus one (1) space per two (2) employees.
- 1.6 Commercial.
- A. Retail store except as provided in Section 4-101(F)(2): One (1) parking space per one hundred-twenty-five (125) square feet of floor space.
 - B. Service or retail shop, retail store handling exclusively bulky merchandise such as automobiles and furniture: One (1) parking space per four-hundred (400) square feet of floor area.
 - C. Offices (except medical & dental): One (1) parking space per three-hundred (300) square feet of floor area plus one(1) space per two (2) employees.
 - D. Medical & dental clinics: One (1) parking space per two-

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| | | hundred(200) square feet of floor area plus one(1) space per two (2) employees. |
| E. | Eating or drinking establishment: | One (1) parking space per one-hundred(100) square feet of floor area. |
| F. | Mortuaries: | One (1) parking space per four (4) seats or eight (8) feet of bench length in chapels. |
| 1.7 | Industrial. | |
| A. | Storage warehouse, manufacturing establishment, air, rail, or trucking freight terminal: | One (1) space per employee. |
| B. | Wholesale establishment: | One (1) parking space per employee plus seven- hundred (700) square feet of patron serving area. |
- Section 2. Off-Street Loading.
- 2.1 Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having capacity greater than twenty-five (25) students.
- 2.2 Merchandise, materials, or supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of these regulations shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- Section 3. General Provisions - Off-Street Parking and Loading.
- 3.1 The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading spaces. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by these regulations. Use of property in violation hereof shall be a violation of these regulations. Should the owner or occupant of any lot or building change the use of which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of these regulations to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
- 3.2 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Board of Adjustment, after a report and recommendation from the Planning Commission, based upon the requirements of comparable uses listed.
- 3.3 In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- 3.4 Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided

- that satisfactory legal evidence is presented to the building inspector in the form of deeds, leases, or contracts to establish the joint use.
- 3.5 Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than three-hundred (300) feet from the building or use they are required to serve, measured in a straight line from the building.
- 3.6 Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- 3.7 Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side or rear yard.
- 3.8 A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:
- A. Delineation of individual parking and loading spaces;
 - B. Circulation area necessary to serve spaces;
 - C. Access to streets and property to be served;
 - D. Curb cuts;
 - E. Dimensions, continuity, and substances of screening;
 - F. Grading, drainage, surfacing, and subgrading details;
 - G. Delineation of obstacles to parking and circulation in finished parking area;
 - H. Specifications as to signs and bumper guards;
 - I. Other pertinent details.
- 3.9 Design requirements for parking lots:
- A. Areas used for standing and maneuvering of vehicles shall have durable and dustless surface maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.
 - B. Except for parking to serve residential areas, parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance or residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet nor more than six (6) feet in height except where vision clearance is required.
 - C. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four (4) inches high and set back a minimum of four (4) feet from the property line or by a bumper rail.
 - D. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.
 - E. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
 - F. Except for dwellings, parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
 - G. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service drives shall not be more than thirty (30) feet in width and shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives. Service drives on the same lot frontage

shall be separated by a minimum length of curb of thirty (30) feet, provided that for every foot by which the lot frontage exceeds one hundred (100) feet, the minimum required length of curb shall be increased by one (1) foot, up to a maximum requirement of two hundred (200) feet. In the case of a corner lot, service drives shall be located not closer than thirty (30) feet to the intersecting street line. Service drives shall be located not closer than ten (10) feet to a side lot line, except that a common service drive to two adjacent properties with width not exceeding thirty (30) feet may be provided at the common lot line.

- H. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points thirty (30) feet from their intersection.

3.10 Completion time for parking lots.

Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Administrator of these regulations. An extension of time may be granted by the Administrator, providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Administrator provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the County.

Section 4. Storage and Parking of Mobile Homes, Trailers, and Commercial Vehicles. Commercial vehicles and trailers of all types, including camping units, travel and hauling trailers and mobile homes, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district, except in accordance with the following provisions:

- 4.1 Not more than one commercial vehicle and, in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquified petroleum products be permitted.
- 4.2 Not more than one camping unit, travel, or hauling trailer per family living on the premises shall be permitted, and said trailer shall not exceed thirty-two (32) feet in length or eight (8) feet in width; and, further provided that, said trailer or camping unit shall not be parked or stored for more than one week unless it is located behind the front yard building lines. A camping unit or travel trailer shall not be occupied permanently while it is parked or stored in any area within the County, except in a Mobile Home Park, Transient Mobile Home Park, or Campground authorized under the Mobile Home Regulations of the County.
- 4.3 A mobile home shall not be stored in any required front or side yard.

Section 5. Location and Setback.

All yard areas except the front yard required for residential uses may be used for parking purposes. All yard areas required for all other uses may be used for parking purpose except where it abuts the R-1, R-M, or A-3 Districts when the required yard and landscaping requirements in the districts in which the use is located shall apply. In no case shall the setback be less than ten (10) feet from any R-1, R-M, or A-3 District.

All parking spaces required by these regulations shall be located on or within 30 feet of the lot it serves or adjacent to the use intended to be served.

Section 6. Interpretation.

In the case of any building, structure or land of which is not specifically mentioned here, the provision for a use which is so mentioned and to which said use is similar, shall apply.

In the event several uses occupy a single building or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.

ARTICLE 26: ADMINISTRATION AND ENFORCEMENT

Section 1. Zoning Administrator.

A Zoning Administrator shall be appointed by the 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 of Commissioners may direct.

Section 2. Zoning Permit Required.

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

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

Section 3. Application for Zoning Permit.

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

The Zoning Administrator shall issue a written permit, or denial, thereof, with reasons in writing within fifteen (15) days from the date of the acceptance of the application. Those proposed uses requiring a zoning permit that are affected directly through these Regulations by another use currently in the conditional use process must yield until such use is permitted or denied.

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

Section 4. Enforcement by the Zoning Administrator.

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

Any person, partnership, limited liability company, association, club, or corporation violating these regulations or of erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the County Board or the Zoning Administrator, as well as any owner or owners of real estate within the district affected by these regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises. Any taxpayer or taxpayers in the county may institute proceedings or compel specific performance by the Zoning Administrator, County Board or any other responsible officials of the county.

Section 5. Certification of Occupancy.

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

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

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

Section 6. Fees.

Each applicant for a zoning permit shall pay the Zoning Administrator upon the presentation of such application, a fee in accordance with the current fee schedule of the County.

Fees associated with an application for a zoning permit, conditional use permit, conditional use amendment, appeals to the Board of Adjustment, Variance, Zoning Change, and other applications are established by the County Board of Commissioners through separate Resolution (Fee Schedule) and are available through the Office of the County Zoning Administrator and/or County Clerk.

Receipt for such fee shall be issued by the Zoning Administrator and a record thereof kept by him/her. When a permit is not granted upon any application, the fee paid by the applicant shall be retained by the Zoning Administrator and the County.

ARTICLE 27: BOARD OF ADJUSTMENT

Section 1. Purpose.

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

Section 2. Appointment

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

Section 3. Rules and Meetings.

The Board of Adjustment shall adopt rules in accordance with the provisions of any resolution adopted pursuant to this act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the County Clerk and shall be a public record.

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 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.

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 4. Powers.

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:

- 4.1 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;
- 4.2 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
- 4.3 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.

- 4.4 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 for the intended use of the property is not of so general or recurring a nature as to make reasonable formulation of a general regulation to be adopted as an amendment to the zoning regulations.

In exercising the above-mentioned powers, the Board may, in conformity with the 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 effect any variation in such regulation.

Section 5. Appeal of Board Decisions.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, board, or bureau of the county, may present to the district court for the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within fifteen days after the filing of the decision in the office of the Board of Adjustment. Upon the filing of such petition a summons shall be issued and be served upon the Board of Adjustment together with a copy of the petition, and return of service shall be made within four days after the issuance of the summons. Within ten days after the return day of the summons, the County Board shall file an answer to the petition which shall admit or deny the substantial averments of the petition and matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition. At the expiration of the time for filing the answer, the court shall proceed to hear and determine the cause without delay and shall render judgement according to law. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought upon for review. Appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. Any appeal from such judgement of the district court shall be prosecuted in accordance with the general laws of the state regulating appeals-in actions at law.

ARTICLE 28: AMENDMENT

These Zoning Regulations and Zoning Map, and the restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed by the County Board of Commissioners. No such amendment, restriction or change of zoning shall become effective until after a public hearing and recommendation of the Planning Commission and a public hearing by the County Board of Commissioners. Notice of the time and place of such hearings in a legal newspaper of general circulation of any county which has territory within three miles of the property affected by such action of the county board, one time at least ten days prior to such hearing. Notice of the time and place of such hearing shall also be given in writing to the chairman of any municipal, county, or joint planning commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action.

In the case of a change of zoning request made by any party except the County, the joint planning commission shall give written notice by United States mail at least ten days prior to the planning commission hearing to those property owners within one thousand (1,000) feet of the property to be rezoned if said neighboring property is located in county zoning authority or any other person(s) deemed necessary. If said neighboring property is located within municipal zoning authority, notice shall be sent to property owners within three hundred (300) feet of the property to be rezoned.

In case of a protest against a change of zoning signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds majority of the county board.

In order to provide for orderly school planning and development and to protect prospective home owners, their children, and the taxpayer from ill-conceived and poorly planned development of real estate, a planning commission considering the adoption or amendment of a zoning regulation or approval of the platting or replatting of any development of real estate, shall notify the board of education of each school district in which the real estate, or some part thereof, to be affected by such a proposal lies, of the next regular meeting of the planning commission at which such proposal is to be considered and shall submit a copy of the proposal to the board of education at least ten days prior to such meeting.

ARTICLE 29: VIOLATION AND PENALTY.

The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile trailer, or land in violation of these regulations shall be a misdemeanor. Any person, partnership, limited liability company, association, club, or corporation violating any sections of these regulations, or erecting, construction, reconstructing, altering, or converting any structure without having first obtained a permit shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

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

ARTICLE 30: RULES AND DEFINITIONS

Section 1. Rules.

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

- 1.1 Words and numbers used singularly shall include the plural and the plural shall include the singular. Words used in the present tense shall also include the future tense.
- 1.2 The word "person" or "persons" includes a corporation, members of a partnership, limited liability company, or other business organization, a committee, board, trustee, agent, or other representative.
- 1.3 The word "shall" is mandatory.
- 1.4 The word "use", "used", "occupy", or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.
- 1.5 The word "structure" shall include the word "building" and "sign".

Section 2. Definitions.

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

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

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

Access shall mean a way or means of approach or entrance, a means of ingress or egress.

Accessory building (see Building, accessory)

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

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

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

Addition shall mean any construction which increases the size of a building or structure.

Adjacent shall mean near to or in the vicinity without touching or bordering upon.

Adult Companionship Establishment shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Establishment shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

Adult Hotel or Motel shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Massage Parlor, Health Club shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Mini-Motion Picture Theater shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Motion Picture Arcade shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult Motion Picture Theaters shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Novelty Business shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

Adult Sauna shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

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

Agricultural operations shall mean a farmstead of twenty (20) acres or more which produce one thousand dollars (\$1,000) or more of farm products each year. (also see Farm)

Agriculture shall mean the use of a tract of land for the growing of crops, pasturage, nursery, or the raising of poultry, 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 thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots. The raising and feeding of livestock and poultry shall be an agricultural or farming venture if the area in which the livestock or poultry is kept is twenty (20) acres or more in area and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and not a "feedlot" as defined herein. (Also see Farm)

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

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

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

Alteration, structural (see Structural alteration)

Amusement arcade shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

Animal hospital (see Hospital, animal)

Animal Unit (see Livestock Feeding Operation)

Animals, domestic (see Household pet)

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

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

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

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

Apartment house (see Dwelling, multiple family)

Approved lot (see Lot, approved)

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

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

Architectural canopy sign (see Sign, architectural canopy)

Arterial street (see Street, arterial)

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

Automobile service station (see Service station)

Automobile wrecking yard shall mean the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard. (also see Junkyard)

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

Basement shall mean that portion of a building which is partly or completely below grade.

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

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

Best interests of community shall mean interests of the community at large and not interest of the immediate neighborhood.

Best possible management practices shall mean livestock management techniques and practices as set forth by various agencies, including the Nebraska Department of Environmental Quality, that encourage and protect the environment and public.

Billboard (see Sign, billboard)

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

Block frontage shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

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

Boarding house shall mean a residential establishment other than a hotel or motel where at least two (2) and not more than 12 sleeping accommodations are provided for (a total of 16 or fewer) persons not related by blood, marriage or adoption to the owner, on either a permanent or transient basis, with or without meals, but without separate cooking facilities for individual occupants.

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

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

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

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

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

Building coverage (see Lot coverage)

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

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

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

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

Building sign (see Sign, building)

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

Camper, (see Recreational vehicle)

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

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

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

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

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

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

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

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

Closed sign (see Sign, closed)

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

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

Cocktail lounge (see Bar)

Collector street (see Street, collector)

Commercial feeding operation (see Livestock Feeding Operation)

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

Commission shall mean the Boone County Planning Commission.

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

Common open space (see Open space, common)

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

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

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

Compatible uses shall mean 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, contamination of surface or ground water, aesthetics, vibration, electrical interference and radiation.

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

Concept plan (see Site plan)

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

Conditional use permit shall mean a permit issued by the County Board after recommendation of the planning commission that authorizes the recipient to make conditional use of property in accordance with the requirements of these Regulations as well as additional requirements imposed by the commission.

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

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

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

Congregate housing shall mean a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (also see Housing for the elderly)

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

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

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

Copy areas (see Sign, copy area)

Corner lot (see Lot, corner)

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

County shall mean Boone County, Nebraska.

County Board shall mean the County Board of Commissioners of Boone County, Nebraska.

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

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

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

Curvilinear street (see Street, curvilinear)

Dead end street (see Cul-de-sac)

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

Destination sign (see Sign, destination)

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

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

Development area shall mean an area of land which may or may not have been subdivided that contains three or more homes per nine (9) acres.

Development concept plan (see Site plan)

Development impact fee shall mean a fee imposed on developers to pay for the costs to the county of providing services to a new development based on the impact of the new development.

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

District (see Zoning district)

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

Domestic animals (see Household pet)

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

Double frontage lot (see Lot, double frontage)

Downzoning shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

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

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

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

Dwelling, condominium (see Condominium)

Dwelling, farmstead shall mean a dwelling unit located on a tract of land not less than five (5) acres and not more than twenty (20) acres, has been lawfully occupied within the last twelve (12) month period as a single family residence, and is not necessary or incidental to the normal conduct of a farm or agricultural operation.

Dwelling, manufactured (see Manufactured home and Mobile home)

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

Dwelling, multiple family shall mean a detached residential building containing three or more dwelling units.

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

Dwelling, single family shall mean a building having one dwelling unit and accommodations for or occupied by one family, excluding mobile homes, but including manufactured homes which meet all of the standards set forth in '23-114 R.R.S. 1943, as the same may be amended from time to time, and which meet the following standards.

- a) The home shall have no less than nine-hundred (900) square feet of floor area, above grade, for single story construction.
- b) The home shall have no less than an eighteen (18) feet exterior width.
- c) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single family construction.
- d) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, rock, or approved standing seam/ribbed metal roof.
- e) The home shall be placed on a continuous, permanent foundation and have wheels, axles, transporting lights, and removable touring apparatus removed; and,
- f) The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.

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

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

Dwelling, two family shall mean a building containing two dwelling units on the same lot.

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

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

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

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

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

Elderly housing (see Housing for the elderly)

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

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

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

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

Environmentally controlled housing (see confinement)

Erected shall mean constructed upon or moved onto a site.

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

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

Facade shall mean the exterior wall of a building exposed to public view from the building's exterior.

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

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

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

Farm shall mean an area containing at least twenty (20) acres or more which is used for growing of the usual farm products such as vegetable, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals up to 300 animal units as defined in these regulations.

Farming shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding

of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

In contrast to a Livestock Feeding Operation (LFO), as hereinafter defined, any person or entity operating within the following categories shall be considered to be a farming operation and shall not be considered as operating a LFO unless the operation exceeds the following:

- a) One (1) Animal Unit (A.U.), as defined in the definition for Livestock Feeding Operation herein, per acre for a parcel less than forty (40) acres in size;
- b) One and one-half (1 1/2) A.U. per acre for a parcel of land greater than forty (40) acres, but less than eighty (80) acres; or
- c) Two (2) A.U. per acre for parcels over eighty (80) acres.

Notwithstanding the provisions of 1-3 above, anytime the number or combination of Animal Units (A.U.) exceeds three hundred (300), regardless of the size of the parcel of land, the operation shall be considered a LFO and the owner/operator shall be required to obtain a Conditional Use Permit, in these Regulations.

Farmstead shall mean, in contrast to a farmstead dwelling, a tract of not less than five (5) acres and not more than twenty (20) acres, upon which a farm dwelling was lawfully occupied within the last twelve (12) month period as a single-family residence and is necessary or incidental to the normal conduct of a farm or agricultural operation.

Farm products shall mean 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.

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

Flood plain (see the Flood Plain Regulations within these regulations for all definitions relating to flood plain regulations and management)

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

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

Freestanding sign (see Sign, freestanding)

Front lot line (see Lot line, front)

Front yard (see Yard, front)

Frontage (see Lot frontage)

Funeral home shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures;

(4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation.

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

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

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

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

Gasoline and diesel service Stations (see Service station)

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

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

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

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

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

Ground coverage (see Lot coverage)

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

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

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

so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

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

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

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

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

Health care facilities shall mean a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: (1) hospitals including offices of medical societies, offices of charitable public health associations and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; (2) convalescent or nursing home; (3) a facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (4) public health clinics and facilities; and (5) ambulatory surgical care center which does not allow for overnight stay by patients. Except as herein provided, health care facilities do not include doctors, or dentists professional offices and private clinics.

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

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

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

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

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

Highest use (see Use, highest)

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

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.

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

Home occupation shall mean an occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit, carried on by a member or members of the family who occupy the dwelling for living purposes, which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

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

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

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

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

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

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

Impact fee (see Development impact fee)

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

Incidental use shall mean a use which is subordinate to the main use of a premise.

Individual septic system shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.

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

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

Infill land shall mean vacant tracts of land surrounded by developed properties containing improvements.

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

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

Interior lot (see Lot, interior)

Intermediate care facility (see Group home for the handicapped)

Juice Bar (see Adult Establishment)

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

Junkyard shall mean any area or parcel of land where accumulation of discarded junk, salvaged or salvageable materials are stored, baled, packed, disassembled or handled in any manner. The materials may include, but not be limited to inoperable motor vehicles or vehicle parts, inoperable machinery or equipment or parts, used lumber, or scrap or salvaged metal. An area or parcel of land shall not be considered a junkyard if the material stored thereon is an accessory use to the main permitted use of the premises. The terms junkyard and salvage yard shall be synonymous. (also see Automobile wrecking yard)

Kennel, commercial shall mean an establishment where five (5) or more dogs or cats or any combination thereof, other household pets, or non-farm/non-domestic animals at least four (4) months of age are groomed, bred, boarded, trained or sold as a business.

Kennel, private shall mean any premises used for the keeping of four (4) or less dogs, cats, or a combination thereof, or other non-farm/non-domestic animals by the owner/occupant or occupant of the premises for the purpose of show, hunting, or as pets.

The dogs and cats shall belong to the owner/occupant or occupant and their keeping shall be accessory to the main use of the premises.

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

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

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

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

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

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

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

Liquid Manure shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface; provided however, only liquid

manure collected in lagoons may be applied through the use of a center pivot or tow-line irrigation systems. (See definition of Lagoon)

Liquid Manure Storage Pits shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production. In no event shall liquid manure that is stored or collected in a Liquid Manure Storage Pit be applied through the use of a center pivot or tow-line irrigation system. (See definition of Liquid Manure and Lagoon)

Livestock (see Animals, farm)

Livestock Feeding Operation (LFO) shall mean the feeding, farrowing or raising of cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than six (6) months in any one calendar year, and where the number of animals so maintained exceeds three hundred (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. Such facilities shall be constructed and operated in conformance with applicable county, state and federal regulations. Two (2) or more LFOs under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area or system for the disposal of livestock wastes. Animal units (AU) are defined as follows:

One (1) A.U.	=	One (1) Slaughter, Feeder Cattle;
One (1) A.U.	=	One Half (.5) Horses;
One (1) A.U.	=	Seven Tenths (.7) Mature Dairy Cattle;
One (1) A.U.	=	Two and One Half (2.5) Swine (55 pounds or more);
One (1) A.U.	=	Twenty Five (25) Weaned Pigs (less than 55 pounds);
One (1) A.U.	=	One and One Half (1 2) Sows with litters;
One (1) A.U.	=	Ten (10) Sheep;
One (1) A.U.	=	One hundred (100) Chickens;
One (1) A.U.	=	Fifty (50) Turkeys;
One (1) A.U.	=	Five (5) Ducks.

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

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

Local street (see Street, local)

Lodging house (see Boarding house)

Lot shall mean a parcel of land occupied by or suitable for occupation by one main building, or a unit group of buildings where specifically authorized within a zoning districts and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these Regulations, and having its principal frontage upon and access to a public street, improved road or approved place. A lot

as used herein may consist of one or more platted lots, or tracts, as conveyed, or parts thereof when authorized by these Regulations.

Lot, approved shall mean a lot in separate ownership, whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Boone County Register of Deeds on or before the adoption of these regulations. (also see Lot of record)

Lot area shall mean the total area within the lot lines of a lot designated either in square feet or acres.

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

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

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

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

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

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

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

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

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

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

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

Lot line, zero shall mean the location of a building on a lot line in such a manner that one or more of the building's sides rests directly on a lot line where permitted within these regulations.

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

Lot of record shall mean a lot whose existence, location, and dimensions have been legally recorded in a deed or on a plat in the office of the Boone County Register of Deeds prior to the effective date of zoning in the area where the lot is located. (also see Lot, approved)

Lot, parking (see Parking lot)

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

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

Lot, through (see Lot, double frontage)

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

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

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

Major highway maintenance shall mean a street or road which provides through traffic movement between and around areas and across the county or city; subject to necessary control of entrances and curb uses. This includes State Highways 14, 32, 39, 45, 52, 56, and 91.

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

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

Manufactured home space shall mean a plot of ground within a manufactured home park which can accommodate one manufactured home and which provides the necessary utility services.

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

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

Map, official zoning district shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Boone County Board of Commissioners as the zoning regulations for Boone County, Nebraska.

Marquee sign (see Sign, architectural canopy)

Massage parlor (see Adult uses)

Materials, raw (see mining)

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

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

Message sign (see Sign, electronic message board)

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

Mining shall mean 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; ground water diversion; soil removal; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site or as part of a mining activity.

Mission (see Emergency shelter mission)

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

Mobile home park (see Manufactured home park)

Mobile home space (see Manufactured home space)

Mobile home subdivision (see Manufactured home subdivision)

Mobile unit (see Recreational vehicle)

Modular dwelling (see Dwelling, modular)

Motel (see Hotel)

Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

Multiple dwelling (see Dwelling, multiple family)

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

No-fee livestock registration permit shall mean a no-fee registration which all new and existing livestock feeding operations or farms with livestock or poultry of 300 animal units or less shall be required to apply for (see Appendix A).

Noncommunity Water supply system shall mean any public water supply system that is not a community water supply system.

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

Non-farm buildings shall mean residential dwellings and structures directly accessory to the use of the residence.

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

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

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

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

Obsolete sign (see Sign, obsolete)

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

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

Official map (see Map, official zoning district)

Off-street parking area or vehicular use area shall refer to all off street areas and spaces designed, used, required or intended to be used for parking, including driveways or access ways in and to such areas.

One family dwelling (see Dwelling, single family)

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

Open sign (see Sign, open)

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

Open space, common shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

Outdoor storage (see Storage)

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

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

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

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

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

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

Parking space shall mean an area, enclosed or unenclosed, of not less than eight and one half (8 1/2) feet by nineteen (19) feet, designed and reserved for the parking of one (1) automobile and having access to a street or alley.

Paunch manure shall mean partially digested material taken from an animal at the time of slaughter.

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

Permanent foundation shall mean a base constructed from either poured concrete or laid masonry block or brick and placed on a footing located a minimum of forty-two (42) inches below final ground level upon which a building or structure is permanently attached.

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

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

Pet (see Household pet)

Place (see Street, private)

Place of worship (see Church)

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

Planning Commission shall mean the Planning Commission of Boone County, Nebraska.

Plant nursery (see Nursery)

Plat shall mean a map showing the location, boundaries, and legal description of individual properties.

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

Portable sign (see Sign, portable)

Premises shall mean 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.

Primary use shall mean the primary or predominant use of any lot, parcel or building.

Principal building (see Building, principal)

Principal use (see Use, principal) Private club (see Club)

Private garage (see Garage, private)

Private stable (see Stable, private)

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

Prohibited use shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

Projection sign (see Sign, projecting)

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

Public garage (see Garage, public)

Public stable (see Stable, public)

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

Public water supply shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five individuals. This definition shall include (1) any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

Rear lot line (see Lot line, rear)

Rear yard (see Yard, rear)

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

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

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

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

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

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

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

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

Residence, non-farm shall mean a dwelling and structures that are not necessary or incidental to the normal conduct of a farm or agricultural operation.

Residents association (see Homeowners association)

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

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

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

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

Retirement community (see Housing for the elderly)

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

Rezoning shall mean an amendment to or change in the zoning regulations either to the text or map or both.

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

Riding stable (see Stable, riding)

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

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

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

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

Roof sign (see Sign, roof)

Rooming house (see Boarding house)

Salvage yard (see Junkyard)

Satellite dish antenna shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

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

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

School, private shall mean a facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools operated by a non-governmental organization.

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

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

Seasonal dwelling (see Dwelling, seasonal)

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

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

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

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

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

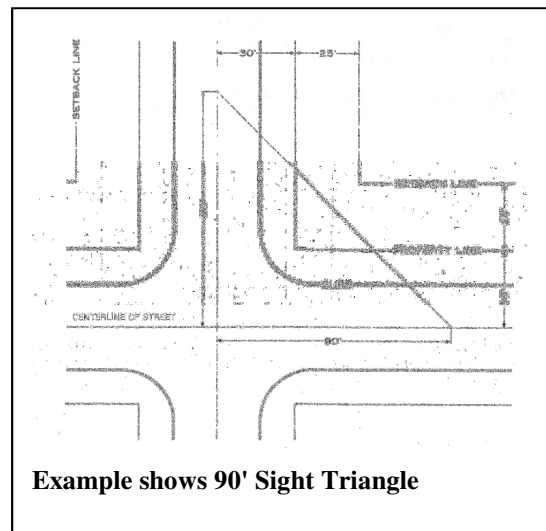
Shelter (see Emergency shelter mission)

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

Side lot line (see Lot line, side)

Side yard (see Yard, side)

Sight triangle shall mean 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, except for single pole utility structures, railroad crossing signs, road directional and safety signs, and agricultural crops.



Sign shall mean any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, logo, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter illumination device, constructed, attached, erected, fastened, manufactured or painted in any manner whatsoever so that the same shall be used for the attraction of the public, performance, article, machine or merchandise whatsoever, and displayed in any manner cut of doors for recognized advertising purposes, or any letter, figure, character, etc. as set forth herein that is permanently painted on or adhered to any doors or windows of building or structures. (also see Sign, billboard and Promotional device)

Sign, architectural canopy shall mean an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's copy 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.

Sign, awning, canopy or marquee (see Sign, architectural canopy)

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

Sign, building shall mean any sign supported by, painted on or otherwise attached to any building or structure.

Sign, closed shall mean a sign in which more than fifty percent (50%) of the entire area is solid or tightly closed or covered.

Sign, copy area shall mean all lettering, wording, and accompanying designs, symbols, logos, and trademarks on a sign area.

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

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

Sign, electronic message board shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, flashing shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

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

Sign, illuminated shall mean a sign illuminated in any manner by an artificial light source.

Sign, low profile shall mean a sign mounted directly to the ground with a maximum height not to exceed six (6) feet.

Sign, message (see Sign, electronic message board)

Sign, monument (see Sign, low profile)

Sign, obsolete 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 (6) months after the termination of the existence of such business or the termination of sale of the product advertised.

Sign, open shall mean a sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

Sign, portable shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Sign, projecting shall mean a display sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

Sign, roof shall mean a sign which is erected, constructed and maintained above the roof of the building.

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

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

Sign, temporary shall mean a sign constructed of cloth, fabric or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

Sign, wall shall mean a sign which is painted on or is directly attached to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the fence or wall.

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

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

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

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

Slope (see Grade)

Sludge shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial or land application. Sewage sludge includes but is not limited to domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge.

Special use permit (see Conditional Use Permit)

Specified Anatomical Areas shall mean anatomical areas consisting of:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
2. Human male genitals in a discernably turgid state, even if completely and opaquely covered.

Specified Sexual Activities shall mean activities consisting of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint or any such persons; or
6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

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

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

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

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

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

State shall mean the State of Nebraska.

Stockpiling shall mean the accumulation of manure in mounds, piles or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one (1) year.

Storage shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

Storage house (see Warehouse)

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

Street shall mean a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

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

Street, collector shall mean a street designed to provide for the efficient movement between local streets and arterial streets allowing direct access to abutting properties.

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

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

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

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

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

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

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

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

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

Subdivision identification lot (see Lot, subdivision identification)

Subdivision identification sign (see Sign, subdivision identification)

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

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

Tavern (see Bar)

Temporary sale (see Flea market)

Temporary sign (see Sign, temporary)

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

Through lot (see Lot, through)

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

Townhouse (see Dwelling, single family, attached)

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

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

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

Two family dwelling (see Dwelling, two family)

Upzoning shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

Use, accessory (see Accessory use)

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

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

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

Variance shall mean a relaxation of the terms of the Zoning Regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Regulations would result in unnecessary and undue hardship. As used in these Regulations, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

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

Wall sign (see Sign, wall)

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

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

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

Wastewater lagoon (see lagoon)

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

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

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

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

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

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

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

Yard, side shall mean a yard between the side lot line and the side building line lying between the front yard and the rear yard.

Zero lot line (see Lot line, zero)

Zoned lot shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of the following, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record and portions of lots of record, or of portions of lots of record, provided such lots are under common ownership, contiguous, and used as a single lot;
4. A parcel of land described by metes and bounds at the time of the adoption of this ordinance or a parcel not required to be subdivided as per subdivision regulations.

Zoning administrative officer shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of these Regulations.

Zoning Administrator (see Zoning Administrative Officer)

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

ARTICLE 31: VALIDITY.

Should any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this resolution.

ARTICLE 32: EFFECTIVE DATE

This Resolution shall take affect and be in force from and after its approval and adoption according to Law on this 27th day of October, 2014 by the Board of Commissioners of Boone County, Nebraska.

Chairman, Board of Commissioners

Boone County Clerk

SUMMARY OF DISTRICT REGULATIONS

	A-1	A-2	A-3	R-1	R-M	C-1	I-1	I-2	PU
Minimum Lot Area and Density (in acres)	20 A. (+) 2 total dwellings per ¼ Section	10 A. (+) 4 total dwellings per ¼ Section	5 A.	3 A.(-)	5 A.	1 A.	1 A.	1 A.	1 A.
Site Area Per Unit	20 A. (+) 2 total dwellings per ¼ Section	10 A. (+) 4 total dwellings per ¼ Section	5 A.	3 A.(-)	7500 ft ²	1 A.	1 A.	1 A.	1 A.
Minimum Lot Width	200 ft	200 ft	200 ft	100 ft	200 ft	150 ft	150 ft	150 ft	150 ft
Front Yard	30 ft	30 ft	35 ft	30 ft	25 ft	35 ft	35 ft	35 ft	35 ft
Rear Yard	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Side Yard	15 ft	15 ft	15 ft	8 ft	25 ft	10 ft	10 ft	10 ft	10 ft
Max. Height	35 ft ^	35 ft ^	35 ft ^*	35 ft ^	35 ft ^	60 ft *	60 ft *	60 ft *	60 ft *
Max. Building Coverage	N/A	N/A	N/A	N/A	N/A	40%	50%	50%	40%
Min. Dwelling Size	N/A	N/A	650 ft ²	N/A	500 ft ²	N/A	N/A	N/A	N/A
Seasonal Dwellings									
Min. Lot Area	3 A.	3 A.	3 A.	N/A	N/A	N/A	N/A	N/A	N/A
Min. Lot Width	100 ft	100 ft	100 ft	N/A	N/A	N/A	N/A	N/A	N/A
Front Yard	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A
Rear Yard	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A
Side Yard	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A

per. = by permitted use

con. = by conditional use

^ Maximum height for structures intended for human occupancy

* Maximum height when located further than 100 ft from R-1 or R-M districts

(+) Notes Exceptions: A minimum of 3 acres is allowed under a Conditional Use Permits and other specified in District while the density remains the same

(-) Lot size down to 1/4 acre with public water and public sewer

LAND USE MATRIX

P = Permitted Use C = Conditional Use blank = Not Allowed

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

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
manufacturing												
Apparel & accessories – retail							P		P	P		
Apparel & accessories – wholesale									P	P		
Apparel belts – manufacturing									P	P		
Apparel findings & related products – manufacturing									P	P		
Appliances (household) – manufacturing									P	P		
Appliances (household) – retail							P		P	P		
Appliances (electrical), television phonographs, tape players, radio sets – wholesale							C		P	P		
Appliance repair services							P		P	P		
Aquariums	C	C		C					P	P	C	
Arboretums & botanical gardens	P	P		P	P	P	P		P	P	P	
Architectural, engineering & planning – professional services							P		P	P		
Arenas & fieldhouses									P	P	P	
Amateur rewinding services									P	P		
Armed forces reserve center	C	C		C			P		P	P		
Art galleries							P					
Artists – painters, sculptors, composers, & authors							P					
Asbestos, abrasive & miscellaneous non-metallic mineral products – manufacturing										P		
Asphalt felts & coating – manufacturing										P		
Asphalt mixing plants	C	C		C					C	C		
Athletic, amusement & sporting goods & toys – manufacturing							C		P	P		
Athletic field or playfield	P	P		P	P	P	C				P	
Auditing, accounting & bookkeeping services							P					
Auditoriums	C	P		P			P				C	
Automatic temperature controls – manufacturing									P	P		
Automobile & other motor vehicle & equipment – manufacturing										P		
Automobile & other motor vehicle repair services							P		P	P		
Automobile & other motor vehicles – retail							P					
Automobile & other motor vehicles – wholesale									P	P		
Automobile & truck rental services							P		P	P		
Automobile equipment – wholesale									P	P		
Automobile parking							C		P	P		
Automobile parts & supplies – retail							P		P	P		
Automobile wash services							C		P	P		
B												
Bags except textile bags - manufacturing							C		P	P		
Bait shops									P	P		
Bakeries manufacturing – retail												
Bakeries non-manufacturing – retail												
Bed and Breakfast Residence	C	C		C	C							

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Banking services							P					
Barber services							P					
Batch plants – temporary	C	C		C					C	C		
Beauty services							P					
Beer, wine & alcoholic beverages – wholesale									P	P		
Bicycles – retail							P					
Biological products – manufacturing									P	P		
Blacksmith & welding services									P	P		
Blankbooks, loose leaf binders & devices – manufacturing									P	P		
Blast furnaces, steel works & the rolling of ferrous metals												
Blueprinting & photocopying services							P		P			
Boarding & rooming houses												
Boat building & repair services									P	P		
Boat sales, service and rentals							P		P			
Boat building & repair, fiberglass									P	P		
Bookbinding & misc. related work – manufacturing							P		P	P		
Bookkeeping, auditing & accounting services							P					
Books, magazines & newspapers distributing – wholesale									P	P		
Books – publishing & printing									P	P		
Books – retail							P					
Boot & shoe cut stock & findings – manufacturing									P	P		
Botanical gardens & arboretums	P	P		P	P	P	P				P	
Bottled gas – retail									P	P		
Bottling & canning soft drinks & carbonated waters									P	P		
Bowling							P					
Boxes and paperboard containers – manufacturing									P	P		
Brandy, brandy spirits & wine – manufacturing									P	P		
Brick & structural clay tile manufacturing										P		
Brooms & brushes – manufacturing									P	P		
Building construction – general contracting services									P	P		
Building materials – retail							P		P	P		
Building materials & lumber – wholesale									P	P		
Building paper & building board – manufacturing										P		
Bulk petroleum stations & terminals – wholesale									C	C		
Bus garaging & equipment maintenance									P	P		
Bus passenger terminals							P					
Business & management consulting services							P					
Business offices not elsewhere listed							P					
Business associations							P					
Business firms – manufacturing									P	P		
Butter – manufacturing									P	P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
C												
Cabinet making – manufacturing									P	P		
Cable TV maintenance yard									P	P		
Cameras & photographic supplies – retail							P					
Camp grounds, general	C	C		C		C	C				C	
Camp grounds, group	C	C		C		C	C				C	
Candy & other confectionery products – manufacturing									P	P		
Candy, nut & confectionery – retail							P					
Canes, parasols & umbrellas – manufacturing									P	P		
Canning & preserving of fruits, vegetables & seafood's – manufacturing									P	P		
Canvas products – manufacturing									P	P		
Carbon black – manufacturing										C		
Cardboard, paperboard & die-cut paper – manufacturing										C		
Carpentry & wood flooring services									P	P		
Carpet & rug cleaning & repair service							P		P	P		
Carpet & rug – manufacturing									P	P		
Cement (hydraulic) – manufacturing										C		
Cemeteries	C	C		P	P						C	
Ceramic wall & floor tile – manufacturing									P	P		
Cereal preparations – manufacturing									P	P		
Charitable & welfare services							P					
Cheese (natural & processed) – manufacturing									P	P		
Chemical & fertilizers – mining										C		
Chemicals, agricultural – wholesale									P	P		
Chemicals, industrial – wholesale									C	P		
Chemicals, industrial organic & inorganic – manufacturing										C		
Chewing gum – manufacturing										P		
China, glassware & metalware – retail							P					
Chiropractors, optometrists, other similar health services							P					
Chocolate & cocoa products – manufacturing									P	P		
Churches, synagogues & temples	C	C		P	P	P	C				C	
Cigarettes & cigars – manufacturing									C	C		
Cigarettes & cigars – retail							P					
Civic, social & fraternal associations							P					
Civil defense & related activities							P		P	P		
Clay, ceramic & refractory minerals – mining										P		
Clay refractories – manufacturing										P		
Cleaning, polishing & sanitation preparations except soap & detergents – manufacturing										P		
Clock, watch & jewelry repair services							P					
Clocks, watches, clockwork operated devices & parts – manufacturing									P	P		
Clothing, leather & fleece lines –									P	P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
manufacturing												
Coal mining										C		
Coal mining services									C	P		
Coffee roasting & coffee products – manufacturing									P	P		
Commercial & industrial machinery, equipment & supplies – wholesale									P	P		
Commodity & securities brokers, dealers & exchanges & services								P				
Communication equipment – manufacturing									P	P		
Composting plants										C		
Computing, accounting, office machines – manufacturing									P	P		
Concrete brick & block – manufacturing										P		
Concrete products – manufacturing									C	C		
Concrete, ready-mix plants									C	P		
Concrete construction & paving services									C	P		
Confectionery products & candy – manufacturing									P	P		
Confectionery, nut & candy – retail							P					
Confectionery – wholesale									P	P		
Construction & lumber materials – wholesale									P	P		
Construction, mining & materials handling machinery & equipment – manufacturing										P		
Construction equipment – retail							P		P	P		
Convalescent, nursing & rest home services	C	C		P	C							
Convents	C	C		C							C	
Convenience store							P					
Cosmetics, perfumes, & other toiletries – manufacturing									P	P		
Cotton ginning & compressing										P		
Cotton, manmade fibers, silk & wool – weaving & manufacturing									P	P		
Cottonseed oil milling										P		
Cotton – wholesale									P	P		
Country club	P	P		P	C						P	
Crating & packing services									P	P		
Credit reporting, adjustment & collection services							P					
Credit unions & agricultural, business & personal credit services							P					
Crematory, funeral & mortuary services		C		P	C		C		P			
Curtains & draperies – manufacturing									P	P		
Curtains, draperies & upholstery – retail							P					
Cutlery, hand tools & general hardware – manufacturing									P	P		
Cut stone & stone products – manufacturing										P		
D												

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Dairy products – retail							P					
Dairy products – wholesale									P	P		
Day care centers	P	P		P	P	P	P					
Dental equipment & supplies – manufacturing									P	P		
Dental laboratory services							P					
Dental services							P					
Department stores – retail												
Detective & protective services							P					
Diaper services							P		P	P		
Direct mail advertising services							P					
Direct selling organizations – retail							P					
Discount & variety stores – retail												
Disinfecting & exterminating services									P	P		
Distilling, rectifying, & blending liquors									P	P		
Dormitories, college		C		P								
Draperies and curtains – manufacturing									P	P		
Draperies, curtains & upholstery – retail							P					
Drawing, rolling & extrusion of non-ferrous metals – manufacturing										C		
Drug & propriety – retail							P					
Drugs, drug proprietaries, & druggist sundries-wholesale									P	P		
Dry cleaning & laundering pickup services							P					
Dry cleaning & laundering, self service							P					
Dry cleaning, laundering & dyeing services, except rugs									P	P		
Dry goods & general merchandise – retail							P					
Dry goods & notions – wholesale									P	P		
Dude ranches	C	C		C					P		C	
Duplicating, mailing, & stenographic services							P					
Dwelling, elderly	C	C		P			P					
Dwelling, in nonresidential structure							C					
Dwelling, mobile home not on permanent foundation						P						
Dwelling, mobile home on permanent foundation	C	C				P						
Dwelling, multi-family					C	P						
Dwelling, single-family attached												
Dwelling, single-family detached	P/C	P/C		P	P	P						
Dwelling, two-family						P						
Dyeing & finishing of textiles									P	P		
Dyeing, dry cleaning & laundry services, except rugs									P	P		
E												
Earthenware, table & kitchen articles – manufacturing									P	P		
Educational & scientific research services							P		P	P		
Egg & poultry – retail							C					

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Electrical apparatus & equipment, wiring supplies & construction materials – wholesale									P	P		
Electrical contractor services									P	P		
Electrical appliances, phonographs, televisions, tape players & radio sets – wholesale									P	P		
Electrical industrial apparatus – manufacturing									P	P		
Electrical repair services, except radio & television									P	P		
Electrical supplies – retail							P		P			
Electrical transmission & distribution equipment – manufacturing									P	P		
Electric generation plants	C								C	P		
Electric utility maintenance yard									P	P		
Electricity regulating substations	C	C		C	C	C	P		P	P	C	
Electric lighting & wiring equipment – manufacturing									P	P		
Electrometallurgical products & processing – manufacturing									P	P		
Electronic components & accessories – manufacturing									P	P		
Electronic parts & equipment – wholesale									P	P		
Electrotyping and stereotyping									P	P		
Employment services							P					
Engineering, planning, architectural professional services					C		P					
Engineering, laboratory & scientific & research instruments & associated equipment – manufactured									P	P		
Engines & turbines – manufacturing										P		
Envelope – manufacturing									P	P		
Equipment & supplies for service establishments – wholesale									P	P		
Equipment rental & leasing services							P					
Executive, legislative & judicial functions							P					
Exhibition halls											C	
Explosives – manufacturing										C		
Exterminating									P	P		
Extracts & flavoring syrups – manufacturing									P	P		
Extrusion, drawing, & rolling of non-ferrous metals – manufacturing										P		
F												
Fabricated structural metal products – manufacturing										P		
Fabricated wire products – manufacturing										P		
Fairgrounds	C	C		C					P		P	
Farm machinery & equipment – retail							C		P	P		
Farm machinery & equipment – manufacturing									P	P		
Farm machinery & equipment – wholesale									P	P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Farm products warehousing & storage excluding stockyards									P	P		
Farm supplies – retail	C						P		P	P		
Farms & ranches livestock than dairy	P	P		P								
Farms, commercial forestry	P	P		P								
Farms, dairy	P	P		P								
Farms, grain crops	P	P		P							P	
Farms, hay & alfalfa	P	P		P							P	
Farms, fiber crops	P	P		P							P	
Farms, fruits, nuts or vegetables	P	P		P							P	
Farms, nursery stock	P	P		P							P	
Feeding operations, livestock	C	C										
Feed preparation for animals & fowls	C											
Feeds, grains & hay – retail	C								P	P		
Felt goods – manufacturing									P	P		
Fertilizers, agricultural hazardous – retail	C								C	C		
Fertilizers, agricultural nonhazardous – retail	C								P	P		
Fertilizers & chemicals – mining									C	C		
Fieldhouses & arenas											P	
Fire protection & related activities	P	P		P	P	P	P		P	P	C	
Fish & seafood’s – retail							P					
Fish & seafood’s – wholesale									P	P		
Fish farms	C	C		C								
Fish hatcheries	C	C		C								
Fishing & hunting clubs	C	C										
Flat glass – manufacturing										P		
Floor covering – retail							P					
Florists – retail							P					
Flour & other grain mill products – manufacturing										P		
Flour blending & preparing – manufacturing										P		
Food lockers & storage services									P	P		
Foundries, iron & steel – manufacturing												
Foundries, nonferrous metals – manufacturing										C		
Fraternal, civic & social associations							P					
Fraternity & sorority houses												
Freight forwarding services									P	P		
Frozen desserts & ice cream – manufacturing									P	P		
Fruits & vegetables (fresh) – wholesale									P	P		
Fruits & vegetables – retail							P					
Fuel, except fuel oil & bottled gas – retail									P	P		
Fuel oil – retail									P	P		
Funeral, mortuary & crematory services				C	C		P					
Fur dressing & dyeing – manufacturing									P	P		
Fur goods – manufacturing									P	P		
Fur repair & storage services									P	P		
Furniture & home furnishing – wholesale									P	P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Furniture (household) – manufacturing									P	P		
Furniture – retail							P					
Furniture repair & reupholstery services									P	P		
Furs & fur apparel – retail							P					
Furs (raw), hides & skins – wholesale									P	P		
G												
Garden supplies & landscape nursery – retail	C	C		P					P			
Garment repair, alteration & pressing services							P					
Gas & petroleum (crude) drilling	C	C							C	C		
Gas & petroleum (crude) field services									P	P		
Gasoline service stations – retail							P		P	P		
Gas pressure control stations	C	C		C					C	P		
Gas production plants										C		
Gas storage & distribution points										C		
Gas utility maintenance yard									C	P		
Gelatin & glue – manufacturing										P		
General contracting & building construction services									P	P		
General stores – retail							P					
Gifts, novelties & souvenirs – retails							P					
Glass & glassware, pressed or blown – manufacturing									P	P		
Glass containers – manufacturing									P	P		
Glass, flat – manufacturing										P		
Glass, paint & wallpaper – retail							P					
Glue & gelatin – manufacturing										P		
Go-kart tracks	C	C							C		C	
Golf courses, public	C	P		P	P						P	
Golf driving ranges	C	C		C			C				P	
Gravel & sand quarrying	C	C		C					C	C		
Grain – wholesale									P	P		
Grains, feeds & hay – retail									P	P		
Grain mill products & flour – manufacturing										P		
Greases & lubricating oils – manufacturing										P		
Green houses	C	C		P			C		P	P		
Greeting card – manufacturing									P	P		
Grist milling services										P		
Groceries – retail							P					
Groceries – wholesale									P	P		
Group care home				C	C	C						
Gum and wood chemicals – manufacturing										P		
Guns, howitzers, mortars & re. equipment – manufacturing										P		
Gymnasiums & athletic clubs							P					
Gypsum products – manufacturing										P		
H												
Handbags & other personal leather goods – manufacturing									P	P		
Hardware – retail							P					
Hardware – wholesale									P	P		
Hardwood dimension & flooring – manufacturing									P	P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Harvesting services	C	C							P	P		
Hats, caps & millinery – manufacturing									P	P		
Hay, grains & feeds – retail									P	P		
Health resorts	C	C									C	
Health & exercise spas							P					
Hearing aids, optical goods, orthopedic appliances & other similar devices – retail							P					
Heating, air conditioning & plumbing contracting services							P					
Heating & plumbing equipment & supplies – retail							P					
Heating apparatus (except electrical) and plumbing fixtures – manufacturing									P	P		
Heliport pads	C	C					C		C	C		
Hides, skins, & raw furs – wholesale									P	P		
Historic & monument sites	P	P		P	P	P	P		P	P		
Hobby supplies – retail							P					
Holding & investment services							P					
Hospital services	C	C		P	C		P				C	
Hotels, tourists courts & motels							P		P			
House Furnishings, textile (except curtains & draperies) – manufacturing									P	P		
Household appliances – retail							P					
Hunting & fishing clubs	C											
I												
Ice cream & frozen desserts – manufacturing									P	P		
Ice – manufacturing									P	P		
Ice – retail							P					
Ice skating rinks, indoor											P	
Industrial laundry & linen supply services									P			
Industrial leather belting & packing – manufacturing									P	P		
Industrial & commercial machinery, equipment & supplies – wholesale									P	P		
Industrial machinery equipment – manufacturing										P		
Industrial waste disposal	C								C	C		
Instruments for mechanical measuring & controlling except automatic temperature controls – manufacturing									P	P		
Insurance agents & brokers services							P					
Insurance carriers							P					
Investment & holding services							P					
J												
Janitorial services									P	P		
Jewelry & precious metals – manufacturing									P	P		
Jewelry – retail							P					
Jewelry, watch & clock repair services							P					
K												
Kennels – commercial	C	C		C					P			
Kennels – private	P	P		P					P			

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Knit goods – manufacturing									P	P		
L												
Labor unions & similar labor organizations							P		P	P		
Lace goods – manufacturing									P	P		
Lamp shades – manufacturing									P	P		
Landscape contracting services		C		C					P	P		
Landscape nursery & garden supplies – retail	C	C		P			P		P	P		
Lapidary work									P	P		
Laundering & dry cleaning pickup service							P					
Laundering & dry cleaning, self-service							P					
Laundering, dry cleaning & dyeing services, except rugs									P	P		
Lawn care – services							C		P	P		
Leather & fleece lined clothing – manufacturing									P	P		
Leather gloves & mittens – manufacturing									P	P		
Leather tanning & finishing – manufacturing									P	P		
Legal services							P					
Libraries	C	C		P	P	P	P				C	
Lime products – manufacturing										P		
Linen supply & industrial laundry services									P	P		
Linoleum, asphalt-felt-base, and other hard surface floor cover – manufacturing									P	P		
Liquid petroleum gas – wholesale									C	C		
Liquor – retail							P					
Livestock feeding operations	C	C										
Livestock – wholesale	C	C								C		
Locksmith services							P					
Logging camps & logging contractors	C								P	P		
Lubricating oils & greases – manufacturing										P		
Luggage – manufacturing									P	P		
Lumber & building materials – wholesale									P	P		
Lumber yards – retail							P		P	P		
M												
Machine shop – manufacturing									P	P		
Magazines & newspapers – retail							P					
Magazines, books & newspapers distributing – wholesale									P	P		
Mail order houses – retail							P					
Mailing, duplicating & stenographic services							P		P			
Malt liquors – manufacturing										P		
Management & business consulting services							P					
Marinas	C											
Masonry, stonework, tile setting & plastering services									P	P		
Massage services							P					

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Matches – manufacturing										C		
Mausoleums		C		C								
Meat & meat packing products – wholesale									P	P		
Meat packing – manufacturing										C		
Meats – retail							P					
Medical & surgical instruments & apparatus – manufacturing									P	P		
Medical clinics, out-patient services					C		P					
Medical laboratory services							P					
Medical chemicals – manufacturing										P		
Metal cans – manufacturing									P	P		
Metal coating, engraving, and allied services – manufacturing									P	P		
Metal mining services										P		
Metal ore mining	C	C		C						P		
Metal products, fabricated structural – manufacturing										P		
Metals & minerals except petroleum products & scrap – wholesale									P	P		
Metals, nonferrous, rolling, drawing, & extrusion – manufacturing										P		
Metal stamping – manufacturing										P		
Metal working machinery & equipment – manufacturing										P		
Military administration or command centers	C								P	P		
Military communication center	C								P	P		
Military defense installations	C								P	P		
Military training bases	C									P		
Millwork – manufacturing									P	P		
Milk processing, fluid only									P	P		
Miniature golf					C		C		P		P	
Mobile home parks						P						
Mobile homes – manufacturing									P	P		
Mobile homes not on permanent foundation						P						
Manufactured homes on permanent foundation	P	P		P	P	P						
Mobile homes & accessories – retail							P		P			
Monasteries	C	C		C							P	
Monuments & historic sites	P	P		P	P	P	P		P	P	P	
Monuments – retail							C					
Mortician's goods – manufacturing									P	P		
Motels, hotels & tourist courts							P					
Motion picture distribution services									P	P		
Motion picture production studios									P	P		
Motorcycle & bicycle sales, rental & services							P		P	P		
Motor freight garaging & equipment maintenance									P	P		
Motor freight terminals									P	P		
Mortuary, funeral & crematory services		C		P	C		C					
Museums	C	P		P			P				C	
Musical instruments & supplies – retail							P					

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

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

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Porcelain electrical supplies – manufacturing										P		
Postal services							P		P	P		
Pottery – manufacturing									P	P		
Poultry & eggs – retail							P					
Poultry & poultry products – wholesale									P	P		
Poultry & small game dressing & packing										P		
Poultry hatchery services	C	C								P		
Prefabricating wooden buildings & structural members – manufacturing									P	P		
Preserving & canning of fruits, vegetables & seafood's manufacturing									P	P		
Pressed & molded pulp goods – manufacturing										P		
Pressing, alteration & garment repair services							P					
Primary smelting & refining of nonferrous metals – manufacturing										C		
Printing ink – manufacturing										P		
Printing, commercial										P		
Printing & publishing of books									P	P		
Printing & publishing of newspapers									P	P		
Printing & publishing of periodicals									P			
Prisons	C	C		C					C	C		
Private clubs, adult establishments									C			
Processing waste & recovering fibers & flock – manufacturing										P		
Professional equipment & supplies – wholesale									P	P		
Professional membership organizations							P					
Professional offices not elsewhere listed							P					
Pulp – manufacturing										C		
Q												
Quarrying, gravel, sand & dirt	C	C		C					C	C		
Quarrying, stone	C	C		C					C	C		
R												
Race tracks & courses – animals	C	C							C	C		
Race tracks & courses – vehicle	C								C	C		
Radioactive materials processing & storage – manufacturing									C	C		
Radioactive waste materials disposal	C									C		
Radio broadcasting studios							P					
Radios, television, phonographs, recorders & tape players – manufacturing									P	P		
Radios, televisions, phonographs, recorders, & tape players repair services							P					
Radios, televisions, phonographs, recorders & tape players – retail							P					
Radio transmitting stations & towers	C	C					C		C	C	C	
Railroad equipment & maintenance yard										P		
Railroad – equipment – manufacturing										P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Railroad freight terminals										P		
Railroad passenger terminals									P	P		
Railroad right-of-way	P	P		P	P	P	P		P	P		
Railroad switching yards										P		
Raincoats & other waterproof outer garments – manufacturing									P	P		
Real estate agents, brokers & management services							P					
Reclaiming rubber										P		
Recreational vehicles & equipment – manufacturing									P	P		
Recreational vehicles & equipment – retail									P			
Recreation centers	C	C		C	C	C	C					
Rectories	P	P		C	P	P	P				C	
Recycling center							C		P	P		
Refining & smelting (primary) of nonferrous metals										P		
Refining of petroleum										C		
Refrigerated warehousing (except food lockers)									P	P		
Refuse incineration										C		
Religious camps & retreats	C	C		C							C	
Research development & testing services									P	P		
Residential hotels												
Resorts (general)	C											
Rest, nursing & convalescent home services	C	C		P	C						C	
Restaurants							P		P	P		
Restaurants, drive-in							P					
Retail trade not elsewhere listed							P					
Retirement homes							P					
Reupholstery & furniture repair services									P	P		
Rice milling										P		
Riding stables	P	P		P							C	
Road maintenance yards									P	P		
Robes & dressing gowns – manufacturing									P	P		
Roller skating rinks – indoor											P	
Rolling, drawing, & extrusion of nonferrous metals – manufacturing										P		
Rolling of ferrous metals, blast furnaces & steel works										P		
Roofing & sheet metal contracting services									P	P		
Rooming & boarding houses												
Rubber footwear – manufacturing									P	P		
Rug & carpet cleaning & repair services							P		P	P		
Rug & carpet – manufacturing									P	P		
S												
Salvage yard									C	C		
Sand & gravel quarrying	C	C		C					C	C		
Sanitary landfill	C	C							C	C		
Sanitary paper products – manufacturing									P	P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Sausages & other prepared meat products – manufacturing										C		
Savings & loan associations							P					
Sawmills, general – manufacturing	C								C	C		
Schools, art							P					
Schools, barber							P					
Schools, beauty							P					
Schools, business		C		P	C		P					
Schools, colleges	C	C		P			P				C	
Schools, computer							P					
Schools, correspondence							P					
Schools, dancing							P					
Schools, day care						C	P					
Schools, driving							P					
Schools, junior college	C	C		P			P				C	
Schools, music							P					
Schools, nursery	P	C		P	P	C	P				C	
Schools, pre-primary	P	C		P	P						C	
Schools, primary	C	C		P	P	P	P				C	
Schools, professional							P					
Schools, secondary	C	C		P	P	P	P				C	
Schools, stenographic							P					
Schools, technical	C	C		P			P		P	P	C	
Schools, trade				P			P		P	P	C	
Schools, universities	C	C		P			P				C	
Schools, vocational	C	C		P	C		P		P	P	C	
Scientific & educational research services									P	P	C	
Scrap & waste materials, nonmetallic – wholesale										C		
Screw machine products & bolts, nuts, screws, rivets, & washers – manufacturing									P	P		
Secondary smelting & refining of nonferrous metals – manufacturing										P		
Second hand merchandise – retail							P					
Seed treating									P	P		
Seed and feed sales							P		P	P		
Sewage pressure control stations					C	C	C					
Sewage sludge drying beds	C								C	C		
Sewage treatment facilities	C	C				C			C	C	C	
Shades & venetian blinds – manufacturing									P	P		
Sheet metal & roofing contracting services									P	P		
Shelving, partitions, lockers & office & store fixture – manufacturing									P	P		
Shoe repair, shoe shining, & hat cleaning services							P					
Shoes – manufacturing									P	P		
Shoes – retail							P					
Shoes – wholesale									P	P		
Shortening, table oils, margarine, & other edible fats & oils – manufacturing										P		
Signs & advertising displays – manufacturing									P	P		
Silverware & plated ware –									P	P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
manufacturing												
Skeet & trap shooting ranges	C											
Skins, hides, & raw furs – wholesale									P	P		
Smelting & refining (primary) of nonferrous metals										C		
Smelting & refining (secondary) of nonferrous metals										C		
Soaps & detergents (except specialty cleaners) – manufacturing									C	C		
Social, civic & fraternal associations							P					
Social correctional, treatment & counseling services							P					
Solid waste transfer stations	C								C	C		
Sorority & fraternity houses												
Souvenirs, gifts, novelties – retail							P					
Soybean oil milling										P		
Sporting, toys, amusement & athletic goods – manufacturing									P	P		
Sporting goods – retail							P					
Stadiums	C	C		C			P		C		C	
Stationery – retail							P					
Steel pipe & tubes – manufacturing										P		
Steel wire drawing, steel nails & spikes – manufacturing										P		
Steel works, blast furnaces & the rolling of ferrous metals										C		
Stenographic, duplicating, & mailing services							P		P			
Stock yards	C									C		
Stone products & cut stone – manufacturing										P		
Stone – quarrying	C	C		C					C	C		
Stone work, masonry, title setting, & plastering services									P	P		
Storage – mini							P		P	P		
Storage & warehousing of nonhazardous products	C								P	P		
Storage & warehousing of hazardous products									C	C		
Storage & warehousing of household goods									P	P		
Store & office fixtures, lockers, partitions & shelving – manufacturing									P	P		
Sugar refining – manufacturing										P		
Surgical & medical instruments & apparatus – manufacturing									P	P		
Swimming clubs	C	C		C	C	C	P					
Synagogues, churches, & temples	C	C		P	P	P	C				C	
Synthetic, resins, synthetic rubber, plastic materials, synthetic & other manmade fibers (except glass) – manufacturing										P		
T												
Tailoring (custom)							P					
Tanks (military) & tank components – manufacturing										P		
Taverns							C					
Taxicab dispatch							P		P	P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Taxicab garaging & maintenance									P	P		
Telegraph communications												
Telephone business office							P		P	P		
Telephone exchange stations	P	P		C	C	C	P		P	P	C	
Telephone maintenance yard									P	P		
Telephone relay towers (microwave)	C	C					C		C	C		
Television broadcasting studios							P		P			
Television, radios, phonographs, recorders & tape players – manufacturing									P	P		
Television, radios, phonographs, recorders & tape players repair services							P		P	P		
Television, radios, phonographs, recorders, & tape players – retail							P					
Television transmitting stations & relay towers	C	C							C	C		
Temples, churches & Synagogues	C	C		P	P	P	P				C	
Tennis Clubs	C	C		C	C		P				P	
Textile bags – manufacturing									P	P		
Testing, research, & development services									P	P		
Theaters, legitimate												
Theaters, motion picture, indoor							P					
Theaters, motion picture, outdoor	C						C		C	C		
Threads & yarns – manufacturing									P	P		
Tile setting, masonry, plastering & stone work services									P	P		
Tire cord & fabric – manufacturing									P	P		
Tire & inner tubes – manufacturing										C		
Tires & inner tubes – wholesale									P	P		
Tile abstracting services							P					
Tobacco & tobacco products – wholesale									P	P		
Tobacco & snuff – manufacturing									P	P		
Tobacco leaf – wholesale									P	P		
Tobacco stemming & redrying									P	P		
Tot lot or play lot	P	P		P	P	P	C				C	
Tourist courts, hotels & motels							P		P			
Toys, amusement, sporting & athletic goods – manufacturing									P	P		
Transportation equipment and supplies (except motor vehicles)									P	P		
Trap & skeet shooting ranges	C											
Travel arranging services							P					
Truck & automobile rental services							P		P	P		
Truck wash services									P	P		
Turbines & engines – manufacturing										P		
U												
Umbrellas, parasols & canes – manufacturing									P	P		
Upholstery, draperies & curtains – retail							P					
Upholstery filling & padding – manufacturing									P	P		
Y												
Variety & discount stores – retail							P					
Vegetable oil milling (except										P		

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
cottonseed & soybean)												
Veneer & plywood - manufacturing									P	P		
Vending machine operations – retail							P					
Venetian blinds & shades – manufacturing									P	P		
Veterinarian services	C	C		C					P	P		
Vinyl products, plastic fabric & oilcloth – manufacturing										P		
Vitreous china plumbing fixtures, china, earthenware fillings & bathroom accessories – manufacturing									P	P		
Vitreous china, table & kitchen articles – manufacturing									P	P		
W												
Wallpaper – manufacturing									P	P		
Wallpaper, paint & glass – retail							P					
Warehousing & storage of hazardous products									C	C		
Warehousing & storage of nonhazardous products									P	P		
Warehousing & storage of household goods									P	P		
Watch, clock & jewelry repair services							P					
Watches, clocks, clockwork operated devices & parts – manufacturing									P	P		
Water storage	C	C		C	C	C	C		C	C	C	
Water utility maintenance yard	C	C		C					P	P		
Water well drilling services									P	P		
Welding & blacksmith services									P	P		
Welfare & charitable services							P					
Wet corn milling										P		
Window cleaning services							P		P	P		
Wine, beer, & alcoholic beverages – wholesale									P	P		
Wine, brandy spirits – manufacturing										P		
Wire products (fabricated) – manufacturing										P		
Wooden containers – manufacturing									P	P		
Wool preserving – manufacturing									P	P		
Wool & mohair – wholesale									P	P		
Worm farms	P	P		C								
Y												
Yarn & threads – manufacturing							C		P	P		
Z												
Zoos	C	C		C							C	
Additional Land Use Categories												
Mining	C	C		C								
Construction Services – temporary	C	C		C					C	C		
Paunch manure – application, incorporation, stockpiling, disposal – from inside and outside county	C	C										
Sludge, municipal waste, dead livestock – application, incorporation, stockpiling, disposal, composting – from inside and outside county	C	C										

LAND USE CATEGORY	ZONING DISTRICT											
	A-1	A-2		A-3	R-1	R-M	C-1		I-1	I-2	PU	
Livestock manure application through center pivot	C	C										
Livestock manure application from outside county	C	C										
Dance halls and ballrooms							C					

APPENDIX A
Boone County, Nebraska
No-Fee Livestock Registration

Date _____

Name _____

Address _____

Telephone No. _____

Legal Description(s) of Livestock Operation _____

To protect residents, farms and livestock operations of Boone County, the Boone County Zoning Regulations, adopted on _____, 2014, requires any size livestock or poultry operation (confinement or open lot) to complete a no-fee registration permit.

Do you own any livestock or poultry? YES or NO

If yes, enter the capacity of your livestock or poultry operation at any one given time.

Beef Cattle _____

Horses _____

Dairy Cattle _____

Swine that are 55 pounds or heavier _____

Weaned pigs up to 55 pounds _____

Sows with litters _____

Sheep _____

Turkeys _____

Chickens _____

Ducks _____

Open Lots? YES or NO

Confined Buildings? YES or NO

Signature

