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**LINCOLN COUNTY,
NEBRASKA,**

COPY

ZONING RESOLUTION

RESOLUTION No. 13-05

ADOPTED BY LINCOLN COUNTY, NEBRASKA

EFFECTIVE DATE

Prepared By

The Lincoln County Planning Commission

and



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COUNTY OF LINCOLN, NEBRASKA
ZONING RESOLUTION

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

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

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

WHEREAS, the County Board of Commissioners of The county of Lincoln, Nebraska, deem it in the interest of the public health, safety, morals, convenience, order, prosperity, and welfare of said County and its present and future residents; and

WHEREAS, the County Board of Commissioners of The county of Lincoln, Nebraska, has adopted a Comprehensive Development Plan pursuant to Neb. R. R. S. 1943, Sections 23-114 through 23-114.03, as amended, and known as Lincoln County Comprehensive Development Plan, 2012, as amended; and

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NEBRASKA.

ARTICLE 1: TITLE, INTENT AND PURPOSE

Section 1.01 Short Title

This Resolution shall be known, cited, and referred to as the "Zoning Regulations of The county of Lincoln, Nebraska."

Section 1.02 Purpose and Intent

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

Section 1.03 Jurisdiction

These regulations shall be known and cited as the regulations approved and adopted in the Zoning Regulations of The county of Lincoln, Nebraska. The area of jurisdiction shall be all the area within the limits of The county of Lincoln, Nebraska, not including the jurisdiction explicitly granted to a municipality by the Nebraska Reissue Revised Statutes, 1943.

Section 1.04 Highest Standard

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

Section 1.05 Comprehensive Development Plan Relationship

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

Section 1.06 Planning Commission Recommendations

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

ARTICLE 2: CONSTRUCTION AND DEFINITIONS**Section 2.01 Construction and General Terminology**

1. For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Words or terms not herein defined shall have their ordinary meaning in relation to the context.
2. Unless the context clearly indicates to the contrary:
 - A. The phrase "Lincoln County" or "Lincoln County, Nebraska" shall also be deemed the same as "The county of Lincoln, Nebraska".
 - B. The word "Assessor" shall mean the County Assessor of Lincoln County, Nebraska.
 - C. The word "Board" shall mean the Board of Commissioners of Lincoln County, Nebraska.
 - D. The words "Board of Commissioners" shall mean the Board of Commissioners of Lincoln County, Nebraska.
 - E. The term Zoning Administrator shall mean the zoning administrator and/or planning administrator for Lincoln County, Nebraska.
 - F. The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
 - G. The word "Commission" shall mean the Planning Commission of Lincoln County, Nebraska.
 - H. The word "County" shall mean "The county of Lincoln, Nebraska".
 - I. The words "Register of Deeds" shall mean the County Register of Deeds of Lincoln County, Nebraska.
 - J. The word "Federal" shall mean the Government of the United States of America
 - K. Words used in the present tense include the future tense.
 - L. Words used in the singular include the plural and words used in the plural include the singular.
 - M. The word "shall" is always mandatory; the word "may" is always permissive.
 - N. The word "herein" means in these Regulations.
 - O. The word "Regulations" means the Regulations approved and adopted in the Zoning Regulations of The county of Lincoln, Nebraska, and all amendments thereto, adopted pursuant to Neb. R.R.S. 1943, Sections 23-114 through 23-114.05 and 23-174.02.
 - P. "Person" shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
 - Q. "Used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Section 2.02 Abbreviations and Acronyms

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

1. AU = Animal Unit
2. CAFO = Confined Animal Feeding Operation
3. FAA = Federal Aviation Administration
4. FCC = Federal Communication Commission
5. FEMA = Federal Emergency Management Agency
6. FT = Foot or Feet
7. GIS = Geographic Information System
8. kV = Kilovolt
9. kW = Kilowatt
10. LFO = Livestock Feeding Operation
11. NDA = Nebraska Department of Aeronautics or successor department
12. NDEQ = Nebraska Department of Environmental Quality or successor department
13. NSFM = Nebraska State Fire Marshall or successor department
14. NHHS = Nebraska Department of Health and Human Services or successor department
15. NDNR = Nebraska Department of Natural Resources or successor department
16. NDOR = Nebraska Department of Roads or successor department
17. R.O.W. = Right-of-Way or Rights-of-Way
18. SF = Square Feet
19. SY = Square Yard
20. USDA = United States Department of Agriculture
21. YD = Yard

Section 2.03 Definitions

A

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

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

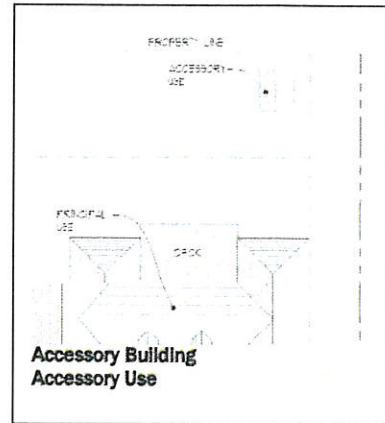
Access or Access Way: The means or way pedestrians and/or vehicles have safe, adequate and usable ingress and egress to a property or use as required by these regulations.

Accessory Apartment: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Building: A detached building which is clearly incidental or subordinate to the principal building or structure which is located on the same premises as the principal building or structure.

Accessory Living Quarters: Living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Accessory Use: A use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

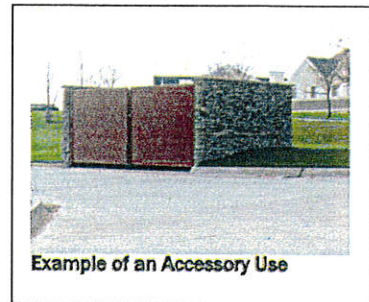


Acre: A full acre containing 43,560 square feet of area within the property lines of a lot or parcel.

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

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

Advertising Structure: Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structure.



Agricultural and Farm Buildings and Structures: Any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to 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: (see "Farming")

Agriculture: The use of land for purposes including farming, dairying, pasturage, raising of crops, horticulture and animal husbandry.

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

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

All-Terrain Vehicle: Any motorized off-highway vehicle which (i) is fifty inches or less in width, (ii) has a dry weight of nine hundred pounds or less, (iii) travels on three or more low-pressure tires, (iv) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (v) has a seat or saddle designed to be straddled by the operator, and (vi) has handlebars or any other steering assembly for steering control.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

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

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

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

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

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

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

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

Antenna: Any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (See satellite dish antenna and tower.)

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

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

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

Apartment House (see Dwelling, Multiple Family)

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

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

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

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

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

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

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

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

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

Archery Range: An outdoor facility that may include buildings or structures used for target practice with bows and arrows.

Architectural Projections: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall or a building but shall not include signs.

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

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

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

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

Artist Studio: A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

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



An Example of a stand-alone ATM

Automobile Wrecking Yard: Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

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

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

Automobile Wrecking Yard: Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

B

Ballroom: A place or hall used for dancing, other than those listed under the definition of "Adult Cabaret". Ballrooms shall also be used for reunions, weddings and receptions.

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

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

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

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

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

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

Billboard: (See "Sign, Billboard")

Block: A parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, city-county boundaries, or adjoining property lines.

Block Frontage: That section of a block fronting on a street between two intersecting streets or other block boundary.

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

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

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

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

Brew Pub: A restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By

definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.

Brewery: An industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

1. **Brewery, Craft:** A brew pub or a micro-brewery.
2. **Brewery, Micro:** A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

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

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

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

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

Building, Accessory: (See "Accessory Building")

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

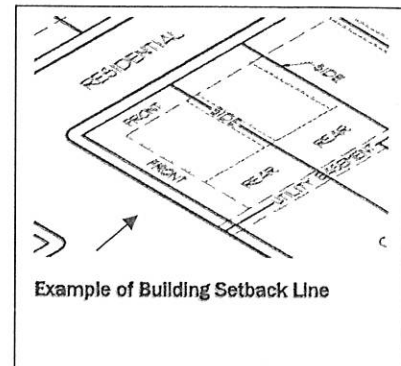
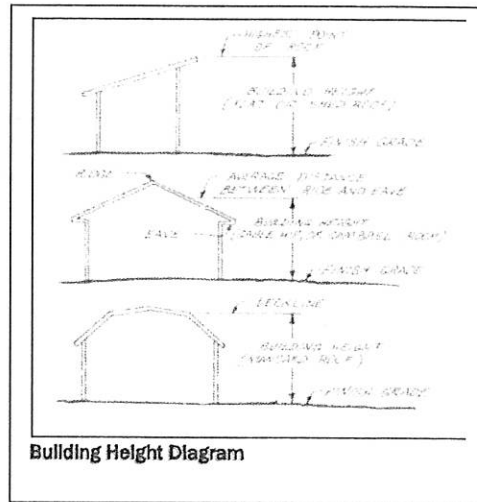
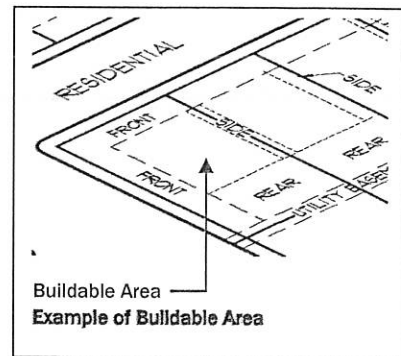
Building Envelope: That area shown on a lot that encompasses all building development including but not limited to storage, structures, decks, roof overhangs, porches, patios and terraces, pools, access ways and parking. Approved plantings of landscape materials on natural grade and approved walkways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

Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

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

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

Bulk: The size and shape of buildings and their physical relationship to lot lines, setback requirements and other buildings, structures and uses on the same lot and on adjoining lots.



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

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

C

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

Campground, Leased: (See "Leased Campground")

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Club: An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

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

Commercial Animal Feeding Operation: (See Livestock Feeding Operation)

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

Commission: The Lincoln County Planning Commission.

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

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

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

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

Community Center: A place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

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

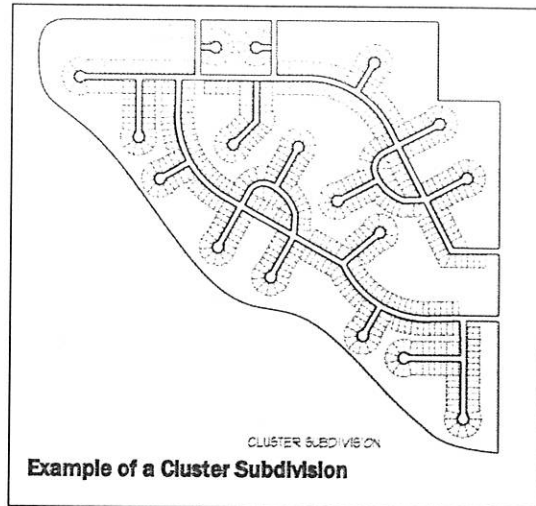
Comprehensive Development Plan: The Comprehensive Development Plan of Lincoln County, Nebraska, as adopted by the County Board of Commissioners, setting forth policies for the present and foreseeable future community welfare as a whole, and meeting the purposes and requirements set forth in Article 1 of Chapter 23 of the Revised Statutes of Nebraska, as the same, from time-to-time, may be amended.

Concentrated Animal Feeding Operation, Large: A livestock feeding operation which contains 1,000 A.U.'s or more.

Concentrated Animal Feeding Operation, Medium: A livestock feeding operation which contains between 301 and 999 A.U.'s.

Concentrated Animal Feeding Operation, Small: A farming operation other than those defined as a Medium or Large Operation.

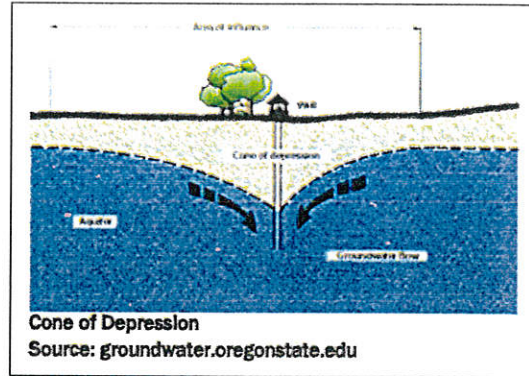
Conditional Use: A use allowed by the district regulations that would not be appropriate generally throughout the entire zoning district without special restrictions. However, said use if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics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



Conditional Use Permit: A permit, that authorizes the recipient to make use of property in accordance with the provisions of these regulations and in accordance with any additional conditions stipulated in the issued permit.

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

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



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

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

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

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

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

Construction Permit: A permit required of a LFO by NDEQ, prior to construction.

Convenience Store: 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. (See Self-Service Station)



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

Country Club: 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: The county of Lincoln, Nebraska.

County Board: The County Board of Commissioners of Lincoln County, Nebraska.

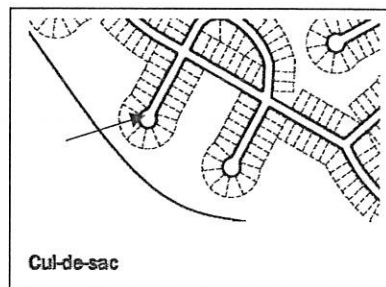
Court: An open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such buildings.

Court, Inner: A court enclosed on all sides by the exterior walls of a building or buildings.

Court, Outer: A court enclosed on all but one side by exterior walls of a building or buildings or lot lines on which fences, hedges, or walls are permitted.

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

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



D

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

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

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

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

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

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

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

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

Development Area: An area of land that may or may not have been subdivided that contains three or more homes per nine acres.

Development Concept Plan: (See Site Plan)

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

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

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

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

Domestic Animals: (See Household Pet)

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

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

Drainage Way or Surface Drain: Any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks. In the event of doubt as to whether a depression is a watercourse or drainage way, it shall be presumed to be a watercourse.

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

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

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

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

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

Dump: A place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

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

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

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

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

Dwelling, Mobile Home: 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 motor power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

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

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

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

Dwelling, Seasonal: A dwelling designed and used as a temporary residence and occupied less than six months in each year.

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

- a. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
- b. The home shall have no less than an 18 foot exterior width;
- c. The roof, unless covered by at least two feet of earth, shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
- d. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
- e. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock. Metal roofs are acceptable only if they are non-reflective;
- f. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
- g. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
- h. Permanent foundation: Base on which building rests; to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

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

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

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

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



Example of Single-Family Attached

E

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

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

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

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

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

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

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

Encroachment: An advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.

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

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

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

Erected: Constructed upon or moved onto a site.

Exceptions: Uses that are not appropriate generally in a particular district without restriction, but which, if controlled as to number, area, location, relation to adjoining properties and other factors can be appropriate. Such uses that may be permitted in particular districts as exceptions are allowed only if expressly provided for herein.

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

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

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

F

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

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

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

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

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

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

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

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

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

Feed Lot: Feed lot shall mean the confinement of horses, sheep, pigs, and other food animals in buildings, lots, pens, pools or ponds which normally are not used for raising crops or for grazing animals. (Nebr. Dept. Environmental Quality)

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

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

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

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

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

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

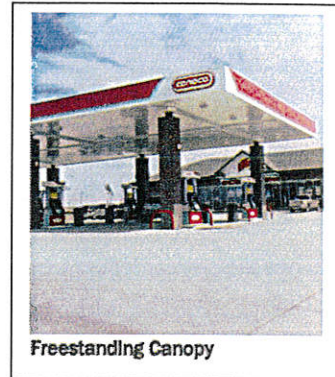
Floor Area: Whenever the term "floor area" is used in these regulations as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All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

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

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

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

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



G

Garage: A building for the storage of motor vehicles.

Garage, Private: A detached accessory building up to and including 1,000 s.f., including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling.

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

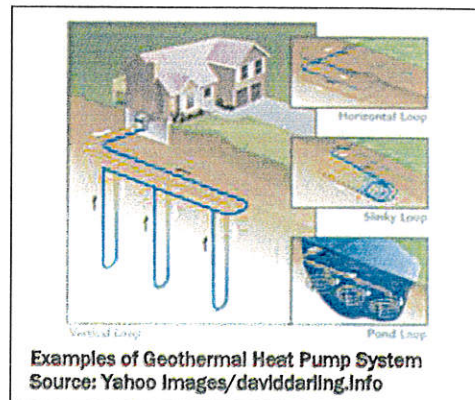
Garage, Repair: A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station.)

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

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

Geothermal Heat Pump System: A well, constructed for the purpose of utilizing the geothermal properties of the earth.

1. Open Loop Heat Pump well shall mean a well that transfers heat via pumped ground water which is discharged above and/or below ground. For below ground discharge, refer to NDEQ Title 122.
2. Closed Loop Heat Pump well shall mean a well, constructed for the purpose of installing the underground closed loop pipe necessary to recirculate heat transfer



fluid.

- a. Horizontal Closed Loop means a trench or pit essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of heat transfer.
- b. Vertical Closed Loop means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed for the purpose of heat transfer.

Governing Body: The Board of County Commissioners for Lincoln County Nebraska.

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

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

Granny Flat: (see "Accessory Apartment")

Greenhouse: A building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers.

Greenhouse, Noncommercial: A building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

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

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

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

Groundwater: Water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

Groundwater Recharge: The filling of groundwater aquifers by rain and melting snow percolating into the ground and saturating the pores between rock and soil particles.

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

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

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



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

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

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

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

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

H

Half-Story: A story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

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

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

Head Equivalent: (See Animal Feeding Operation)

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

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

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

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

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

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

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

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

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

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

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

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

Hotel or Motel: a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

House Trailer (see Dwelling: Mobile Home)

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

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

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

I

Impact Easement: An easement or deed restriction, recorded in the office of the Lincoln County Register of Deeds. Impact easements shall run with the land, and is granted to the owner of a use including but not limited to:

1. industrial use,
2. a confined or intensive animal feeding use,
3. a waste handling facility use or
4. other use

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

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

Individual Septic System: A wastewater treatment system for a dwelling that has a septic tank and absorption system.

Industrial Park: A planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and

coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, and orientation and open space.

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

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

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

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

Inoperable Motor Vehicle: Any motor vehicle that:

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

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

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

J

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

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

K

Kennel, Boarding and Training: Any lot or premises on which four or more dogs or cats or any combination thereof, at least four months of age, are boarded, bred, or trained for a fee.

Kennel, Commercial: An establishment where four or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age are groomed, bred, boarded, trained, or sold as a business.

Kennel, Private: Any premises used for the keeping of 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.

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

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

L

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

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

Landfill: A disposal site employing a method for disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

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

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

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

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

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

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

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

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

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

Livestock Feeding Operation (LFO): any farming operation in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 1,000 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other and utilize a common area of system for the disposal of livestock wastes; otherwise the separation distances shall apply as per Table 8.09.01. Animal Units (A.U.) are defined in Section 8.09.



Livestock Lagoon: (see "Waste Handling System")

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

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

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

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

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

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

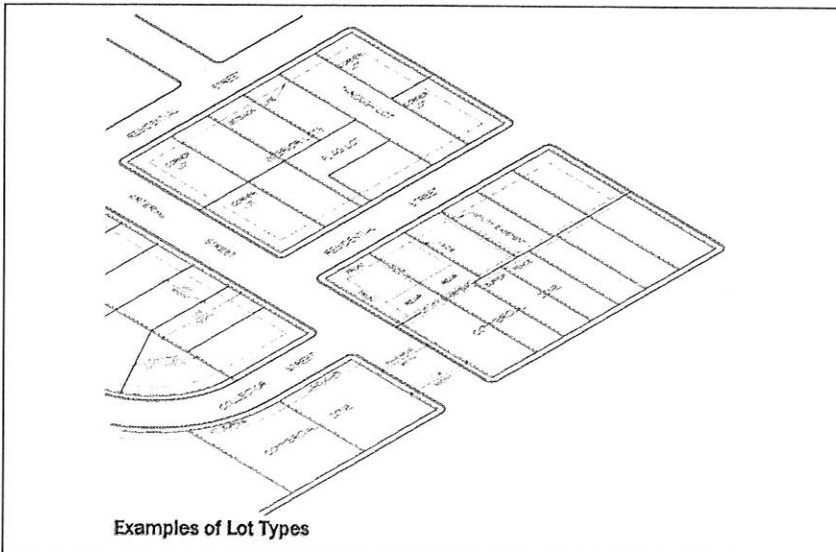
Lot: A parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this Regulation, or a parcel of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

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

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

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

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



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

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

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

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

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

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

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

Lot Line, Rear: The lot line that is most distant from, and is most nearly parallel to the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line. If a zoning lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

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

Lot, Nonconforming: A lot having less area or dimension than required in the district it is located and lawfully created prior to the zoning thereof and whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of these regulations.

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

Lot, Through: A lot other than a corner lot with frontage on more than one street. See "C" on the diagram.

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

M

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

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

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

Manufactured Home Subdivision: Any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

Manufacturing: Uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new

product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

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

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

Mineral Extraction: Mineral extraction shall include the following: oil wells, sand and gravel extraction and strip mine operations and quarries.

Mini-Storage or Mini-Warehouse: (See "Self-service Storage Facility")

Mobile Home: (See "Dwelling, Mobile Home")

Mobile Home Park: (See "Manufactured Home Park")

Mobile Home Subdivision: (See "Manufactured Home Subdivision")

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

Motel: (See "Hotel")

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

N

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

Net Acre: Total area exclusive of street or roadway and alley easement (which is 20 feet or less in width).

Nightclub: A commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar.)

Non-community Water Supply System: Any public water supply system that is not a community water supply system.

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

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

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

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

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

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

Nursery School: (see "Preschool")

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

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

⓪

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

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

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

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

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

Open Space: A parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

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

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

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

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

P

Parcel: A lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.

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

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

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

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

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

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

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

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by these Regulations will be completed in compliance with these regulations as well as with approved plans and specifications of a development (Also, see "Maintenance Guarantee")

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

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

Permit: A document issued by Lincoln County authorizing the applicant to undertake certain activities.

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

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

Planned Development: A zoning district providing flexible land development when planned and designed under the provisions of these regulations as a unit containing one or more land uses.

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

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

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

Poultry, Commercial Feeding: A poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

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

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

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

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

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

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

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

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

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

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

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

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

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

Q

Quarry: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Quarter Section: That portion of land approximately equal to $\frac{1}{4}$ of a section of land (640 acres)

R

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

Railroad: The land use including the right-of-way (R.O.W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

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

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

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

Recreation Equipment: See ("Major Recreational Equipment")

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

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

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

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

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

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

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

Residence: See Dwelling Unit.

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

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

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

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

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

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

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

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

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

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

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

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

Roadside Stand: A temporary structure or vehicle used solely for the sale of farm products produced on the premises or adjoining premises.

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

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

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

§

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

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

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

School, Day: A preschool or nursery school for children.

School, Day, Pre-, or Nursery: A school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

School, Elementary, Junior High, or High: Public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.

School, Private: An institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with the Nebraska R. R. S., 1943, Section 79-1701 through 79-1707.

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

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

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

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

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

Service Stations: Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

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

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

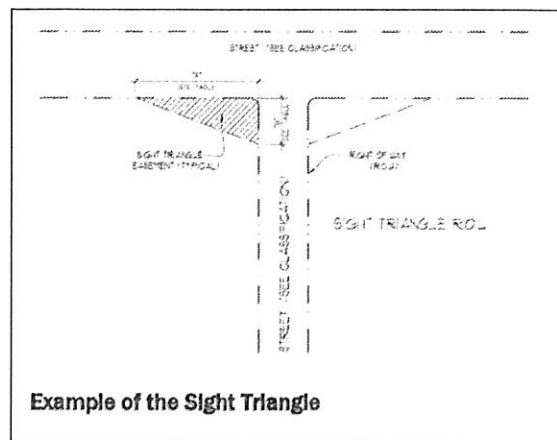
Shooting Range, Outdoor: The use of land for the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of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

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

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

Sign: Shall include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

- a. A name plate or sign designating location, direction, information, or identification, providing



Example of the Sight Triangle

- the surface area or face of such sign does not exceed 10 square feet.
- b. Sign less than 25 square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.
 - c. Signs less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, Lincoln County, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

Sign, Advertising: A sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

Sign, Architectural Canopy: An enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

Sign Area: 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.

 <p>Animated Sign</p>	 <p>Announcement Sign</p>	 <p>Awning Sign</p>	 <p>Banner/Flag Sign</p>
 <p>Banner Sign (Commercial)</p>	 <p>Building Marker Sign</p>	 <p>Canopy Sign</p>	 <p>Changeable Copy Sign</p>
 <p>Commemorative Sign</p>	 <p>Construction Sign</p>	 <p>Double-faced Sign</p>	 <p>Electronic Message Sign</p>
 <p>Freestanding Sign</p>	 <p>Gas Station Price Sign</p>	 <p>Ground Monument Sign</p>	 <p>Off-Premises Sign</p>

 <p>Painted Wall Sign</p>	 <p>Parapet Sign</p>	 <p>Pole Sign</p>	 <p>Political Sign</p>
 <p>Projecting Sign</p>	 <p>Public/Traffic Information Sign</p>	 <p>Real Estate Sign</p>	 <p>Roof Sign</p>
 <p>Roof (Integrated) Sign</p>	 <p>Sandwich Board Sign</p>	 <p>Sign Stacking</p>	 <p>Subdivision Identification Sign</p>
 <p>Suspended Sign</p>	 <p>Wall Sign</p>	 <p>Warning Sign</p>	 <p>Window Sign</p>

Sign, Awning, Canopy or Marquee: A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the Zoning Regulations.

Sign, Billboard: 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: Any sign supported by, painted on or otherwise attached to any building or structure.

Sign, Destination: A sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

Sign, Electronic Message Board: 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: A sign designed to give an electrical light flash intermittently or a revolving beacon light.

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

Sign, Ground (Low Profile): A sign mounted directly to the ground with a maximum height not to exceed six feet.

Sign, Illuminated: A sign illuminated in any manner by an artificial light source.

Sign, On-Premise: A sign, display, or device advertising activities conducted on the property on which such sign is located.

Sign, Open: 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: 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: A projecting sign attached to a building.

Sign, Roof: A sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of the building.

Sign, Setback: The horizontal distance from the property line to the nearest projection of the existing or proposed sign.

Sign, Subdivision: A sign erected on a subdivision identification lot which identifies the platted subdivision where the sign is located.

Sign, Surface: The entire area of a sign.

Sign, Temporary: 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: A sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than eighteen (18) inches from the face of the building wall.

Sign, Window: A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

Stlo: A structure or storage area to confine livestock feed.

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

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

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

Sketch Plat: A sketch preparatory to preparation of the preliminary plat to enable a subdivider to reach general agreement with the Planning Commission at the earliest possible time.

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

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

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

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

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

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

State: The State of Nebraska.

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

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

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

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

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

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

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

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

Street, Frontage Access: A street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

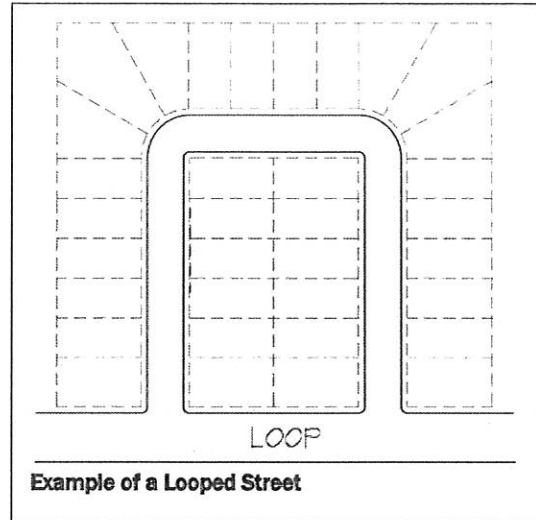
Street, Local: A street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

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

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

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

Street, Side: That street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.



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

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

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

Structure, Advertising: (see "Advertising Structure")

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

Structural, Alteration: Any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

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

Subdivision Regulations: The official Subdivision Regulations of the County, together with all amendments thereto, adopted pursuant to section 23-372 through 23-377 R.R.S. Neb. (1943).

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either,

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

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

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

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

T

Tavern: (See “Bar”)

Temporary Use: A use intended for limited duration to be located in a zoning district not permitting such use.

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

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

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

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

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

Trailer, Automobile: A vehicle without motor power designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

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

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

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

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

U

Upzoning: 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.

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

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

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

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

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

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

Used Materials Yard: Any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yard" or "Automobile Wrecking Yards".

Utility Easement: (see "Easement")

V

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

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

Vehicle, Motor: (See "Motor Vehicle")

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

W

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

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

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

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

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

Wastewater Lagoon: (See Lagoon.)

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

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

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

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

Water Table: The upper limit of the portion of the soil that is completely saturated with water. The seasonal high water table is the highest level to which the soil is saturated.

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

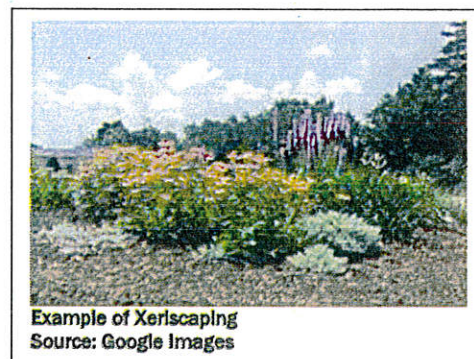
Wetland: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

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

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

X

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



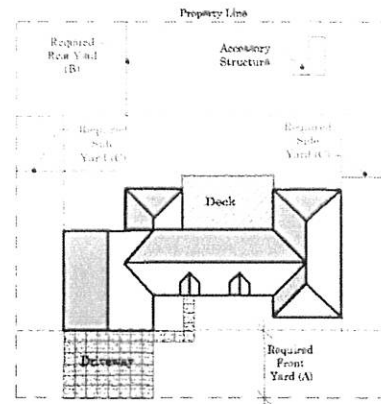
Y

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

Yard, Front: A yard extending along the full length of the front lot line from said line to a line drawn parallel to it equal to the depth of the required front yard. On corner lots, the Zoning Administrator shall determine the front yard requirement subject to the limitation that at least one front yard shall have the required front yard depth and the other shall have no less than one-half of the required front yard depth.

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

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

**Z**

Zoning Administrator: Person or persons authorized and empowered by the county to administer and enforce the requirements of these Regulations. Also zoning administrator is often referred to as planning administrator.

Zoning District: The same as "District".

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

Zoning Board of Adjustment: The Board established in accordance with sections 23-168.01 through 23-168.04 R.R.S. Neb. (1943).

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

ARTICLE 3: GENERAL REGULATIONS**Section 3.01 Nonconforming, General Intent**

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

Section 3.02 Nonconforming Lots of Record

1. In any district where buildings and structures are permitted, notwithstanding limitations imposed by other provisions of this Resolution, use and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district; provided:
 - a. The yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located;
 - b. Such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and
 - c. Has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous Resolution would have prohibited creation of such lot.
2. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

Section 3.03 Nonconforming Structures

- 3.03.01 *Authority to continue:* Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 3.03.02 *Enlargement, Repair, Alterations:* Any such structure described in Section 3.03.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.
- 3.03.03 *Damage or Destruction:* In the event that any structure described in Section 3.03.01 is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value:
1. Such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located, unless otherwise provided herein; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 3.02, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within six months after the date of such partial destruction and is diligently pursued to completion.
 2. When a building, the use of which does not conform to the provisions of the Lincoln County Zoning Regulation but is allowed to continue under said regulations per Section 3.03.01, is damaged by fire, explosion, act of God, or the public enemy said building may be rebuilt within 12 months to its previous area. Said building may be rebuilt within 500 feet of its previous area as long as it does not cause a violation to the Lincoln County Zoning Regulations that the original building was not in violation of. Notwithstanding, an extension to the 12 months may be granted by the Planning Commission not to exceed an additional 12 months.
 3. In the A-1, TA-1, and R-1 districts where the maximum density of residential dwellings has been exceeded at the time of adoption of this Resolution and the residential dwelling has been lived (not abandoned) in during the year prior to the adoption of this Resolution, a residential dwelling may be enlarged or reconstructed (site cannot be vacant for 12 consecutive months or more). This is allowed provided the residential density at the time of the adoption of this Resolution is not exceeded.

3.03.04 *Moving*: No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 3.04 Nonconforming Uses

3.04.01 *Nonconforming Uses of Land*: Where at the effective date of adoption or amendment of this resolution, lawful use of land exists that is made no longer permissible under the terms of this resolution as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this resolution;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this resolution; and
3. If any such nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.

3.04.02 *Nonconforming Uses of Structures*: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this resolution, that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission through the Conditional Use process either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguard in accord with the provisions of this resolution;
4. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located; and
6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 3.05 Repairs and Maintenance

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

Section 3.06 Uses Under Conditional Use Permit not Nonconforming Uses

Any use for which a Conditional Use Permit has been issued as provided in this Resolution shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

Section 3.07 Interpretation

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, moral, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements,

covenants or other agreements between the parties, except that if these regulations impose a greater restriction, these regulations shall control.

Section 3.08 Scope of Regulations

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

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

Section 3.09 Zoning Standards

No nonconforming building, structure, or part thereof shall hereafter be erected or altered if it does not meet the requirements described in section 3.03 and 3.04, unless a variance is granted:

1. To reduce any required yard setbacks
2. To exceed the height or bulk
3. To occupy a greater percentage of lot area
4. To erect or place any building, or structure, or part thereof into any zoning district to be used or occupied
5. To relocate or transport any building, structure, or part thereof into any zoning district to be used or occupied
6. To accommodate or house a greater number of families

No part of a yard or other open space required in connection with any building, occupancy, or use for the purpose of complying with these regulations shall be included in the calculations to determine the size of area necessary to accommodate the off-street parking and loading space requirements.

Section 3.10 District Regulations, Restrictions, Boundary Creation

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

Section 3.11 Right-of-Way Splits and Minimum Lot Requirements

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

Section 3.12 Lot

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

Section 3.13 Reductions in Lot Area Prohibited

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

Section 3.14 Yard Requirements

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

Section 3.15 Drainage

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

Section 3.16 Permitted Obstructions in Required Yards

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

1. All Yards:
 - a. Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley;
 - b. Chimneys projecting 24 inches or less into the yard;
 - c. Recreational and laundry-drying equipment;
 - d. Approved freestanding signs;
 - e. Arbors and trellises;
 - f. Flag poles;
 - g. Window unit air conditioners projecting not more than 18 inches into the required yard;
 - h. Fences or walls subject to applicable height restrictions are permitted in all yards; and
 - i. Egress windows and bulkhead enclosure.
2. Front Yards:
 - a. Bay windows projecting three feet or less into the yard are permitted;
 - b. Open or screened porches, platforms or terraces not over three feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch provided they do not extend or project into the yard more than six feet and has no more than 48 square feet of area; and
 - c. Awnings and canopies provided they do not extend or project into the yard more than six feet and has no more than 48 square feet of area.
3. Rear and Side Yards:
 1. Open off-street parking spaces;
 2. Balconies or outside elements of central air conditioning systems; and
 3. Open or screened porches, platforms or terraces not over three feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch.
4. Double Frontage Lots:
 - a. The required front yard shall be provided on each street.
5. Building Groupings:
 - a. For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 3.17 Accessory Building and Uses

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

Section 3.18 Permitted Modifications of Height Regulations

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

Air-Pollution Prevention Devices	Flag Poles
Belfries	Ornamental Towers and Spires
Chimneys	Public Monuments
Church Spires	Radio/Television Towers less than 125 feet tall
Conveyors	Silos
Cooling Towers	Smoke Stacks
Elevator Bulkheads	Stage Towers or Scenery Lots
Commercial Elevator Penthouses	Tanks
Fire Towers	Water Towers and Standpipes
2. When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 3.19 Occupancy of Basements and Cellars

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

Section 3.20 Well Fields

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

Section 3.21 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 Planning Administrator for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct lights and ventilation.

Section 3.22 Side Yards

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

Section 3.23 Corner Lots

On a corner lot in any district, nothing shall be erected, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and 10 feet above the grades of the centerline

of the intersecting street or road, from the point of intersection 120 feet in each direction measured along the centerline of the streets or roads.

Section 3.24 Recreation Equipment, Storage

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

Section 3.25 Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. On Agricultural zoned properties, a maximum of three scrapped, inoperative or dismantled motor vehicles may be parked or stored for non-commercial use purposes. On agricultural zoned properties within one-half mile of a state or federal highway, a maximum of three scrapped, inoperative or dismantled motor vehicles may be parked or stored for non-commercial purposes provided, they are in spaces visually screened from the highway by fencing and/or evergreen shrubbery.

Section 3.26 Storage of Goods and Equipment

Goods, equipment, supply materials, machinery and parts thereof, shall not be stored on any residentially zoned property except as provided under Section 3.17 other than in completely enclosed buildings or in spaces screened by fencing and/or evergreen shrubbery.

Section 3.27 Building Setback

1. The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure, or
2. Where the centerline of a road is identified, said setback shall be from the centerline of the road to a point horizontally located at the required minimum distance.
3. All new non-farm residences shall locate no less than the corresponding distances provided in Section 8.09 from an Existing Agricultural Operation or LFO with more than 100 animal units located in any affected adjacent Zoning District.

Section 3.28 Temporary Structures

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts. This does not include campers.

The following temporary uses of land are permitted subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

1. Christmas tree sales in any commercial or industrial district for a period not to exceed 60 days; display of such trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within 30 feet of the intersection of the curb line of any two streets.
2. Contractors office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
3. Real estate offices (containing no sleeping or cooking accommodations) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
4. Seasonal sale of farm produce (including Christmas trees) grown on the premises on districts where permitted, to continue for not more than four months per year; structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
5. Promotional activities of retail merchants involving the display only of goods and merchandise that are for sale within the principal structure conducted outside of such structure for a period of not more than four days in any three-month period provided that:
 - a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the County.
 - b. No required off-street parking or loading area will be utilized for such display, storage or dispensing.
 - c. No food or drink shall be displayed outside the building except in accordance with standards and prior written approval of Nebraska Health and Human Services and the Health Inspector

- d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, trailers and equipment; rental or the sale of used furniture, appliances, plumbing, housewares, building materials or similar display or sale in any business district except as otherwise permitted by these Regulations.
6. A carnival or circus, but only in commercial or industrial districts, for a period not to exceed three weeks. Such use need not comply with the applicable front yard requirements, provided that no structure or equipment shall be located within 30 feet of the intersection of the curb line of any two streets.

Section 3.29 Caretaker's Quarters

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

Section 3.30 Front Yards

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

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

Section 3.31 Screening

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

Section 3.32 Fences, Walls, Hedges and Trees

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

Section 3.33 Public Utility Facilities Lot Size Requirements

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

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

Section 3.34 Irrigation Equipment Setbacks Requirements

The setback for irrigation wells, affixed irrigation accessory equipment, irrigation re-use pits and livestock pollution control facilities (the road dam structure being excluded) shall be 50 feet from the centerline of any local, primary, or collector county road. These facilities shall be located a minimum of 10 feet from the right-of-way line of a State Highway.

Section 3.35 Fees

The payment of any and all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted by the County Board of Commissioners by separate Resolution.

Section 3.36 Historical and Environmental Sites

This section shall apply to the designating or the alteration of a historic structure or site within Lincoln County.

3.36.01 *Designation of Historical and Environmental sites district:*

1. The owner may make an application for designation to the Lincoln County Planning Administrator.
2. The criteria for application and designation of a historical or environmental site are as follows:
 - a. The building or structure must be at least 50 years old.
 - b. The structure has unique historical significance.
 - c. Remodeling has not covered the original architectural features of the structure.
 - d. A description of the characteristics of the historic or environmental site that justifies its designation.
 - e. A legal description of the location and boundaries of the site.
3. Revocation of designation:
 - a. The owner shall be entitled to revocation of designation upon the filing of the same application and following the review procedures as outlined for the original designation.

3.36.02 *Structural alterations of buildings or land within the Historic and Environmental Sites District:*

1. No person shall carry out a permit on a designated district any new construction, alteration, removal, demolition, or any other alteration of a building, land, or other designated feature without first receiving review for the proposed work, as well as any other permits required by these regulations.
2. Department review:
 - a. The Planning Administrator shall maintain a current record of all designated historic or environmental designated areas and pending designations.
 - b. The Planning Administrator shall review all development application information within these areas and make a determination as to whether there would be a significant impact or potential detriment to the character of the site as a result of the proposal.
 - c. The Planning Administrator shall forward all proposed changes to buildings and land to the Planning Commission.
3. Planning Commission review:
 - a. If the Planning Administrator determines there may be a significant impact or potential detriment to the character of the site as a result of the proposal, then prior to the Planning Administrator signing off on the building permit, the Planning Commission will be notified of the proposed change and have a maximum of 45 days to review and comment on the application. The Commission shall determine whether the proposal would significantly impact or be a potential detriment to the character of the site and if so, will make a recommendation to the applicant as a means to diminish the impact of detriment to the character of the site. The applicant will need to have Planning Commission approval before any alterations or changes are made to the site.

Section 3.37 Prohibited Uses

All uses not specifically listed within a particular zoning district are deemed to be prohibited until some point where this Resolution is amended to include a given use.

Section 3.38 Conflicts between District Text and Land Use Table

Whenever there is a conflict in how a use is allowed (permitted use vs. a conditional use), the body of the district text shall take precedence over the Land Use Table. This shall not apply to situations where a use is not listed within the text body or Land Use Table.

ARTICLE 4: ZONING DISTRICTS**Section 4.01 Establishment of Districts**

1. Purpose: For the purpose of these Regulations, the jurisdictional area defined in Section 1.03 is hereby divided into the following districts, the respective symbol for each district being set forth opposite its title:

A-1	Agricultural Preservation District
TA-1	Transitional Agricultural District
R-1	Rural Estates Residential District
R-2	Urban Residential District
R-M	Mobile Home Residential District
VAD	Village Area District
C-1	General Commercial District
I-1	Industrial District
PDO	Planned Development and Overlay District
AH	Airport Hazard/Approach Overlay District
AGV	Agricultural Valentine Soil Overlay District
2. Designation: Each such district may be designated on the Zoning Map, in the Use and Bulk Tables and elsewhere in the text of these Regulations by symbol only.

Section 4.02 Zoning Map

1. General: The areas and boundaries of such districts are hereby established as shown on the Official Zoning Map, and said Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these Regulations. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the Court Clerk and bear the seal of the County. The Official Zoning Map shall be the final authority as to the current zoning status of land, water areas, buildings and structures.
2. Zoning Map Changes. If, in accordance with the provisions of the Regulations changes are made in the district boundaries or on other matter portrayed on the Official Zoning Map, such changes shall be entered promptly after the amendment has been approved by the legislative body with an entry showing the nature of the change, the date, the signature of the Chairman of the County Board of Commissioners and the attestation by the County Clerk. No such change shall become effective until entry is made on the Map.

Section 4.03 Provision for Official Zoning Map

1. The county is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map shall be identified by the signature of the Chair, attested by the County Clerk, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4.02 of Resolution No. 13-05 of "The county of Lincoln, Nebraska", together with the date of the adoption of this Resolution. If, in accordance with the provisions of this Resolution, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Commissioners".
2. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Board of Commissioners may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chair, attested by the County Clerk and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted June 13, 1983 Resolution No. 83-16 of "The county of Lincoln, Nebraska." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 4.04 District Boundaries on Zoning Map

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

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

Section 4.05 - Annexation Rule

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

Section 4.06 A-1 – Agricultural Preservation District

4.06.01 Intent:

The A-1 Agricultural Preservation District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses; to prevent encroachment of uses that could be mutually incompatible and continue to provide for agricultural uses as a major use to the economy of the area for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses.

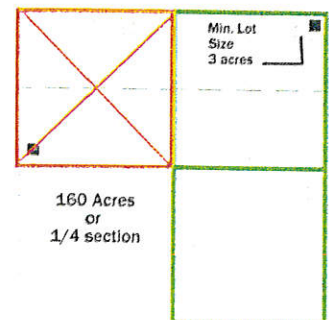
The A-1 Agricultural Preservation District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization. The district intends to provide for the location and to govern the establishment and operation of land uses that are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable. In addition, to provide for the location and to govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and to govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses that are named as permitted or conditional uses in this district and are appropriate to other property in the area.

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

4.06.02 Principal Uses

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

1. Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises, including the following:
 - A. State Agencies shall govern all use of farm chemicals, including application of pesticides and herbicides, and applicants using restricted-use pesticides shall be required to be certified as required by law.
 - B. The spreading of manure by a "Farming" Operation. (as defined in Article 2 of this Resolution)
 - C. Agricultural operations having up to 1,000 A.U.'s are considered a farm and are permitted by right, provided other requirements in this district are met and submission of a no-fee livestock registration permit to the Lincoln County Zoning Office is completed.
 - D. Operations having up to 1,000 animal units shall locate at least 1/2 mile from a platted residential area, Public Park, recreational area, church, cemetery, religious area, school, historical site, and any Residential District.
 - E. Mobile homes, meeting the definition in Section 2.03 are permitted only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one-year permit which must be renewed annually and which shall be subject to the conditions of the permit.
2. Ranch and farm dwellings, subject to Table 8.09.02.
3. Single-family dwellings provided that the following conditions are met:
 - A. The number of buildable lots shall be limited to one lot per 1/4 section
 - B. When a lot is near or splits two different 1/4 sections, the lot shall be assigned to a specific 1/4 section.



- C. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a minimum maintenance road or other unimproved roadway.
 - 1) If such proposed dwelling is located on a minimum maintenance road or other unimproved roadway, the applicant shall work with the Lincoln County Board of Commissioners and the Highway Superintendent regarding the improvement of the road prior to beginning construction.
 - 2) Lincoln County shall not be committed to accepting any internal roadways as a publicly maintained County road even if such roadway is improved to meet County road standards by the owner(s) of said adjacent property or said roadway.
- D. Such dwellings, if not on the same lot with and not of the same ownership as any existing LFO shall meet the minimum separation distances specified in Table 8.09.02.
- E. Residential dwellings existing on the same premises and under the same ownership as a LFO as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such LFO and shall not be subdivided or otherwise sold off as a separate parcel unless the LFO has been abandoned or an impact easement is in effect at the time of such subdivision and sale. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such LFO use as set forth in this Resolution.
- 4. Public facilities such as fire stations, libraries, museums, and community centers.
- 5. Churches, synagogues, and other similar places of worship.
- 6. Public and parochial school; college.
- 7. Private kennels and facilities, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
- 8. 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.
- 9. Farm and industrial equipment sales.
- 10. Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept is no closer than 100 feet from the property line.
- 11. Public parks and playgrounds.
- 12. Publicly owned and operated airports and airfields.
- 13. Utility substation, pumping station, water reservoir and telephone exchange.
- 14. All other Permitted Uses as indicated as Permitted within the Land Use Table.

4.06.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the A-1 District as reviewed and approved by the Planning Commission.

- 1. Single-family dwellings or mobile homes where there are two or more lots per $\frac{1}{4}$ section; provided that the following conditions are met:
 - A. Upon the formation of the second lot and any subsequent lots the land owner completes the requirements of Subdivision Regulations;
 - B. When a lot is near or splits two different $\frac{1}{4}$ sections, the lot shall be assigned to a specific $\frac{1}{4}$ section;
 - C. All subdivisions may have a maximum of two access points from adjacent roadways which shall be legally defined roads and not access easements;
 - D. All internal roads shall meet County design standards;
 - E. Developer shall establish and provide proof that a Homeowners Association is in place for maintaining any private roads;
 - F. All lots shall be clustered when possible;
 - G. The dwelling units shall meet the minimum separation distances from a LFO use unless an Impact Easement is signed as noted below.
 - H. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a minimum maintenance road or other unimproved roadway and may accomplish that purpose by doing the following:
 - 1) If such proposed dwelling is located on a minimum maintenance road or other unimproved roadway, the applicant shall work with the Lincoln

- County Board of Commissioners and the Highway Superintendent regarding the improvement of the road prior to beginning construction; and
- 2) Lincoln County shall not be committed to accepting such internal roadways as a publicly maintained County road even if such roadway is improved to meet County road standards by the owner(s) of said adjacent property or said roadway.
 - I. The minimum separation distance may be lessened provided both the dwelling owner and the owner of the LFO sign an Impact Easement as described in Section 8.09; and
 - J. Residential dwellings existing on the same premises and under the same ownership as a LFO as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such LFO and shall not be subdivided or otherwise sold off as a separate parcel unless the LFO has been abandoned or an impact easement is in effect at the time of such subdivision and sale. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such LFO use as set forth in this Resolution.
 2. Mobile homes as a temporary structure after an accidental destruction of a dwelling unit in place at the time of the adoption of these regulations.
 3. The splitting of an existing lot at the time of adoption of these regulations that is part of a larger farming operation into a smaller farmstead lot, provided the new boundaries of the area containing the residence follow existing tree lines and natural amenities such as streams and drainageways.
 4. Privately owned and operated airports and airfields.
 5. 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 on property with a conforming single family dwelling.
 - B. Guest rooms may be within the principal residential building or 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 off-street parking spaces shall be provided for each dwelling unit plus one 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 identification sign on not more than eight square feet of sign area shall be permitted.
 4. Cemetery.
 5. Publicly and privately owned dude ranches, forest and conservation areas, and golf driving ranges, motorized cart tracks, or other outdoor recreational areas such as gun clubs, and archery, trap and skeet ranges.
 6. Recreational camps, parks, playgrounds, golf courses, country clubs, tennis courts, riding academies and other similar recreational uses.
 7. 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:
 - A. All buildings and facilities shall be at least one 100 feet from the property line and 300 feet from any neighboring residence.
 8. Commercial Lawn and Garden Nurseries.
 9. Commercial Uses or Industrial Uses as provided in the Land Use Table and the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) take access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
 10. Commercial/Utility Grade Wind Energy Systems pursuant to Section 8.08 of this Resolution
 11. Community sewage disposal facilities.

12. Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary Regulations.
13. Hospital, sanitarium, nursing home, and retirement home.
14. Manufacture and/or processing of agricultural products including but not limited to ethanol plants and mills.
15. Truck and freight terminals.
16. Manufacture of light sheet metal products including heating and ventilation equipment.
17. Radio, cellular and television towers and transmitters and subject to the requirements of Section 8.03 of this Resolution.
18. Sanitary and/or Construction and Demolition landfills siting or expansion conducted in a manner and method approved by the Planning Commission, provided:
 - A. landfill is not closer than 1,000 feet to a potable water well and/or
 - B. Not within one-mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution.
19. Stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on any location that is not authorized as a small, medium, or large animal feeding operation.
 - A. Composting shall be exempt from stockpiling requirements, providing that it meets the following minimum requirements and generally complies with the composting methods accepted by the NDEQ. 1. The composting site must be suitable for year round composting, with controlled runoff where indicated.
 - 1). The composting site is required to be a minimum of 250 feet from any waters of the state.
 - 2). The site must be ¼ mile from any residence other than the residence of the party composting.
 - 3). The site must be at least one mile from any Public use area, including schools, churches, cemeteries or public recreation areas.
 - 4). The site must be at least ¼ mile from any State Hwy. or hard surface County road.
 - B. Stockpiles which are spread within one year are not required to obtain a Conditional Use Permit but shall comply with Section 8.09 of this Resolution
22. 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.
23. The application of livestock manure in Lincoln County by operations located outside the County.
24. Livestock Feeding Operations, subject to:
 - A. The license requirements, waste disposal requirements and recommendations of the State of Nebraska, and
 - B. The Land Use specifications in the Lincoln County Comprehensive Plan, and
 - C. The requirements found in Section 8.09 of this Resolution.
25. All other conditional uses as indicated as Conditional Uses within the Land Use Table.



4.06.04 Accessory Uses

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

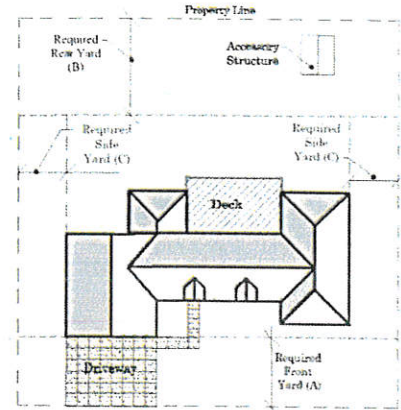
1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Secondary dwellings.
3. Home occupations pursuant to Section 8.02 of this Resolution.
4. Parking, storage or use of major recreation equipment.
5. Small Wind Energy Conversion Systems pursuant to Section 8.07 of this Resolution.
6. Solar energy systems for the use on individual properties pursuant to Section 8.12 of this Resolution.
7. Roadside stands for the sale of agricultural produce grown on the site.
8. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
9. Family Child Care Home I.
10. Parking pursuant to Article 6 of this Resolution.
11. Signs pursuant to Article 7 of this Resolution.
12. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations.

4.06.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

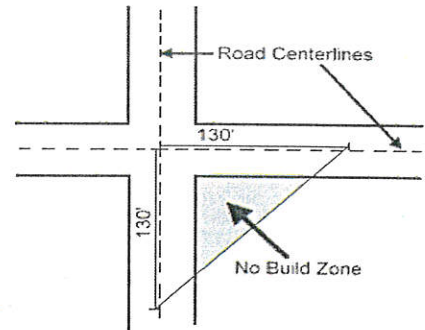
Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling	3	300	*	**	***	****	20
Other Permitted Uses	3	300	*	**	***	****	20
Grain Bins and other Agricultural Buildings	-	-	*	**	***	****	-
Conditional Uses	3	300	*	**	***	****	20
Accessory Structure	-	-	*	**	***	****	-

- * Front yard setback shall be 73 feet from the centerline of a County Road, or shall 40 feet when abutting any other platted street, road or highway.
- ** Rear yard setback shall be 58 feet from the centerline of a County Road, or shall 25 feet when abutting any other platted street, road or highway.
- *** Side yard setback shall be 48 feet from the centerline of a County Road, or shall 15 feet when abutting any other platted street, road or highway.
- **** Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions:
 1. When a building or structures is within 150 feet of a dwelling district zone, said building or structure shall not exceed 35 feet in height.
 2. When a building or structure is more than 150 feet from a dwelling district zone, said building or structure shall not exceed the maximum height permitted by FAA and FCC regulations in effect at the time the building is erected.



Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone" which is measured from the intersection of two county road centerlines and measuring 130 feet in each direction and then connecting the points with a diagonal line as indicated. This shall also apply to trees being placed within the space.



4.06.06 Supplementary Regulations

1. Residential dwelling units on non-agricultural land existing at the time of passage of these regulations, may construct accessory structures, make repairs, replace, remodel, rebuild, or replace the residential structure in case of damage regardless of the percent of damage or extent of structural change provided the use does not change.
2. All new and existing livestock feeding operations and farms with livestock of 300 A.U.'s or less shall require a no-fee livestock registration permit. In addition, all new or expanded LFO's over 1,000 A.U. shall require a Conditional Use Permit.
3. Roadside stands for sale of agricultural produce shall not exceed 200 square feet in area.
4. No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an oblique fence not less than eight feet in height.

Table 4.06.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	¼ mile
Landfills (all types)	½ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	¼ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	½ mile

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

Section 4.07 TA-1 – Transitional Agricultural District**4.07.01 Intent:**

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

4.07.02 Principal Uses

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

1. Agriculture, farming, dairy farming, livestock and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises. Livestock may be allowed in this district provided the following ratio is met:
 - A. One A.U. for the first acre
 - B. One A.U. for each additional one-half acre of ground
 - C. No more than 300 A.U.'s will be allowed on any tract of land.
2. Single-family dwellings provided that the following conditions are met:
 - A. The number of buildable lots shall be limited to two lots per $\frac{1}{4}$ section
 - B. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a minimum maintenance road or other unimproved roadway, and may accomplish that purpose by doing the following:
 - 1) If such proposed dwelling is located on a minimum maintenance road or other unimproved roadway, the applicant shall work with the Lincoln County Board of Commissioners and the Highway Superintendent regarding the improvement of the road prior to beginning construction, and
 - 2) Lincoln County shall not be committed to accepting any internal roadways as a publicly maintained County road even if such roadway is improved to meet County road standards by the owner(s) of said adjacent property or said roadway.
 - C. Such dwellings, if not on the same lot with and not of the same ownership as any existing LFO shall meet the minimum separation distances specified in Table 8.09.02 unless an Impact Easement can be agreed upon as described in Section 8.09 of these regulations.
 - D. Residential dwellings existing on the same premises and under the same ownership as a LFO as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such LFO and shall not be subdivided or otherwise sold off as a separate parcel unless the LFO has been abandoned or an impact easement is in effect at the time of such subdivision and sale. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such LFO use as set forth in this Resolution.
4. Ranch and farm dwellings, subject to Table 8.09.02
5. Fish hatcheries, apiaries, aviaries.
6. Publicly owned and operated airports and airfields.
7. 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.
8. Forests and wildlife reservations, or similar conservation projects.
9. Golf courses and clubhouses customarily accessory thereto, except miniature golf, driving ranges, and other similar activities operated as a business.
10. Private Kennels, provided the buildings and pens shall be located at least 100 feet from the property line and 300 feet from any neighboring residence.
11. Nurseries, greenhouses, and truck gardens.
12. Philanthropic institutions.
13. 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.
14. Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept is no closer than 100 feet from the property line.

15. Farm and industrial equipment sales
16. Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept is no closer than 100 feet from the property line.
17. Utility substation, pumping station, water reservoir and telephone exchange.
18. Churches, synagogues, and other similar places of worship
19. Public and parochial school; college
20. Railroad rights-of-way not including railroad yards.
21. Cemeteries and mortuaries.
22. All other Permitted Uses as indicated as Permitted within the Land Use Table.

4.07.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA-1 District as reviewed and approved by the Planning Commission.

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 on property with a conforming single family dwelling.
 - B. Guest rooms may be within the principal residential building or 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 off-street parking spaces shall be provided for each dwelling unit plus one 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 identification sign on not more than eight square feet of sign area shall be permitted.
2. Single-family dwellings or mobile homes where there are three or more lots per ¼ section; provided that the following conditions are met:
 - A. Upon the formation of the third lot and any subsequent lots the land owner completes the requirements of Subdivision Regulations;
 - B. All subdivisions may have a maximum of two access points from adjacent roadways which shall be legally defined roads and not access easements;
 - C. All internal roads shall meet County design standards;
 - D. Developer shall establish and provide proof that a Homeowners Association is in place for maintaining any private roads;
 - E. All lots shall be clustered when possible;
 - F. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a minimum maintenance road or other unimproved roadway and may accomplish this purpose by doing the following:
 - 1) If such proposed dwelling is located on a minimum maintenance road or other unimproved roadway, the applicant shall work with the Lincoln County Board of Commissioners and the Highway Superintendent regarding the improvement of the road prior to beginning construction, and
 - 2) Lincoln County shall not be committed to accepting any internal roadways as a publicly maintained County road even if such roadway is improved to meet County road standards by the owner(s) of said adjacent property or said roadway.
 - G. The minimum separation distance may be lessened provided both the dwelling owner and the owner of the LFO sign an Impact Easement allowing the following items:
 - 1) The owner of the proposed dwelling unit to be build closer than allowed in Table 8.09.02, and
 - 2) The owner of the existing LFO and associated facilities to expand the operation and facilities in the future even though the expansion may encroach into their required separation distances.
 - 3) Such minimum distance shall be measured from the nearest point of the area used or approved under this Resolution for the animal feeding or waste handling use, to such dwelling.
 - 4) Application of waste which in solid form to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into

the soil shall not be subject to the minimum spacing distance herein specified.

- H. Residential dwellings existing on the same premises and under the same ownership as a LFO as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such LFO and shall not be subdivided or otherwise sold off as a separate parcel unless the LFO has been abandoned or an impact easement is in effect at the time of such subdivision and sale. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such LFO use as set forth in this Resolution.
3. The splitting of an existing lot at the time of adoption of these regulations that is part of a larger farming operation into a smaller farmstead lot, provided the new boundaries of the area containing the residence follow existing tree lines and natural amenities such as streams and drainageways.
4. Mobile homes as a temporary structure after an accidental destruction of a dwelling unit in place at the time of the adoption of these regulations.
5. Publicly and privately owned dude ranches, forest and conservation areas, and golf driving ranges, motorized cart tracks, or other outdoor recreational areas such as gun clubs, and archery, trap and skeet ranges.
6. Recreational camps, parks, playgrounds, golf courses, country clubs, tennis courts, riding academies and other similar recreational uses.
7. 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:
 - A. All buildings and facilities shall be at least one 100 feet from the property line and 300 feet from any neighboring residence.
8. Commercial Lawn and Garden Nurseries.
9. Commercial Uses or Industrial Uses as provided in the Land Use Table and the following minimum conditions are met:
 - A. Meets minimum lot requirements as established by this Resolution.
 - B. Meets minimum off street parking requirements as established by this Resolution.
 - C. Meets minimum sanitary sewer requirements for the proposed use.
 - D. The lot(s) take access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
10. Commercial/Utility Grade Wind Energy Systems pursuant to Section 8.08 of this Resolution
11. Community sewage disposal facilities.
12. Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary Regulations.
13. Hospital, sanitarium, nursing home, and retirement home.
14. Manufacture and/or processing of agricultural products including but not limited to ethanol plants and mills.
15. Truck and freight terminals
16. Manufacture of light sheet metal products including heating and ventilation equipment.
17. Radio, cellular and television towers and transmitters and subject to the requirements of Section 8.03 of this Resolution.
18. Sanitary and/or Construction and Demolition landfills siting or expansion conducted in a manner and method approved by the Planning Commission, provided:
 - A. landfill is not closer than 1,000 feet to a potable water well and/or
 - B. Not within one-mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution.
19. 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.
20. The application of livestock manure in Lincoln County by operations located outside the County.
21. All other conditional uses as indicated as Conditional Uses within the Land Use Table.

4.07.04 Accessory Uses

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

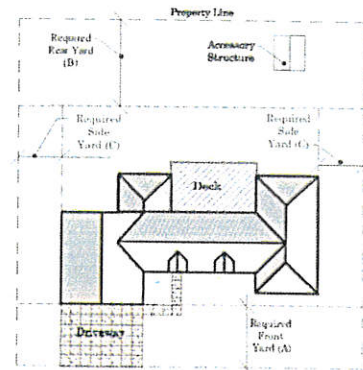
1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupations pursuant to Section 8.02 of this Resolution.
3. Family Child Care Home I.
4. Parking, storage or use of major recreation equipment.
5. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
6. Small wind energy systems pursuant to Section 8.07 of this Resolution.
7. Parking pursuant to Article 6 of this Resolution.
8. Signs pursuant to Article 7 of this Resolution.
9. Solar Energy systems as provided in Section 8.12.
10. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations.

4.07.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

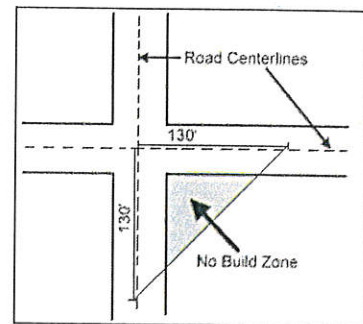
Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling	3	300	*	**	***	****	20
Other Permitted Uses	3	300	*	**	***	****	20
Conditional Uses	3	300	*	**	***	****	20
Grain Bins and Agricultural Buildings	-	-	*	**	***	****	-
Accessory Buildings	-	-	*	**	***	****	-

- * Front yard setback shall be 73 feet from the centerline of a County Road, or shall 40 feet when abutting any other platted street, road of highway.
- ** Rear yard setback shall be 58 feet from the centerline of a County Road, or shall 25 feet when abutting any other platted street, road of highway.
- *** Side yard setback shall be 48 feet from the centerline of a County Road, or shall 15 feet when abutting any other platted street, road of highway.
- **** Except as otherwise provided in the additional height, area and use regulations of this regulation, no building shall exceed the following height restrictions:
 1. When a building or structures is within 150 feet of a dwelling district zone, said building or structure shall not exceed 35 feet in height.
 2. When a building or structure is more than 150 feet from a dwelling district zone, said building or structure shall not exceed the maximum height permitted by FAA and FCC regulations in effect at the time the building is erected.



Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone" which is measured from the intersection of two county road centerlines and measuring 130 feet in each direction and then connecting the points with a diagonal line as indicated. This shall also apply to trees being placed within the space.



4.07.06 Supplementary Regulations

1. Residential dwelling units on non-agricultural land existing at the time of passage of these regulations, may construct accessory structures, make repairs, replace, remodel, rebuild, or replace the residential structure in case of damage regardless of the percent of damage or extent of structural change provided the use does not change.
3. All new and existing livestock feeding operations and farms with livestock of 300 A.U.'s or less shall require a no-fee livestock registration permit. In addition, all new or expanded LFO's over 1,000 A.U. shall require a Conditional Use Permit.
3. Roadside stands for sale of agricultural produce shall not exceed 200 square feet in area.
4. No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an oblique fence not less than eight feet in height.

Table 4.07.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	¼ mile
Landfills (all types)	½ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	¼ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	½ mile

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

Section 4.08 R-1 Rural Estates Residential District**4.08.01 Intent:**

The R-1 district is established for the purpose of low-density single-family dwelling control and to allow certain public facilities. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

4.08.02 Principal Uses:

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

1. Single-family dwellings provided the intensity of use and all other requirements of this district are met, including:
 - A. In no case are single-family dwellings permitted on tracts without direct legal access to an improved road.
 - B. The density shall not exceed eight dwelling units per 1/4 section of ground.
 - C. If a parcel of ground is within two different 1/4 sections then the applicant shall declare to which 1/4 section the residence will be attached.
2. Public parks and recreational areas and community buildings owned and operated by a public agency.
3. Churches, synagogues, and other similar places of worship.
4. Public and parochial schools.
5. Golf courses and driving ranges. Miniature golf is permitted if it is a part of the total golfing operation.
6. All other Permitted Uses as indicated as Permitted within the Land Use Table.

4.08.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as reviewed and approved by the Planning Commission.

1. Cemeteries.
2. Child Care Centers.
3. Privately and publicly owned dude ranches, forest and conservation areas, country clubs, swimming pools, golf driving ranges, motorized cart tracks, or other outdoor recreational areas such as campgrounds, guest ranches, youth camps, and gun clubs, and archery, outdoor shooting ranges.
4. Radio, cellular and television towers and transmitters and subject to the requirements of Section 8.03 of this Resolution.
5. Riding stables and riding tracks.
6. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
7. All other conditional uses as indicated as Conditional Uses within the Land Use Table.

4.08.04 Accessory Uses

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

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses including decks and gazebos.
2. Private swimming pools (above or below ground), tennis courts, and other recreational facilities in conjunction with a residence.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Home occupation as provided for in Section 8.01.
5. Home Business as provided for in Section 8.01.
6. Signs as provided for in Article 7.
7. Parking as provided for in Article 6.
8. Private Greenhouse structures.
9. Small Wind Energy Systems as provided for in Section 8.07.
10. Solar Energy systems as provided in Section 8.12.
11. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations on 10 acres or more.

4.08.05 Height and Lot Requirements:

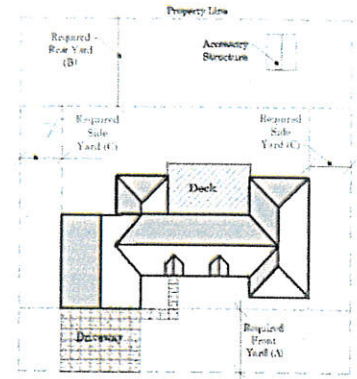
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)**	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling	3*	200	***	****	*****	35	25
Other Permitted Uses	3*	200	***	****	*****	35	25
Permitted Conditional Uses	3*	200	***	****	*****	35	25
Accessory Buildings	-	-	***	5	5	-	-

- * Lot size may be reduced to 20,000 square feet provided the area has a community sanitary sewer collection and disposal system.
- ** On a corner lot when a second front yard is present the setback for the declared second yard shall be a minimum of 15 feet from the edge of the right-of-way.
- *** Front yard setback shall be 58 feet from the centerline of a County Road, or shall 25 feet when abutting any other platted street, road of highway.
- **** Rear yard setback shall be 58 feet from the centerline of a County Road, or shall 25 feet when abutting any other platted street, road of highway.
- ***** Side yard setback shall be 48 feet from the centerline of a County Road, or shall 15 feet when abutting any other platted street, road of highway.

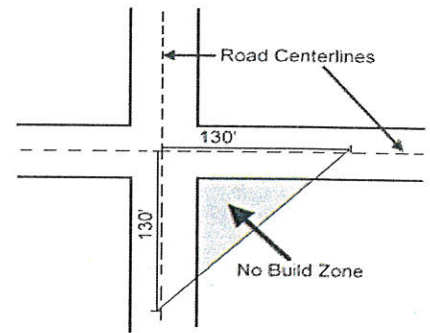
Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone" which is measured from the intersection of two county road centerlines and measuring 130 feet in each direction and then connecting the points with a diagonal line as indicated. This shall also apply to trees being placed within the space.



4.08.06 Supplemental Requirements:

1. All access to said properties shall meet the County Highway Superintendents specifications.



Section 4.09 R-2 – Urban Density Residential District**4.09.01 Intent:**

The R-2 district is established for the purpose of urban 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.

4.09.02 Principal Uses:

The following principal uses are permitted in the R-2 Urban Density Residential District.

1. Single-family dwellings.
2. Two family dwellings.
3. Single-family, attached, townhouses, condominiums.
4. Public parks and recreational areas and community buildings owned and operated by a public agency.
5. Churches, synagogues, and other similar places of worship.
6. Public and parochial schools.
7. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
8. Fire stations.
9. Golf courses and driving ranges. Miniature golf is permitted if it is a part of the total golfing operation.
10. All other Permitted Uses as indicated as Permitted within the Land Use Table.

4.09.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as reviewed and approved by the Planning Commission.

1. Utility Substations.
2. Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
3. Multiple family dwellings.
4. Day Care Center and Day Care Home.
5. Charitable clubs and organization.
6. Lodging and boarding houses.
7. All other conditional uses as indicated as Conditional Uses within the Land Use Table.

4.09.04 Accessory Uses

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

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses including decks and gazebos.
2. Private swimming pools (above or below ground), tennis courts, and other recreational facilities in conjunction with a residence.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Home occupation as provided for in Section 8.01.
5. Home Business as provided for in Section 8.01.
6. Signs as provided for in Article 7.
7. Parking as provided for in Article 6.
8. Private Greenhouse structures.
9. Small Wind Energy Systems as provided for in Section 8.07.
10. Solar Energy systems as provided in Section 8.12.
11. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations on 10 acres or more.

4.09.05 Height and Lot Requirements:

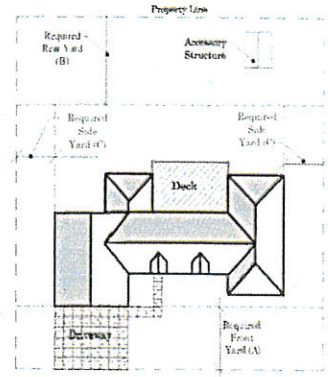
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)***	C Side Yard (feet)***	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling	1/2	100	25'	**	10	35	50
Single-family dwelling, attached/townhouse	1/2	18****	25'	**	10****	35	50****
Multi-family Dwellings	1/2	100	25'	**	10	35	50
Other Permitted Uses	1/2	100	25'	**	10	35	50
Permitted Conditional Uses	1/2	100	25'	**	10	35	50

- * On a corner lot when a second front yard is present the setback for the declared second yard shall be treated as a front yard.
- ** Setback is either 10 feet from the property line or 50 feet from the high water mark of the river
- *** Side and/or rear yards that are adjacent to a pond, lake, or river may have a zero setback for a boat house, boat ramp, boat dock, boat lifts, seawalls, gazebos and decks.
- **** Single-family dwellings, attached and townhouse may have a lesser lot width for interior lots within a series of units; however, the exterior lots shall maintain a minimum of 50 feet in width. On interior units the side yard setbacks may be zero and shall be down the middle of the common wall between each unit. Maximum lot coverage for the interior lots may be increased to 100% less the required setbacks.

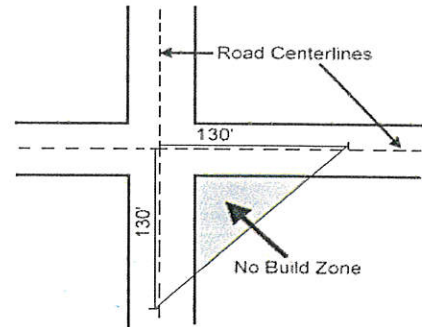
Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone" which is measured from the intersection of two county road centerlines and measuring 130 feet in each direction and then connecting the points with a diagonal line as indicated. This shall also apply to trees being placed within the space.



4.09.06 Supplemental Requirements:

1. All access to said properties shall meet the County Highway Superintendents specifications.



Section 4.10 R-M Mobile Home Residential District**4.10.01 Intent:**

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

4.10.02 Principal Uses:

The following principal uses are permitted in the R-M District.

1. Mobile home dwellings located within a designated Mobile Home Park.
2. Single family dwelling.
3. Public school.
4. Private and public park, playground and recreational facilities.
5. Church, educational facilities and parish house.
6. Multi-unit dwellings, provided such use is part of a Planned Unit Development District.
7. All other Permitted Uses as indicated as Permitted within the Land Use Table.

4.10.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-M District as reviewed and approved by the Planning Commission.

1. Nursery or daycare schools.
2. 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).
3. Sewage disposal and water supply and treatment facilities.
4. Campgrounds.
5. Public buildings not including schools, parks and recreation facilities.
6. All other conditional uses as indicated as Conditional Uses within the Land Use Table.

4.10.04 Accessory Uses

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

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses including decks and gazeboes.
2. Private swimming pools (above or below ground), tennis courts, and other recreational facilities in conjunction with a residence.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Home occupation as provided for in Section 8.01.
5. Home Business as provided for in Section 8.01.
6. Signs as provided for in Article 7.
7. Parking as provided for in Article 6.
8. Private Greenhouse structures.
9. Small Wind Energy Systems as provided for in Section 8.07.
10. Solar Energy systems as provided in Section 8.12.

4.10.05 Area and Lot Requirements:

1. A mobile home park shall have an area of not less than three acres. No mobile homes or other structures shall be located less than 90 feet from the road centerline when contiguous to or having frontage to a County road and 120 feet from the R.O.W. line when contiguous to or having frontage along a federal or state highway. The setbacks internally are listed below.
2. Open areas along entrances and contiguous to county road, federal highways, or state highways shall be landscaped.
3. The minimum lot width for a mobile home court shall be 200 feet.
4. Each lot provided for occupancy of a single mobile home shall meet the same requirements as a standard single-family dwelling as well as the following standards:

Use	Lot Area (sq ft)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling	7,500	70*	25	25	10	35	25
Multi-family Dwellings	7,500	70*	25	25	10	35	25
Other Permitted Uses	7,500	70*	25	25	10	35	25
Permitted Conditional Uses	7,500	70*	25	25	10	35	25
Accessory Buildings	-	-	25	5	5	-	10

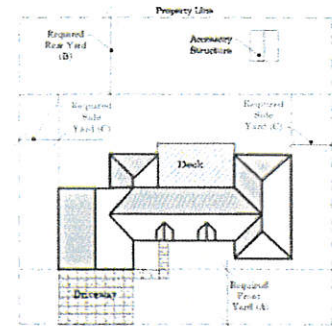
* When a lot is located on a cul-de-sac the minimum frontage shall be 45 feet at the property line.

5. There shall be a minimum livable floor area of 500 square feet in each mobile home.

4.10.06 Community Facilities:

The community facilities in the R-M District are stated below.

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



4.10.07 Plan Requirements

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

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

Section 4.11 VAD – Village Area Development**4.11.01 Intent**

This district is intended to accommodate the different uses that can be found in former villages and cities that are now unincorporated and under the jurisdiction of the County.

4.11.02 Principal Uses

The following principal uses are permitted in the VAD District.

1. Bed and Breakfast residence subject to the following conditions in addition to those imposed by the Planning Commission:
 - A. The bed and breakfast residence shall be on property with a conforming single family dwelling.
 - B. Guest rooms may be within the principal residential building or 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 off-street parking spaces shall be provided for each dwelling unit plus one 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 identification sign on not more than eight square feet of sign area shall be permitted.
2. Fire Stations.
3. Law enforcement facilities.
4. Places of Religious Assembly.
5. Public Parks and Playgrounds.
6. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
7. Publicly owned country clubs, swimming pools, golf driving ranges, or other outdoor recreational areas such as campgrounds and youth camps.
8. Public and parochial school; colleges.
9. Single family dwellings.
10. Underground Public Utility right-of-way.
11. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
12. All other Permitted Uses as indicated as Permitted within the Land Use Table.

4.11.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the VAD District as reviewed and approved by the Planning Commission.

1. Auto and Auto-Body Repair.
2. Bait and tackle sales, sporting goods stores, outfitters.
3. Bowling, Restaurants, Bars and Taverns.
4. Bulk grain storage.
5. Cemeteries.
6. Child Care Centers.
7. Family amusement facilities.
8. Fueling station.
9. Multi-family dwellings, including townhouses, duplexes and condominiums.
10. Privately owned parks, playgrounds, country clubs, swimming pools, golf driving ranges, miniature golf, golf courses, motorized cart tracks, or other outdoor recreational areas such as campgrounds, RV parking, and youth camps.
11. Private Storage Buildings on a traditionally residential lot or lots.
12. Professional offices.
13. Radio, cellular and television towers and transmitters pursuant to Section 8.03 of this Resolution.
14. Recreation oriented rentals: RVs, boats and canoes, etc.
15. Recycling centers.
16. Retail stores.
17. Self-Service Storage Facility.
18. Transfer stations.

19. All other conditional uses as indicated as Conditional Uses within the Land Use Table.

4.11.04 Accessory Uses

The following accessory buildings and uses are permitted in the VAD District.

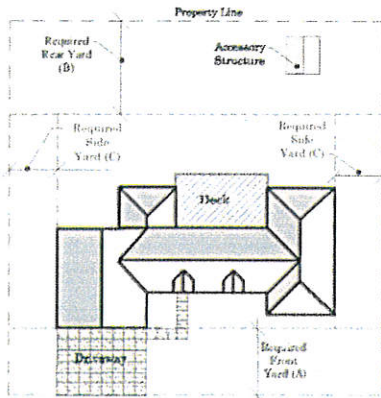
1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses including decks and gazebos.
2. Private swimming pools (above or below ground), tennis courts, and other recreational facilities in conjunction with a residence.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Home occupation as provided for in Section 8.01.
5. Home Business as provided for in Section 8.01.
6. Signs as provided for in Article 7.
7. Parking as provided for in Article 6.
8. Private Greenhouse structures.
9. Small Wind Energy Systems as provided for in Section 8.07.
10. Solar Energy systems as provided in Section 8.12

4.11.05 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling w/ on-site waste treatment	3 acres	100	20*	20	10	35	30
Single-family Dwelling w/ community waste treatment	10,000 sf	100	20*	20	10	35	50
Other dwellings - not in floodplain and w/ on-site treatment	3 acres	100	20*	20	10	35	50
Multiple family residential w/ on-site waste treatment	3 acres	100	20*	20	10	35	50
Multiple family residential w/ community waste treatment	10,000 sf	100	20*	20	10	35	50
Other Permitted Uses w/ on-site waste treatment	3 acres	100	20*	20	10	35	50
Other Permitted Use w/ community waste treatment	10,000 sf	100	20*	20	10	35	50
Conditional Uses w/ on-site waste treatment	3 acres	100	20*	20	10	35	50
Conditional Use w/ community waste treatment	10,000 sf	100	20*	20	10	35	50
Accessory Buildings	-	-	20*	5	5	-	10

* On a corner lot, both street frontages shall be treated as a front yard setback.



Section 4.12 C-1 – Commercial District**4.12.01 Intent**

This district is intended to provide a blend of residences and a wide range of commercial uses which are compatible with other uses permitted in this district and in adjacent districts.

4.12.02 Principal Uses

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

1. Fire Stations.
2. Law enforcement facilities.
3. Places of Religious Assembly.
4. Public Parks and Playgrounds.
5. Public and parochial school; college.
6. Underground Public Utility right-of-way.
7. Auto and Auto-Body Repair.
8. Bait & tackle sales, sporting goods stores, outfitters.
9. Bowling alleys, dance halls.
10. Cemeteries.
11. Child Care Centers.
12. Family amusement facilities.
13. Gasoline service station.
14. Grocery, convenience store with or without fuel.
15. Hospitals & medical clinics.
16. Lawn and Garden Nurseries.
17. Motel, hotel, rental cabins.
18. Professional and business offices.
19. Rental: RVs, tools, boats and canoes, etc.
20. Retail stores and service establishments.
21. Restaurant, bar, grill, food service.
22. RV and Boat storage facilities.
23. 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).
24. All other Permitted Uses as indicated as Permitted within the Land Use Table.

4.12.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as reviewed and approved by the Planning Commission.

1. Mobile home parks.
2. Single Family Dwellings.
3. Multiple family dwellings including apartments, duplexes, townhouses & condominiums.
4. Privately and publicly owned dude ranches, forest and conservation areas, country clubs, swimming pools, golf driving ranges, miniature golf, motorized cart tracks, or other outdoor recreational areas such as campgrounds, leased campgrounds, RV parking, guest ranches, youth camps, gun clubs, and archery, outdoor shooting ranges.
5. Radio, cellular and television towers and transmitters pursuant to Section 8.03 of this Resolution.
6. Retirement and nursing homes and assisted living facilities.
7. Riding stables and riding tracks.
8. Self-storage units.
9. All other conditional uses as indicated as Conditional Uses within the Land Use Table.

4.12.04 Accessory Uses

The following accessory buildings and uses are permitted in the C-1 District and shall not be located within 10 feet of any principal structure.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Parking pursuant to Article 6 of this Resolution.
3. Signs pursuant to Article 7 of this Resolution.

4. Parking or storage of licensed personal recreational equipment subject to the requirements in Section 3.24

4.12.05 Height and Lot Requirements

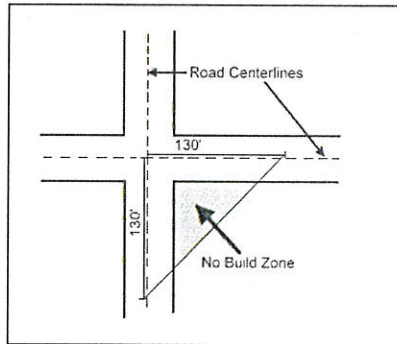
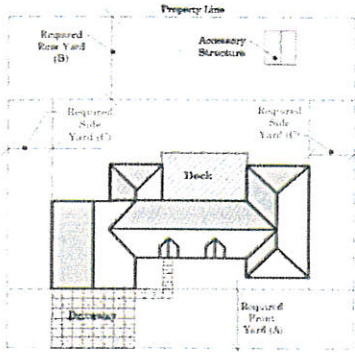
The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling w/ on-site waste treatment	3	200	50*	25	10	35	25
Single-family Dwelling w/ community waste treatment	1/2	200	50*	25	10	35	
Other Permitted Uses	5	200	50*	25	10	35	
Conditional Uses	5	200	50	25	10	35	25
Accessory Buildings	-	-	50*	5	5	-	-

* On a corner lot, both street frontages shall be treated as a front yard setback.

Note:

At county road intersections, the minimum setback for structures shall be 130 feet diagonally, at a 45 degree angle, from the intersection of the two county roads. In no case shall any structure or trees be placed within the space at right angles from this point.



Section 4.13 I-1 –Industrial District

4.13.01 Intent

The purpose of this district is to provide for a wide range of commercial and industrial uses including retail sales and services; warehousing and distribution; and industrial uses which are compatible with other uses permitted in this district and in adjacent districts. The focus of this district is towards highway oriented businesses and industry.

4.13.02 Principal Uses

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

1. Gasoline service stations.
2. Light industrial uses 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. Farm and industrial equipment sales.
 - D. Laboratory.
 - E. Manufacture and assembly of electrical and electronic appliances.
 - F. Manufacture of light sheet metal products including heating and ventilation equipment.
 - G. Machine shop or other metal working excluding drop hammers and other noise producing tools.
 - H. Printing and publishing business.
 - I. Stone and monument works.
 - J. Truck and freight terminal.
 - K. Utility substation, pumping station and water reservoir.
 - L. Warehouse or storage houses used for the warehousing or storage of non-hazardous products and materials.
 - M. Living quarters used by watchmen or custodians of the industrially used property.
3. Professional and business offices.
4. Public Parks & Playgrounds.
5. Railroad and public utility right-of-way, facilities and substations.
6. Restaurants, Bars and Taverns.
7. Wholesaling, warehousing and distribution businesses.
8. 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).
9. All other Permitted Uses as indicated as Permitted within the Land Use Table.

4.13.03 Conditional Uses

The following uses are subject to any conditions listed in this Resolution and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 District as required and approved by the Planning Commission.

1. Adult Entertainment establishments pursuant to Section 8.11.
2. Alfalfa dehydrating plant.
3. Asphalt manufacture or refining.
4. Auto and Auto-Body Repair.
5. Child Care Centers.
6. Concrete or cement products manufacture.
7. Dyeing and cleaning establishment.
8. 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.
9. Storage of farm and agriculture products.
10. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration or hazardous.
11. Plating works.
12. Radio, cellular and television towers and transmitters pursuant to Section 8.03 of this Resolution.
13. Recycling centers.
14. Research and development laboratories.

15. Self-Service Storage Facility.
16. Stock yards.
17. Storage or baling of scrap paper, iron, bottles, rags or junk.
18. Transfer stations.
19. 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 1/8 mile 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.
20. Warehouses or storage houses used for the warehousing or storage of hazardous products and materials.
21. Wholesale merchandise sales and storage houses including the commercial warehousing and storage of hazardous material either in mass or bulk.
22. Construction yards and offices including the storage of equipment and materials; provided the following minimum conditions are met:
 - A. The stockpiling of recycled materials such as asphalt millings and crushed concrete shall be only stored on the premises; any alteration such as crushing of the recycled concrete shall be prohibit on the site.
23. All other conditional uses as indicated as Conditional Uses within the Land Use Table.

4.13.04 Accessory Uses

The following accessory buildings and uses are permitted in the I-1 District and shall not be located within 10 feet of any principal structure.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Small wind energy system pursuant to Section 8.07 of this Resolution.
3. Parking pursuant to Article 6 of this Resolution.
4. Signs pursuant to Article 7 of this Resolution.

4.13.05 Height and Lot Requirements

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Permitted Uses w/ on-site waste treatment	3 acres	80	30*	25	10	-	90
Permitted Uses w/ community waste treatment	10,000 sf	80	30*	25	10	-	90
Conditional Uses w/ on-site waste treatment	3 acres	80	30*	25	10	-	90
Conditional Uses w/ community waste treatment	10,000 sf	80	30*	25	10	-	90
Accessory Buildings	-	-	30*	25	10	-	-

* On a corner lot, both street frontages shall be treated as a front yard setback.

4.13.06 Site Plan Approval

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

1. A topographic map of the area showing contour intervals of two feet and other significant physical features of the land.
2. An area map showing streets, roads, railroads, all public improvements, such as schools and firehouses, utility easements and facilities, parks and recreational areas and other buildings and structures including any existing structure on the applicant's property.
3. An exact site plan of the lot showing:
 - A. Building location.
 - B. Building Setbacks.
 - C. Number of parking spaces including handicapped parking.
 - D. Size of parking spaces.
 - E. Exact or projected traffic flow on the premises including delivery traffic and delivery docks and/or areas.
 - F. Location and exact sizes of any outdoor sales area.
 - G. Location of utilities including sewer, water, natural gas or propane, electrical, telephone, storm sewers and/or retention ponds.
 - H. Signs.
4. The Planning Commission or the Planning Administrator may ask for any other features to be added to the site plan prior to review.
5. Any changes made to the site plan during construction must be approved by the Planning Administrator and a Site Plan Amendment must be filed by the developer.

4.13.07 Supplemental Requirements

1. Additional Use Regulations:
 - A. Open storage of materials attendant to a permitted use shall be screened on all sides by a solid wall, fence or sight obscuring plant material not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than the wall or fence.
 - B. No use shall be permitted and no process, equipment or materials shall be used which are found to be objectionable to persons living or working in the district or in the vicinity in adjoining districts by reason of excessive odor, fumes, dust, smoke, cinders, dirt, refuse, wastes, noise, vibration, illumination, glare, heat, unsightliness or other nuisance conditions or by reason of undue exposure to hazard of fire, explosion or radio-activity.
 - C. Any industrial operation serving any of the uses in Table 4.13.1 adjacent to but on a separate lot, is not subject to the setbacks in Table 4.13.1

Table 4.13.1: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	¼ mile
Landfills (all types)	¼ mile
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	¼ mile
Commercial storage of hazardous waste or hazardous products including manufacturing of such	½ mile

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

Section 4.14 PDO – Planned Development Overlay District**4.14.01 Intent:**

This district is intended to be applied in instances where tracts of land of considerable size are to be developed as integrated and harmonious units and where physical, economic, design and scale conditions warrant modification of the standards contained in the underlying zone and flexibility that could not otherwise be achieved to a single zoning use district. Public control will be achieved through use of site development standards and site plan approval.

4.14.02 Principal Uses

1. All uses permitted by the district regulations for the underlying (parent) district.

4.14.03 Conditional Uses

1. All uses permitted as conditional uses by the district regulations for the underlying (parent) district and all uses permitted as principal uses or by conditional use in any Residential, Commercial or Industrial Zone are permitted by conditional use subject to the conditions imposed by the underlying district regulations and the County Board.

4.14.04 Designation of the Planned Development Overlay District

1. When a property owner or developer intends to develop a tract of land that meets the minimum area requirements for a planned development, he may apply for an amendment to the Zoning Map for the designation Planned Development Overlay District to supplement and amend the underlying zoning district regulation otherwise applicable to his land. The applicant shall comply with the procedures specified herein.

4.14.05 Submission of Preliminary Development Plan

1. The applicant, upon filing application for zoning amendment, shall submit a preliminary development plan for review and approval by the Planning Commission which shall include:
 - A. A statement of the total acreage within the proposed Planned Development; the number of acres to be devoted to residential, commercial, industrial, open space, streets, utilities and other uses; and the overall density of development.
 - B. A location map showing the proposed planned development district and the surrounding area; the development and zoning of all property within 200 feet; the general location of streets, public utilities, parks, drainage, sewer and water facilities in the surrounding area.
 - C. A plot plan showing the proposed location of roads, buildings, structures, parking areas, accessways and interior drives, open spaces, signs, utilities and other major site improvements, to be placed on the site.
 - D. A topographic map showing contour intervals of five feet.
 - E. A statement of the method of assuring that open spaces will be permanently preserved including proposed covenants, easements or other restrictions.
 - F. A schedule showing the timetable for submittal of plans and development of the tract.

4.14.06 Submission of the Final Development Plan and Approval of the District

1. Approval of the Preliminary Development Plan by the Planning Commission shall constitute permission to file the Final Development Plan. Amendment of the Zoning Map shall not be effective and officially recorded until the final development plan and final subdivision plat has been approved by the Planning Commission and the County Board.
2. The Final Development Plan shall include:
 - A. All information required in the preliminary plan plus specific notations as to any changes or alterations requested by the Planning Commission and County Board and any deviations from the preliminary plans, including changes in the schedule for development.
 - B. A full legal description of the boundaries of the proposed Planned Development Overlay District.

- C. The proposed location and proposed uses of each building and structure shown on the plot plan and whether they are permitted or condition uses in the underlying zoning district regulations.
- D. The Planning Commission and County Board shall not unreasonably disapprove or change a Final Development Plan, however, it may be disapproved if it varies the area devoted to each use, reduces the area set aside for open space, increases the overall density or changes the uses or site improvements of land within 300 feet of the outside boundary of the proposed district.

4.14.07 Failure to Begin the Planned Development

1. In the event that within 18 months following approval by the County Board, the applicant does not proceed with construction in accordance with the plan as approved, the Planning Commission shall initiate action to rezone the property to the underlying zoning district alone. A public hearing, as required by law, shall be noticed and held at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall make a recommendation to the County Board who shall take appropriate action.

4.14.08 Submission of Preliminary Development Plan

1. No changes shall be made in the approved Final Development Plan which increase the number of dwelling units or establishments, rearrange lots, blocks or building location, increase the density, alter the number of parking spaces, realign streets or roads, decrease the amount of open space provided or otherwise significantly alter the approved plan for development unless the applicant re-files for a zoning amendment consistent with the procedures authorized by Article 11 and this section and demonstrates that such modifications are necessitated by changes in conditions that have occurred since the Final Development Plan was approved or by changes in the development policies of the community. Notwithstanding the above, minor changes in the location, siting or height of buildings and other minor modifications may be authorized by the Planning Commission if necessitated by engineering or other circumstances not foreseen at the time the Final Development Plan was approved.

4.14.09 Phasing of Development

1. The construction and provision of all open spaces, recreational facilities and public improvements which are shown on the approved Final Development Plan must proceed at the same rate as the construction of dwelling units and/or commercial and industrial structures. The Planning Administrator shall not issue building permits or shall revoke same if the developer is in violation of the above requirement.

4.14.10 Issuance of Building Permits

1. The Planning Administrator shall issue zoning permits for buildings and structures that are planned in conformity with the approved Final Development Plan, the final subdivision plat and with all other applicable regulations. No zoning permit shall be issued without an approved Final Development Plan.

4.14.11 Minimum Tract Size

1. The minimum tract area for the R-1, and A-1 Districts is five acres.
2. The minimum tract area for the TA-1 and R-2 District is three acres.
3. The minimum tract area for the C-1 District is two acres.
4. The minimum tract area for the I-1 District is 10 acres.
5. The developer must set aside an area equal to not less than 10 percent of the tract for usable open space.

4.14.12 Density Bonuses

1. The use of the PDO District, in conjunction with Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.
2. Density Bonuses shall be awarded in direct proportion to the amount of the proposed Subdivision that is placed within a Conservation Easement.

For example:

If a developer places 30 percent of the proposed Subdivision into a Conservation Easement, then the required Lot Area may be reduced by 30 percent in order to maintain the same number of lots that would have been allowed by the Subdivision lot area and the minimum lot size of the Zoning District.

Normal Development

A developer has 10 acres of land to develop = 435,600 square feet
Minimum lot area of the Zoning District = 10,000 square feet
Total lots (not including streets) = 43.56

Development with Conservation Easements

Same site of 10 acres = 435,600 square feet
30% of site is placed in a Conservation Easement = 130,680 square feet
Density Bonus allows total lots of 43.56
New minimum lot area for Subdivision = 7,000 square feet

3. Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic as regulated by the Nebraska Department of Environmental Quality.

Section 4.15 AH –Airport Hazard/Approach Overlay District**4.15.01 Intent**

This section is intended to provide for the safe operation of aircraft into and out of North Platte Regional Airport in Lincoln County, Nebraska.

4.15.02 Location, Boundaries, Zones, and Height Restrictions

The areas located within the Airport Hazard Area as described in this Section are hereby zoned as follows:

1. Airport Hazard Area Description

The **Airport Hazard Area** shall consist of Operation Zones, Approach Zones, Turning Zones and Transition Zones as described in this section.

2. Zone Descriptions.

- A. The **Operation Zones** are longitudinally centered on each existing or proposed runway.
- 1) **Length.** For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.
 - 2) **Width.** For existing and proposed instrument runways, the operation zones are 1,000 feet wide. For all other existing and proposed runways, the operation zones are 500 feet wide.
 - 3) **Height.** The height limit of the operation zones is the same as the height of the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.
- B. The **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:
- 1) **Instrument Runways**
 - a. **Length and Width.** The approach zones extend from the Operation Zone to the limits of the Turning Zone, measured along the extended runway centerline. The approach zones are 1,000 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the Operation Zone, the Approach Zone is 5,820 feet wide.
 - b. **Height Limit.** The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.
 - 2) **Visual Runways**
 - a. **Length and Width.** The approach zones extend from the Operation Zone to the limits of the Turning Zone, measured along the extended runway centerline. The approach zones are 500 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the Operation Zone, the Approach Zone is 3,700 feet wide.
 - b. **Height.** The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.
- C. The **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 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.
- D. The **Turning Zones** extends three miles from the existing or planned airport property line, excluding the Operation Zones, Approach Zones, or Transition

Zones. The height limit of the Turning Zones is 150 feet above the nearest existing or proposed runway end.

3. Height Restrictions.

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in above in Item 2.

4.15.03 Location Sketch and Zoning Map

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Zoning Map that accompanies and is hereby made a part of these regulations. A copy of the zoning map shall at all times be on file in the office of the County Clerk and Planning Administrator, Lincoln County, Nebraska.

4.15.04 Permit Required and Exceptions

1. Permit Required.

It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, pole, tower, chimney, wires, or any other structure or appurtenance within the Hazard Area without first obtaining a permit from the Lincoln County Zoning Office. It shall also be unlawful to plant or replant any tree or other object of natural growth without the necessary permit.

2. Exceptions

Within the Turning Zones, no permit shall be required for any construction or planting that is not higher than 75 feet above the nearest existing or proposed runway end.

4.15.05 Non-conforming Structures

Within the hazard area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow to a height 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 80 percent or more of their original condition, or abandoned for a period of twelve months or more. Transmission lines and communication lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.

4.15.06 Marking of Non-conforming Structures

Whenever the Lincoln County Zoning Office determines that a specific structure or object exceeds the height restrictions and existed prior to the enactment of these regulations, the owner(s) and the lessor(s) of the premises on which the structure or object is located shall be notified in writing by the Lincoln County Zoning Office. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The Lincoln County Zoning Office shall specify the required marking and lighting, based on the recommendations of the Nebraska Department of Aeronautics. The cost of marking or lighting shall not be assessed against the owner or lessor of said premise.

4.15.07 Administrative Agency

The Planning Administrator of Lincoln County, Nebraska shall administer and enforce these regulations and shall be the administrative agency provided for in Section 3-319 R.R.S. 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.

4.15.08 Zoning Board of Adjustment

The Board of Adjustment of Lincoln County, Nebraska shall be the Board of Adjustment with respect to these regulations. Said board shall have and exercise the powers conferred by Section 3-320, R.R.S. 1943 and such other powers and duties as are conferred and imposed by law.

Section 4.16 AGV Valentine Soil Overlay District

4.16.01 Intent

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

4.16.02 Purpose

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

4.16.03 Findings of Fact and General Provisions

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

ARTICLE 5: CONDITIONAL USES**Section 5.01 Authority.**

As provided by Nebraska Statutes, the Lincoln County Planning Commission shall have the exclusive authority to grant conditional use permits.

Section 5.02 General Provisions.

The Planning Commission may, by conditional use permit after a Public Hearing, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Section 5.03 Procedure

After receiving an application and fee, the amount to be established by the governing body, a public hearing shall be held by the Planning Commission and the Planning Commission shall review and have the final determination to approve or deny said application.

1. An application for a conditional use permit shall include:
 - A. a site plan which shall denote:
 - 1) the location of the proposed use,
 - 2) The location of any existing wetlands,
 - 3) The location of any floodplain, and
 - 4) The location of any hazardous materials.
2. Public Hearing on a Conditional Use.
 - A. The property owner shall complete an application provided by the Planning Administrator and submit the completed application to the Planning Administrator's office at least 20 days prior to the next regularly scheduled planning commission meeting.
 - B. The Planning 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 10 days prior to the date of the hearing.
 - 2) By sending notices by mail not less than 10 days prior to the date of hearing to the record title holders within the area enclosed by lines parallel to and 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.
 - 3) When the zoning regulations require a greater separation distance between uses than the 300 feet, the greater distance shall determine the required notification area and property owners.
 - 4) Applicant shall present the Planning Administrator with a property list certified by the Lincoln County Assessor of the record title holders within the required distance as determined by the zoning regulations and Planning Administrator.
 - 5) The Planning Administrator reserves the right to give notice to any other person(s) or agency as deemed necessary.
 - 6) Failure to receive such notice shall not invalidate any proceedings in connection with the application for a conditional use.
3. 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.
4. Action on a Conditional Use.

The Planning Commission may approve as presented, approve with any necessary conditions in order to protect the public's health, safety and general welfare, or they may deny the application.
5. Findings of Fact

The Planning Commission when making a decision on an application shall present the applicant with their findings of fact as to why they ruled the way they did. Findings of Fact will be given to all interested parties, including the applicant. The Findings will then be filed in the Lincoln County Zoning office.
6. Notification of Action.

The Planning Administrator shall notify the applicant in writing of the Planning Commission's action within seven days after the decision has been rendered.

Section 5.04 Standards

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

1. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
2. Ingress and egress shall be so designed as to minimize congestion in the public street, road or highway.
3. 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 and/or the County Board 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 on a conditional use permit may be appealed to the District Court. Such appeal must be presented to the Clerk of the District Court with 30 days after the decision is made by the planning commission.
4. If an approved conditional use is not begun within a period of 12 months following approval, the conditional use permit shall become null and void.
5. 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.
6. Review of a conditional use permit may be requested by the Planning 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 District Court.
7. 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 Planning Administrator by any person who may be affected by the granting of a CUP. The formal complaint process shall follow the following procedures:
 - A. A complainant shall file a written complaint with the Planning Administrator. The complaint shall be on a form provided by the Planning 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.
 - B. Within seven days of the receipt of a complaint as set forth in subparagraph (A) above, the Planning 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 days to respond in writing to the Planning Administrator concerning the allegations contained in the complaint.
 - C. Upon receipt of the holder of the CUP's response to the complaint, the Planning Administrator shall send a copy of the response to the complainant by certified mail, return receipt requested.
 - D. In addition, the Planning Administrator shall schedule an informal meeting with the complainant and the holder of the CUP within seven days of the Planning 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 Planning Administrator, but in no event shall the meeting be continued more than seven days beyond the time originally set by the Planning Administrator. Either time the complainant or the holder of the CUP may be represented at the informal meeting by his/her or its 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 Planning Administrator. If the matter of the complaint is resolved, the Planning Administrator shall produce 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 Planning Administrator and shall become a part of the holder of the CUP's Conditional Use Permit.
 - E. If the complainant and the holder of the CUP are unable to resolve the nature of the complaint as set forth in subparagraph (D) above, or if the holder of the CUP fails or refuses to either respond in writing to the Planning Administrator or to attend the informal meeting as provided in subparagraph (D) 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 or conditions, the holders of the 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.

- F. If the complainant shall fail or refuse to attend the informal meeting with the Planning Administrator, the complaint shall be dismissed.
- G. The Planning 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 holders 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.
- H. All documentation concerning all complaints filed under this section, whether dismissed or otherwise, and all associated matters shall be kept on file in the Lincoln County Zoning office. In addition, all such documentation shall constitute a public record and subject to inspection and review by the public.
- I. The filing fee of said complaint shall be retained by the Planning Administrator regardless of review outcome.

Section 5.05 Duration

Conditional use permits as 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.

Section 5.06 Recording

The Applicant 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 6: OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 6.01 Applicability

In any zoning district, all structures built and all uses established hereafter shall provide accessory off-street parking and loading spaces as indicated in the requirements set forth in this section. Where an existing structure or use is expanded, accessory off-street parking and loading spaces shall be provided in accordance with the requirements for the area, capacity or additional employees in such expanded area.

Section 6.02 Off-Street Automobile Storage

1. Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
2. In all districts except residential districts, if vehicle storage space or standing space required in section 6.02 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning Commission and County Board, the Planning Commission and County Board may permit such space to be provided on other off-street property, provided such property lies within the same zoning district and lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. In Districts residential districts, required off-street parking for residential use shall be provided on the lot on which is located the use to which the parking pertains.
3. Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
4. Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
5. Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require tabulation for classrooms and assembly areas).
6. Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

TYPES OF OPERATION	MINIMUM STACKING SPACE
Financial Institution – Electronic Teller	Two vehicles per lane*
Financial Institution – Personal Teller	Three vehicles per window or kiosk*
Car Wash – Self Service	Two vehicles per bay at entrance*
	One vehicle per bay at exit
Car Wash – Automatic / Conveyor	200 feet per bay at entrance*
	One vehicle per bay at exit
Drive-through Restaurant	Four vehicles per window*
Coffee Kiosk	Four vehicles per lane*
- Drive side service	- Two vehicles per lane*
- Passenger side service	- Two vehicles per lane*
Drive-through Pharmacy	Two vehicles per lane*
Service Stations	
- Service islands	Two vehicles per pump lane*
- Service bays	One vehicle per bay*
- Quick lube / Oil change "starting gate design"	Two vehicles per bay*
- 4 or more pump islands side by side, 18 feet apart	One vehicle per lane*
Gated parking lot entrance	One vehicle per gate
Other uses	Two vehicles per lane being serviced

* Stacking requirements are in addition to vehicle being served.

7. Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by approval of the County Board following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.
8. Requirements for types of buildings and uses not specifically listed herein shall be determined by the County Board, after receiving a report and recommendation from the Planning Commission, based upon comparable uses listed.
9. 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 yard or rear yard.

Section 6.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Adult entertainment establishments	1 space per 2 persons of licensed capacity	None required
Auditoriums/Stadiums and arenas	1 space per 4 seats in main assembly area	None required
Bowling Alleys	4 spaces per alley plus 1 space per 2 employees	One space per establishment
Churches, Synagogues, and Temples	1 space per 4 seats in main worship area	None required
Clubs, including fraternal organizations	1 space per 500 s.f. of gross floor area	None required
Commercial Uses		
Agricultural Sales / Service	1 space per 300 s.f. of gross floor area	One per establishment
Automotive Rental / Sales	1 space per 500 s.f. of gross floor area	One per establishment
Automotive Servicing	3 spaces per repair stall	None required
Body Repair	4 spaces per repair stall	None required
Bowling Alleys	5 spaces per lane	One per establishment
Equipment Rental / Sales	1 space per 500 s.f. of gross floor area	One Space per structure
Campground	1 space per camping unit	None required
Commercial Recreation	1 space per 4 persons of licensed capacity	One per establishment
Communication Services	1 space per 500 s.f. of gross floor area	One per establishment
Construction Sales / Service	1 space per 500 s.f. of gross floor area	One per establishment
Food Sales (limited)	1 space per 300 s.f. of gross floor area	One per establishment
Food Sales (general)	1space per 200 s.f. of gross floor area	Two per establishment
General Retail Sales establishments	1 space per 200 s.f. of gross floor area	One per establishment
Laundry Services	1 space per 200 s.f. of gross floor area	None required
Retail, Wholesale, and professional businesses	1 space per 200 s.f. of gross floor area	One per establishment
Restaurants w/ drive-thru	Greater of the two: 1 space per 40 s.f. of dining area, or 1 space per 150 s.f. of gross floor area	One per establishment
Golf Courses or Country Clubs	2 spaces per hole plus 1 space for every 100 gross s.f. of area within the clubhouse	
Restaurants (General)	Parking equal to 30% of licensed capacity	Two spaces per establishment
Convalescent and Nursing Home Services	1 space per 2 beds plus 1 space per employee on the largest shift	Two space per structure
Dance Hall, skating rink	1 space per 200 square feet of floor area plus 1 space per 2 employees	
Day Care	1 space per employee plus 1 space or loading stall per each 10 persons of licensed capacity	None required
Educational Uses, Primary facilities	2 spaces per classroom	Two spaces per structure
Educational Uses, Secondary facilities	8 spaces per classroom plus 1 space per employee on largest shift	Two spaces per structure
Funeral Homes, Mortuaries and Chapels	8 spaces per reposeing room	Two spaces per establishment
Group Care Facility	1 space per 4 persons of licensed capacity	Two space per structure
Group Home	1 space per 4 persons of licensed capacity	Two space per structure
Guidance Services	1 space per 300 s.f. of gross floor area	None required
Hospitals	One space per two licensed beds	Three spaces per structure
Hotels and Motels	1 space per rental unit plus 1 space per 2 employees	One space per establishment
Housing (Congregate)		
Assisted-living facilities	1 space per dwelling unit plus 1 space per employee on the largest shift	One per structure
Duplex	2 spaces per dwelling unit	None required
Multi-family / Apartments	1 space per sleeping unit - spaces to be sited in the general proximity of where the sleeping units are located	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	Two spaces per establishment
Libraries	1 space per 400 s.f. of gross floor area plus 1 space per 2 employees	One per structure
Boarding Houses / Bed and Breakfasts	1 space per rental units	None required
Medical Clinics	5 spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	2 per dwelling unit	None required
Offices and Office Buildings	1 space per 200 s.f. of gross floor area plus 1 space per 2 employees	None required
Residential (Single-family, attached and detached)	2 spaces per dwelling unit and 1 may be enclosed	None required
Roadside stands	4 spaces per establishment	None required
Service Oriented Establishments	1 space per 200 s.f. of gross floor area	One per establishment
Theaters, Auditoriums, and Places of Assembly	1 space per 5 persons of licensed capacity	One space per establishment
Veterinary Establishments	1 spaces per staff doctor	None required
Wholesaling / Distribution Operations	1 space per 2 employees on the largest shift	Two spaces per establishment

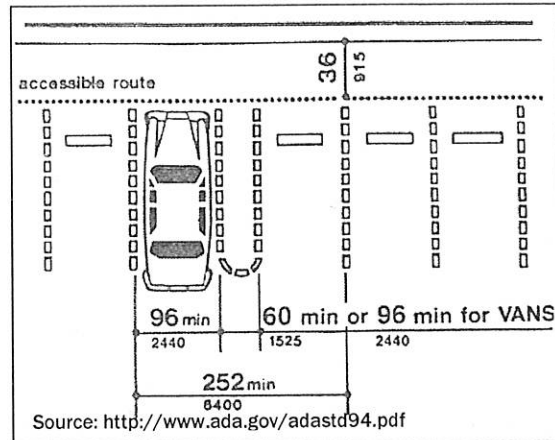
Section 6.04 Off-Street Parking: Shared Parking Requirements

Notwithstanding the provisions of Section 6.03, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the Planning Commission and County Board.

Section 6.05 Off-Street Parking: Parking for Individuals with Disabilities

6.05.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000



- 6.05.02 Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.
- One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 6.05.04 of this Regulation. The vertical clearance at such spaces shall comply with 6.05.05 of this Regulation. All such spaces may be grouped on one level of a parking structure.
 - Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
 - Parked vehicle overhangs shall not reduce the clear width of an accessible route.
 - Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
 - If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 6.05.06 of this Regulation.
 - At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 6.05 of this Regulation shall be provided in accordance with 6.05.01 of this Regulation; except as follows:
 - Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;
 - Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
 - Valet parking: valet parking facilities shall provide a passenger loading zone complying with 6.05.06 of this Regulation located on an accessible route to the entrance of the facility.
- 6.05.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
- In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 - In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- 6.05.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 6.05.02 (1) shall have an additional sign stating the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 6.05.05 Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 6.05.02 (1), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

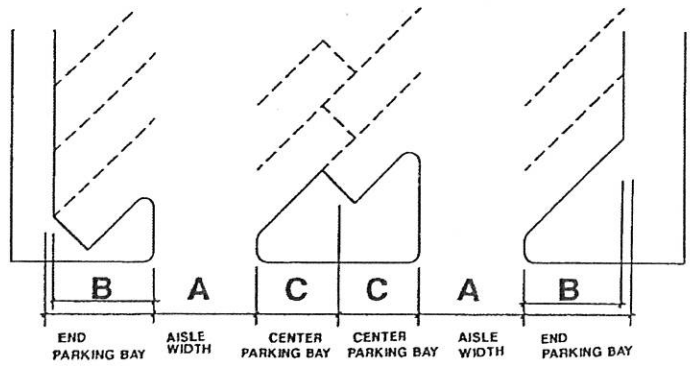
6.05.06 Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

Section 6.06 Off-Street Parking Design Criteria

6.06.01 Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration

	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	—	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



6.06.02 Minimum dimensions for a parallel parking space shall be 10 feet by 23 feet.

6.06.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and County Board.

ARTICLE 7: SIGN REGULATIONS**Section 7.01 Compliance with Sign Regulations**

All signs constructed, erected, modified or moved after the effective date of this Regulation shall comply with the requirements herein, unless expressly exempted.

Section 7.02 Sign Area Computation**7.02.01 Computation of Area of Individual Signs**

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

7.02.02 Computation of Area of Multi-faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

7.02.03 Computation of Height

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

Section 7.03 Signs, Special Conditions

7.03.01 Real Estate Signs. Not more than two signs per lot may be used as a temporary sign. Signs in the A-1 or TA-1 District shall be set back 20 feet from the road right-of-way or road easement.

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

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

7.03.03 Stand-alone ATM's may have the following:

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

7.03.04 Coffee Kiosks and other Kiosks may have the following:

1. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
5. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.

7.03.05 Signs hung from canopies and awnings shall maintain 80 inches of clear space, as measured from the bottom edge of the sign to the grade below.

7.03.06 Temporary Signs

Temporary signs for which a permit has been issued shall be issued only for signs meeting the following criteria:

1. No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare.
2. Temporary signs may be for a continual period that has a limited amount of time not to exceed 10 days except that Real Estate signs may be in place until the property sale is finalized.
3. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off-premises business and / or organization.
4. Real Estate signs shall be on the property being advertised unless there is an "Open House" Real Estate sign located elsewhere for not more than two days.

7.03.07 Emergency Signs (Permitted)

Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

7.03.08 Other Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the County shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

7.03.09 Signs Exempt from Regulation Under this Regulation

The following signs shall be exempt from the requirements under this Regulation, except no sign in this provision shall create an obstruction to vision, as per Section 3.23 of this Regulation and / or a collision hazard to the public:

- Any public notice or warning required by a valid and applicable federal, state, or local regulation;
- Any religious symbol;
- Construction signs when equal to six square feet or less;
- Any sign identifying a public facility or public / civic event;
- Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;
- Holiday lights and decorations with no commercial message;
- Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and

- A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

7.03.10 Signs Prohibited Under These Regulations

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the County. Such signs include, but are not limited to:

1. Beacons;
2. Marquee signs;
3. Roof signs;
4. Suspended signs;
5. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
6. Permanent off-premises signs;
7. Animated signs; and
8. Audible Signs.

Section 7.04 Sign Schedules

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

Zoning District

	A-1	TA-1	R-1	R-2	R-M	C-1	I-1	VAD
Animated	C	C	-	-	-	C	C	C
Announcement	+	+	+	+	+	+	+	+
Architectural Canopy	+	+	-	-	-	+	+	+
Banner	+	+	-	-	-	+	+	+
Changeable Copy	+	+	-	-	-	+	+	+
Destination	+	+	+	+	+	+	+	+
Electronic Message Board	+	+	-	-	-	+	+	+
Flashing	-	-	-	-	-	-	-	-
Freestanding	T	T	T	T	T	T	T	T
Ground	C	C	C	C	C	+	+	+
Illuminated	C	C	C	C	C	+	+	+
Incidental	+	+	+	+	+	+	+	+
Marquee	-	-	-	-	-	+	+	+
Nameplate	+	+	+	+	+	+	+	+
Off-Premises	C	C	-	-	-	C	C	C
Pennant	+	+	-	-	-	+	+	+
Pole	C	C	-	-	-	C	C	C
Projecting	+	+	-	-	-	+	+	+
Portable	T	T	T	T	T	T	T	T
Real Estate	+	+	+	+	+	+	+	+
Roof	-	-	-	-	-	-	-	-
Roof-Integrated	+	+	-	-	-	+	+	+
Subdivision	C	C	C	C	C	C	C	C
Suspended	+	+	-	-	-	+	+	+
Temporary	T	T	T	T	T	T	T	T
Wall	+	+	-	-	-	+	+	+
Window	+	+	-	-	-	+	+	+

+: permitted

-: not permitted

C: Conditional Use

T: Temporary

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

	Zoning District							
	A-1	TA-1	R-1	R-2	R-M	C-1	I-1	VAD
Animated								
Max. Square Ft.	200	200	-	-	-	200	200	200
Max. Height Ft.	45	45	-	-	-	45	45	45
Max. Number	1	1	-	-	-	1	1	1
Announcement								
Max. Square Ft.	32	32	6	6	6	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1
Architectural Canopy								
Max. Square Ft.	250	250	-	-	-	250	250	250
Max. Height Ft.	45	45	-	-	-	45	45	45
Max. Number	1 ⁶	1 ⁶	-	-	-	1 ⁶	1 ⁶	1 ⁶
Banner								
Max. Square Ft.	32	32	-	-	-	32	32	32
Max. Height Ft.	NA	NA	-	-	-	NA	NA	NA
Max. Number	NA	NA	-	-	-	NA	NA	NA
Changeable Copy								
Max. Square Ft.	32	32	-	-	-	32	32	32
Max. Height Ft.	NA	NA	-	-	-	NA	NA	NA
Max. Number	NA	NA	-	-	-	NA	NA	NA
Destination								
Max. Square Ft.	16	16	16	16	16	16	16	16
Max. Height Ft.	8	8	8	8	8	8	8	8
Max. Number	1	1	1	1	1	1	1	1
Electronic Message Board								
Max. Square Ft.	100	100	-	-	-	100	100	100
Max. Height Ft.	20	20	-	-	-	20	20	20
Max. Number	1	1	-	-	-	1	1	1
Flashing								
Max. Square Ft.	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-
Freestanding								
Max. Square Ft.	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1
Ground								
Max. Square Ft.	50	50	-	-	-	32 ²	32 ²	50 ³
Max. Height Ft.	10	10	-	-	-	10	10	10
Max. Number	1	1	-	-	-	1	1	1
Illuminated								
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.								
Max. Number								
Marquee								
Max. Square Ft.	-	-	-	-	-	250	250	250
Max. Height Ft.	-	-	-	-	-	45	45	45
Max. Number	-	-	-	-	-	1	1	1
Nameplate								
Max. Square Ft.	2	2	2	2	2	2	2	2
Max. Height Ft.	-	-	-	-	-	-	-	-
Max. Number	1	1	1	1	1	1	1	1
Off-Premises								
Max. Square Ft.	640	-	-	-	-	-	640	640
Max. Height Ft.	30	-	-	-	-	-	30	30
Max. Number	1	-	-	-	-	-	1	1
Pennant								
Max. Square Ft.	32	32	-	-	-	32	32	32
Max. Height Ft.	NA	NA	-	-	-	NA	NA	NA
Max. Number	NA	NA	-	-	-	NA	NA	NA
Pole								
Max. Square Ft.	100 ⁴	100 ⁴	-	-	-	100 ⁴	100 ⁴	200 ⁴
Max. Height Ft.	40	40	-	-	-	40	40	40
Max. Number	1	1	-	-	-	1	1	1
Projecting								
Max. Square Ft.	16	16	-	-	-	16	16	16
Max. Height Ft.	45	45	-	-	-	45	45	45
Max. Number	1	1	-	-	-	1	1	1
Portable								
Max. Square Ft.	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1
Real Estate								
Max. Square Ft.	32	32	6	6	6	32	32	32
Max. Height Ft.	4	4	-	-	-	4	4	4
Max. Number	2	2	1	1	1	1	1	1

	Zoning District							
	A-1	TA-1	R-1	R-2	R-M	C-1	I-1	VAD
Roof								
Max. Square Ft.	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-
Roof-Integrated								
Max. Square Ft.	250	250	-	-	-	250	250	250
Max. Height Ft.	45	45	-	-	-	45	45	45
Max. Number	1	1	-	-	-	1	1	1
Subdivision								
Max. Square Ft.	500	500	500	500	500	500	500	500
Max. Height Ft.	35	35	35	35	35	35	35	35
Max. Number	1	1	1	1	1	1	1	1
Max. Lot area s.f.	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Suspended								
Max. Square Ft.	20	20	-	-	-	20	20	20
Max. Height Ft.	10	10	-	-	-	10	10	10
Max. Number	1	1	-	-	-	1	1	1
Temporary								
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.								
Max. Number								
Wall								
Max. Square Ft.	200 ¹	200 ¹	-	-	-	200 ¹	200 ¹	200 ¹
Max. Height Ft.	15	15	-	-	-	45	45	45
Max. Number	1	1	-	-	-	1	1	1
Window								
Max. Square Ft.	200 ¹	200 ¹	-	-	-	200 ¹	200 ¹	200 ¹
Max. Height Ft.	15	15	-	-	-	15	15	15
Max. Number	1	1	-	-	-	1	1	1

¹ Wall/Window signs shall not exceed 10 percent of the total wall area or the number indicated whichever is greater.
² Ground signs may be increased from 32 square feet in area to 50 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
³ Ground signs may be increased from 50 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
⁴ Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
⁵ Pole signs may be increased from 200 square feet in area to 300 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
⁶ One Canopy per window – canopy shall meet all minimum height requirements for accessibility.
 NA = Not Applicable – Refer to specific structural sign types

7.04.03 A building or use having frontage on a second street may install a sign on the second street side no greater in size than 20 percent of the total allowed on one facade.

ARTICLE 8: SUPPLEMENTAL REGULATIONS**Section 8.01 Home Occupations and Home Based Businesses In Residential Districts****8.01.01 Intent**

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

8.01.02 Procedure

Home Occupations and Home based Businesses: An application for a home occupation or home based business, within residentially zoned areas shall be made to the Lincoln County Planning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

8.01.03 Permitted home occupations

Listed below are permitted home occupations.

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care
4. Personal services, including Barber and Beauty Shops (limited to one station), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

8.01.04 Prohibited home occupations

Listed below are prohibited home occupations.

1. Kennels, stables, veterinarian clinics/hospitals.
2. Medical and dental clinics, hospitals.
3. Restaurants, clubs, drinking establishments.
4. Motor vehicle / small engine repair.
5. Undertaking and funeral parlors.
6. Adult Entertainment Uses.

8.01.05 Performance Standards for Home Occupations

Listed below are the performance standards for home occupations.

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
8. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

8.01.06 Permitted home based businesses

Listed below are permitted home based businesses.

1. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to two stations), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
4. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
5. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
6. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
7. Child Nurseries or Child Care

8.01.07 Prohibited home based businesses

Listed below are prohibited home based businesses.

1. Kennels, stables, veterinarian clinics/hospitals.
2. Medical and dental clinics, hospitals.
3. Restaurants, clubs, drinking establishments.
4. Motor vehicle / small engine repair.
5. Undertaking and funeral parlors.
6. Adult Entertainment Uses.

8.01.08 Performance Standards for Home Based Businesses

Listed below are the performance standards for home based businesses.

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.
2. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Lincoln County.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
6. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.
7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
8. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
 - A. Two additional spaces for the unrelated employees;
 - B. Two additional spaces to be used for client/visitor parking;
 - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
 - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
 - E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking; and
 - F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.

9. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
10. No retail sales are permitted from the site other than incidental sales related to services provided.
11. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
12. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
13. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

8.01.09 Revocation

1. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Planning Administrator makes any of the following findings:
 - A. That any condition of the home occupation or home based business permit has been violated;
 - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - C. That the permit was obtained by misrepresentation or fraud;
 - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; or
 - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Lincoln County Board of Adjustment. The Planning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Lincoln County Board of Adjustment. The Lincoln County Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 8.02 Home Occupations and Home Based Businesses within the Agricultural Districts

8.02.01 Intent

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

8.02.02 Procedure

Home Occupations and Home based Businesses: An application for a home occupation or home based occupation, within agriculturally zoned areas shall be made to the Lincoln County Planning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

8.02.03 Permitted home occupations

Listed below are permitted home occupations.

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one station), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.

8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

8.02.04 Prohibited home occupations

Listed below are prohibited home occupations.

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

8.02.05 Performance Standards for Home Occupations

Listed below are the performance standards for home occupations.

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure.
5. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
10. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
11. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

8.02.06 Permitted home based businesses

Listed below are permitted home based businesses.

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to two stations), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.

6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

8.02.07 Prohibited home based businesses

Listed below are prohibited home based businesses.

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

8.02.08 Performance Standards for Home Based Businesses

Listed below are the performance standards for home based businesses.

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.
2. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Lincoln County.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.
5. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
10. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
 - A. Two additional spaces for the unrelated employees;
 - B. Two additional spaces to be used for client/visitor parking;
 - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
 - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
 - E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
 - F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
11. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

8.02.09 Revocation

1. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Planning Administrator makes any of the following findings:
 - A. That any condition of the home occupation or home based business permit has been violated;
 - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - C. That the permit was obtained by misrepresentation or fraud;
 - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
 - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Lincoln County Board of Adjustment. The Planning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Lincoln County Board of Adjustment. The Lincoln County Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 8.03 Radio, Television and Wireless Communication Towers

8.03.01 Intent

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

8.03.02 Definitions

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

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

Conforming commercial earth station shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

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

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

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

- a. Any Conforming Commercial Earth Station antenna two meters or less in diameter. b. Any earth station antenna or satellite dish antenna of one meter or less in diameter.

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

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

8.03.03 Tower Construction Standards

Listed below are tower construction standards.

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

8.03.04 Application to develop a Tower

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

8.03.05 Setbacks and Separation or Buffer Requirements

Listed below are setbacks and separation requirements for towers and exception to height restrictions of towers.

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Freestanding and guyed towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 percent of the tower height. The Planning Commission and County Board of Commissioners may reduce the setback with a conditional use permit if it determines that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
3. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.

4. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the tower.
5. Towers must meet the following minimum separation requirements from other towers:
 - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
6. As part of its conditional use approval process, the Planning Commission and County Board of Commissioners may, after public notice and hearing, permit the tower to exceed the height restrictions otherwise allowable in the district.

8.03.06 Structural Standards for Towers Adopted

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

8.03.07 Illumination and Security Fences

1. Towers shall not be artificially lighted except as required by the FAA. Any tower subject to this Section that is required to be lit under FAA requirements and using a strobe light shall be equipped with dual mode lighting. In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

8.03.08 Exterior Finish

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

8.03.09 Landscaping

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

8.03.10 Maintenance, Repair or Modification of Existing Towers

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

8.03.11 Inspections

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

8.03.12 Maintenance

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

8.03.13 Abandonment

If any tower shall cease to be used for a period of one year, the Planning Administrator shall notify the tower owner that the site will be subject to determination by the Planning Administrator that the site has been abandoned. Upon

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

8.03.14 Approval Denial Procedures for Tower Development Permit

1. Any decision to deny an application to place, construct or modify a wireless facility must be in writing and supported by substantial evidence contained in a written record.
2. The regulation of placement, construction, and modification of personal wireless services facilities by Lincoln County shall not unreasonably discriminate among providers of functionally equivalent services;
3. The regulation of the placement, construction, and modification of personal wireless service facilities by Lincoln County shall not prohibit or have the effect of prohibiting the provision of personal wireless services;
4. Once an applicant files a request for authorization to place, construct, or modify a personal wireless service facility, Lincoln County shall act on the application "within a reasonable period of time after the request is duly filed";
5. Lincoln County shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations;

8.03.15 Severability

If any clause, subsection, or any other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

Section 8.04 Recreational Vehicle Parks

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

1. The tract to be used as a recreational vehicle park or campground shall not be less than two acres in area. Under no circumstances shall a manufactured home be parked in a recreational vehicle park or campground.
2. The maximum number of recreational vehicles, trailers, or camp sites shall be 15 per acre.
3. Each recreational vehicle, trailer, camp site shall be plainly marked.
4. The minimum dimensions of a recreational vehicle, trailer or camp site shall be 30 feet wide by 60 feet long.
5. Each recreational vehicle, trailer, camp site shall be separated from other recreational vehicles, trailers, or camp sites by at least 15 feet.
6. All recreational vehicle, trailer, camp sites shall meet the required setbacks from roads and from the ordinary high water mark and shall be located at least 50 feet from exterior lot lines.
 - A. The exterior lot line setback shall be maintained in open space; except that landscaping for the purpose of screening the Park from visual views from adjacent properties.
 - B. Screening at least six feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.
7. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided:
 - A. No one space shall be designed for direct access to a county road or highway outside the boundaries of the recreational vehicle park or campground;
 - B. All interior access drives shall be at least 20 feet in width; and
 - C. All interior access drives and parking areas shall be surfaced with gravel, asphalt or other material to free the site of mud.
8. There shall be two off-street parking spaces per each individual recreational vehicle, trailer, camp site.
9. Each pad location shall be equipped with the following:
 - A. Electrical outlet.
 - B. A sanitary sewer connection per Nebraska DEQ requirements.
 - C. A potable water connection per Nebraska HHS requirements.
 - D. If pad sites are not supplied with individual sanitary sewer and water connections then a "Community Building" shall be constructed to the following requirements;
 - 1) Pads shall not be located more than 300 feet from the "Community Building".
 - 2) Separate toilet, lavatory and shower facilities for each sex, in the following ratio: one flush-type toilet, one lavatory and one shower or bathtub for females and one flush-type toilet, one lavatory, and one shower or bathtub for males.
 - 3) The pervious toilet sanitary standards shall be for every 30 pad sites.

- 4) Have an accessible, adequate, safe and potable supply of cold water.
- 5) Comply with all Nebraska Building, Electrical and life safety codes.
- 6) Be maintained in a clean, sanitary condition and kept free of any condition that is considered a health hazard.

10. Other criteria that shall be met include:

- A. No more than one wheeled recreational vehicle or trailer shall be allowed on any individual pad site. In addition to these units, a tent may be erected to serve as an auxiliary shelter, but shall not be erected for more than 14 consecutive days.
- B. These Parks are considered as a seasonal business and site and individual recreational vehicles or trailers are considered seasonal dwelling and shall not be occupied for more than four continuous months in a 12 month period. However, a recreational vehicle or trailer may remain on site for the remaining portion of the year in a stored state.
- C. Wheels and tires shall remain in the in-transit position.
- D. No porches, lean-tos, or additions shall be constructed onto any of these recreational dwellings. Canvas screen rooms or awnings shall be allowed.
- E. A recreational dwelling may only be skirted with lattice, solid skirting may be installed immediately adjacent to the tires.
- F. A shelter unit may be located on an individual pad site provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.

One permanent dwelling unit may be constructed within the Recreational Vehicle Park and is to be used strictly by the Park owner and family or the resident superintendent.

Section 8.05 Screening

1. Junkyards (salvage or wrecking yards) shall be screened with an eight foot high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.
2. All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.
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 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 8.06 Sand and Gravel Mineral, Stone, Rock, and Soil Extraction and Quarries.

It shall be unlawful for any owner or owners or property to extract, mine, quarry, or remove soil for commercial purposes without the proper permits except soil donated for use by a municipality, county, or state for public roadway purposes.

1. When soil is sold, removed, and transported on Lincoln County roads, to be used for public roadway purposes, it shall be the responsibility of the property owner to meet the following conditions:
 - A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours;
 - B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
 - C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
 - D. The application shall identify proposed vehicle and equipment storage areas;
 - E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility;
 - F. Topsoil shall be collected and stored for redistribution on the site at termination of the operation;
 - G. 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 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;
 - H. 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;
 - I. Costs for any damage to the county roads or bridges used for access to the site which requires additional maintenance or repair for the normal county maintenance or repair as a result of additional traffic generated, shall be the responsibility of the owner of the property from which the soil is being removed. The determination of the costs and the method of repair and maintenance shall be prescribed by the Lincoln County Highway Superintendent. The property owner may appeal the Superintendent's decision to the Lincoln County Board of Commissioners within 30 days after receiving the Superintendent's decision;

- J. The owner of the property shall obtain adequate insurance to cover any of the damages, which may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Planning Administrator's office prior to issuing a Conditional Use Permit; and
- K. To assure that all of these conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the County.

Section 8.07 Small Wind Energy Systems

8.07.01 Purpose

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

8.07.02 Definitions

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

- 1. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
- 2. **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.
- 3. **Structurally mounted System** shall mean a Small Wind Energy System that is designed to be mounted on a building including residential dwellings.
- 4. **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.
- 5. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

8.07.03 Requirements

Certain requirements as set forth below shall be met:

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

No part of the wind system structure, including guy-wire anchors, may extend closer than accessory building setbacks of the appropriate zoning district to the property lines of the installation site.
- 3. Noise
 - A. Small wind energy systems shall not exceed 50 dBA, as measured at the closest neighboring inhabited dwelling unit; however,
 - B. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
- 4. Approved Wind Turbines

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.
- 5. Compliance with Building and Zoning Codes
 - A. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - B. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska certified by a professional engineer licensed and certified in Nebraska shall also be submitted.
 - C. The manufacturer frequently supplies this analysis.
 - D. Wet stamps shall not be required.
- 6. Compliance with FAA and NDA Regulations

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

- 7. Compliance with National Electrical Code
 - A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 - B. The manufacturer frequently supplies this analysis
- 8. Utility Notification
 - A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator,
 - B. Off-grid systems shall be exempt from this requirement.

	Wind Turbine - Non Commercial	Meteorological Towers
Property Lines (other than right angle corners)	One times the total height	One times the total height
Neighboring Dwelling Units*	One times the total height	One times the total height
Road Rights-of-Way**	One times the total height	One times the total height
Other Rights-of-Way	One times the total height	One times the total height
Public Conservation Lands Including Wildlife Management Areas and State Recreation Areas	NA	600 ft
Wetlands, USFW Types III, IV, and V	NA	600 ft.
Other structures not on the applicant's site	NA	One times the total height
River Bluffs of over 15 feet	NA	One times the total height

Section 8.08 Commercial/Utility Grade Wind Energy Systems

8.08.01 Purpose

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

8.08.02 Definitions

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

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

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

Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Meteorological Tower: A tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the NDOR, or other applications to monitor weather conditions.

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

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

Tower shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

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

Wind Energy Conservation System (WECS): 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

Wind Turbines: 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.

8.08.03 Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within the A-1 District. Permanent Meteorological towers shall be considered part of the system. Temporary meteorological towers may be permitted in the A-1 District by a Zoning (Building) Permit and limited to two years or less. When requesting a conditional use permit for a commercial/utility grade wind energy conversion system (also known as a WECS), and/or a zoning permit for a temporary meteorological tower; the following requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including; Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS not owned by the applicant, within 10 rotor distances of the proposed WECS.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed WECS.
11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met.
12. FAA and NDA review and permit
13. Location of all known Communication Towers within two miles of the proposed WECS.
14. Decommissioning Plan including the financial means to implement the plan.
15. Description of potential impacts on nearby WECS and wind resources on adjacent properties not owned by the applicant.

8.08.04 Aggregated Projects

The following concerns an aggregated project(s).

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.
4. Setbacks to property lines, not road rights-of way, may be less when adjoining property owners are within the same aggregate project.

8.08.05 Setbacks

All towers shall adhere to the setbacks as measured from the hub established in the following table:

	WECS Wind Turbine - Commercial/Utility WECS	Meteorological Towers
Property Lines	Diameter plus applicable building setback; however, setback may be less when two adjoining property owners are within the aggregate project.	One times the total height
Neighboring Dwelling Units*	2,000 ft.	One times the total height
Road Rights-of-Way**	One times the total height	One times the total height
Other Rights-of-Way	One times the total height	One times the total height
Public Conservation Lands Including Wildlife Management Areas and State Recreation Areas	600 ft. or a distance established by any state or Federal agency.	600 ft. or a distance established by any state or Federal agency.
Wetlands, USFW Types III, IV, and V	600 ft. or a distance established by any state or Federal agency.	600 ft. or a distance established by any state or Federal agency.
Other structures not on the applicant's site	One times the total height	One times the total height
River Bluffs of over 15 feet	One times the total height	One times the total height

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

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

8.08.06 Special Safety and Design Standards and Additional Requirements

Special safety and design standards for all towers and additional listed requirements are stated below, which shall be adhered to and are specifically written for this Section (8.08):

1. Clearance of rotor blades or airfoils must maintain a minimum of 15 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted at the entrance to the site with the 911 address and emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. **Color and finish**
All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing; Finishes shall be matte or non-reflective.
6. **Lighting**
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA and NDA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
7. **Other signage**
All other signage shall comply with the sign regulations found in these regulations.
8. **Feeder Lines**
All communications and feeder lines installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
9. **Waste Disposal**
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal rules and regulations.
10. **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 Planning 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. This period may be extended by the Planning Administrator following a written request by an agent of the owner of the WECS.

Each WECS project under this section 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.
11. **Noise**
No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure occupied by humans. Exception: a Commercial/Utility WECS may exceed 50 dBA during periods of severe weather as defined by the US Weather Service.
12. **Interference**
The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits.

13. County Roads

In regard to roads applicants shall:

- A. Identify all county, municipal 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 facility.
- C. Be responsible for restoring the road(s) and bridges to preconstruction conditions.

14. 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.

15. Permit Fees

Applicant shall remit an application fee set by the Board of Commissioners.

Section 8.09 Livestock Regulations

This Section (8.09) is written specifically for Livestock regulations and therefore the contents in this Section shall be strictly adhered to in regards to livestock regulations:

1. The following setbacks and design standards are the minimum sanitation and odor practices for Lincoln County. In addition, the Lincoln County Board of Commissioners, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:
 - property values,
 - dust,
 - lighting,
 - waste disposal and
 - Dead livestock.
2. A Conditional Use Permit may be approved after public notice has been given and public hearing is conducted as required by law.
3. Animal Units (A.U.) are defined as follows:
 - One A.U. = One Cow/Calf combination
 - One A.U. = One Slaughter, Feeder Cattle;
 - One A.U. = One-half Horse;
 - One A.U. = Seven Tenths Mature Dairy Cattle;
 - One A.U. = Two and One-half Swine (55 pounds or more);
 - One A.U. = 25 Weaned Pigs (less than 55 pounds);
 - One A.U. = Two Sows with litters;
 - One A.U. = 10 Sheep;
 - One A.U. = 11.25 Goats;
 - One A.U. = 50 Turkeys;
 - One A.U. = 100 Chickens
 - One A.U. = Five Ducks if a liquid manure handling system;
 - One A.U. = 81.3 Geese
 - One A.U. = 9.4 Alpacas
 - One A.U. = 3.2 Llamas
 - One A.U. = 7.5 Emus
 - One A.U. = 3.7 Ostriches
4. Agricultural Operations of 1,000 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit.
5. All existing LFO's that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new Conditional Use Permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 8.09.01, without applying for another conditional use permit. All new LFO's and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:
 - A. A 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 A.U. in the operation at any one time. Levels will include:

Class I Facility = 301-1,000 animal units;
 Class II Facility = 1,001-5,000 animal units;
 Class III Facility = 5,001-20,000 animal units; and
 Class IV Facility = 20,001 or more animal units.

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

TABLE 8.09.01: LFO SPACING AND DISTANCE

Size of Proposed LFO In Animal Units.		Non-farm or Other Residence and Other LFOs (miles)
Class I 301-1000	ECH	1/2
	OPEN	1/2
Class II 1001-5000	ECH	1/2
	OPEN	1/2
Class III 5001-20,000	ECH	3/4
	OPEN	3/4
Class IV 20,000+	ECH	1
	OPEN	1

Note: The setbacks under this section shall increase by one-fourth (1/4) mile for each 5000 AU (or fractional portion thereof) of authorized capacity above 20,000 AU not to exceed a setback of 2 miles. No Class IV CAFO shall be located within two miles of a populated area. In no event shall any CAFO having a capacity of 1,001 AU or more be located less than four (4) miles from the corporate limits of any city in Lincoln County having a population of 5,000 or more or less than three (3) miles from any village, town, city or unincorporated village with less than 5,000 population or less than three (3) miles from Lake Maloney and Jeffrey Lake.

ECH = Environmentally Controlled Housing

OPEN = Open Lot Operations

- B. LFOs having more than a 1,000 animal units shall also locate at a distance as specified under the ECH or Open Lots, in Table 8.09.01 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.
- C. All LFO's over 20,000 Animal Units shall be required to obtain a new Conditional Use Permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section.
- D. The producer shall have a Pre-submission meeting with the Lincoln County Planning and Planning Administrator to discuss tentative plans and layouts prior to formal submission of the Conditional Use Permit for the LFO.
 - 1) A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the NDEQ or any other applicable State Agency.
 - 2) The applicant shall submit all pertinent materials and designs, as per the Conditional Use Permit Application for the LFO.
 - 3) The applicant shall file a copy of the proposed Operation and Maintenance Plan and proposed Manure Management Plan. The approved plans shall be submitted after NDEQ approval if different from the proposed. Said plans shall be filed with the Lincoln County Planning and Planning Administrator.
 - 4) Shall also file a copy of all approved NDEQ plans and permits with the Lincoln County Planning and Planning Administrator within 30 days after they are issued by the NDEQ.
 - 5) An annual manure management plan shall be submitted to the Lincoln County Planning and Planning Administrator which shall follow "best possible management practices" as specified by NDEQ in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
 - 6) If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 8.09.01 of this Section. Said area shall also be located on the proposed site plan indicated in number (1) above.
 - 7) All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
 - 8) In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
 - 9) All runoff or waste generated by an LFO facility shall be contained within the associated farming operation, or, on the premises upon which the LFO is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to

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

10) The setbacks from a new non-farm residence to an existing LFO are as follows in Table 8.09.02:

TABLE 8.09.02: NON-FARM RESIDENCE SPACING AND DISTANCE (Distances given in miles)

	SIZE OF EXISTING AGRICULTURAL OPERATION AND LFO IN A.U.				
	100-300	301-1,000	1,001-5,000	5,001-20,000	20,000+
New Non-Farm Residence	½	¾	1	1 ½	2

Exceptions:

1. Any Class I Livestock Feeding Operation use in existence as of the effective date of this Resolution, and which is located within the minimum spacing distance in Table 8.09.01 to any church, school, public use, other LFO or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a Conditional Use Permit, provided the proposed expansion complies with **all** of the following limitations:
 - A. Such expansion will not decrease the distance from the LFO use to any church, school, public use, other LFO or single-family dwelling not of the same ownership and not on the same premises with said LFO which is less than the minimum prescribed spacing distance.
 - B. Any physical expansion of the existing LFO shall be immediately contiguous with the facilities of the existing LFO.
 - C. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a LFO that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a Conditional Use Permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the County Board of Commissioners.
 - D. If such expansion results in such LFO being required to obtain a new construction permit from NDEQ, introduction of additional animals shall be prohibited until said permit is issued by NDEQ or other applicable or successor agency has been issued and such LFO shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this Resolution.

Impact Easements

1. The owner of a proposed dwelling unit that requests to build closer than allowed in Table 8.09.02 shall be required to obtain an Impact Easement from any operations within the required separation distance, and shall be held to the minimum conditions, as well as any others agreed upon by both parties;
 - A. An owner or owners of an existing LFO and associated facilities that will be encroached upon may be allowed to expand the operation and facilities in the future even though the expansion may encroach into their required separation distances.
 - B. Such minimum distance shall be measured from the nearest point of the area used or approved under this Resolution for the animal feeding or waste handling use, to such dwelling.
 - C. Application of waste which in solid form to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.

Section 8.10 Special Events Requirements

8.10.01 Intent

These requirements are focused on special events that typically do not fall into specific criteria and are temporary in nature. These events may include large numbers of people as well as vehicular traffic (including recreational vehicles). These events are limited uses in the nature of an amusement or attraction. Contemplated uses of this nature are:

1. Tractor pulls; races
2. Festivals; concerts;
3. Motorcycle or similar rallies;
4. Fireworks displays
5. Sports events
6. Fairs and carnivals

8.10.02 Procedure

1. The Planning Administrator, if he/she determines that the use is a one time, occasional, or annual event, under the control of a reliable sponsor, may issue a letter of **"Special Events Permit"** and allow the activity to proceed.
2. Any Special Event where alcoholic beverages will be sold, allowed and/or consumed shall require an additional approval, liquor license, by the County Board of Commissioners, following all prescribed procedures for said permit.
3. If the Planning Administrator determines that the use will be conducted occasionally (as opposed to a single event), or that the activity is likely to be associated with site impacts (traffic, dust, noise and activity), he/she may refer the matter to the Planning Commission and County Board of Commissioners.
4. The Planning Commission and County Board of Commissioners, after an examination of all facts and circumstances, and the imposition of appropriate conditions, may allow the use on an occasional basis, as a Conditional Use Permit or a Temporary Permit.

8.10.03 Permit Requirements

1. Special Events Permit requirements shall include, but are not limited to:
 - A. Establish appropriate time limits for operation, if necessary.
 - B. Establish necessary mitigation procedures that will need to be undertaken to minimize traffic impacts.
 - C. Establish the number of times the activity may operate.
 - D. Establish the beginning and ending dates of said Special Event.
 - E. Assess
 - F. Set conditions as operating principles, including the advice and approval of the Lincoln County Emergency Manager.
 - G. Incorporate rules and conditions established by the Nebraska State Fire Marshal, the Nebraska Liquor Commission, Nebraska State Patrol or other Nebraska state agency and any resolutions established by Lincoln County.
2. The Special Permit is a license to operate an activity. It may be revoked for failure to operate within the established conditions, and shall not run from operator to operator.
3. The Special Permit shall be signed by both the property owner and the operator.
4. Any Special Permit approved by the Planning Commission and County Board of Commissioners shall also be countersigned by the Planning Administrator.

Section 8.11 Adult Entertainment**8.11.01 Intent**

The intent of this section is to provide for guidelines and criteria for the regulation, not the elimination of, Adult Entertainment Establishments. The overall intent is to regulate the secondary effects of these uses within the community.

8.11.02 Definitions

Adult Cabaret: Cabaret that features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

Adult Companionship Establishment: 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: 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: 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: 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: 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: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion 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: 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: 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: 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."

Juice Bar: an adult establishment that does not allow the consumption of alcohol on the premises.

Massage Parlor: (See Adult Uses.)

Specified Anatomical Areas: 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 discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: 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 of 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. Situation 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.

8.11.03 Geography

Uses defined as Adult Entertainment Establishments are allowed in a limited manner within Lincoln County and are strictly allowed in those districts that will minimize the secondary effects upon the community at-large.

8.11.04 Special Requirements

1. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use.
2. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.

3. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
4. No adult business shall be open for business between the hours of twelve midnight and six a.m.
5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
6. Such use shall not impair an adequate supply of light and air to surrounding property.
7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
8. Such use shall not diminish or impair established property values in adjoining or surrounding property.
9. Such use shall be in accord with the intent, purpose and spirit of this Resolution and the Comprehensive Development Plan of Lincoln County.
10. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.
11. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
12. Prohibited Activities of Adult Businesses
 - A. No adult business shall employ any person under 18 years of age.
 - B. No adult business shall furnish any merchandise or services to any person who is under 18 years of age.
 - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Resolution or any other laws of the State.
 - D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

Section 8.12 Solar Energy

No solar panel shall be constructed within the residential zoning jurisdiction of Lincoln County unless a Zoning Certificate therefore is approved and issued by the Planning Administrator and is constructed in conformance with the state building codes and the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

8.12.01 Lot and Height Requirements:

Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

8.12.02 Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable state building codes.

8.12.03 Plot Plan:

The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

8.12.04 Permit Fees:

Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning permit.

8.12.05 Preexisting Solar Panels:

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid building permit issued by the County, may continue to be utilized so long as it is maintained in operational condition.

Section 8.13 Performance Standards for Industrial Uses

8.13.01 Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

8.13.02 Fire hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of Lincoln County.

8.13.03 Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

8.13.04 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

8.13.05 Air Contaminants:

1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such an capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
2. Particulate mater of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
4. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.

5. **Gasses:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million (5ppm), carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
6. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch (0.003") measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
7. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 8.14 Above ground Storage Tanks (AST)

All above ground storage tanks shall comply with the following requirements.

- 8.14.01 All Commercial AST's shall be on a minimum site of 10 acres of land.
- 8.14.02 All Commercial AST's shall comply with all requirement of the Nebraska State Fire Marshal's office. Proof of said compliance is required prior to operating said location.
- 8.14.03 All Commercial AST's shall have the proper containment cells as required by NDEQ and EPA. Proof of said compliance is required prior to operating said location.
- 8.14.04 All Commercial AST's shall be set back a minimum of 100 feet from any right-of-way.
- 8.14.05 All Commercial AST's shall have a minimum separation distance of 300 feet from any structure not on the applicant's property or development.
- 8.14.06 All Commercial AST's shall have their own separate and distinct ingress and egress points to the site.
- 8.14.07 A Commercial AST that is established as a fuel or fertilizer depot may be required to have more than one point of ingress and egress.
- 8.14.08 All entry points shall be reviewed and signed off on, as to location, by the County Highway Superintendent in the case of a county road or NDOR in the case of a state or federal highway. Proof of said compliance is required prior to operating said location.
- 8.14.09 All Commercial AST's shall provide specific list and data to the county and the local fire departments regarding the materials stored on the site.
- 8.14.10 A Commercial AST that is established as a fuel or fertilizer depot may be required to conduct a traffic study to determine traffic impacts of the site on the surrounding transportation system.

ARTICLE 9: BOARD OF ADJUSTMENT**Section 9.01 Intent**

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

Section 9.02 Membership

The Board of Adjustment shall consist of five members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member is to be appointed for a term of three years and may be removed for cause by the appointing authority upon written charges and after public hearing. 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 of the Board of Adjustment shall be appointed by the County Board from the membership of the County Planning Commission, and the loss of membership on the Planning Commission by said member shall also result in their immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment.

Section 9.03 Rules and Meetings

1. The Board of Adjustment shall adopt rules in accordance with the provisions of any resolution adopted pursuant to this act. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. Said Chair, or in their absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the County Clerk and shall be a public record.
2. An appeal to the Board of Adjustment may be taken by any person or persons aggrieved or by any officer, department, board, or bureau of the County by any decision, other than the approval or denial of a conditional use permit application, of an administrative officer, planning commission, and/or County Board, depending upon the nature of aggrievement. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Board a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent, or by attorney.

Section 9.04 Powers

1. The Board of Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the County Board of Commissioners, have only the following powers:
 - A. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
 - B. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by such regulation to pass; and
 - C. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantially impairing the intent and purpose of any zoning regulations, but no such variance shall be authorized unless the Board of Adjustment finds that:
 - (1) The strict application of the resolution would produce undue hardship;
 - (2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - (3) 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

- (4) 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.
- D. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property concerned is not of so general or recurring a nature as to make reasonable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.
3. 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 9.05 Appeal of Board Decisions

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

ARTICLE 10: ADMINISTRATION AND ENFORCEMENT**Section 10.01 Planning Administrator**

A Planning Administrator shall be appointed by the County Board of Commissioners and shall administer and enforce these Regulations. The Planning Administrator may be provided with the assistance of such other persons as the County Board of Commissioners may direct.

Section 10.02 Zoning Permit Required

1. It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure or to use or occupy or permit the use or occupancy of any building, land or premises, or construction or connection to water or sewer facilities or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning permit shall have been issued therefore by the Planning Administrator stating that the proposed use of the building or land conforms to these regulations.
2. The Planning 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 10.03 Application for a Zoning Permit

1. Written application on forms prescribed and furnished by the Planning Administrator stating such information as may be required for the enforcement of these regulations shall be submitted and shall be accompanied by a site plan, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and proposed use to be made of the lot, existing and proposed water and sanitary sewer facilities, as may be necessary to determine and provide for the enforcement of these regulations. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Planning 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.
2. The Planning Administrator shall issue a written permit, or denial, thereof, with reasons in writing within 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.
3. Except where an extension has been obtained in writing from the Planning Administrator, permits issued shall expire after two years when the work has not been completed.

Section 10.04 Enforcement by the Planning Administrator

1. It shall be the duty of the Planning Administrator to enforce these Regulations in accordance with its provisions. All departments, officials, and public employees of Lincoln County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of these regulations and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of these Regulations.
2. Any person, partnership, limited liability company, association, club, or corporation violating these regulations or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit 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 Planning 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 Planning Administrator, County Board or any other responsible officials of the county

ARTICLE 11: AMENDMENTS**Section 11.01 Amendments****1. Authority:**

For the purpose of promoting, and protecting the public health, safety and general welfare, the County Board may from time to time, in the manner hereinafter set forth, amend, change, supplement, revise, or repeal any or all of the regulations imposed in the districts or the Zoning map district boundaries themselves.

2. Initiation of Amendments:

Amendments may be proposed by the legislative body, the Planning Commission, any other governmental body, the owner of the property affected or any other interested person or organization.

3. Form of Proposed Amendment:

Such proposals shall be in writing and shall be accompanied by a filing fee as set by the Lincoln County Board of Commissioners, except for proposals initiated by a governmental body. The proposal shall contain the recommended language if a change in the text is proposed or a map showing the present and proposed zoning if a zoning map change is initiated.

4. Procedure for Consideration of Amendment:**A. Planning Commission Recommendation:**

All proposed amendments shall first be submitted to the Planning Commission for recommendation and report prior to public hearings.

B. Notice of Hearing:

Upon the development of tentative recommendations, the Planning Commission shall:

- i. Hold at least one public hearing.
- ii. Notice of the time and place of which shall be given by the publication thereof in a newspaper of general circulation in the County one time at least 10 days prior to such hearing.
- iii. Notice of the time and place of such hearing shall be given in writing to the Chairman of any municipal, county or joint planning commission, or, if no planning commission exists, to the clerks of local government units, which have jurisdiction over land within three miles of the property affected by the proposed amendment.
- iv. Notice, in all cases, shall contain a statement regarding the proposed changes in regulations or restrictions or in the boundaries of any district.
- v. If the proposed amendment will affect specific property, it shall be designated by legal description and general street location and, in addition to publication notice, written notice shall be mailed to all owners of land located within 1,000 feet of the area proposed for amendment if said neighboring property is located within the county's jurisdiction.
- vi. If said neighboring property is located within a municipal jurisdiction, notice shall be sent to property owners within 300 feet of the property to be rezoned.
- vii. Failure to receive notice, however, shall not invalidate any subsequent action taken by the Planning Commission or the County Board so long as such notice was in fact published and mailed in accordance with these provisions.

C. Hearing on Proposed Amendment:

- i. The Planning Commission shall hold a public hearing on each proposed amendment and shall cause an accurate written summary to be made of the proceedings which summary shall be preserved by the Secretary to the Planning Commission.
- ii. The Planning Commission shall submit a written recommendation of approval or disapproval of such proposed amendment to the County Board within 30 days, which recommendation shall make findings based upon the evidence presented of:
 - 1) The existing uses of land and zoning classifications of property in the area that will be affected by the proposed amendment;
 - 2) The suitability of the property in question to the new zoning classification;
 - 3) The effect of the proposed amendment on the use of land and administration of zoning in the County;
 - 4) The accessibility of the property to County services; streets and roads, sewage and water facilities and refuse disposal services; and
 - 5) The general health, safety and welfare of the community and any other considerations deemed appropriate by the Planning Commission in furtherance of the objectives of zoning and the County comprehensive plan.

D. Action by County Board:

The County Board shall not act upon a proposed amendment to these Regulations until it shall have received a written recommendation and report from the Planning Commission and until notice of the hearing on the proposed amendment has been given in the manner prescribed in section 11.01 (4) (B) of these Regulations.

E. Notice of Hearing:

Upon the development of recommendations from the Planning Commission, the County Board shall hold at least one public hearing thereon, notice of the time and place of which shall be given by the publication thereof in a newspaper of general circulation in the County one time at least 10 days prior to such hearing.

F. Action by County Board:

The County Board may adopt, modify or reject the recommendation of the Planning Commission and may either grant the proposed amendment by Resolution adopting the change or deny the amendment by failing to adopt a Resolution. If the proposal is not acted upon by the County Board within 90 days of the date upon which the report and recommendation is received from the Planning Commission, the proposal shall be deemed to have been denied.

G. Protest:

If a protest against the proposed amendment is filed in the Office of the County Clerk within 14 days after the Planning Commission public hearing, duly signed and acknowledged by the owners of 20 percent or more either of the area of the lots, included in the proposed amendment, or of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such proposed amendment shall not become effective except by the favorable vote of a 2/3 majority of the County Board.

G. Upon adoption of an amendment to the Lincoln County Zoning Regulation, the following steps shall be undertaken in order to provide a clear understanding of said amendment:

- 1) A copy of the adopted Resolution as approved by the County Board shall be placed in a section at the back of the Zoning Regulation;
- 2) All deletions from the text shall be shown with a strikeout within the body of the regulation;
- 3) All additions to the Zoning Regulation shall be shown as bold and in italics within the body of the regulation; and
- 4) At the end of the amended section, in parenthesis, the date of passage and Resolution number shall be included within the body of the regulation.

ARTICLE 12: COMPREHENSIVE PLAN RELATIONSHIP

This Resolution is 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 13: LEGAL STATUS PROVISIONS

Section 13.01 Severability

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

Section 13.02 Purpose of Catch Heads

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

Section 13.03 Repeal of Conflicting Resolutions

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

Section 13.04 Effective Date

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

APPROVED AND ADOPTED by the Board of Commissioners of The county of Lincoln, Nebraska.

This 22nd day of January, 2012



(CHAIR, COUNTY BOARD OF COMMISSIONERS)

(Seal)
ATTEST:



(COUNTY CLERK)



Lincoln County Land Use Table

A1=Ag Pres Dist TA1=Trans Ag R1=Rural Estates R2=Urb Res RM=Mobile Home VAD=Village Area C1=Gen Comm
 I1=Industrial PUD=Plan Unit AH=Airport Hazard AGV=Ag Valentine Soil Overlay

TYPE OF USE

ZONING DISTRICTS

TYPE OF USE	A1	TA1	R1	R2	RM	VAD	C1	I1	PUD	AH	AGV
A											
Adult Entertainment Establishments											
Agricultural chemicals & fertilizers - manufacturing, wholesale, & retail											
Agricultural operations	C	C						C			
Airports & flying fields	P	P				P					
Alfalfa Dehydrating plant	C	C					C				
Amphitheaters	C	C						C			
Amusement Center, Family	C	C					P	P			
Animal Feeding Operation-Confined--small	C	C					P	P			
Animal Feeding Operation-Confined--medium	C	C									
Animal Feeding Operation-Confined--large	C	C									
Arboretums & botanical gardens	C	C									
Arenas & fieldhouses	C	C					C	P			
Armed forces reserve center & facilities	C	C					C	P			
Asphalt mixing plants	P	P	P	P	P	P	P	P			
Auditoriums, public	C	C									
Automobile wash services	C	C					C	P			
B											
Bait shops											
Bar or tavern											
Batch Plants - temporary	C	C						P			
Bed and breakfast residence	C	C						P			
Bowling alleys											
Building construction - general contracting services	H	H	H	H	H						
Bulk petroleum stations & terminals - wholesale	C	C									
C											
Camp grounds, general	C	C									
Camp grounds, group	C	C					C	P			
Camp grounds, leased	C	C					C	P			
Cellular & communication Towers	C	C					C	P			
Cemeteries	C	C					C	P			
Child care center											
Churches , synagogues & temples, convents, monasteries, rectories	P	P	P	P	P						
Community Center	P	P	P	P	P						
Composting plants	C	C									
Concrete, products, ready-mix plants	C	C									
Convenience store	C	C					C	P			

P = Permitted Use C = Conditional Use H= Home Occupation/Home Based Business A= Accessory Uses

Lincoln County Land Use Table

A1=Ag Pres Dist TA1=Trans Ag R1=Rural Estates R2=Urb Res RM=Mobile Home VAD=Village Area C1=Gen Comm
 I1=Industrial PUD=Plan Unit AH=Airport Hazard AGV=Ag Valentine Soil Overlay

TYPE OF USE

ZONING DISTRICTS

	A1	TA1	R1	R2	RM	VAD	C1	I1	PUD	AH	AGV
D											
Dance Halls											
Distilling, rectifying, & blending liquors							P	C			
Dry cleaning & laundering							C	C			
Dude ranches							P	P			
Dwelling, in nonresidential structure	C	C	C				C	C			
Dwelling, mobile home not on permanent foundation	C	C	C	A			A	C			
Dwelling, manufactured on permanent foundation											
Dwelling, multi-family	P	P	P	P	P	P	C				
Dwelling, single-family	P	P	P	C	P	C	C				
Dwelling, seasonal	C	C	C	C	C	C	C				
E											
Educational & scientific research services											
Electric generation plants	P	P	P	P	P	P	P	P			
Ethanol plants & mills	C	C					C	P			
F											
Fertilizers & chemicals - mining											
Fire Stations, ambulance services, protection & related activities	C	C						C			
Fish hatcheries	P	P	P	P	P	P	P	P			
Fishing & hunting clubs	C	P						P			
Forest & conservation areas	C	C					C	P			
Freight forwarding services	P	P					P	P			
Fuel station	C	C						P			
G											
Golf courses & country clubs											
Golf driving ranges	C	P	P	P			P	P			
Gravel & sand quarrying	C	C					P	P			
Group care home	C	C	C	C	C	C	C	C			
Gun clubs											
H											
Health & exercise resorts & spas											
Historic & monument sites	C	C	C	C	C	P	P	P			
Hospital services	C	C	C	C	C	C	C	C			
Hotels, tourist courts, motels, & resorts											

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TYPE OF USE

ZONING DISTRICTS

TYPE OF USE	A1	TA1	R1	R2	RM	VAD	C1	II	PUD	AH	AGV
Industrial waste disposal											
Irrigation canals & structures								C			
								C			
J-K											
Kennels-commercial	C	C					C				
L											
Law Enforcement facilities	P	P	P	P	P	P	P	P			
Libraries	P	P	P	P	P	P	P	P			
Licensed gambling											
Livestock on more than 10 acres	P	P	A	A							
M											
Maintenance yards											
Manufacturing								P			
Meat packing & slaughtering plants								P			
Medical clinics, out-patient services, chiropractors, optometrists, dental clinics, massage services, medical labs	C	C						C			
Milling	C	C	C					P			
Miniature golf	C							P			
Mobile home parks	C	P	P	P	C		P	P			
Mortuaries											
Motorized cart tracks	C	C	C				P	P			
Museums & art galleries	C	C	C					C			
N											
Nursery, commercial lawn & garden & greenhouses	C	C					P	P			
Nursing, convalescent, rest home, & assisted living services	C	C	C	C			C	C			
O											
Outfitters & recreation rentals	C	C	C				P	P			
P-Q											
Parks & playgrounds, public	P	P	P	P	P	P	P	P			
Parks & playgrounds, private	C	C	C	C	C	C	P	P			
Petroleum (grade) & natural gas drilling	C	C	C					P			
Pipeline	C	C	C					C			

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TYPE OF USE

ZONING DISTRICTS

TYPE OF USE	A1	TA1	R1	R2	RM	VAD	C1	I1	PUD	AH	AGV
Plating works											
Prisons	C	C	C	C	C	C	C	C			
Professional offices-including but not limited to: abstracting, accounting, architectural, engineering & planning, insurance, investigative & protective services, employment services, legal, real estate	H	H	H	H			C	P			
R											
Race tracks & courses - vehicle											
Radio transmitting stations & towers	C	C						C			
Railroad equipment & maintenance yard, terminals and right of ways	C	C	C					C			
Recycling center	P	P	P	P	P	P	P	P			
Refuse incineration	C	C									
Religious Assembly											
Religious camps & retreats	P	P	P	P	P	P	P	P			
Rental Equipment, automobiles, construction, boats & recreational, trucks											
Repair shop, automobile, welding											
Research, development & testing services	C	C									
Restaurants											
Retail Stores (confined within a building) including but not limited to: garment alterations, antiques, apparel, appliances, bakeries (non-manufacturing), banking, barber & beauty services, bicycles, books, cameras, clock sales & service, jewelry, drug stores											
Retail stores with outside displays including but not limited to: Aircraft, agricultural equipment, automobile, boat sales & service, building materials, construction equipment, mobile & manufactured homes, recreational vehicles											
Retirement homes	C	C	C	C	C	C	P	P			
Riding stables & tracks	C	P	C				C	C			
Roadside stands offering agricultural products for sale on the premises	A	A	A				P	P			
S											
Salvage yard	C										
Sanitary landfill	C										
Schools, art & music	P	P	P	P	P	P	P	P			
Schools, dancing	P	P	P	P	P	P	P	P			
Schools, driving	P	P	P	P	P	P	P	P			
Schools, nursery	P	P	P	P	P	P	P	P			
Schools, primary & secondary	P	P	P	P	P	P	P	P			
Schools, professional	P	P	P	P	P	P	P	P			

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TYPE OF USE

ZONING DISTRICTS

	AI	TA1	R1	R2	RM	VAD	C1	I1	PUD	AH	AGV
Schools, universities & colleges	P	P	P	P	P	P	P	P			
Schools, vocational	P	P	P	P	P	P	P	P			
Sewage treatment facilities	C	C				C	C	C			
Shooting ranges, archery	C	C	C			C	C	C			
Shooting ranges, skeet & trap	C	C	C			C	C	C			
Smelter											
Stock yards	C	C									
Storage - mini (self-storage)		C									
Storage- Recreational vehicles & boats & including outside storage	C	C				C	C	P			
Swimming pools	A	C				C	C	P			
	A	A	A	A	A	A	A	A			
T											
Tar distillation or manufacturing											
Telephone relay towers	C	C	C	C	C	C	C	C			
Television transmitting stations & relay towers	C	C	C	C	C	C	C	C			
Transmission lines, major	C	C	C	C	C	C	C	C			
Transfer stations, solid waste	C										
Truck & freight terminals	C	C					C	C			
Truck wash services	C	C					C	C			
U											
Utility substations, pumping station, water reservoir, telephone exchange, gas regulators	P	P	C	C	C	C	C	C			
V											
Veterinarian services	C	C					P	P			
W											
Water storage	C	C	C	C	C	C	C	C			
Wholesale Distributors											
Wind energy conversion system-small	A	A	A	A	A	A	A	A			
Wind energy conversion system-commercial	C	C						C			
Y-Z											
Zoos & aquariums	C	C					C	P			

Also see Section 3.23: Zoning Regulations and Land Use Table Conflicts

1. Whenever there is a discrepancy between how a use is classified (Permitted, Conditional Use, etc.) in the district text and the Land Use Table, the district text shall always supersede the Table.
 2. If a use is not indicated in the Land Use Table but is indicated within the district text, then the district text shall supersede the Table.

P = Permitted Use C = Conditional Use H= Home Occupation/Home Based Business A= Accessory Uses

Office of
Lincoln County Clerk
Rebecca J. Rossell



301 NORTH JEFFERS
NORTH PLATTE, NE 69101-3997
308-534-4350 Ext. 110
Email: clerk@co.lincoln.ne.us

AFFIDAVIT

COPY

STATE OF NEBRASKA)
) ss.
COUNTY OF LINCOLN)

I, Rebecca J. Rossell, being first duly sworn on oath; deposes and states the following:

1. I am a duly elected and qualified Lincoln County Clerk in and for The county of Lincoln, Nebraska, and have been since December 1, 1997.

2. Resolution No. 13-05, which is located and recorded in the office of the Lincoln County Clerk, was adopted, passed and approved by the Board of Commissioners of The county of Lincoln, Nebraska, on January 22, 2013, as shown in the minutes of the Board of Commissioners of The county of Lincoln, Nebraska, for the meeting held on January 22, 2013.

Further affiant saith not.

Dated this 6th day of February, 2013.

Rebecca J. Rossell
Rebecca J. Rossell

SUBSCRIBED in my presence and sworn to before me this 6 day of February, 2013.

Terry L. Heessel
NOTARY PUBLIC
SEAL:

