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Lucille K. Paulson
County Clerk

Deputy

RURAL ZONING

67

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WASHINGTON COUNTY ZONING REGULATIONS

Adopted January 26, 1970.

WASHINGTON COUNTY PLANNING COMMISSION

Howard Thompson, Chairman
Richard Lippincott, Vice-Chairman
Ralph Steyer, Secretary
Vern Simmonds
Merle Wardell

WASHINGTON COUNTY BOARD OF SUPERVISORS

Fred Hansen, Chairman
Leslie French
Floyd Triplett
Carl Graverholt
Velmor Katt
Lyle Thielfoldt
Emmett Rounds

71 4

NOTICE

Notice is hereby given that the following Zoning Resolution was adopted by the County Board of Supervisors of Washington County, Nebraska, on the 26th day of January, 1970, after due notice and hearing as provided by law.

The text of the Resolution is as hereafter set out.

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WASHINGTON COUNTY, NEBRASKA, ZONING RESOLUTION

A RESOLUTION PROVIDING FOR THE ZONING OF THE UNINCORPORATED AREA OF WASHINGTON COUNTY, NEBRASKA, EXCEPT SUCH PORTIONS THEREOF OVER WHICH CITIES OR VILLAGES HAVE BEEN GRANTED ZONING JURISDICTION AND ARE EXERCISING SUCH JURISDICTION, BY REGULATING AND RESTRICTING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, INCLUDING TENTS, CABINS, HOUSE TRAILERS AND AUTOMOBILE TRAILERS; THE PERCENTAGE OF LOT AREAS WHICH MAY BE OCCUPIED; BUILDING SET BACK LINES; SIZES OF YARDS, COURTS, AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; THE USES OF BUILDINGS; AND THE USES OF LAND FOR AGRICULTURE, FORESTRY, RECREATION, RESIDENCE, INDUSTRY, AND TRADE; AND FOR SUCH PURPOSES DIVIDING SAID AREA OF SAID COUNTY INTO ZONES OR DISTRICTS OF SUCH NUMBER, SIZES AND SHAPES AS ARE DEEMED BEST SUITED TO CARRY OUT SAID PURPOSES, PROVIDING A METHOD OF ADMINISTRATION, AND PRESCRIBING PENALTIES AND PROCEEDINGS FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS RESOLUTION.

WHEREAS, the County Board of Supervisors of Washington County, Nebraska, deem it in the interest of the public health, safety, morals, comfort, and general welfare of said County and its residents to establish a general plan of zoning for the unincorporated area of said County except that portion thereof over which cities or villages have been granted zoning jurisdiction and are exercising such jurisdiction, and

WHEREAS, the Planning Commission of Washington County, Nebraska, has after public hearing adopted a comprehensive development plan and recommended amendments to the subdivision regulations, building code, zoning map and zoning regulations, and

WHEREAS, the Planning Commission has submitted its report and recommendations to the County Board of Supervisors of Washington County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of Washington County, Nebraska:

SECTION 1.001 GENERAL

- A. SHORT TITLE. This resolution shall be known and may be cited and referred to as the Washington County, Nebraska Zoning Regulation.
- B. CONFLICTS REPEALED. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.
- C. PUBLICATION. This Resolution shall be published in book or pamphlet form and shall, in addition, be spread in the minutes of the proceedings of the County Board and, together with the map or maps being a part hereof, shall be filed with the County Clerk of Washington County, Nebraska.
- D. WHEN EFFECTIVE. This Resolution shall be in full force and effect from and after its adoption, publication and filing as provided by law.
- E. PURPOSE. This zoning regulation is consistent with a comprehensive county development plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Washington County.

This regulation is designed for such purposes among others to develop both urban and non-urban areas; to lessen congestion in streets, roads, and highways; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to secure safety from fire and other dangers; to facilitate adequate provision of transportation, water, drainage, sanitation, recreation, and other public requirements.

- F. SCOPE OF REGULATIONS. Except as provided by this regulation, and except after obtaining a permit from the County Building Inspector of Washington County, Nebraska, it shall be unlawful within that portion of Washington County which is contained within the Washington County Zoning District and which is outside the zoning jurisdictional limits granted to cities and villages and over which such cities and villages are exercising such zoning jurisdiction:

- (1) To erect or place any building or structure or part thereof upon any real estate within said Zoning District.
- (2) To rebuild, structurally alter, add to or relocate any existing building or structure or part thereof.
- (3) To change the type of use of any building or other structure.
- (4) To establish, re-establish or expand any non-conforming use.
- (5) In conjunction with any building or structure, to reduce any yard dimension or plot area to have a dimension or less than required by this regulation, or to credit any part of such yard dimension plot area as that required for an adjoining building or structure.
- (6) To provide or make connection with water supply or sewage disposal facilities or electrical facilities.

(7) To erect or alter any building or other structure:

- (a) To exceed the height;
- (b) To accommodate or house a greater number of families;
- (c) To occupy a greater percentage of lot area;
- (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces;

Than as herein required, or in any other manner contrary to the provisions of these regulations.

SECTION 1.002 ADMINISTRATION AND ENFORCEMENT

- A. **BUILDING INSPECTOR.** A Building Inspector designated by the Board of Supervisors shall administer and enforce this regulation. He may be provided with the assistance of such other persons as the Board of County Supervisors may direct.
- B. **BUILDING PERMIT REQUIRED.** It shall be unlawful to commence or do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure or to use or occupy or permit the use or occupancy of any building, land or premises, or construction or connection to water or sewer facilities, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a building permit shall have been issued therefor by the Building Inspector stating that the proposed use of the building or land conforms to this regulation.

Notwithstanding any provisions contained herein, farm buildings and structures (except farm dwellings which shall require application for a building permit) and buildings devoted to use for non-profit universities, colleges, elementary and high schools are exempt from the requirements of applying for and receiving building permits provided that such buildings and structures must conform to all applicable provisions of this regulation.

The Building Inspector may issue a temporary building 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 for highway construction, and in the event of an emergency as determined by the County Board of Supervisors, provided that such use be of a temporary nature, involves the use of a house trailer or similar transportable structure, 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.

- C. **APPLICATION FOR BUILDING PERMIT.** Written applications on forms prescribed and furnished by the Building Inspector stating such information as may be required for the enforcement of this regulation shall be submitted and shall be accompanied by three (3) copies of a plot plan, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location or 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 this regulation. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Building Inspector together with such building permits as may be granted. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

The Building Inspector shall issue a written permit, or denial, thereof, with reasons in writing within fifteen (15) days from the date of the acceptance of the application. Appeal may be made in accordance with Section 1.024 of this regulation.

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

- D. **ENFORCEMENT BY BUILDING INSPECTOR.** It shall be the duty of the Building Inspector to enforce this regulation in accordance with its provisions. All departments, officials, and public employees of Washington County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this regulation and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of this regulation.

The erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of any building, structure, water or sewer facility, automobile trailer, house trailer or land in violation of this regulation is hereby declared to be a misdemeanor. Any person, partnership, association, club or corporation erecting, constructing, reconstructing, altering, repairing, converting or maintaining any building structure, water or sewer facility, automobile trailer, house trailer or land in violation of said sections or of any regulation of the County Board of Supervisors, or erecting, constructing, reconstructing, altering or converting any structure without first having obtained a permit therefor as by said sections provided, shall upon conviction thereof be fined in any sum not exceeding two hundred and fifty dollars for each offense, and the costs of prosecution, or may be confined in the jail of the county not to exceed thirty days. In addition to other remedies the County Board of Supervisors 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, to prevent the illegal act, conduct, business or use in or about such premises.

- E. **FEEES FOR PERMIT.** Each applicant for a Building Permit shall pay to the County Building Inspector upon the presentation of such application a fee based upon the cost of the proposed construction, alteration or repairs as follows, to wit: For the first \$500.00 or fraction thereof, \$1.00; for \$500.00

to \$1,000.00, \$5.00; for each additional \$1,000.00 or fraction thereof, \$5.00; that the total permit fee for any one building shall not exceed the sum of \$1,000.00 except that the maximum fee for the proposed construction, alteration, or repair of a farm dwelling shall be the sum of \$25.00. Receipt of such fee shall be issued by the County Building Inspector and record thereof kept by him in a book for this purpose which shall be open to public inspection. When a permit is not granted upon any application all fees paid by the applicant in excess of \$5.00 shall be refunded to the applicant. At the end of each month, the County Building Inspector shall pay to the County Treasurer for deposit in the ordinary county revenue fund, in an account entitled Building Permit Fund, all fees received by him for which permits have been granted plus fees retained as above provided and all special permit fees and said County Building Inspector shall receive the Treasurer's receipt therefor.

19-904. Building zones and regulations; creation; hearing; notice.

The legislative body of such municipality shall provide for the manner in which such regulations and restrictions, and the boundaries of such districts, shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. The legislative body shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal. No such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the legislative body in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a paper of general circulation in such municipality at least one time ten days prior to such hearing.

Source: Laws 1927, c. 43, § 4, p. 183; C.S.1929, § 19-904; R.S.1943, § 19-904; Laws 1955, c. 57, § 1, p. 185; Laws 1957, c. 45, § 1, p. 221; Laws 1967, c. 92, § 3, p. 284; Laws 1975, LB 410, § 13; Laws 1983, LB 71, § 9.

Annotations

When a legislative body does not specify the manner in which a comprehensive development plan is to be adopted, it is assumed that such plan may be effectively adopted via resolution. *Smith v. City of Papillion*, 270 Neb. 607, 705 N.W.2d 584 (2005).

Adoption, amendment, supplement, or change of regulations and restrictions under comprehensive development plan shall not become effective until after a public hearing of which notice has been given. *Stec v. Countryside of Hastings, Inc.*, 190 Neb. 733, 212 N.W.2d 561 (1973).

This section provides different procedure from that applicable to zoning act relating to first-class cities only. *Schlientz v. City of North Platte*, 172 Neb. 477, 110 N.W.2d 58 (1961).

Sufficiency of notice given of proposed rezoning action raised but not decided. *Weber v. City of Grand Island*, 165 Neb. 827, 87 N.W.2d 575 (1958).

City council has duty of providing manner in which regulations and restrictions are amended or changed. *Kelley v. John*, 162 Neb. 319, 75 N.W.2d 713 (1956).

SECTION 1.003 GENERAL REQUIREMENTS

- A. **PRINCIPAL USES.** The principal uses of land or building as hereinafter listed in each zoning district shall be permitted in the districts indicated under the provisions of this regulation. No land or buildings shall be devoted to any use other than the use permitted hereinafter in the zoning district in which the land or building shall be located with the following exceptions:
- (a) Uses lawfully established on the effective date of this regulation and rendered non-conforming by the provisions thereof shall be subject to the provisions hereinafter set forth.
 - (b) Special uses allowed in accordance with procedures or provisions set forth herein.
 - (c) Accessory uses incidental to the principal use and located on the same lot.
- B. **SPECIAL USES.** The development of this provision is based upon the zoning districts, within which districts, the use of land and buildings in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district, without consideration, in each case, of the impact or influence of those uses upon neighboring land. Such special uses fall into two categories:
- (a) Uses publicly operated or traditionally affected with a public interest.
 - (b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their influence or impact on neighboring property.

Special uses of land or buildings as hereinafter listed in each zoning district, may be allowed only in the zoning district designated and subject to the issuance of a special use permit in accordance with the procedures and provisions set forth herein with the following exception:

Where a building or structure and its use thereof, or use of land lawfully exists on the effective date of this ordinance, then such use is classified by this ordinance as an allowable special use in the zoning district where it is located. The existing building or structure and its use thereof, or the use of land where no building or structure is involved, comprising such a special use, shall be considered a lawful special use, except a special use permit shall be required for any expansion of physical development for such special use, including new building additions or enlargements to existing buildings, or extension of land improvements for expansion of such use of land where no buildings or structures are involved.

- C. **ACCESSORY USES.** Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings and structures incidental thereto if located on the same site or building plot. However, such accessory uses, buildings, and structures shall not be established or erected prior to the establishment or construction of the principal use of building and shall be compatible with the character of the principal use.

A commercial billboard or advertising sign shall in no case be permitted as an incidental or accessory use in the R-1 or R-2 Districts, except that the placing of signs in connection with the sale, renting, construction or improvement of the property and not exceeding an area of 12 square feet shall be permitted.

- D. **TEMPORARY USES.** Subject to approval of the County Building Inspector, a temporary yard for a contractor's plant required for highway construction is permitted in any district.
- E. **EXEMPTIONS.** Poles, wire cables, conduits, vaults, laterals and other similar local distributing equipment of public utilities such as any local communications exchange and toll lines, and any local electric distribution utilities under 161 KV, are permitted in any district and any electric transmission or distribution lines are permitted within the right-of-way lines of any state or county road or highway. The exemptions do not include micro-wave or other communications towers and do not include electric distribution or transmission substations.

SECTION 1.004 NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

- A. INTENT. Within the districts established by this regulation or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated or restricted under the terms of this regulation or future amendment.

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

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

To avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this regulation and upon which actual building construction has been diligently carried on. Actual construction is hereby defined as to include the placing of construction materials in permanent positions and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

- B. NON-CONFORMING 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 ordinance 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 by the effective date of adoption or amendment to this regulation.
- (2) No such non-conforming 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 regulation.
- (3) If any such non-conforming use of land, except agriculture and commercial feed lots, ceases for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by this regulation for the district in which such land is located.

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

- (1) No such structure may be enlarged or altered in a way which increases its non-conformity.
- (2) Should such structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at time of destruction it shall not be reconstructed except in conformity with the provisions of this regulation.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- D. NON-CONFORMING USES OF STRUCTURES. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this regulation, that would not be allowed in the district under the terms of this regulation, 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 regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this regulation, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In

permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this regulation.

- (4) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- (5) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive 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.
- (6) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 1.005 INTERPRETATION

This regulation shall not nullify the more restrictive provisions of covenants, agreements, resolutions, other ordinances or laws but shall prevail notwithstanding such provisions which are less restrictive.

SECTION 1.006 ZONING MAP

The boundaries of these districts are hereby established 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 these regulations.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Supervisors attested to by the County Clerk, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in Washington County, Nebraska Zoning Resolution", together with the date of the adoption of these regulations.

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

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

SECTION 1.007 BOUNDARIES OF ZONING DISTRICTS

The boundary lines indicated as approximately following the center lines for right-of-way lines of streets, roads, highways, or alleys shall be construed to follow such lines unless otherwise noted.

Boundaries indicated as parallel or adjacent to a railroad, street, road, or highway right-of-way shall be construed to be measured at right angles to such right-of-way center lines. Distances not specifically indicated shall be determined by measuring distances by the scale of the map.

Boundaries indicated as approximately following platted lot lines, property lines, quarter section lines, half section lines, or section lines shall be construed as following such lines.

Boundaries indicated as approximately following city limits shall be construed as following city corporate limits.

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

Boundaries indicated as following the center lines of streams, rivers, canals, creeks or other bodies of water shall be construed to follow such center lines.

Where physical or cultural features existing on the ground are at variance with those indicated on the Official Zoning Map, and the County Surveyor cannot reasonably clarify the boundary lines, and in the cases of disagreement, the Board of Adjustment shall decide the location of the boundary lines.

Whenever a road, highway, or other public thoroughfare between two zoning districts is officially vacated, the abutting zoning district boundaries shall be the center line of such vacated public thoroughfare.

SECTION 1.008 ESTABLISHMENT OF DISTRICTS

For the purposes of this zoning regulation, that portion of Washington County, Nebraska which is outside the limits of any incorporated city or village or is outside the zoning or extra-territorial jurisdictional limits of any incorporated city or village and over which such city or village is exercising such jurisdiction, is hereby divided into the following districts:

- A-1 Agriculture Farming District
- A-2 Agriculture Commercial District
- R-1 Agriculture Residence District
- R-2 Estate Residence District
- R-3 Suburban Residence District
- R-4 Urban Residence District
- C-1 Community Commercial District
- C-2 General Commercial District
- I-1 Industrial Park District
- I-2 General Industrial District
- I-3 Manufacturing Industrial District
- F-1 Flood Plain District

Any land whose classification is not shown on the Zoning Plan, and land hereafter disconnected from an incorporated municipality shall be classified as in the R-3 District until classified by amendment.

SECTION 1.009 A-1 AGRICULTURE FARMING DISTRICT**Permitted Principal Uses:**

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

- Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
- Farm dwellings for the owners and their families, tenants and employees.
- Roadside stands offering for sale agriculture products produced on the premises.
- Seasonal dwellings.
- Fire stations.
- Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies.
- Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses and swimming pools.
- Public overhead and underground local distribution utilities.
- Railroads.
- Irrigation facilities.
- Private and commercial kennels and facilities for raising, breeding and boarding of dogs and other small animals, provided all buildings and facilities are at least 100 feet from the property line and 300 feet from any R-1, R-2, R-3, and R-4 Districts.

Permitted Special Uses:

The following special uses are permitted in the A-1 Agriculture Farming District with the issuance of a special use permit:

- Commercial feed lots.
- Confined feeding of fifty (50) or more head of livestock when located within one-half mile of an incorporated area or a non-farm dwelling.
- Overhead and underground utilities main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
- United States military establishments.
- Sanitary land fill.
- Radio and television towers and transmitters.
- Airports.
- Automobile wrecking and junk yards provided the yards are at least 500 feet from a State or U. S. designated highway.
- Mobile home parks.
- Non-farm single family dwellings.
- Extraction and processing of rock, gravel, or sand, clay, and dirt.
- Temporary trailers.
- Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots and similar uses.
- Churches, seminaries and convents, including residences for pastors and teachers.
- Public and parochial schools, colleges.
- Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums and privately owned non-commercial museums and historic areas.
- Hospitals, nursing homes and eleemosynary institutions.

Accessory Uses:

The following accessory buildings and uses are permitted in the A-1 Agriculture Farming District:

- Buildings and uses customarily incidental to the permitted uses.
- Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the County Board of Supervisors which shall be removed upon the completion or abandonment of the construction work.
- Home occupations.
- Private swimming pools, tennis courts and other recreational facilities in conjunction with the permitted use.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows, except as provided in Section 1.021.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling	2 Acres	200'	50'	15'	25'	2½ Stories or 35'
Seasonal Dwelling	20,000 sq. ft.	100'	35'	15'	25'	2½ Stories or 35'
Other Permitted Uses	--	100'	50'	15'	25'	65'
Accessory Buildings	--	--	70'	5'	5'	15'

A lot used for a seasonal dwelling and which is connected to a community sanitary sewer system and a community water system approved by the County Board of Supervisors may have a minimum lot area of 10,000 square feet and a minimum lot width of 75 feet. No structure may be located closer than 35 feet to any side street line.

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the center line of a U. S. or State designated highway or a major County collector road, and not nearer than 90 feet to the center line of a minor County collector road.

SECTION 1.010 A-2 AGRICULTURE COMMERCIAL DISTRICT

Permitted Principal Uses:

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

- Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
- Farm dwellings for the owners and their families, tenants and employees.
- Roadside stands offering for sale agriculture products produced in the premises.
- Seed, feed and fertilizer, except anhydrous ammonia, establishments.
- Milk processing establishments.
- Farm implement and contractor equipment sales and service.
- Livestock sale barns.
- Grain elevators and other storage facilities for farm and agricultural products.
- Truck establishments and terminals.
- Railroads.
- Living quarters used by watchmen or custodians.
- Public overhead and underground local distribution utilities.

Permitted Special Uses:

The following special uses are permitted in the A-2 Agriculture Commercial District with the issuance of a special use permit:

- Alfalfa dehydrating plants.
- Stock yards.
- Commercial feed lots.
- Confined feeding of fifty (50) or more head of livestock when located within one-half mile of the limits of a city or village.
- Anhydrous ammonia storage and processing.
- Bulk fuel and propane storage.
- United States military establishments.
- Overhead and underground utilities main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
- Sanitary land fill.
- Radio and television towers and transmitters.
- Mobile home parks.
- Automobile wrecking or junk yards provided the yards are at least 500 feet from a State or U. S. designated highway.

Accessory Uses:

The following accessory uses are permitted in the A-2 Agriculture Commercial District:

- Buildings and uses customarily incidental to the permitted uses.
- Home occupations.
- Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the County Board of Supervisors which shall be removed upon the completion or abandonment of the construction work.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	50'	30'	50'	65'
Accessory Buildings	70'	5'	5'	15'

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the center line of a U. S. or State designated highway or a major County collector road and not nearer than 90 feet to the center line of a minor County road.

SECTION 1.011 R-1 AGRICULTURE RESIDENCE DISTRICT (40,000 SQUARE FEET)

Permitted Principal Uses:

The following principal uses are permitted in the R-1 Agriculture Residence District:

Agricultural farms, truck gardens, green houses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.

Single family dwellings.

Roadside stands offering for sale agriculture products produced on the premises.

Churches, seminaries and convents, including residences for pastors and teachers.

Public and parochial schools, colleges.

Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.

Seasonal dwellings.

Fire stations.

Public parks and recreation areas, play grounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies.

Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses and swimming pools.

Public overhead and underground local distribution utilities.

Railroads.

Irrigation facilities.

Hospitals and eleemosynary institutions.

Permitted Special Uses:

The following special uses are permitted in the R-1 Agriculture Residence District with the issuance of a special use permit:

Radio and television towers and transmitters.

Overhead and underground utilities main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.

Airport.

Extraction of rock, gravel or sand.

Sanitary land fill.

Commercial recreational areas and camping areas including fishing lakes, gun clubs, rifle ranges, trap shoots and similar uses.

Transportable home units.

Accessory Uses:

The following accessory uses are permitted in the R-1 Agriculture Residence District:

Buildings and uses customarily incidental to the permitted uses.

Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Home occupations.

Private swimming pools, tennis courts and other recreational facilities in conjunction with a residence.

Private garages, private stables, private poultry houses containing not more than 400 square feet of ground floor area and not more than one story in height, private rabbit houses containing not more than 100 square feet of ground floor area and not more than one story in height, private dog kennels for not more than three dogs in each, private cow barns for not more than two animals in each.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling	40,000 sq. ft.	150'	50'	25'	50'	2½ Stories or 35'
Seasonal Dwelling	20,000 sq. ft.	150'	50'	25'	35'	2½ Stories or 35'
Other Permitted Uses	- - -	150'	50'	25'	50'	65'
Accessory Buildings	- - -	- -	100'	15'	15'	15'

A lot used for a seasonal dwelling which is connected to a community sanitary sewer system and a community water system approved by the County Board of Supervisors may have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet, except a corner lot which shall be not less than 150 feet in width. No structure may be erected closer than 50 feet to any side street line.

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the center line of a U. S. or State designated highway or a major County road and not nearer than 90 feet to the center line of a minor County collector road.

SECTION 1.012 R-2 ESTATE RESIDENCE DISTRICT (20,000 SQUARE FEET)

Permitted Principal Uses:

The following principal uses are permitted in the R-2 Estate Residence District:

- Single family dwellings.
- Public and parochial schools.
- Churches.
- Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums.
- Universities, colleges, elementary and high schools, but prohibiting private music, dancing, business and vocational schools.
- Golf courses.
- Private clubs operated for non-profit.
- Community water works.
- Public overhead and underground local distribution utilities.
- Agricultural and horticultural uses such as crop farming, nurseries, greenhouses, and the usual agricultural buildings, except that those activities or operations involving a concentration of areas and buildings for livestock or other intensive animal or poultry feeding and production shall be excluded.

Permitted Special Uses:

The following special uses are permitted in the R-2 Estate Residence District with the issuance of a special use permit:

- Radio and television towers and transmitters.
- Airports.
- Commercial recreational areas and camping areas.
- Overhead and underground utilities main transmission lines including power, telephone, fuel, gas, or fertilizer, substations, terminal facilities, and reservoirs.

Accessory Uses:

The following accessory uses are permitted in the R-2 Estate Residence District:

- Buildings and uses customarily incidental to the permitted uses.
- Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the County Board of Supervisors which shall be removed upon the completion or abandonment of the construction work.
- Home occupations.
- Private swimming pools, tennis courts and other recreational facilities in conjunction with a residence.
- Private garages, private stables, private poultry houses containing not more than 400 square feet of ground floor area and not more than one story in height, private rabbit houses containing not more than 100 square feet of ground floor area and not more than one story in height, private dog kennels for not more than three dogs in each, private cow barns for not more than two animals in each.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling	20,000 sq. ft.	100'	35' ⁽²⁾	7'	25'	2½ Stories or 35'
Other Permitted Uses	---	100'	35' ⁽²⁾	10'	25'	65'
Accessory Buildings	---	---	70'	5'	5'	15'

- (1) A lot used for single family dwelling purposes which is connected to an approved public sanitary sewer system and an approved water system shall have a minimum lot area of 10,000 square feet, and a minimum lot width of 75 feet, except corner lots which shall be not less than 100 feet in width.
- (2) Where a lot fronts on a interregional national or state highway, the front yard for all buildings and structures shall not be less than 50 feet.

SECTION 1.013 R-3 SUBURBAN RESIDENCE DISTRICT (10,000 SQUARE FEET)

Permitted Principal Uses:

The following principal uses are permitted in the R-3-Suburban Residence District:

- Single family dwellings.
- Public and parochial schools.
- Churches.
- Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums.
- Public overhead and underground local distribution utilities.
- Universities and colleges.
- Two-family dwellings.

Permitted Special Uses:

The following special uses are permitted in the R-3 Suburban Residence District with the issuance of a special use permit:

- Nursing homes, rest homes, sanitoriums, convalescent homes, or other similar uses.
- Hospitals.
- Agricultural and horticultural uses such as crop farming, nurseries, greenhouses, and the usual agricultural buildings, except that those activities or operations involving a concentration of areas and buildings for livestock or other intensive animal or poultry production shall be excluded.
- Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

Accessory Uses:

The following accessory uses are permitted in the R-3 Suburban Residence District:

- Buildings and uses customarily incidental to the permitted uses.
- Home occupations.
- Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
- Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.
- Private garages, private stables, private poultry houses containing not more than 400 square feet of ground floor area and not more than one story in height, private rabbit houses containing not more than 100 square feet of ground floor area and not more than one story in height, private dog kennels for not more than three dogs in each, private cow barns for not more than two animals in each.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Sq. Ft. Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Dwelling, Single Family	10,000	70'	25'	7'	25'	2½ Stories or 35'
Dwelling, Two Family	12,000	90'	25'	10'	25'	2½ Stories or 35'
Other Permitted Uses	10,000	70'	25'	10'	25'	65'
Accessory Buildings	- - -	- - -	50'	5'	3'	15'

A lot used for single family dwelling purposes and that is connected to an approved public sanitary sewer system and an approved water system shall have a minimum lot area of 7,000 square feet.

A lot used for a two family dwelling and connected to an approved public sanitary sewer system and an approved water system shall have a minimum lot area of 10,000 square feet.

All corner lots in any land subdivision platted after the adoption of this regulation shall have a lot width of not less than 90 feet.

SECTION 1.014 R-4 URBAN RESIDENCE DISTRICT

Permitted Principal Uses:

The following principal uses are permitted in the R-4 Urban Residence District:

- Single family dwellings.
- Two-family dwellings.
- Multiple family dwellings.
- Public and parochial schools.
- Universities and colleges.
- Churches.
- Publicly owned and operated parks, playgrounds, fire stations, community centers, libraries and auditoriums.
- Public overhead and underground local distribution utilities.
- Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions.

Permitted Special Uses:

The following special uses are permitted in the R-4 Urban Residence District with the issuance of a special use permit:

- Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

Accessory Uses:

The following accessory uses are permitted in the R-4 Urban Residence District:

- Buildings and uses customarily incidental to the permitted uses.
- Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
- Private swimming pools, tennis courts and other recreational facilities in conjunction with a residence.
- Home occupations.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Single Family Dwelling	5,000 sq. ft.	50'	25'	5'	25'	2½ Stories or 35'
Two Family Dwelling	7,500 sq. ft.	90'	25'	10'	25'	2½ Stories or 35'
Three Family Dwelling	10,000 sq. ft.	--	25'	(*)	25'	2½ Stories or 35'
Four Family Dwelling	12,500 sq. ft.	--	25'	(*)	25'	2½ Stories or 35'
More than Four Family plus 750 sq. ft./ Family Unit	25,000 sq. ft.	--	25'	(*)	25'	6 Stories or 65'
Other Permitted Uses	---	70'	25'	10'	25'	65'
Accessory Buildings	---	--	50'	2'	3'	15'

(*) For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 2 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

SECTION 1.015 C-1 COMMUNITY COMMERCIAL DISTRICT

Permitted Principal Uses:

The following principal uses are permitted in the C-1 Community Commercial District:

- Single family residences.
- Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
- Gasoline filling stations.
- Automobile and truck service establishments.
- Farm implement, machinery, equipment, and supplies establishments.
- Motels and hotels.
- Drive-in theaters.
- Restaurants, including drive-in eating establishments and cafes.
- Furniture stores.
- Gift and curio shops.
- Retail business and service establishments.
- Animal hospitals.
- Greenhouses.
- Nurseries.
- Professional and business offices.
- Private music, dancing, business and vocational schools or colleges.
- Lodge halls.
- Commercial swimming pools and beaches.
- Theaters.
- Bus or truck stations.
- Temporary carnivals and circuses operating not longer than 10 days.
- Public utility local distribution lines, substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, or similar public service uses.

Permitted Special Uses:

The following special uses are permitted in the C-1 Community Commercial District with the issuance of a special use permit:

- Advertising signs, billboards, and poster panels, but no portion of any advertising signboard or electric display sign, or supporting structure therefor shall be closer than 10 feet from the front or street lot line. The aggregate area for any one display or sign shall not exceed an area equal to the square of the distance from the front or street lot line to the said display or sign. No red or green electric or reflector signs shall be incorporated or included as a part of any signboard or display located within 100 feet of a highway intersection.
- Mobile home sales.
- Single family dwellings.
- Churches.

Accessory Uses:

The following accessory uses are permitted in the C-1 Community Commercial District:

- Building and uses customarily incidental to the permitted uses.
- Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.
- Home occupations.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	---	---	25'	(*)	15'	45'

*No side yard will be required except when the lot abuts a lot used for residential purposes. When the lot

abuts a lot used for residential purposes within the C-1 Community Commercial District the side yard setback shall be 10 feet.

Density:

The lot area and average width requirements of R-4 District for single-family, two-family and multi-family dwellings and row houses shall apply to such uses within the C-1 District. Other permitted structures shall not be restricted as to density.

SECTION 1.016 C-2 GENERAL COMMERCIAL DISTRICT

Permitted Principal Uses:

The following principal uses are permitted in the C-2 General Commercial District:

- Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
- Gasoline filling stations.
- Automobile sales.
- Automobile and truck service establishments.
- Automobile laundries.
- Motels and hotels.
- Restaurants, including drive-in eating establishments and cafes.
- Gift and curio shops.
- Building materials storage and sales yards.
- Animal hospitals and kennels.
- Golf driving ranges and miniature golf courses.
- Bowling alleys.
- Farm implement display, sales, service and repair establishments.
- Mobile home sales.
- Private music, dancing, business and vocational schools or colleges.
- Lodge halls.
- Commercial swimming pools and beaches.
- Theaters.
- Bus or truck stations.
- Taverns.
- Night clubs.
- Restaurants serving intoxicating liquors.
- Dance halls.
- Public overhead and underground local distribution utilities, substations, pumping stations, water reservoirs, storage, or similar public service uses.

Permitted Special Uses:

The following special uses are permitted in the C-2 General Commercial District with the issuance of a special use permit.

- Drive-in theaters.
- Advertising signs, billboards, and poster panels, but no portion of any advertising signboard or electric display sign, or supporting structure therefor shall be closer than 10 feet from the front or street lot line. The aggregate area for any one display or sign shall not exceed an area equal to the square of the distance from the front or street lot line to the said display or sign. No red or green electric or reflector signs shall be incorporated or included as a part of any signboard or display located within 100 feet of a highway intersection.

Accessory Uses:

The following accessory uses are permitted in the C-2 General Commercial District.

- Buildings and uses customarily incidental to the permitted uses.
- Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Permitted Uses	---	---	---	---	15'	45'

Density:

The lot area and average width requirements of R-4 District for single-family, two-family and multi-family dwellings and row houses shall apply to such uses within C-2 District. Other permitted structures shall not be restricted as to density.

SECTION 1.017 I-1 INDUSTRIAL PARK DISTRICT**Permitted Principal Uses:**

The following principal uses are permitted in the I-1 Industrial Park District, 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. These permitted uses shall include such as,

- Assembly of metal products.
- Dyeing and cleaning establishments.
- Farm and industrial equipment sales establishments.
- Laboratories.
- Manufacture and assembly of electrical and electronic appliances.
- Manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, aluminum, cork, fibre, leather, glass, plastic, paper, stones, tin, rubber and paint.
- Manufacture of light sheet metal products including heating and ventilation equipment.
- Machine shops or other metal working excluding drop hammers and other noise producing tools.
- Printing and publishing businesses.
- Stone and monument works.
- Storage of farm and agricultural products.
- Truck and freight terminals.
- Public local distribution and main transmission utilities.
- Warehouses and wholesale businesses.
- Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
- Building materials and fuel yards.
- Contractors yards.
- Highway maintenance yards or buildings.
- Second-hand farm machinery yards.
- Railroad yards.
- Distribution yards for gasoline and fuel oil by tank trucks.
- Waterway terminals.

Permitted Special Uses:

The following special uses are permitted in the I-1 Industrial Park District with the issuance of a special use permit:

- Single family dwellings.
- Gasoline filling stations.
- Restaurants or cafes.
- Radio and television towers and transmitter or receiver facilities.
- Open-air new and used auto, truck, farm implement, and machinery sales and storage.
- Advertising signs, billboards, and poster panels.

Accessory Uses:

The following accessory uses are permitted in the I-1 Industrial Park District:

- Buildings and uses customarily incidental to the permitted uses.
- Living quarters used by watchmen or custodians of permitted uses.

Height and Lot Requirements:

Height and minimum lot requirements shall be as follows except as provided in Section 1.021.

Permitted Uses	Front Yard	Side Yard	Rear Yard	Maximum Height
	25'	(*)	15'	45'

(*) Side Yard. If a structure is constructed of masonry or fire-proof materials approved by the County Building Inspector, no side yard shall be required unless located on a corner lot in which case the structure may not be erected closer than 15 feet to the side street line. If a structure is constructed of

non-fire proof materials as determined by the County Building Inspector, it cannot be erected closer than 15 feet to its lot lines. Residential structures located in an I-1 District shall have the same side yards as are required in R-3 District.

Density. A lot on which a single family dwelling is located shall comply with the requirements for an R-2 District as to density, set-back and side yard.

SECTION 1.018 I-2 GENERAL INDUSTRIAL DISTRICT

Permitted Principal Uses:

The following principal uses are permitted in the I-2 General Industrial District, 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. These permitted uses shall include such as:

- Assembly of metal products.
- Concrete or cement products manufacture.
- Dyeing and cleaning establishments.
- Farm and industrial equipment sales.
- Laboratories.
- Manufacture and assembly of electrical and electronic appliances.
- Manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, aluminum, cork, fibre, leather, glass, plastic, paper, stones, tin, rubber and paint.
- Manufacture of light sheet metal products including heating and ventilation equipment.
- Machine shops or other metal working excluding drop hammers and other noise producing tools.
- Printing and publishing businesses.
- Stone and monument works.
- Storage of farm and agricultural products.
- Truck and freight terminals.
- Public local distribution and main transmission utilities.
- Warehouses and wholesale businesses.
- Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures.
- Restaurants or cafes.
- Contractors yards.
- Bus storage yards or terminals.
- Second-hand farm machinery yards.
- Railroad yards.
- Distribution yards for gasoline and fuel oil by tank trucks.
- Locomotive plants.
- Fixed plants for processing stone, gravel or clay.
- Any other industrial, manufacturing or commercial agricultural use, except those uses specifically permitted as a conditional use in this district.

Permitted Special Uses:

The following special uses are permitted in the I-2 General Industrial District with the issuance of a special use permit:

- Single family dwellings.
- Gasoline filling stations.
- Alfalfa dehydrating plants.
- Acetylene gas manufacturing or storage.
- Ammonia, bleaching powder or chlorine manufacture.
- Asphalt manufacture or refining.
- Blast furnaces.
- Boiler works.
- Burlap manufacture.
- Cement, lime, gypsum or plaster-of-paris manufacture.
- Coke ovens.
- Coal and coke yards.
- Coal tar products manufacture.
- Creosote treatment or manufacture.

Disinfectants manufacture.
 Exterminator and insect poison manufacture.
 Fat rendering.
 Fertilizer manufacture and bone grinding.
 Fireworks or explosives manufacture.
 Forage plant.
 Glue, size or gelatine manufacture.
 Gunpowder manufacture or storage.
 Incinerator or reduction of garbage, dead animals, offal or refuse.
 Iron, steel, brass or copper foundries.
 Automobile wrecking and junk yards provided yards are at least 500 feet from any State or U. S. designated highway.
 Oiled, rubber or leather goods manufacture.
 Packing houses.
 Paint, oil, shellac, turpentine or varnish manufacture.
 Paper and pulp manufacture.
 Plating works.
 Printing ink manufacture.
 Rubber or gutta-percha manufacture.
 Sanitary landfill.
 Stockyards.
 Storage or baling of scrap paper, iron, bottles, rags or junk.
 Sulphuric, nitric or hydrochloric acid manufacture.
 Tallow, grease or lard manufacture or refining from animal fat.
 Tanning, curing or storage of rawhide or skins.
 Tar distillation or manufacture.

Accessory Uses:

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

Buildings and uses customarily incidental to the permitted uses.
 Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

Permitted Use	Front Yard	Side Yard	Rear Yard	Maximum Height
	25'	(*)	15'	65'

(*) Side Yard. If a structure is constructed of masonry or fire-proof materials approved by the County Building Inspector, no side yard shall be required unless located on a corner lot in which case the structure may not be erected closer than 15 feet to the side street line. If a structure is constructed of non-fire-proof materials as determined by the County Building Inspector, it cannot be erected closer than 15 feet to its lot lines. Residential structures located in a I-2 District shall have the same side yards as are required in R-3 District.

SECTION 1.019 I-3 MANUFACTURING INDUSTRIAL DISTRICT**Permitted Principal Uses:**

The following principal uses are permitted in the I-3 Manufacturing Industrial District, except those uses which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be a nuisance or injurious to the public health, safety and general welfare of the community:

- Bakery products manufacturing.
- Concrete or cement products manufacture.
- Dairy products manufacture.
- Dyeing and cleaning industries.
- Feed and forage plants.
- Grain mill products manufacture.
- Manufacture, compounding, processing, packing, or treatment of articles or merchandise from previously prepared material such as bone, cloth, cork, fibre, leather, glass, plastic, paper, stones, rubber and aluminum.
- Meat products manufacturing.
- Manufacture, fabrication or treatment of sheet or shaped metal products including such industries as farm machinery, farm equipment, construction materials, and machinery, heating, ventilating, and plumbing equipment, and household appliances.
- Fabrication, manufacture and treatment of lumber or wood products.
- Public local distribution and main transmission utilities.
- Truck and freight terminals.
- Warehouses.
- Abattoirs.
- Alfalfa dehydrating plants.
- Boiler works.
- Burlap manufacture.
- Fertilizer manufacture and bone grinding.
- Oiled, rubber or leather goods manufacture.
- Packing houses.
- Vinegar manufacture.
- Yeast plants.

Permitted Special Uses:

The following special uses are permitted in the I-3 Manufacturing Industrial District with the issuance of a special use permit:

- Fertilizer, storage or processing.
- Fuel storage.
- Acetylene gas manufacturing or storage.
- Ammonia, bleaching powder or chlorine manufacture.
- Asphalt manufacture or refining.
- Blast furnaces.
- Cement, lime, gypsum or plaster-of-paris manufacture.
- Coke ovens.
- Fat rendering.
- Fireworks or explosives manufacture.
- Glue, size or gelatine manufacture.
- Gunpowder manufacture or storage.
- Incinerator or reduction of garbage, dead animals, offal or refuse.
- Iron, steel, brass or copper foundries.
- Smelter.
- Sulphuric, nitric or hydrochloric acid manufacture.
- Tanning, curing or storage of rawhides or skins.

Tar distillation or manufacture.
 Sanitary landfill.
 Automobile wrecking and junk yards.

Accessory Uses:

The following accessory uses are permitted in the I-3 Manufacturing Industrial District:

Buildings and uses customarily incidental to the permitted uses.

Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Front Yard	Side Yard	Rear- Yard	Maximum Height
Permitted Uses.	25'	25'	25'	65'

SECTION 1.020 F-1 FLOOD PLAIN DISTRICT

Permitted Principal Uses:

The following principal uses are permitted in the F-1 Flood Plain District.

- Agricultural farms, truck gardens, plant nurseries, orchards, products produced on the premises.
- Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or state government agencies.
- Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses and swimming pools.
- Irrigation facilities.
- Public local distribution and main transmission utilities.

Permitted Special Uses:

The following special uses are permitted in the F-1 Flood Plain District with the issuance of a special use permit:

- Any building or structure.
- Any earth fills.
- Extraction of rock, gravel or sand.
- Sanitary land fill.

Accessory Uses:

The following accessory uses are permitted in the F-1 Flood Plain District:

- Buildings and uses customarily incidental to the permitted and special uses.
- Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Height and Lot Requirements:

The height and minimum lot requirements shall be as follows except as provided in Section 1.021.

	Front Yard	Side Yard	Rear Yard	Maximum Height
Special Uses	25'	15'	25'	45'

SECTION 1.021 SUPPLEMENTARY REGULATIONS**BUILDING AREA:**

No family dwelling in any zoning district shall hereafter be so constructed or structurally altered as to have a floor area, exclusive of unenclosed porches, basements and garages thereto attached, of less than 750 square feet.

BUILDING AREA; LOT COVERAGE:

All buildings, including accessory buildings, on any lot shall not cover more than twenty-five percent of the area of such lot if in a Residence District, nor more than thirty-five percent if in any other district.

ACCESSORY BUILDINGS:

Detached accessory buildings shall conform to all yard setbacks.

Detached accessory buildings shall not occupy more than thirty (30) percent of the required rear yard.

No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced.

GENERAL PROVISIONS:

Every building hereafter erected or structurally altered shall be located on a lot as in this regulation defined and in no case shall there be more than one main building on one lot.

Every building hereafter erected or structurally altered for commercial or industrial purposes in the Commercial Districts or in the Industrial Districts shall provide adequate facilities for the loading and unloading of merchandise and goods in compliance with all of the district regulations established by this regulation for the district in which the building or land is located.

No building or premises in any part of the County shall be used for any trade, industry or purpose, that is noxious or offensive by reasons of the emission of odor, dust, smoke, gas, fumes or noise that is detrimental to the public health, safety and welfare.

No unsightly buildings shall be erected of old materials nor shall buildings or houses be allowed to remain in an unfinished condition in any District, except the Agriculture Residence District for a period of over six months. It shall be unlawful to allow building materials or brick to be stored on any lot or lots in said residential districts except for building on said lot or to permit or allow any debris to be stored upon any lot in said districts.

In the Residential District no fence which is more than three (3) feet high, or which is more than one-half solid, shall be hereafter constructed, permitted or suffered to remain, except at the rear of lots. No solid fence shall be erected to a greater height than three (3) feet above the ground. At the rear of the lots, fences or walls may be erected to a height of not more than six feet above the ground. Partition fences on the lot line between two lots may be erected to a maximum height of six feet, provided that the excess in height above three (3) feet shall not be of solid construction and provided further that the total height of that portion of such fence between the front setback line and the front lot line shall not exceed three (3) feet. In the use of any lot line on the street side on any corner lot in any District, no fence or other structure shall be erected above the established curb grade at such corner on that part of the lot which is bounded by the street lines of the streets which intersect and a line connecting the points on each of such lines twenty feet from their point of intersection and such line shall also be extended to include the parking area between the lot line and the street; and no foliage or shrubbery shall be planted or maintained in such area which will obstruct the view of drivers of vehicles approaching the street intersection.

For the purpose of insuring reasonable visibility and safety in the residential district, the triangle of land formed on any corner lot by measuring a distance of twenty feet along each lot line from their intersection on the street side shall be free from structures. Trees in this area shall be trimmed up eight feet above the curb and shrubs shall not exceed two feet in height.

SECTION 1.022 OFF-STREET PARKING AND LOADING REQUIREMENTS**GENERAL PROVISIONS:**

All buildings and structures erected and all uses of land in all districts established after the effective date of this regulation shall provide accessory parking and loading facilities as required under this section; unless, a building permit has been issued and construction was begun at least 2 months prior to the effective date of this regulation.

All off-street parking spaces required by this regulation shall be located on the same zone lot of the use it serves. Parking areas shall be located at least 15 feet from principal-use buildings.

Owners of two or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.

All yard area except the required front yard for residential uses may be used for off-street parking.

A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building certificate. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

OFF-STREET PARKING REQUIREMENTS:

At the time of construction, alteration, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all use as follows:

Use	Minimum number of Parking Spaces
Residential	One space per dwelling unit
Mobile Trailer Park	One space per trailer unit
Hotel and Motel	One space per dwelling unit
Hospitals, nursing homes, rest homes, or similar use.	One space for every four patient beds
Places of public assembly such as auditoriums, theaters, stadiums, community hall, etc.	One space for every six seats
Restaurants, taverns, night clubs, etc.	One space per four seats
Bowling Alley	Five spaces for each alley
Farms selling home grown products	Six spaces for each stand
Retail sales department stores, grocery stores, etc.	One space per 200 square feet of retail sales floor area
Schools-elementary and junior high	One space per classroom or one space for every six seats in the auditorium, whichever is greater.
High School and College	One space per 10 students or one space for every six seats in the largest facility for public assembly, whichever is greater.
Commercial establishments employing five or more persons	One space for every two employees
Manufacturing, wholesale warehouse, and similar uses	One space for every two employees.

OFF-STREET LOADING REQUIREMENTS:

At the time of construction, alteration, or enlargement of a structure or building, having a gross floor area of 5,000 square feet, or more, off-street loading areas shall be provided and maintained for all uses as follows:

Loading Area	Gross Floor Area
(one) 250 square feet	For 5000 to 20,000 square feet
(one) 250 square feet	For every 20,000 square feet or fraction thereof

SECTION 1.023 SPECIAL USE PERMITS**GENERAL PROVISIONS:**

The Board of Adjustments may by special permit after referral to and recommendation from the Planning Commission authorize and permit "special uses" that are designated in the district use regulations if it is found that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable special uses may be permitted, enlarged, or altered upon application for a special use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a special use permit in accordance with the standards set forth herein and the intent and purpose of this ordinance. In granting a special use permit, the Board of Adjustment will authorize the issuance of a special use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special use permit.

APPLICATION FOR SPECIAL USE PERMITS:

A request for a special use permit for a special use or modification of a special use may be initiated by a property owner or his authorized agent by filing an application with the County Building Inspector upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such plans and data showing the dimensions, arrangements, description data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall be accompanied with a fee of \$25.00 which is non-refundable.

PUBLIC HEARING:

Before issuance of any special use permit, the Board of Adjustment will consider the application for the special use permit together with the recommendations of the Planning Commission at a public hearing held at the call of the Chairman of the Board within 30 days after the filing of the application and after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in Washington County, one time at least 10 days prior to such hearing.

DECISIONS:

The concurring vote of two-thirds of the members of the Board of Adjustment shall be necessary to grant a special use permit. No order of the Board of Adjustment granting a special use permit shall be valid for a period of longer than six months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six month period and construction is commenced.

STANDARDS:

No special use permit shall be granted by the Board of Adjustment unless such Board shall find:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.

That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

That the establishment of the special use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.

That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire-fighting suppression equipment and by such safety devices as are normally used in the handling of any such material.

The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

The use shall not include vibration which is discernible without instruments on any adjoining lot or property.

The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substances which are harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

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

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

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

STANDARDS FOR MOBILE HOMES SPECIAL USE:

All mobile homes, which include any portable or mobile structure or vehicles designed for occupancy as a dwelling for human occupancy or sleeping purposes, shall be located in Planned Developments designed for mobile homes. Planned Mobile Home Developments will be permitted with a Special Use Permit.

The application for a special use permit shall be accompanied with a proposed development plan for the Mobile Home Planned Development showing the proposed development in conformance to the following minimum requirements:

Mobile Homes:

Planned Unit Development Requirements:

- Minimum Area..... Five (5) acres
- (buffer area) Minimum Front Yard 50 feet (Street line to individual trailer lot line)
- (buffer area) Minimum Side Yard 35 feet (side property line to individual trailer lot line)
- (buffer area) Minimum Rear Yard 35 feet (rear property line to individual lot line)
- Minimum Roads Surfacing..... 25 feet wide, hard surfaced
- Minimum Space between Trailers 30 feet

Individual Trailer Lot Requirements:

- Minimum Lot Area 5,000 square feet
- Minimum Lot Width 50 feet
- Minimum Lot Depth 100 feet
- Minimum Front Yard 25 feet
- Minimum Side Yard 15 feet
- Minimum Rear Yard 15 feet

Each lot shall front on a dedicated public street.

Utilities:

Each lot shall be served with water and sanitary sewer utilities; service facilities for bathing, laundry, etc. as required by the State and County regulations.

No mobile home or trailer shall be permitted in any other district as accessory buildings.

EXCEPTIONS:

A travel trailer, camping trailer, a pick-up coach, auto camper, or motorized home belonging to a guest of the property owner may park and occupy for temporary lodging on the same lot but not for more than 7 days in a one-month period.

A trailer or mobile home may be used as a temporary office incidental to the construction of a building development for the duration of the construction provided that the trailer is located on the same lot as the construction project and only after obtaining a temporary special construction permit and paying the county a fee of \$10.00.

STANDARDS FOR SALVAGE YARDS SPECIAL PERMIT

All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or machinery or other vehicles shall be located in the (A-1) Agricultural Farming District, (A-2) Agricultural Commercial District and (I-2) General Industrial District under a special permit.

The application for a special use permit shall be accompanied with a proposed development plan together with other documents prescribing the general intent or covenant to meet the minimum requirements described herein:

The yards shall be at least 500 feet distant in all directions from any residential dwelling.

The out-of-doors yards shall be screened by a wall at least 50 percent solid or uniformly painted solid fence not less than 6 feet in height, or in lieu thereof, a landscape buffer strip 50 feet in width with deciduous evergreen trees and large shrubs to provide a landscape screen at least 10 feet high.

Off-street parking or service area in connection with the yards may be located outside of the screened-in area.

STANDARDS FOR OPEN-AIR SALES DISPLAY AND STORAGE:

Open-air sales display and storage, including used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or other equipment sales and storage shall require a Special Use Permit.

The application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:

The open-air sales, display, and storage area shall be surfaced with granular, aggregate, or crushed stone or rock material for a uniform depth of at least 3 inches.

The sides and rear lot lines, when abutting properties used for residential dwellings, shall be screened with a wall or fence with its surface at least 50 percent solid and at least 6 feet high.

All lighting and lighted facilities shall be designed and arranged so that they do not focus glare directly on adjacent residential properties, or public streets thereby creating a traffic hazard.

No lighted flashing signs, or revolving beacon lights shall be permitted closer than 75 feet to the street property line or residential properties and less than 15 feet above the ground or more than 35 feet above the ground.

The open-air area shall be maintained to be free of weeds, debris, trash, and other objectionable materials.

STANDARDS FOR RETAIL GASOLINE AND SERVICE STATIONS:

Any person, firm, corporation, or association desiring to erect a retail gasoline and service station in any Industrial Districts must first comply with the following regulations:

Applications:

An application to erect said gasoline and service station shall be filed with the Building Inspector, and the applicant shall file with said application a map or plat showing the exact location of the proposed station, showing thereon the streets and alleys adjacent thereto, all buildings, houses, and structures existing within three hundred feet of such site; a complete plan of said station, showing the building, pumps, driveway and tanks, and also an estimate of the probable cost of erecting such station and a statement in said application describing the materials to be used in the construction thereof.

Permit:

The Building Inspector, shall, before granting the permit to construct said retail gasoline and service station, refer the same to the Board, who shall, by resolution, either authorize or reject the application. The Board, in considering applications for such retail gasoline service stations, shall consider the nearness of other stations, traffic, hazards which may result to traffic, the district affected, any and all matters set forth in the application, estimates and maps accompanying said application, the need or necessity of such gasoline station and all other matters touching upon the safety, peace, comfort, health and general welfare of the community.

STANDARDS FOR SIGNS:

All signs in all districts shall conform to the following standards:

All signs and sign structures shall be kept in good repair and in a proper state of presentation. Signs which are abandoned shall be removed within thirty (30) days following abandonment.

No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or is a hazard to traffic. Flashing and neon signs are prohibited.

In no case shall any sign be located on or extend over the right-of-way of a dedicated street, highway or public way except directional or other official signs or notices that are required or authorized by law.

SECTION 1.024 BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established and it is resolved that the Washington County Board of Supervisors shall constitute the Washington County Board of Adjustment.

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

The Board may, in appropriate cases and conditions, make special exceptions to the terms of these regulations in harmony with its general purpose and intent.

Appeals to the Board may be petitioned by any persons aggrieved or by any officer, department, board or bureau of Washington County affected by any decision of the Building Inspector. The appeal shall be filed with the County Clerk accompanied by a filing fee of \$10.00 made payable to the Washington County Treasurer.

The Board is granted the following authority:

- a. To hear and decide appeals where any property owner is aggrieved by the action of the County Board of Supervisors in the adoption and provisions of these regulations.
- b. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of these regulations.
- c. To authorize upon appeal in specific cases such variances or exceptions from the terms of the regulation as will not be contrary or substantially detrimental to the public interest, general purpose, or intent of this regulation.
- d. No variance shall allow the use of property for purposes not authorized within the district.
- e. To hear, grant or deny, special use permits in accordance with the standards set forth herein and with the intent and purpose of this regulation.
- f. Whereby reason of exceptional narrowness, shallowness, or shape of specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property; there may be authorized upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these regulations. No such variance shall be authorized by the Board unless it finds that: (1) The strict application of the regulation 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 the purpose of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the regulation. In exercising the above-mentioned powers such Board may, in conformity with the provisions of said sections, 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 ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The two-thirds vote of the 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 ordinance or to effect any variation in such regulation.
- g. The Board of Adjustment will interpret the provisions of this regulation in such a way as to carry out its intents and purposes and to adopt from time to time such rules as it may deem necessary to carry out into effect the provisions of said regulation. 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. No hearings shall be held by the Board of Adjustment on any appeal until notice thereof has been given by publication of notice of said hearing in a legal newspaper for at least 10 days prior to the date of said hearing.
- h. From Board to District Court. Appeals from any decision of the Board may be taken and prosecuted to the district court.

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Building Inspector May Request Interpretation

The Building Inspector, on any application for a building permit, may request the Board of Adjustment to give the interpretation of the meaning and application of any provision of this regulation. Such request shall be complied with in the form of a resolution passed by a two-thirds vote of the members of said Board.

SECTION 1.025 SUBDIVISION REGULATIONS

A. SCOPE

No owner of any real property, located outside the limits of subdivision jurisdiction of any city or village shall be permitted to subdivide, plat or lay out said real property into building lots, streets or other portions of the same intended to be dedicated for public use, or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval thereof of the County Planning Commission and the County Board of Supervisors of Washington County.

B. PURPOSE

The purpose of this resolution is to regulate the subdivision of land to develop functional road and street layouts so as to provide for adequate size building lots which are in conformity with the highest and best use of the land; so as to provide for adequate open spaces for homes, schools, and recreation; so as to insure the installation of adequate sized utilities and adequately improved streets; and so as to provide for other features of the County Comprehensive Development Plan - all to the end that the development of land may proceed in an orderly manner, that good liveable neighborhoods may be created with all of the needed community facilities, and that excessive city maintenance expenses may be avoided.

C. JURISDICTION

These regulations shall apply to the unincorporated area of Washington County, Nebraska, excluding those areas that are within the zoning jurisdiction limits established, enacted, and exercised by any city having separate subdivision regulations.

D. POWERS

At such time as the Board of Supervisors shall have adopted a Comprehensive Development Plan, which includes a Major Thoroughfare Plan, and shall have filed an official copy of such Major Thoroughfare Plan in the Office of the County Clerk of Washington County, Nebraska, no plat of a subdivision of land lying within Washington County, Nebraska and not within the subdivision jurisdiction of a city in Washington County exercising such jurisdiction, shall be filed or recorded until it shall have been submitted to, and a report and recommendations thereon made, by the County Planning Commission to the Board of Supervisors, and the Board of Supervisors has approved of the final plat.

E. INTERPRETATION

These regulations shall be interpreted as minimum requirements.

F. APPLICATION

Every owner or his agent of any tract or parcel of land in Washington County, Nebraska, who has or shall hereafter subdivide the land into three or more parts, any of which is less than 5 acres in area, for the purpose of laying out a town or city, or addition, or lots shall cause a plat of such subdivision to be prepared in accordance with these regulations.

G. FEES, SUBDIVISION APPLICATIONS

Before a preliminary plat may be considered by the Commission, the subdivider shall deposit with the County Clerk a non-refundable fee of twenty-five dollars.

H. DEFINITIONS, SUBDIVISION REGULATIONS

For the purpose of this regulation certain terms and words are defined as follows:

Alley:

A public right-of-way which is used primarily as a secondary means of access to abutting property.

Block:

A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination of same.

Board:

The Washington County, Nebraska, Board of Supervisors.

Building Line:

A line indicating the minimum horizontal distance permitted between a building and a highway or street right-of-way line.

Commission:

The County Planning Commission of Washington County, Nebraska.

County Comprehensive Development Plan:

A Plan adopted by the Commission for the guidance of growth or improvement of the County, including modifications or refinements which may be made from time to time.

County:

Washington County, Nebraska

Cul-de-sac:

A short street having one end connected to another public street and being terminated by a paved turnaround.

Easement:

A grant by the owner of the right to use a strip of land for specific public purposes.

Engineer:

A registered engineer authorized to practice engineering in the State of Nebraska.

Frontage:

The property measured along the street right-of-way line upon which a lot abuts.

Highway:

A major thoroughfare which carries a large volume of traffic (usually County, State, and Federal routes).

Improvements:

Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street lighting, street signs, plantings, and other items for the welfare of the property owners and the public.

Landscape Architect:

Any person registered to practice landscape architecture in the State of Nebraska.

Lot:

A parcel of land less than five (5) acres in area intended as a unit for transfer of ownership or for development.

Lot, Corner:

A lot at the junction of and fronting on two or more intersecting streets.

Lot of Record:

A lot which is part of a plat, a map of which as been recorded in the office of the County Clerk of Washington County, Nebraska.

Lot, Through:

A lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets.

Major Thoroughfare Plan:

A plan adopted by the Board for the guidance of alignment, function, and improvements of county roads and streets, including modifications or refinements which may be made from time to time.

Person:

An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, including any trustee, receiver, assignee, or other similar representative thereof.

Planner, Land:

A person that consults, plans, designs, and arranges the uses of land for public and private purposes.

Planning Area:

Washington County, Nebraska, with the exception of those areas within one (1) mile of the corporate limits of cities exercising subdivision jurisdiction.

Plat:

A map, drawing, or chart on which the subdivider's plan of the subdivision of land is presented and which he submits for approval and intends, in final form, to record.

Plat, Final:

A finished drawing showing completely and accurately all legal information and certification necessary for recording.

Plat, Preliminary:

A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its workability in all respects (but not drafted in final form for recording).

Right-of-Way:

A strip of land used for access and dedicated in public ownership.

Road:

A public thoroughfare which affords a principal means of access to abutting property, having a right-of-way of fifty (50) feet or more.

Road, Dead-End:

A short road or street having one end connected to another public road or highway and the other end terminated, but not with a vehicular turn-around.

Road, Local:

A road or street which is used primarily for access to abutting properties.

Road, Major Collector:

A thoroughfare of considerable continuity connecting various sections of the county and so designated on the Major Thoroughfare Plan for Washington County.

Road, Minor Collector:

A road or street which carries traffic from a local service road to a major road and is so designated on the Major Thoroughfare Plan for Washington County.

Sidewalk:

A pedestrian walkway with permanent surfacing in accordance with County standards.

Street:

The entire width between the boundary lines of every right-of-way dedicated for public street use for the purpose of vehicular and pedestrian traffic, and the placement of utilities to serve building lots.

Subdivider:

Any person, firm or corporation undertaking the subdivision or resubdivision of a tract or parcel of land for the purpose of laying out a platted addition or subdivision of land.

Subdivision:

The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll at the time of adoption of these regulations, into three or more parcels, sites, or lots, for the purpose, whether immediate or future, of transfer of ownership;

The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any roads or streets, except private roads; or the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities; provided, however, that any division of land for agricultural purposes into lots or parcels of five (5) acres or more shall not be deemed a subdivision unless road dedications, easements, improvements, or other public facilities are involved.

This definition shall be held to include resubdivision and, when appropriate to the context, relate to the process of subdividing or to the land or territory subdivided.

Surveyor:

Any person registered to practice surveying in the State of Nebraska.

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SECTION 1.026 GENERAL PROVISIONS

Conformance to The County Comprehensive Development Plan

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Conformance with Major Thoroughfare Plan

Unless otherwise approved by the Commission and the Board, provision must be made for the extension of primary and secondary roadways as shown on the Major Thoroughfare Plan of Washington County, Nebraska, and service roads and streets must provide free circulation within the subdivision.

The system of roads or streets designated for the subdivision, except in unusual cases, must align with roads or streets already dedicated in adjacent subdivisions and where no adjacent connections are platted must in general be the reasonable projection of roads or streets in the nearest subdivisions and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.

Rights-of-way providing for the future opening, and extension of such roads and streets that may at the discretion of the Commission, be made a requirement of the plat.

Off-center road and street intersections will not be approved except in unusual cases.

In general, roads and streets shall be of a width at least as great as that of the roads and streets so continued or projected.

Local streets and service roads shall be arranged so as to discourage through traffic.

Acreage Subdivision

Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided as to allow for the opening of major streets and the ultimate extension of adjacent streets.

Access

Every lot within a subdivision shall front on a publicly-dedicated street or road

Suitability of the Land

Land subject to flooding, improper drainage, or erosion, or any land deemed to be topographically unsuitable for residential use, shall not be platted for residential occupancy nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life, or property unless steps are taken to diminish the hazards mentioned above.

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SECTION 1.027 PRELIMINARY PLAT**A. GENERAL:**

The subdivider shall prepare and submit to the County Clerk a preliminary plat together with an application form, receipt for platting fee, and any other necessary supplementary information required by this regulation.

B. PRELIMINARY PLAT REQUIREMENTS

1. The subdivider shall have prepared at least four (4) copies of the preliminary plat at an approved scale of 1 inch equals 200 feet and preferably at 1 inch equals 100 feet and shall have filed the plat with the County Clerk at least ten (10) days prior to a regular scheduled Commission meeting at which time the plat will receive consideration. The plat shall contain the following:
 - a. Proposed name of the subdivision which shall not duplicate nor resemble previously filed plat names.
 - b. Location of boundary lines tied in or referred to section or quarter section corners, including a legal description of the property.
 - c. Names and addresses of the developer and engineer, surveyor or land planner preparing the plat.
 - d. North point (which shall be directed to the top of the plat), scale and date.
 - e. Location, width and name of each existing road or platted street within the proposed subdivision and within two hundred feet (200') thereof; location and width of other public ways, railroads, utility right-of-way or easements, park, and other public open spaces within the proposed subdivision.
 - f. All existing sewers, water mains, culverts and other underground installations within the proposed subdivision or immediately adjacent thereto and the location of the nearest available same facilities.
 - g. Existing contours at intervals adequate to portray existing and proposed conditions, also the locations of water courses, bridges, wooded areas and such other topographic features as may be pertinent to the subdivision.
 - h. Existing and proposed zoning of proposed subdivisions and existing zoning of adjacent tracts.
 - i. The location and width of proposed streets, roadways, alleys, pedestrian ways and easements.
 - j. The general location and character of proposed surface storm drainage and sanitary sewer facilities.
 - k. Layout, numbers and approximate dimensions of lots and the number of each block.
 - l. Location and size of any proposed school sites, parks, playgrounds, churches or other public lands in accordance with the Comprehensive Plan, to be considered for sale or dedication to public use.
 - m. Draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect proposed development.
2. The Board shall refer the proposed preliminary plat to the Commission for their consideration and recommendation.
3. The County Clerk shall request the developer to transmit copies of the preliminary plat to the County Engineer, School, Health Department, and other agencies that may be concerned. The developer shall obtain a letter from these agencies containing their recommendations and submit them to the County Clerk before the regular scheduled Commission meeting.
4. The Commission will consider the preliminary plat at (1) a public hearing, of which notice is given in a newspaper of general circulation and will (2) review the preliminary plat and other material submitted for conformity thereof to these regulations and will (3) review the recommendations of the County Engineer, Utility Department, School, and other departments and will (4) recommend to the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him. The Commission shall within 30 days, act on the plat as submitted, or modified, and if approved, the Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.
5. Conditional approval of a preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval to the layout submitted on the preliminary plat, and an authorization to proceed with the preparation of the final plat.
6. If neither a part nor all of the preliminary plat is submitted for final approval within one (1) year after preliminary plat approval, the plat shall be void unless an extension of time is granted by the Commission.

SECTION 1.028 FINAL PLAT

A. GENERAL:

After the approval of the preliminary plat by the Commission, the subdivider shall submit to the Commission the final plat for approval.

B. FINAL PLAT REQUIREMENTS

1. The subdivider shall have prepared six (6) copies of the final plat at the same scale as the preliminary plat and shall submit them to the County Clerk in addition to the original reproducible drawing on tracing cloth or similar material bearing the original signatures for the required certifications. These documents shall be filed at least ten (10) days prior to a regular scheduled Commission meeting. The final plat shall contain and show the following:
 - a. Name of subdivision, scale, north arrow and date.
 - b. Location of control points and descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred. The controls shall be referred to permanent section or quarter section corners.
 - c. Tract boundary lines, right-of-way lines of streets, roads, easements and other rights-of-way and property lines of residential lots and other sites; with dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
 - d. Name and right-of-way width of each street, road, or other right-of-way.
 - e. Location, dimensions and purpose of any easements.
 - f. Number to identify each lot or site.
 - g. Minimum building setback line on all lots.
 - h. Location and description of monuments.
 - i. Certification by a registered land surveyor.
 - j. A notarized certification signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes.
 - k. A certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land.
 - l. A certification for the approval of the Commission.
 - m. A certification for the approval of the Board to be signed by the Board Chairman and attested to by the County Clerk.
 - n. Location description of the subdivision by the section, township, range, county and state and including metes and bounds description for the boundaries of the subdivision.
2. After consideration and review by the Commission the final plat and the Commission's recommendation will be submitted to the Board for final approval and adoption within thirty (30) days after the filing date.
3. The Board will consider the final plat at a public hearing of which notice will be published in a newspaper of general circulation at least ten (10) days before the day of the hearing.

SECTION 1.029 SUBDIVISION DESIGN STANDARDS

A. GENERAL:

No subdivision will be approved unless it conforms to the minimum design standards described herein.

B. MINIMUM DESIGN STANDARDS

Roads:

1. The arrangement, character, extent, width, grade and location of all roads shall conform to the Washington County Comprehensive Plan and shall be considered in their relation to existing and planned roads, to topographical conditions, to public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such roads.
2. Road right-of-way widths and pavement widths shall not be less than the minimum dimensions. Road grades shall not exceed the maximum grades for each classification as follows:

Classification	R-O-W Width	Pavement Width	Pavement Type	Grade Maximum
Major Interregional Highway	100'	24'	Concrete or Bituminous High Type	6%
Major Collector Road	100'	24'	Bituminous - Low Type	8%
Minor Collector Road	80'	24'	Gravel or Stone	10%
Local Roads	66'	24'	Gravel or Stone	10%
Residential Streets	50'	25'	Concrete Pavement w/curb & gutter	10%

No road grade shall be less than 0.5%

3. Local roads or streets shall be so laid out that their use by through traffic will be discouraged.
4. Where a proposed subdivision is adjacent to or contains an existing or proposed major inter-regional highway or collector roads, provision shall be made for a marginal access road or street approximately parallel and adjacent to the highway, or lots shall back up to the major inter-regional highway or collector road and have access only to the local road or street.
5. Reserve strips controlling access to roads or streets shall be prohibited except where their control is definitely placed by the Board under conditions approved by the Commission.
6. Road jogs with centerline offsets of less than one hundred and twenty-five feet shall be avoided.
7. A tangent at least two hundred feet long shall be introduced between reverse curves on collector roads.
8. For collector roads the minimum radius of curvature shall be 300 feet on the center line and for local service roads or streets, 100 feet.
9. Roads and streets shall be laid out so as to intersect as nearly as possible at right angles and no roads or streets shall intersect any other road or street at less than 60 degrees.
10. Half roads or streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations or where it is found to be practicable to require the dedication of the other half when adjoining property is subdivided. Wherever a half road or street is adjacent to a tract to be subdivided, the other half of the road or street shall be platted within such tract.
11. Dead-end roads or streets, designed to be so permanently, shall not be larger than 600 feet and shall be provided at the closed end with a turn-around having an outside pavement diameter of at least 80 feet, and a road or street right-of-way line diameter of at least 100 feet.
12. No road or street names shall be used which will duplicate or be confused with the names of existing roads or streets. Road or street names shall be assigned and named by the Commission.

C. EASEMENTS

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities, where necessary, and shall be at least 10 feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel roads or streets on either side may be required in connection therewith.

D. BLOCKS

1. Except in unusual circumstances, the maximum length of blocks shall be 1,320 feet.
2. Pedestrian crosswalks, not less than ten feet wide, shall be required where deemed essential to provide

circulation or access to schools, playgrounds, shopping centers, and other community facilities.

E. LOTS

1. Lot dimensions and area for lots served by public sewer shall conform to the requirements of the zoning ordinance. However, in no case shall the width be less than 70 feet, nor less than 120 feet in depth, nor 7,000 square feet in area. Lots not served by public sewer shall not be less than 70 feet in width and 120 feet in depth, nor 10,000 square feet in area.
2. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads or streets.
3. The subdividing of the land shall be such as to provide, by means of a public road or street, each lot with satisfactory access to an existing public road or street.
4. Double frontage lots shall be avoided except where they back upon a major inter-regional highway or collector road.
5. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
6. Side lot lines shall be substantially at right angles or radial to road or street lines.

F. ACRE SUBDIVISIONS

Whenever the area is divided into lots larger than ordinarily used in the area for building purposes, and there is reason to believe that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the road or street and lot arrangement of the original subdivision so that additional local roads or streets can be opened which will permit a logical arrangement of smaller lots. Easements or deeds providing for the present or future opening and extension of such roads or streets, may, at the discretion of the Board, be made a condition of the approval of the plat.

SECTION 1.030 IMPROVEMENTS

A. GENERAL:

The subdivider shall construct and install the improvements described herein in accordance with detailed construction plans and specifications approved by the Board and constructed to the Board's satisfaction within a specified time.

The subdivider may post a performance bond in an amount equal to 100% of the cost for the required improvements. The performance bond shall be released upon installation of the required improvements as approved by the Board. If the improvements are not completed within the specified period or are not constructed or installed to the satisfaction of the Board, the performance bond shall be forfeited and used by the Board to complete the installation of the improvements. When the subdivider does install and construct the improvements, the costs shall be assessed against each lot in the subdivision. The required improvements shall be completed before thirty (30) percent of the subdivision lots are built on with buildings or three (3) years, whichever ever takes place first.

B. AUTHORIZATION:

Receipt of the signed copy of the preliminary plan by the Commission is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements that will be required. Prior to the construction of any improvements, the subdivider shall furnish the Board of Supervisors all such plans, information and data necessary for the construction of said improvements. These plans shall be examined by the Board and will be approved if in accordance with the necessary requirements.

C. UNAPPROVED ROADS AND STREETS:

The county shall not accept, lay out, open, improve, grade, pave, curb, or light any street or road, or lay or authorize water mains or sewers or connections to be laid in any street or road within any portion of the county planning area unless such shall have been accepted or opened as or shall otherwise have received the legal status of a public street, unless such street corresponds with a street shown on the Comprehensive Development Plan or with a street on a subdivision plat approved by the Board or otherwise acceptable to the Board of County Supervisors however not corresponding with a street on the Comprehensive Development Plan or on any approved subdivision plat or an approved street plat, provided the ordinance or other measures accepting such street be first submitted to the Board of County Supervisors for its acceptance and ultimate responsibility for maintenance according to subsequent capital improvements program of either body.

D. OTHER IMPROVEMENTS:

The Board of Supervisors may require the installation of other recommended improvements, constructed in accordance with standards and specifications as approved and adopted by the Board.

E. CONSTRUCTION SPECIFICATIONS:

All related subdivision improvements shall also be constructed in accordance with the standards and specifications of Washington County and of the State of Nebraska, where applicable.

F. CONSTRUCTION INSPECTION:

Inspection shall be required for sanitary sewer systems, storm sewers, curbs, gutters, subgrade, pavement and sidewalks, and other improvements as required.

The Board of Supervisors shall designate the County Building Inspector to be responsible for the inspections.

The subdivider shall notify the County Building Inspector one week prior to the start of construction, and upon completion of the improvements shall make written notification to the County Building Inspector.

G. ACCEPTANCE OF IMPROVEMENTS:

The subdivider, upon completion of all improvements, shall make a written request for final inspection by the County Building Inspector.

The subdivider shall maintain all improvements for one (1) year after completion has been verified by the County Building Inspector.

Maintenance shall be guaranteed by cash deposited with the Board of Supervisors or by the posting of a maintenance bond in favor of the Board both in the amount of five per cent (5%) of the estimated cost of the improvements.

The Board of Supervisors may by resolution accept streets, easements, other public lands, sanitary sewerage facilities, and other improvements after receipt of a written notice of a satisfactory final inspection and the posting of a maintenance guarantee by the subdivider.

SECTION 1.031 AMENDMENTS

The Zoning Regulations, the Zoning Map, and the Subdivision Regulations may be amended, supplemented, changed, modified, or repealed from time to time by resolution of the County Board of Supervisors after receiving a recommendation from the Planning Commission and a public hearing. Any proposed amendment, modifications, changes or repeal may be initiated by the Planning Commission, the County Board of Supervisors, or by an interested party.

An application for an amendment or change by an interested party, shall be submitted to the Planning Commission on forms obtained from the offices of the County Clerk accompanied by a non-refundable filing fee of \$25.00 payable to Washington County. Upon receipt of a completed application, the Planning Commission will hold a hearing and will prepare a report recommending their approval, disapproval, or changes to the proposed amendments. After receiving the Planning Commission's report, the County Board of Supervisors shall hold a public hearing on the proposed amendment.

Notice of the time and place of the public hearings before the Planning Commission and the County Board of Supervisors shall be given by the publication thereof in a legal newspaper of general circulation in Washington County one time at least ten (10) days prior to such hearing. The application must be submitted to the Planning Commission at least ten (10) days prior to their regular scheduled meeting. The applicant shall transmit copies of the proposed amendment together with plans or documents necessary to clearly describe the proposed amendment to the County Highway Superintendent, School, Health Department, cities, villages, and any other public agencies that may be concerned. The applicant shall obtain a letter from these public agencies containing their approval, disapproval, or changes to the proposed amendment and submit them to the Planning Commission before their public hearing on the proposed amendment.

The Planning Commission shall within 30 days from the date of the application act on the proposed amendments as submitted or changed and if approved or disapproved, shall report its reasons or conditions to the Board of Supervisors. If the Planning Commission fails to report their findings or recommendations within this period, the County Board of Supervisors may hold a public hearing and act on the proposed amendments without the Planning Commission's report.

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

The resolution adopting such proposed changes or amendments shall be spread at large in the minutes of the proceedings of the County Board and shall be published in book or pamphlet form and filed with the County Clerk within fifteen days after its passage and approval. The proof of publication of such resolution shall be filed for record in the office of the County Clerk of Washington County.

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SECTION 1.033 FEES, SUBDIVISION PLATS

Before a preliminary plat may be considered by the Commission, the subdivider shall deposit with the County Treasurer a non-refundable fee of twenty-five dollars.

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SECTION 1.033 FEES, SUBDIVISION PLATS

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SECTION 1.034 VALIDITY

If any article, section, subsection, sentence, clause, or phrase of the resolution be declared unconstitutional or void, such decision shall not affect the validity of this resolution as a whole or any part thereof, other than the part so declared invalid.

SECTION 1.035 PENALTY

Any person, firm, co-partnership, association or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment not to exceed six months, or both, in the discretion of the Court. The sale of each and every lot or tract of land sold in violation of this chapter shall be considered a separate violation.

SECTION 1.036 DEFINITIONS

For the purpose of this regulation, certain terms and words are hereby defined. Words used in the present tense will include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" includes the words "plot" or "tract"; and the word "shall" is mandatory and not directory.

- (1) **ABATTOIR** shall mean a place where cattle, sheep, hogs or other animals are killed or butchered for market or for sale; provided, however, that this shall not be taken to mean nor to include poultry.
- (2) **ABUT** shall mean as follows: two adjoining parcels of property, with a common property line, are herein considered as one parcel abutting the other. Except where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than ten (10) feet in a single direction.
- (3) **ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this regulation.
- (4) **ACCESSORY BUILDING** shall mean a building, part of a building, or structure which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot.
- (5) **ACCESSORY LIVING QUARTERS** shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit. See "Accessory Building" above.
- (6) **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- (7) **ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
- (8) **ACREAGE** shall mean any tract or parcel of land which has not been subdivided or platted.
- (9) **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- (10) **ADJOIN** shall mean the same as "Abut".
- (11) **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.
- (12) **AGRICULTURE** shall mean the use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- (13) **AIRCRAFT** shall mean any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air or outer space, including missiles.
- (14) **AIRPORT** shall mean 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 building or facilities, including open spaces, taxiways and tie-down areas.
- (15) **ALLEY** shall mean a minor public service street or public thoroughfare 20' or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.
- (16) **ALTERED** shall have the same meaning as "Structural Alteration".
- (17) **AMENDMENT** shall mean a change in the wording, context, or substance of this regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- (18) **ANIMAL HOSPITAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.
- (19) **APARTMENT HOUSE** shall have the same meaning as "Dwelling, Multiple".
- (20) **ARTIST** shall mean one who professes or practices an art in which imagination and taste control over the execution, that is, a person who is skilled in one of the fine arts as distinguished from an artisan.
- (21) **AUTO COURT OR COTTAGE CAMP** shall mean a group of dwellings facing a common court, place or street, usually with garage attached, used for not more than one month occupancy by traveling motorists, and shall mean the same as "Motel".
- (22) **AUTOMOBILE AND TRAILER SALES LOT** shall mean an open area used for the display, sales or rental of new or used automobiles, and trailer coaches, but where no repair, repainting or remodeling is done.

- (23) **AUTOMOBILE TRAILER OR MOBILE HOME** shall mean the same as "Trailer, Automobile".
- (24) **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- (25) **BASEMENT** shall mean a space wholly or partly underground, and having more than one-half (½) of its height, measuring from its floor to its ceiling, below the average adjoining finished grade; if the finished floor level directly above a basement is more than six (6) feet above finished grade at any point, such space shall be considered a story.
- (26) **BILLBOARD** shall mean the same as "Advertising Structure".
- (27) **BLOCK** shall mean 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.
- (28) **BLOCK FRONTAGE** shall mean all property fronting on one (1) side of a street between a street and right-of-way, waterway, or between intersecting or intercepting streets, the end of a dead-end street, or city or county boundary measured along a street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.
- (29) **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation.
- (30) **BORROW PIT** shall mean any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.
- (31) **BREEZEWAY** shall mean a roofed passageway, open on at least two (2) sides, where the roof is structurally integrated with the structure of the main building.
- (32) **BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered as buildings.
- (33) **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- (34) **BUILDING, HEIGHT OF** shall mean the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys and ventilators.
- (35) **BUILDING, MAIN** shall mean a building within which is conducted the principal use permitted on the lot, as provided by this regulation.
- (36) **BUILDING SETBACK LINE** shall mean the minimum distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.
- (37) **BUILDING SITE** shall mean the ground area of a building together with all the open space required by this regulation.
- (38) **BUILDING, TEMPORARY** shall mean the same as "Structure, Temporary".
- (39) **BUSINESS** shall mean the same as "Commerce".
- (40) **CAMP, PUBLIC** shall mean any area or tract of land used or designed to accommodate two (2) or more camping parties including tents or other camping outfits but not including trailer parks. Such camp may be publicly or privately owned and operated.
- (41) **CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.
- (42) **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.
- (43) **CENTER LINE** shall have the same meaning as "Street Center Line".
- (44) **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.
- (45) **CHURCH** shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements.
- (46) **CLINIC** shall mean a place for group medical services not involving overnight housing of patients.
- (47) **CLUB** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

- (48) **COLLEGE** shall mean an educational institution offering advanced instruction in any academic field, beyond the secondary level, not including trade schools or business colleges.
- (49) **COLLEGE, TRADE** shall mean the same as "School, Trade".
- (50) **COMMERCE** shall mean the purchase, sale or other transaction involving the handling or disposition (other than that included in the term "Industry" as defined herein) of any article, substance or commodity for profit or a livelihood, including in addition, operation of automobile or trailer courts, tourist courts and motels, public garages, office buildings, offices of doctors and other professionals, outdoor advertising signs and structures, public stables, recreational and amusement enterprises conducted for profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them, but not including dumps and junk yards.
- (51) **COMMERCIAL OFFICE** shall mean any administrative or clerical office maintained as a business and any office established by a public service over which this regulation has jurisdiction.
- (52) **COMMUNICATION EQUIPMENT BUILDINGS** shall mean buildings housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel.
- (53) **CONTIGUOUS** shall mean the same as "Abut".
- (54) **CONVALESCENT HOME** shall mean the same as "Rest Home".
- (55) **CORNER CUT - OFF** shall mean the provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways.
- (56) **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two (2) or more sides by such buildings.
- (57) **COURT, APARTMENT** shall mean a group of dwellings arranged about two (2) or more sides of a court on a lot which opens onto a dedicated street.
- (58) **COURT, ENCLOSED** shall mean a court surrounded on all sides by exterior walls of a building and lot lines on which fences, hedges or walls are permitted.
- (59) **COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.
- (60) **COURT, OUTER** shall mean a court enclosed on all but one (1) side by exterior walls of building or buildings or lot lines on which fences, hedges or walls are permitted.
- (61) **COVERAGE** shall mean the same as "Lot Coverage".
- (62) **CUL-DE-SAC LOT** see "Lot, Cul-de-Sac".
- (63) **CURVE LOT** see "Lot, Curve".
- (64) **DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution and where more than two (2) cows or six (6) goats are in lactation.
- (65) **DAY** shall mean calendar day.
- (66) **DAY NURSERY OR CHILD CARE NURSERY** shall mean any group of buildings, building, or portion thereof used primarily for the day-time care of children with or without compensation.
- (67) **DISTRICT** shall mean a zoning district established by this regulation.
- (68) **DORMITORY** shall mean a building intended or used principally for sleeping accommodations, where such building is related to an educational or public institution, including religious institutions and fraternities and sororities.
- (69) **DRAINAGEWAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse.
- (70) **DRIVE-IN MOVIE** shall mean any lot or portion of a lot used for the parking of automobiles for the purpose of the occupants viewing a motion picture or other entertainment.
- (71) **DRIVE-IN RESTAURANT** shall mean any building or structure in which food and drink are prepared for service to customers within such structure or occupying vehicles outside of such structures and including self-service restaurants for take-out food.
- (72) **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.
- (73) **DRUG STORE** shall mean a retail store engaged in the sale of prescription drugs and patent medicines, carrying related items such as cosmetics and toiletries and such unrelated items as tobacco and novelty merchandise. Such use may also include a soda fountain or lunch counter.
- (74) **DRUG STORE, SUPER** shall mean any drug store having a gross floor area of ten thousand (10,000) square feet or more.

- (75) **DUMP** shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
- (76) **DUPLEX** shall mean the same as "Dwelling, Two (2) Family".
- (77) **DWELLING** shall mean a building or portion thereof designed and used exclusively for residential occupancy and permitted home occupations, including one (1) family, two (2) family, and multiple dwellings, but not including hotels, motels, boarding or lodging houses, or trailers (with or without wheels).
- (78) **DWELLING, MULTIPLE** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
- (79) **DWELLING, ONE (1) FAMILY** shall mean a detached building designed or used exclusively for the occupancy of one (1) family, and having kitchen and toilet facilities for only one (1) family.
- (80) **DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.
- (81) **DWELLING GROUP** shall mean two (2) or more dwellings located on a single lot and each having separate kitchen and toilet facilities.
- (82) **DWELLING UNIT** shall mean two (2) or more rooms in a dwelling or apartment house designed for or occupied by one (1) family for living or sleeping purposes and having only one (1) kitchen and separate toilet facilities.
- (83) **EASEMENT** shall mean a space on a lot or parcel of land reserved for or used for public utilities or public or private uses.
- (84) **EDUCATIONAL INSTITUTIONS** shall mean public and other non-profit institutions conducting regular academic instruction at pre-school, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, non-profit research institutions and religious institutions. Such institutions must either (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education, or (2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research, or (4) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial, or private trade schools.
- (85) **ELECTRIC DISTRIBUTION SUBSTATION** shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.
- (86) **ELECTRIC TRANSMISSION SUBSTATION** shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.
- (87) **ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by these regulations, and to infringe or trespass into or upon the possession or rights of others without permission.
- (88) **FAMILY** shall mean an individual or two (2) or more persons related by blood, marriage or adoption, with or without the addition of not more than three (3) persons, excluding servants, who are not related by blood, marriage or adoption to the resident persons, living together in a single dwelling unit.
- (89) **FARM** shall mean any parcel of land containing at least five (5) acres which is used for raising agricultural crops, livestock, poultry, or dairy products.
- (90) **FEED LOT OR FEED YARD, COMMERCIAL** shall mean a lot, or portion of a lot, used for the enclosing and fattening of livestock for market, and involves more than 300 head in a given year.
- (91) **FENCE** shall mean any structural device forming a physical barrier which is so-constructed that not less than fifty (50) percent of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane. (For board or other solid barriers, see "Wall")
- (92) **FILLING STATION** shall mean the same as "Service Station".
- (93) **FISHERY** shall mean any premises upon which breeding, hatching or fish rearing facilities are situated when such premises are required to have a license by the State Fish and Game Commission, including ponds for commercial use.
- (94) **FLOOD** shall mean the water of any watercourse or drainway which is above the bank or outside the channel and banks of such watercourse or drainway.
- (95) **FLOODPLAIN** shall mean the area adjoining the watercourse or drainway which has been or may hereafter be covered by flood water.
- (96) **FLOODWAY** shall mean the channel of a watercourse or drainway 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 drainway.

- (97) **FLOODWAY, COMMISSION** shall mean a floodway whose limits have been designated and established by the Nebraska Soil and Water Conservation Commission (The area that would be covered by a 100 year flood).
- (98) **FLOODWAY, SELECTED** shall mean the floodway whose limits have been designated and established by the Nebraska Soil and Water Conservation Commission, the purpose of which is to permit reasonable and wise use of the flood plains and to prevent encroachments which would unduly increase or raise the estimated level of the flood of 100 year frequency in excess of one foot, in the aggregate, as computed in the water surface profiles in accordance with Rules and Regulations of the Nebraska Soil and Water Conservation Commission.
- (99) **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.
- (100) **FLOOR SPACE INDEX** shall mean the ratio of gross building floor area to total lot area expressed as a fraction. Example: Two (2) square feet of gross floor area for each three (3) square feet of total lot area would result in a "Floor Space Index" of 2:3.
- (101) **FRATERNITY** shall mean a building or structure housing a group of men associated for their common interest. Such group may eat, sleep and otherwise use such facilities as are provided on the premises.
- (102) **FRONTAGE** shall mean that portion of a parcel of property which abuts a dedicated public street or highway.
- (103) **FRONTAGE STREET, SERVICE ROAD OR OUTER HIGHWAY** shall mean those roads which parallel inter-regional or regional or other important highways, providing for access to abutting property or for circulation, and being separated from the highway by a dividing strip.
- (104) **FRONT WALL** shall mean the wall of a building or structure nearest the street which the building fronts, but excluding certain architectural features as cornices, canopies, eaves or embellishments.
- (105) **GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
- (106) **GARAGE, PUBLIC** shall mean any garage other than a private garage.
- (107) **GARAGE, REPAIR** shall mean a building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.
- (108) **GARAGE, STORAGE** shall mean any premises, used exclusively for the storage of vehicles.
- (109) **GARBAGE** shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
- (110) **GOLF COURSE** shall mean a lot or portion of a lot used for the playing of golf, including pitch and putt courses, but shall not include driving ranges, miniature golf courses or other similar commercial enterprises.
- (111) **GREENHOUSE** shall mean a building or structure constructed chiefly of glass, glass-like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.
- (112) **GROUP HOUSES** shall mean two (2) or more separate buildings, each containing one (1) or more dwelling units.
- (113) **GUEST** shall mean any transient person who occupies a room for sleeping purposes.
- (114) **GUEST HOME** shall mean the same as "Rest Home".
- (115) **GUEST HOUSE** shall mean the same as "Accessory Living Quarters".
- (116) **GUEST RANCH** shall mean a building or buildings housing guests, providing meals and rooms, having recreational activities of one or more types, for compensation.
- (117) **GUEST ROOM** shall mean a room which is designed to be occupied by one (1) or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.
- (118) **HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three (3) feet above the floor of such story.
- (119) **HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
- (120) **HEIGHT OF BUILDING** shall mean the same as "Building, Height Of".
- (121) **HIGHWAY, INTER-REGIONAL** shall mean a "U. S." 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. The inter-regional highways are as shown in the Washington County Comprehensive Development Plan.

- (122) **HIGHWAY, REGIONAL** shall mean a "State" designated highway with a 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. The regional highways are as shown in the Washington County Comprehensive Development Plan.
- (123) **HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway as shown in the Washington County Comprehensive Development Plan for highway use. A yard abutting such a highway shall be measured from the centerline of this future right-of-way line.
- (124) **HOG RANCH** shall mean any premises where five (5) or more weaned hogs are maintained.
- (125) **HOME FOR THE AGED** shall mean the same as "Rest Home".
- (126) **HOME OCCUPATION** shall mean any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof.
- Such Home Occupations may include:
- A. Consultive professional occupations, whose function is one of rendering a service and does not involve the dispensation of goods or products.
 - B. The selling or otherwise disposing of agricultural services and products produced on the premises.
 - C. Secondary business offices, where said business has its principal office, staff and equipment located elsewhere.
 - D. Farm management offices, where an agricultural operation on the premises requires such office.
 - E. The giving of music lessons and similar occupations.
 - F. The home office of a salesman, when all sales are done by written order with no commodities or displays on the premises.
 - G. Drafting, designing and the like, using only the normal drafting equipment.
- The following criteria shall apply for the evaluation of a "Home Occupation":
- A. There shall be not more than two (2) persons or employees other than the members of the resident family.
 - B. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby uses.
 - C. There shall be no sales of products or services not produced on the premises.
 - D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
 - E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than a vehicle not to exceed one (1) ton, owned by the operator of such home occupations, which shall be stored in an entirely enclosed garage.
 - F. No excessive or unsightly storage of materials or supplies, indoor or outdoor, for purposes other than those permitted in the district.
 - G. It shall not involve the use of signs or structures other than those permitted in the district of which it is a part.
 - H. Not more than one (1) room in the dwelling shall be employed for the home occupation.
 - I. No building or space outside of the main building shall be used for home occupational purposes except for agricultural uses.
 - J. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non-residential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.)
 - K. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes as defined in the district.
 - L. The use does not infringe upon the right of neighboring residents to enjoy peaceful and healthful occupancy of their home.
- (127) **HOSPITAL** shall mean any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including sanitariums, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients.
- (128) **HOSPITAL, ANIMAL** shall mean the same as "Animal, Hospital".
- (129) **HOTEL** shall mean any building or portion thereof designed or used, or containing six (6) or more guest rooms or suites of rooms, but not including any institutions in which human beings are housed or detained under legal restraint.

- (130) **HOTEL, MOTOR** shall mean the same as "Motel".
- (131) **HOUSE TRAILER** shall mean the same as "Mobile Home".
- (132) **INDUSTRY** shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
- (133) **INTENT AND PURPOSE** shall mean that the Commission and Board of Supervisors by the adoption of this regulation, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.
- (134) **JUNK** shall be any worn out, cast off, old, or discarded article 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.
- (135) **JUNK YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling of machinery, farm machinery, and including motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".
- (136) **KENNEL, BOARDING AND TRAINING** shall mean any lot or premises on which four (4) or more dogs or cats or any combination thereof, at least four (4) months of age, are boarded or trained for a fee.
- (137) **KENNEL, BREEDING** shall mean any lot or premises on which four (4) or more dogs or cats or any combination thereof, owned by the occupant of the premises, are kept for the purpose of raising and training for show or sale.
- (138) **KENNEL, PERSONAL** shall mean any lot or premises on which four (4) or more dogs or cats or any combination thereof, owned by the occupant of the premises, are kept for the owner's personal needs, with incidental sales.
- (139) **KITCHEN** shall mean any room or area intended or designed to be used or maintained for the cooking, storing and preparation of food.
- (140) **LABOR CAMP, PERMANENT FARM** shall mean living quarters, dwellings, boarding houses, bunkhouses, automobile trailers or other permanent housing accommodations maintained in connection with any farm work or place where farm work is being performed, provided for the housing of five (5) or more farm employees.
- (141) **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.
- (142) **LOADING** shall mean the removal or placement of any commodity in, on or from a vehicle of any type.
- (143) **LOADING SPACE** shall mean 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.
- (144) **LOCAL STREET OR LOCAL HIGHWAY** shall mean a street or road primarily for service to abutting property.
- (145) **LODGING HOUSE** shall mean the same as "Boarding House".
- (146) **LOT** shall mean:
- A. 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 ordinance, or
 - B. 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 Clerk and abutting at least one (1) public street or right-of-way.
- (147) **LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.
- (148) **LOT, CORNER** shall mean a lot located at the intersection or intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot".
- (149) **LOT COVERAGE** shall mean that 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.
- (150) **LOT, CURVE** shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of three hundred (300) feet or less.
- (151) **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

- (152) **LOT, INTERIOR** shall mean a lot other than a corner lot.
- (153) **LOT LINE** shall mean the property line bounding a lot.
- (154) **LOT LINE, FRONT** shall mean the property line abutting a street.
- (155) **LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.
- (156) **LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.
- (157) **LOT, NONCONFORMING** shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof 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 Clerk, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Regulation.
- (158) **LOT, THROUGH** shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.
- (159) **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Clerk at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located.
- (160) **LOT WIDTH** shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- (161) **MARQUEE** shall mean a permanent roofed structure attached to and supported by the building and projecting over public property.
- (162) **MEDICAL OFFICE** shall mean any building or portion of a building used or intended to be used as an office for the practice of any type of medicine, including chiropractics, dentistry or optometry. It shall also include Clinics of a medical or dental nature.
- (163) **MEDICAL OR DENTAL CLINIC** shall mean the same as "Medical Office".
- (164) **MOBILE HOME** shall mean a transportable structure or dwelling unit designed and constructed to permit year-round occupancy and containing similar water supply, waste disposal, and electrical conveniences as permanent residential dwelling units.
- (165) **MOTEL** shall mean a building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels and similar designation.
- (166) **NON-CONFORMING BUILDING** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- (167) **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- (168) **NURSERY SCHOOL** shall mean the same as "Day Nursery".
- (169) **NURSING HOME** shall mean the same as "Hospital".
- (170) **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".
- (171) **PARKING AREA, PRIVATE** shall mean 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.
- (172) **PARKING AREA, PUBLIC** shall mean 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.
- (173) **PARKING AREA, RESIDENTIAL** shall mean an area, other than a street, located on the subject lot for the parking of vehicles owned by the residents of such lot.
- (174) **PARKING SPACE, AUTOMOBILE** shall mean 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 (8 ½) by twenty (20) feet, plus such additional area as is necessary to afford adequate ingress and egress.
- (175) **PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of parklike development.
- (176) **PATIO, COVERED** shall mean the same as "Structure".
- (177) **PERSON** shall mean 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 the County of Washington, Nebraska.
- (178) **PETROLEUM BULK PLANT** shall mean a local wholesale distribution facility designed to serve the needs of the immediate surrounding area.

- (179) **PHARMACY OR PRESCRIPTION PHARMACY** shall mean a retail store engaged in, and limited to, the sale of prescription drugs, patent medicines and surgical supplies. The sale of magazines, newspapers, books and tobacco products, household appliances, hardware, other sundry goods or other general merchandise, food or drinks shall not be permitted. Liquor and cosmetics shall not be sold except by prescription.
- (180) **PROFESSIONAL OFFICE** shall mean any building or portion of a building used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, optometrist, accountant and other similar professions, but shall not include, for the purposes of this Regulation, the practice of any type of medicine or dentistry.
- (181) **PROPERTY LINE** shall mean the same as "Lot Line".
- (182) **PROVISIONS** shall mean all regulations and requirements referred to in the text.
- (183) **QUARRY** shall mean any premises from which rock, sand, gravel and similar resources are being removed or are intended to be removed.
- (184) **QUASI-PUBLIC ORGANIZATIONS** shall mean any non-government organization that is devoted to public service and welfare.
- (185) **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place, for one (1) or more families.
- (186) **RESTAURANT** shall mean any building or structure in which food and drinks are prepared for service to customers within such structure.
- (187) **REST HOME OR HOME FOR THE AGED** shall mean premises used for the housing of and caring for the ambulatory, aged or infirm, which premises require a license from the State or County.
- (188) **RETAIL STORE** shall mean a business selling goods, wares or merchandise directly to the ultimate consumer.
- (189) **REZONING** shall mean the same as "Zoning District, Change of".
- (190) **ROAD** shall mean the same as "Street".
- (191) **ROAD, COUNTY MAJOR COLLECTOR** shall mean a County highway with a 100 foot right-of-way used to expedite the safe movement of local County vehicular traffic. The County Major Collector Roads are designated and established in the Washington County Comprehensive Development Plan.
- (192) **ROAD, COUNTY MINOR COLLECTOR** shall mean a county highway with an 80 foot right-of-way used to expedite the safe movement of local county vehicular traffic. The County Minor Collector Roads are designated and established in the Washington County Comprehensive Development Plan.
- (193) **ROOM** shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways and service porches.
- (194) **ROOMING HOUSE** shall mean the same as "Boarding House".
- (195) **SANITARIUM** shall mean a health station or retreat or other place where patients are housed and where medical or surgical treatment is given. This does not include mental institutions or places for the treatment of narcotic addicts.
- (196) **SCHOOL, ELEMENTARY, JUNIOR HIGH OR HIGH** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.
- (197) **SCHOOL, PRIVATE** shall mean an institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.
- (198) **SCHOOL, TRADE** shall mean schools offering preponderant instruction in the technical, commercial, or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians schools and similar commercial establishments operated by a non-governmental organization.
- (199) **SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
- (200) **SERVANTS QUARTERS (SEPARATE)** shall mean complete living quarters either attached or detached from that of the main dwelling including kitchen facilities but not rented or used for permanent or temporary living quarters by members of the family. (See "Family")
- (201) **SERVICE STATION** shall mean an occupancy which provides for the servicing of motor vehicles in retail sale of gasoline, oil, tires, batteries, and new accessories; and operations including washing, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting automotive parts.
- (202) **SETBACK LINE, FRONT YARD** shall mean 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.

- (203) **SETBACK LINE, HIGHWAY** shall mean the same as "Highway Setback Line".
- (204) **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean 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.
- (205) **SIGN** shall mean any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is exhibited. (This definition shall not include official notices issued by a court or public body or officer or directional, warning or information sign or structures required by or authorized by law or by Federal, State, County or City authority.)
- (206) **SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific parcel of land.
- (207) **SORORITY** shall mean a building or structure housing a group of women associated for their common interest. Such group may eat, sleep and otherwise use such facilities as are provided on the premises.
- (208) **STABLE, PRIVATE** shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
- (209) **STAND, TEMPORARY** shall mean the same as "Structure, Temporary".
- (210) **STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there be no floor above, then the space between such floor and the ceiling or roof above.
- (211) **STORY, ONE-HALF** shall mean the same as "Half Story".
- (212) **STREET** shall mean 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 this Regulation.
- (213) **STREET, LOCAL** shall mean any street, dedicated as such, serving as the principal means of access to property, which street is not shown as a Major or Minor Collector Highway or Major Traffic Street on the Comprehensive Development Plan of the County.
- (214) **STREET, SIDE** shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
- (215) **STREET CENTER LINE** shall mean the center line of a street right-of-way as established by official surveys.
- (216) **STREET LINE** shall mean the boundary line between street right-of-way and abutting property.
- (217) **STRUCTURE** shall mean 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.
- (218) **STRUCTURE, ADVERTISING** shall mean the same as "Advertising Structure".
- (219) **STRUCTURE, TEMPORARY** shall mean a structure which is readily movable and used or intended to be used for a period not to exceed six (6) consecutive months.
- (220) **STRUCTURAL ALTERATION** shall mean any change in the supporting members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joints, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
- (221) **SUPERMARKET** shall mean any establishment, including groceries and grocery stores having 10,000 or more square feet of floor area devoted principally to the sale of food.
- (222) **SWIMMING POOL** shall mean any permanent structure containing a body of water intended for recreational uses, and shall include wading pools.
- (223) **TOURIST COURT** shall mean the same as "Motel".
- (224) **TRADING AREA** shall mean the area served by an existing commercial development or to be served by the proposed commercial development and from which said development draws its support.
- (225) **TRAILER, AUTOMOBILE** shall mean a vehicle without motive 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.
- (226) **TRAILER, CABIN** shall mean any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares and designed or used for human habitation.
- A. A dependent cabin trailer is one not equipped with a toilet for sewage disposal.
- B. An independent cabin trailer is one equipped with a toilet for sewage disposal.

- (227) **TRAILER COURT, OR MOBILE HOME PARK, OR TRAILER PARK** shall mean a space or area containing at least 2 acres designed, equipped, or maintained for the harboring, parking, or storing of cabin trailers, mobile homes, house trailers, or house cars which haul such trailers or house cars being used as living or sleeping quarters for humans.
- (228) **TRAILER, RESIDENTIAL** shall mean the same as "Mobile Home" and be used for human habitation only.
- (229) **TRANSIENT** shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than one hundred eighty (180) continuous days in any one (1) year.
- (230) **TRUCK SERVICE STATION** shall mean an occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted for "Service Station".
- (231) **TRUCK AND TRAILER SALES LOT** shall mean an open area where trucks or trailers are sold, leased or rented and where no repairs, repainting or remodeling are done.
- (232) **UNIT, PLANNED DEVELOPMENT** shall mean a residential development under one (1) ownership which is designed and built as a planned unit by such one (1) ownership.
- (233) **URBAN LOT** shall mean any lot which lies, in whole or in part, within the boundaries of an urban area, as defined above.
- (234) **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".
- (235) **UTILITY EASEMENT** shall mean the same as "Easement".
- (236) **UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.
- (237) **UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE"**, or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations.
- (238) **VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding three (3) 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 (8) feet.
- (239) **WADING POOLS** shall mean the same as "Swimming Pools".
- (240) **WALL** shall mean any structure or device forming a physical barrier, which is so constructed that fifty (50) percent or more of the vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane.
- (241) **WAREHOUSING** shall mean a building or buildings used for the storage of goods, of any type, when such building or buildings contain more than two hundred (200) square feet of storage space, and where no retail operation is conducted. Also see "Wholesaling".
- (242) **WATER SUPPLY, COMMUNITY** shall mean a water supply provided by a publicly-owned corporation or a private organization which has a permit to serve two (2) or more dwelling units on abutting properties.
- (243) **WATER SUPPLY, PRIVATE** shall mean a water supply provided by a source other than a Community Water Supply.
- (244) **WHOLESALE** shall mean the selling of any type of goods for the purpose of resale.
- (245) **YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for the projections or accessory buildings or structures permitted by this Regulation.
- (246) **YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
- (247) **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
- (248) **YARD, SIDE** shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

- (249) **ZONE** shall mean the same as "District".
- (250) **ZONING DISTRICT** shall mean the same as "District".
- (251) **ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one (1) or more parcels of land from one (1) zoning district and placing them in another zoning district on the zone map of the County.

SECTION 1.037 DEFINITION OF SELECTED WORDS

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural, those in the plural number include the singular; "or" includes "and", and "and" includes "or".

- A. The word "Assessor" shall mean the County Assessor of the County of Washington, Nebraska.
- B. The words "Board" or "Board of Supervisors" shall mean the Board of Supervisors of the County of Washington, Nebraska.
- C. The word "Building" includes the word "Structure", but shall not include "Temporary Structures" as defined under "DEFINITIONS" in this Regulation.
- D. The words "Building Inspector" shall mean the Building Inspector of the County of Washington, Nebraska.
- E. The word "City" shall mean any city situated in the County of Washington, Nebraska.
- F. The word "Commission" shall mean the Planning Commission of the County of Washington, Nebraska.
- G. The word "County" shall mean the County of Washington, Nebraska.
- H. The words "County Clerk" shall mean the County Clerk of the County of Washington, Nebraska.
- I. The word "Federal" shall mean the Government of the United States of America.
- J. The word "shall" is mandatory; and the word "may" is permissive.
- K. The word "State" shall mean the State of Nebraska.
- L. The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for".
- M. The words "Zone Map" shall mean the Official Zone Map of the County of Washington, Nebraska which is a part of the comprehensive Zoning Regulation of the County of Washington, Nebraska.
- N. The words "Zoning Ordinance" or "Ordinance" shall mean the comprehensive Zoning Regulations of the County of Washington, Nebraska as contained herein.

Adopted this 26th day of January, 1970.

ATTEST:

Fred Hansen, Chairman
County Board of Supervisors

.....
County Clerk

CERTIFICATE OF ADOPTION, PUBLICATION AND FILING

STATE OF NEBRASKA)
): ss:
WASHINGTON COUNTY)

I, Lucille Poulson, do hereby certify:

That I am the Duly elected, qualified and acting County Clerk of Washington County, Nebraska.

The book or pamphlet containing this certificate contains a true and complete copy of the Washington County Zoning Regulation which was adopted by the County Board of Supervisors of Washington County, Nebraska, on the 26th day of January, 1970, and published and filed in my office on the 9th day of February, 1970.

Witness my hand and the seal of my office this 9th day of February, 1970.

(Seal)

Lucille Poulson
County Clerk

SECTION 2.001 SANITARY LANDFILL REGULATIONS

A Regulation to create standards of operation for the disposal of garbage and refuse by Sanitary Landfill in accordance with WASHINGTON COUNTY ZONING REGULATIONS recommended by the Washington County Planning Commission and passed by the Washington County Board of County Supervisors on January 26, 1970.

It is hereby found and declared that insanitary disposal of garbage and refuse creates health and sanitary hazards, promotes the breeding of rats, flies and other vermin, pollutes water and the atmosphere, produces noxious odors and insults the esthetic values of the citizens of Washington County. It is hereby further found and declared that the elimination of open dumps and the prevention of health, sanitation and esthetic nuisances in the future is in the best interests of the Citizens of Washington County and the State of Nebraska; and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this regulation. The enactment and enforcement of this regulation is hereby declared to be essential to the public interest and it is intended that the regulation be liberally construed to effectuate the purposes as stated herein.

Be it enacted by the Board of County Supervisors of Washington County, Nebraska:

A. DEFINITIONS

For the purpose of this regulation, certain terms and words are herewith defined, as set forth in this regulation. All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number; unless the natural construction of the wording indicates otherwise.

APPLICANT: shall mean individuals, firms, corporations or any political subdivisions of the state including any governmental authority created by statute.

DIRECTOR OF HEALTH: shall mean the director of the Nebraska State Department of Health or his authorized representative.

GARBAGE: shall mean rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and dead animals rejected by rendering plants;

JUNK: shall mean old scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

PERSON: shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

RUBBISH: shall mean nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety;

REFUSE: shall mean putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and industrial wastes;

SANITARY LANDFILL: shall mean a type of operation in which garbage, rubbish, and refuse or garbage, rubbish, or refuse is deposited by plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to twelve inches over individual cells of garbage and refuse or garbage or refuse, which are closed at the end of each day, and to a depth of at least four (4) feet over the finished landfill.

B. PERMITS

It shall be unlawful for any person to use any land, premises or property within Washington County for the disposal of any garbage, rubbish, and refuse, or garbage, rubbish, or refuse without first making application for and securing a special use permit to do so. The special use permit shall be issued by the County Board of Supervisors, as provided in THE WASHINGTON COUNTY ZONING REGULATIONS.

The application for a special use permit to operate a sanitary landfill shall be filed with the Washington County Building Inspector and shall contain a description and plat of the land on which the disposal of garbage and refuse or garbage or refuse is proposed, a description of the sequence and plan of operation, type and capacity of equipment to be used for operations, plans for fire, nuisance and vermin control, existing and proposed roadways and easements, existing topography and water courses, together with a diagram and written statement explaining the proposed location and extent of earthwork and fill operations, proposed measures to control storm drainage and estimated daily or weekly volume of garbage and refuse, or garbage or refuse to be placed in the sanitary landfill, subsoil data including percolation tests, ground water, and soil types.

No special use permit to operate a sanitary landfill will be issued, unless the applicant has first complied with the requirements of the Nebraska State Department of Health and the applicable sections of the Nebraska State Statutes, sections 71-4101 through 71-4109.

Any special use permit to operate a sanitary landfill will become null and void whenever the Nebraska State Department of Health revokes a license or does not renew a license.

C. FEES AND BONDS

The special use permit to operate a sanitary landfill shall be granted by the County Board of Adjustment only after the following conditions have been met: Payment and delivery to Washington County of a cash or performance bond in the amount of \$10,000.00 or equal to \$500.00 per acre of disposal area, whichever amount is greater; and the bond shall run to Washington County and shall be conditioned as follows:

- (1) That the permittee, his agents and servants, will comply with all of the terms, conditions, provisions, requirements and specifications contained in these regulations.
- (2) That the permittee, his agents and servants, will faithfully operate the sanitary landfill for which the permit is issued in accordance with the provisions of these regulations.
- (3) That the permittee, his agents and servants, will save harmless Washington County from any expense incurred through the failure of the permittee, his agents and servants, to operate and maintain the sanitary landfill as required by these regulations, including any expense Washington County may be put to for correcting any condition or violation of these regulations by Washington County's own labor and equipment whenever the Health Director determines it is necessary for Washington County to correct any insanitary condition or conditions violative of these regulations or from any damages growing out of the negligence of the permittee or his agents or servants.
- (4) That the permittee and his agents shall furnish the performance bond, with a recognized surety company as surety, for the duration of the sanitary landfill operation and for a period of one year after completion of the operation.
- (5) That the permittee and his agents, as further assurance for the operation of the sanitary landfill, shall provide therein, that in the event, the permittee fails to comply and fails to operate the sanitary landfill within the terms, requirements, and conditions of these regulations for any period of time, the Washington County Board of Supervisors may then, upon resolution, have the right to have hired the necessary equipment and labor to adequately bring the landfill operation to a satisfactory closing.

D. CONDITIONS FOR DISPOSAL

No person shall dump or otherwise dispose of any refuse, garbage, junk, or rubbish at any place except a licensed and permitted sanitary landfill area; however, this does not prohibit a person from disposing of refuse and rubbish from his own household upon his own land as long as such disposal does not create a nuisance or hazard to health or others.

E. PHYSICAL IMPROVEMENTS

The following physical improvements shall be made before a sanitary landfill site is approved for operation:

- (1) The property shall be fenced as shown on approved plans for application with an entrance gate that can be locked. A temporary inner fence shall be installed bordering all active areas of landfill areas to reasonably control or to stop blowing paper and other materials.
- (2) Operating procedures and time schedules shall be clearly listed on signs posted at the site entrance.
- (3) Where employees or personnel will be on duty for more than four consecutive hours, convenient sheltered toilet facilities shall be provided.

F. REGULATIONS

The following regulations shall be observed by any person, firm or corporation to whom a permit is granted for the operation of a sanitary landfill. These regulations shall govern the operation of all sanitary landfills in Washington County and any failure to observe these regulations shall be sufficient grounds for suspension or revocation of the permit as here-in after provided.

- (1) All garbage and other refuse accepted by the permit holder shall be thoroughly compacted by equipment of a size and weight capable of carrying out all necessary operations. Sufficient auxiliary equipment shall be available on the site or otherwise available to permit operation in case of equipment breakdown.
- (2) Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two (2) feet prior to its compaction.

- (3) The area of the landfill shall be policed as necessary to prevent fire and smoke and to collect all scattered materials; shall be neat and orderly at all times and shall be covered at the end of each day's operation, as well as when wind conditions warrant it through the day, with sufficient material to prevent blowing litter, fly and rodent attraction and breeding, release of odor, fire hazard, and unsightly appearance.
- (4) A minimum depth of 12 inches of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill shall be covered at the end of each day's operation, with cover material.
- (5) When the fill has been brought up to four (4) feet below the desired finished grade, it shall be covered with compacted cover material for a minimum depth of four (4) feet, graded and seeded in such a manner as to prevent erosion. The finally graded and seeded finished surface of the fill shall be maintained at final grade free from erosion and in a well seeded manner for a period of two years after filling operations have been completed.
- (6) Where the trench system of sanitary landfill is used, successive parallel trenches must be at least two (2) feet apart.
- (7) Where the landfill operation is conducted in a ravine, the sides of the ravine shall be terraced prior to landfilling if the slope of the sides of the ravine is 1:1 or greater.
- (8) In the event that refuse material exists on the site at the time the permit is issued, whether in the form of an open dump or any other form, such refuse material shall be collected, compacted, and covered with cover material at least four (4) feet in depth at the finished grade, or with at least six (6) inches of cover material on areas in which landfilling operations will be conducted. This cover operation shall be completed within fifteen (15) working days after the issuance of a permit for the sanitary landfill, unless some other period of time is specified in the permit.
- (9) Access roads to the disposal area shall be maintained and surfaced so as to be negotiable by trucks and other motor vehicles at all reasonable times.
- (10) The salvage or scavenging of materials from the landfill is prohibited.
- (11) The burning of garbage and refuse, or garbage or refuse, on the landfill site is prohibited.
- (12) No landfill operations shall be conducted so that fill will be placed in stream beds or other areas where streams would be obstructed or where erosion by the stream would remove cover material. There shall be no seepage or drainage of any material from the fill of such a nature as would constitute an odor nuisance or health hazard, or pollute any water course or underground water aquifer.
- (13) The permittee shall provide surface drainage facilities on the landfill site which will permit the drainage of storm water. The existence of standing pools of water on the finished face of the landfill six (6) hours after the last precipitation shall constitute evidence of inadequate surface drainage.
- (14) The permittee shall take such measures as are necessary to control dust.
- (15) Deposition of liquids and hazardous material, contaminated or polluted liquids or hazardous substance shall be deposited only after receiving approval from the Nebraska State Department of Health as to such time and such location with the immediate coverage.
- (16) Other reasonable measures shall be taken to control insects and rodents.
- (17) Noncombustible and non-putrescible waste such as cinders, broken paving or materials resulting from construction or demolition work may be deposited in the landfill provided such materials shall be leveled and spread at sufficient intervals to prevent unsightly appearance or rodent harborage and shall be covered as required for a completed sanitary landfill.
- (18) The discharging of firearms is prohibited.
- (19) Before any site is abandoned, all exposed refuse shall be covered with a layer of suitable cover material, to minimum compacted depth of four feet. The site otherwise shall be left in a reasonably neat condition so as not to offend adjacent property owners and incite opposition to the establishment of new sites.

G. ENFORCEMENT - PERMIT SUSPENSION AND REVOCATION

The officers responsible for the enforcement of the provisions of this Regulation shall be the Director of Health and the Building Inspector. They will provide adequate and frequent inspections of the sanitary landfill sites, to determine satisfactory compliance with regulations promulgated hereunder. It shall be the duty of the operator of a sanitary landfill to give the Director of Health and/or the Building Inspector free access to the landfill site for the purpose of making such inspections as are necessary to determine compliance with the requirements of the Nebraska State Health Department

Rules and Regulations and this regulation. The Director of Health will notify in writing, any permit holder who is violating the provisions of the Nebraska State Health Department Rules and Regulations and this regulation of the specific manner in which the regulations are being violated. Unless said violation is corrected within a reasonable time after notice is received in writing to the permit holder by the Director of Health, the Director of Health shall notify the County Board of Supervisors in writing stating the non-compliance or violation of any of the provisions of the Nebraska State Health Department Rules and Regulations and this regulation. In the event the permit holder refuses to correct the violations within twenty-four (24) hours after notice in writing by the Director of Health, the County Board of Supervisors may in the interest of public health direct Washington County either with the equipment and employees of the permit holder or with equipment and employees of Washington County to do such work as is necessary to correct any condition violative of this regulation, and which, if left uncorrected may be hazardous to the public health. The cost to Washington County of correcting such conditions in privately owned sanitary landfills shall be incurred against the permit holder who shall be required to pay all costs and expenses of Washington County in correcting said conditions. The Board of Adjustment may, after the permit holder is given an opportunity for a hearing, revoke the permit for the violation of any of the provisions of this ordinance.

H. PERMIT REINSTATEMENT

Whenever any sanitary landfill permit provided for in this regulation has been revoked, the holder may, at any time file a written application for reinstatement with the Director of Health, together with a signed statement that all violations of the provisions of this Regulation have been corrected. The Director of Health shall make a reinspection of the landfill site and if he finds that all violations have in fact been corrected, he shall so notify the Board of Adjustment in writing. The Board of Adjustment may reinstate the permit after a reinstatement fee of \$25.00 is paid to Washington County and after furnishing a new Performance Bond in the same amount provided for under this Regulation.

I. PENALTY FOR VIOLATIONS

Any person, persons, firm or corporation who violates any of the provisions of this regulation shall be guilty of a misdemeanor and upon conviction, be fined not more than One Hundred Dollars (\$100.00). Each day of the violation shall be considered a separate violation.

J. SEVERABILITY

If any section, clause, provision, or part or portion of any section, clause or provision of this regulation or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part or portion of this regulation.

Adopted this 26th day of January, 1970.

Attest:

Fred Hansen, Chairman
County Board of Supervisors

County Clerk

CERTIFICATE OF ADOPTION, PUBLICATION AND FILING

STATE OF NEBRASKA)
) : ss:
WASHINGTON COUNTY)

I, Lucille Poulson, do hereby certify:

That I am the duly elected, qualified and acting County Clerk of Washington County, Nebraska.

The book or pamphlet containing this certificate contains a true and complete copy of the Sanitary Landfill Regulations which was adopted by the County Board of Supervisors of Washington County, Nebraska, on the 26th day of January, 1970, and published and filed in my office on the 9th day of February, 1970.

Witness my hand and the seal of my office this 9th day of February, 1970.

(Seal)

Lucille Poulson
County Clerk

WASHINGTON COUNTY
BOARD OF ADJUSTMENT

FILE NO. _____

Filing Date _____

APPLICATION FOR SPECIAL USE PERMIT

To: County Building Inspector

From:

SAMPLE

1. _____
(Applicant's Name) (Mailing Address) (Telephone)

2. _____
(Agent's Name) (Mailing Address) (Telephone)

3. _____
(Owner's Name) (Mailing Address) (Telephone)

4. _____
(Address or description of location of Subject Property)

5. _____
(Applicant describe the requested special use)

- a. existing use ()
- b. new use ()

6. _____
(Applicant state briefly your reasons for request)

- 7. All applications must be filed in TRIPLICATE with duplicate copies of all plans, supporting documents, descriptive data, plot plan with dimensions, specifications, and other materials helpful to better understand applicant's request and what may constitute a record.
- 8. Application must be filed at least ten (10) days before a regular or called meeting date.
- 9. The Application Fee of \$25.00 (non-refundable) was received with application.

10. _____
(Signature of Bldg. Inspector) (Date) (Signature of Applicant) (Date)
(Applicant do not write below this line)

PLANNING COMMISSION RECOMMENDATION

1. Carried _____ to _____

2. Not Carried _____ to _____

Date of Notice _____

Date of Public Hearing _____

Date Permit was approved _____

Date Permit was not approved _____

Recommendation _____

BOARD OF ADJUSTMENT HEARING ACTION

Roll	Yes	No
1 _____	1 _____	1 _____
2 _____	2 _____	2 _____
3 _____	3 _____	3 _____
4 _____	4 _____	4 _____
5 _____	5 _____	5 _____
Total _____ to _____		
Date of Transmittal _____	Date of Notice _____	
Date of Public Hearing _____	Permit was approved _____ Denied _____	