

WASHINGTON COUNTY ZONING REGULATIONS

SECTION 1. GENERAL

A. Short Title. This resolution shall be known and may be cited as the Washington County, Nebraska, Zoning Regulation.

B. 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 of incorporated municipalities:

(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 area 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.

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, towers, wire cables, conduits, vaults, laterals and any other similar distributing equipment of public utilities are permitted in any district.

F. Other Restrictions. 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 2. APPLICATION FOR PERMITS

A. Applications for permits, as required by SECTION 1-B and by subsequent sections hereof shall be written on a form prescribed by the County Building Inspector, shall be filed with the County Building Inspector, shall state the legal description of the property as of public record and the name of the owner and applicant, shall describe the uses to be established or expanded and shall give such other information as may be required for the enforcement of this regulation. Each copy of the application shall be accompanied by a dimensioned drawing of the building plot and a certified survey of the land showing the location of buildings and structures, lot areas to be used, auto parking areas, and water supply and sewage disposal facilities. Such form shall provide for, and applicant shall furnish, brief plans and specifications and the estimated cost of any proposed construction, alteration, or repair. Such application shall be signed and acknowledged by the owner or by someone acting in his behalf. Notwithstanding any provisions contained herein, farm buildings, farm 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, but such buildings and structures must conform to all applicable provisions of this zoning resolution.

B. The County Building Inspector shall issue a written permit, or denial thereof, with reasons in writing, within 15 days from the date of the acceptance of the application. In event the permit is not issued within 15 days, the applicant may appeal within the next 30 days directly to the Zoning Board of Adjustment which shall, after due notice and holding a public hearing, order the issuance of the permit or denial thereof with reasons in writing.

C. Except where an extension has been obtained in writing from the County Building Inspector, permits issued shall expire within 90 days if a substantial beginning has not been made in the construction or establishment of the use applied for and within one year if not completed.

D. Fees 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 \$1,000.00 or fraction thereof, \$5.00; each additional \$1,000.00 or fraction thereof, \$5.00; but the total permit fee for any one building shall not exceed the sum of \$1,000.00, except that the fee for the proposed construction, alteration or repair of a farm dwelling shall be the sum of \$25.00" Provided, however, that any alteration, construction or repairs made upon any existing structure used for residence, business, commercial or industrial purposes in which the estimated cost shall be less than \$1500.00, may be made without a permit; provided further, however, that such alteration, construction or repairs shall in all respects conform to this Zoning Regulation. Receipt for 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, \$5.00 of the fee paid by the applicant shall be retained by the Inspector and the balance of the fee shall be refunded to said 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 the \$5.00 minimum fees retained as above provided and all special permit fees, and shall receive the Treasurer's receipt therefor.

## SECTION 3. DISTRICTS

A. The following districts listed in order from the highest restriction class to the lower restriction class and designated as follows:

R-1 (Residence)  
 R-2 (Residence)  
 R-3 (Residence)  
 R-4 (Residence)  
 F (Farming)  
 B-1 (Business)  
 B-2 (Business)  
 I-1 (Industry)  
 I-2 (Industry)  
 I-3 (Industry)  
 A (Air Field and Air Approaches)  
 G (Military Bases)  
 F-P (Flood Plain)

are hereby established for the regulation of all land within the Washington County Zoning District and lying outside the jurisdictional zoning limits of incorporated municipalities in Washington County.

B. The legends describing the above districts and the boundaries of such of them as now exist are hereby established as shown on the Zoning Plan which accompanies and is hereby made a part of this regulation. Unless otherwise indicated, district boundaries shall be (1) the center lines of streets, drives or highways, or (2) lot lines, if the property has been divided into blocks and lots, or (3) as determined by the County Surveyor, who shall give due consideration to the location as indicated by the scale of the Zoning Plan. In cases of disagreement, the Board of Adjustment shall decide the location of District boundaries.

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 4. R-1 DISTRICT

Residence - (40,000 square feet).

A. Use Regulations. A structure or premises may be used for only the following purposes:

(1) Single family dwelling. In connection with such dwelling, the following accessory uses are permitted: Private garage, private stable, 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 kennel for not more than three dogs, private cow barn for not more than two animals.

(2) Universities, colleges and elementary high schools conducted not for profit; but prohibiting private music, dancing, business and vocational schools.

(3) Churches.

(4) Public and community parks and forest preserves, but excluding commercial enterprises therein.

(5) Golf courses.

- (6) Private clubs operated not for profit.
- (7) Community water works.
- (8) Public fire stations.

B. Height Regulations. No residence shall exceed 2 1/2 stories nor 35 feet in height, and no other permitted structure shall exceed 65 feet in height.

C. Lot Regulations.

(1) Density: No residence or private club may be located on a lot having less than 40,000 square feet of area. No permitted structure may be located on a lot having less than 150 feet width at the minimum set-back line first specified below:

(2) Set-Back: No structure may be erected closer than 50 feet to its front or rear lot lines, or any side street line; except accessory buildings may be located 15 feet from the rear lot line. Accessory buildings, except private garages, may not be located closer than 100 feet to the front lot line.

X (3) Side Yard: No structure may be erected closer than 25 feet to its side lot lines, except accessory buildings may be located 15 feet from side lot lines.

SECTION 5. R-2 DISTRICT

Residence - (20,000 square feet).

A. Use Regulations. A structure or premises may be used for only the following purposes:

- (1) Any use permitted in R-1 District.
- (2) General hospitals for humans.
- (3) Home occupation.

B. Height Regulations. The same height regulations prescribed for R-1 District shall apply to R-2 District.

C. Lot Regulations.

(1) Density: No structure may be located on a lot having less than 20,000 square feet of area, nor less than 100 feet width at the minimum set-back line first specified below.

In the event that structures are connected to an approved septic tank or public sanitary water main, the minimum lot area may be 10,000 square feet for a structure, 10,000 square feet lots shall be not less than 75 feet in width at the minimum set-back line, except corner lots which shall be not less than 100 feet in width at the minimum set-back line.

(2) Set-Back: No structure may be located closer than 35 feet to its front lot lines, or any side street line, nor closer than 25 feet to its rear lot line, except accessory buildings may be located 5 feet from the rear lot line. Accessory buildings, except private garages, may not be located closer than 70 feet to the front lot line.

(3) Side Yard: No structure may be erected closer than 15 feet to its side lot lines; except accessory buildings may be located 5 feet from the side lot lines.

SECTION 6. R-3 DISTRICT

Residence - (10,000 square feet).

A. Use Regulations. A structure or premises may be used only for the following purposes:

- (1) Any use permitted in R-2 District.
- (2) Two-family dwelling.

B. Height Regulations. The same height regulations prescribed for R-1 District shall apply to R-3 District.

C. Lot Regulations.

(1) Density: No two-family dwelling may be located on a lot having less than 12,000 square feet of area, nor less than 90 feet width at the minimum set-back line first specified below. No other permitted structure may be located on a lot having less than 10,000 square feet of area, nor less than 70 feet width at the minimum set-back line first specified below; provided that all corner lots in new subdivisions shall have a width of not less than 90 feet at the minimum set-back line first specified below.

In the event that structures are connected to public sanitary sewer mains, then the minimum area requirements are as follows: 10,000 square feet for a two-family dwelling; 7,000 square feet for all other permitted structures.

(2) Set-Back: No structure may be located closer than 25 feet to its front lot line or rear lot line, or any side street line, except accessory buildings may be located 3 feet from the rear lot line. Accessory buildings, except private garages, may not be located any closer than 50 feet to the front lot line.

(3) Side Yard: No structure may be erected closer than 6 feet to its side lot lines, except accessory buildings may be located 5 feet from side lot lines.

SECTION 7. R-4 DISTRICT

Residence - (Multi-family).

A. Use Regulations. A structure or premises may be used for only the following purposes:

- (1) Any use permitted in R-3 District.
- (2) Multiple family dwellings and row houses.

B. Height Regulations: No structure shall exceed 6 stories, nor 65 feet in height.

C. Lot Regulations.

(1) Density: The minimum lot area requirements and lot width requirements prescribed in R-3 District shall apply to all uses within R-4 District except multi-family dwellings and row houses. A lot on which there are erected multiple family dwellings or row houses shall contain an area of not less than a total area of 7,500 square feet for a duplex; 10,000 square feet for a triplex; 12,500 square feet for a fourplex; and 25,000 square feet for multiple dwellings containing a larger number of family units and in no event less than 750 square feet per family unit.

(2) Set-Back: No structure may be located closer than 25 feet to its front or rear lot line, or any side street line, except accessory buildings may be located 3 feet from the rear lot line. Accessory buildings, except private garages, may not be located closer than 50 feet to the front lot line.

(3) Side Yard: No structure may be erected closer than 6 feet to its side lot lines; except that a multi-family dwelling shall be located no nearer than 10 feet to the side lot lines 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 three. Accessory buildings may be located 2 feet from side lot lines only if they are constructed of masonry or fire-proof materials approved by the County Buildings Inspector.

SECTION 8. F DISTRICT

Farming.

A. Use Regulations. A structure or premises may be used for only the following purposes:

- (1) Any use permitted in R-2 District.
- (2) Farming; specialized poultry, pigeon, rabbit and other animal farms, but not including the feeding or disposal of community or collected garbage or offal.
- (3) Apiaries.
- (4) Mushroom barns.
- (5) Greenhouses.
- (6) Nurseries.
- (7) Dog kennels.
- (8) Removal of black dirt or topsoil, stone, gravel and clay (site of fixed plants for processing such materials shall be located in the I-2 District) only by special permit.
- (9) Sale of products from any of the above uses.
- (10) Storage of farm products.
- (11) Recreational camps.
- (12) Riding stables.
- (13) Veterinary establishments.
- (14) Picnic grounds or groves but not including taverns and commercial eating places.
- (15) Athletic fields.
- (16) Cemeteries.
- (17) Commercial feedlots, but prohibiting the feeding or disposal of community or collected garbage or offal to swine or other animals.
- (18) Sale and storage of stock in trade and commodities used in connection with or the production of any of the above uses.

B. Height Regulations. The same height regulations prescribed for R-1 District shall apply to F District; except that the County Building Inspector may issue a permit allowing radio and television towers and other structures to exceed such height limits.

C. Lot Regulations.

(1) Density: Where a single-family dwelling is erected on any lot, then the lot area and width requirements prescribed in R-2 District for such use shall apply to F District.

(2) Set-Back: No structure may be located closer than 35 feet to its front lot line, or any side street line, nor closer than 25 feet to its rear lot line, except accessory buildings may be located 5 feet from the rear lot line. Accessory buildings, except private garages, may not be located closer than 70 feet to the front lot line.

(3) Side Yard: No structure may be erected closer than 15 feet to its side lot line, except accessory buildings may be located 5 feet from side lot lines.

SECTION 9. B-1 DISTRICT

A. Use Regulations. A structure or premises may be used for only the following purposes:

- (1) Any use permitted in R-4 District.
- (2) Hotels.
- (3) Motels.
- (4) Retail business and service establishments excluding those listed in lower class districts.
- (5) Animal hospitals.
- (6) Greenhouses.
- (7) Nurseries.
- (8) Restaurants.
- (9) Professional and business offices.
- (10) 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 5 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.
- (11) Private music, dancing, business and vocational schools or colleges.
- (12) Lodge halls.
- (13) Commercial swimming pools and beaches.
- (14) Theaters.
- (15) Bus or truck stations.
- (16) Temporary carnivals and circuses operating not longer than 10 days.

B. Height Regulations. No structure shall be limited as to height.

C. Lot Regulations.

(1) 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 B-1 District. Other permitted structures shall not be restricted as to density.

(2) Set-Back: No structure (except an advertising sign) may be located closer than 25 feet to its front lot line, nor closer than 15 feet to its rear lot line.

(3) 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 B-1 District shall have the same side yards as are required in R-3 District.

SECTION 10. B-2 District

A. Use Regulations. A structure or premises may be used for only the following purposes:

- (1) Any use permitted in B-1 District.
- (2) Taverns.
- (3) Night clubs.
- (4) Restaurants serving intoxicating liquors.
- (5) Dance halls.
- (6) Picnic grounds or groves.
- (7) Bars.
- (8) Merry-go-rounds; miniature railroads; pony riding tracks; shooting galleries or ranges; practice golf driving tees; archeries; roller skating rinks; bowling alleys and other carnival devices, circuses and commercial amusement establishments.

B. Height Regulations. No structure shall be limited as to height.

C. Lot Regulations.

(1) Density: The density regulations of B-1 District shall apply to B-2 District except that a lot on which a motel is located must have an area of at least 500 square feet for each dwelling unit, and each such unit cannot occupy more than 50 percent of its allocable lot area.

(2) Set-Back: The set-back regulations of B-1 District shall apply to B-2 District.

(3) Side Yard: The side yard and rear yard regulations of B-1 District shall apply to B-2 District.

SECTION 11 I-1 District

Light Industry -

A. Use Regulations. A structure or premises may be used for only the following purposes:



(1) Any use permitted in F District or B-2 District, except two-family dwellings, multiple-family dwellings, row houses, hotels and motels.

- (2) Building materials and fuel yards.
- (3) Contractors yards.
- (4) Highway maintenance yards or buildings.
- (5) Truck or bus storage yards or terminals.
- (6) Second hand farm machinery yards.
- (7) Railroad yards.
- (8) Distribution yards for gasoline and fuel oil by tank trucks.
- (9) Waterway terminals.

(10) Other light industrial and manufacturing uses but expressly prohibiting uses listed in lower class districts and those uses which the County Building Inspector shall from time to time find and declare to be especially detrimental to property or to the health and safety of persons by reason of the emission of odor, dust, gas fumes, smoke, noise vibration or waste material, provided that such finding of the Building Inspector shall be subject to review by the Zoning Board of Adjustment.

B. Height Regulations: No structure shall be limited as to height.

C. Lot Regulations.

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

(2) Set-Back: The set-back regulation of B-1 District shall apply to I-1 District.

(3) Side Yard: The side yard and rear yard regulations of B-1 District shall apply to I-1 District.

SECTION 12. I-2 DISTRICT

Heavy Industry.

A. Use Regulations. A structure or premises may be used for only the following purposes:

- (1) Any use permitted in I-1 District.
- (2) Cement mills.
- (3) Locomotive plants.
- (4) Fixed plants for processing stone, gravel or clay.
- (5) Auto dismantling and storage of junk or non-operatable motor vehicles only within completely closed buildings.
- (6) Fertilizer plants.

(7) Other heavy industrial uses and manufacturing, but expressly prohibiting junk yards and auto dismantling yards outside of enclosed buildings, and those uses which the County Building Inspector determines will highly pollute the air with ill-smelling or noxious wastes, including among others, glue factories, garbage dumps, combustible refuse dumps, rendering works, feed mills, and alfalfa dehydrating plants; such determination by the County Building Inspector to be subject to review by the Zoning Board of Adjustment.

B. Height Regulations. No structure shall be limited as to height.

C. Lot Regulations.

(1) Density: A lot on which a single family dwelling is located shall have an area of not less than 2,500 square feet.

(2) Set-Back: The set-back regulations of I-1 District shall apply to I-2 District

(3) Side Yard: The side yard and rear yard regulations of I-1 District shall apply to I-2 District.

#### SECTION 13. I-3 DISTRICT

Unrestricted Industry.

A. Use Regulations. A structure or premises may be used for only the following purposes:

(1) Any otherwise lawful use may be established except:

a. Residential use is prohibited for persons other than watchmen or attendants whose continual presence on the premises is necessary for the proper use of the established facility.

b. Hotels and motels are prohibited.

B. Height Regulations. No structure shall be limited as to height.

#### SECTION 14. G DISTRICT

Military Bases.

A. Use Regulations. The only use permitted in this District is the establishment of a military base by the United States of America.

#### SECTION 15. A District

A. Use Regulations. A structure or premises may be used for only the following purposes:

(1) Airfields.

(2) Any use permitted in F District, except that places of public assembly, clubs, schools, churches, hospitals, barracks, radio and television stations or towers and temporary carnivals and circuses are prohibited. No use of land will be allowed which the County Building Inspector finds will:

a. Create electrical interference with radio communications between the airfield and aircraft.

b. Make it difficult for flyers to distinguish between airfield lights and other lights.

- c. Result in glare in the eyes of flyers using the airfield.
- d. Impair visibility in the vicinity of the airfield.
- e. Endanger the landing, taking off or maneuvering of aircraft.

B. Height Regulations. The height regulations of F District shall apply to A District, except the maximum permissible height of any structure or vegetation within 10,000 feet from the end of any airfield clear zone shall range from zero feet at the end of any such clear zone to 200 feet above the runway elevation at a point 10,000 feet from the end of the zone. "Clear zone" is herein designated as that area extending from the end of an airfield runway to a point off the runway and 1,000 feet therefrom, the width of such clear zone being the same as the width of such runway.

#### SECTION 16. F-P District

##### Flood Plain.

A. Use Regulations. No building or other structure shall be hereafter erected or established in any area designated a Flood Plain District unless the same shall have been approved by the Zoning Board of Adjustment. Applications for permission to erect structures in such districts shall be made in the same manner as applications for rezoning pursuant to Section 28 of this Resolution. The Zoning Board of Adjustment shall, in considering such applications, give due regard to the likelihood of flooding in such area and the health, safety and welfare of persons living in such area.

#### SECTION 17. SPECIAL PERMIT

In any district it shall be unlawful hereafter to establish, re-establish or expand any of the following uses, or to construct or alter any building or operate any equipment or machinery in the furtherance of any such uses, without first obtaining from the Zoning Board of Adjustment a special permit which shall state the conditions which must be complied with in order to maintain the validity of such permit:

- (1) Auto and machinery wrecking or junk yard.
- (2) Dead animal reclaiming or rendering works.
- (3) Feeding or disposal of community garbage.
- (4) Tents; house-trailers; and tent or house-trailer camps or parks.

Tents, house-trailers or tent or house-trailer camps or parks shall be permitted in any District except in R-1, R-2, R-3 and R-4 Districts, but only after obtaining a Special Permit therefor, after notice and hearing as provided in this Resolution, and only after a showing of compliance with all local and state health and sanitation regulations.

- (5) Alfalfa dehydrating plants.
- (6) Feed mills.
- (7) Any industrial process emitting dust, odor, gas fumes, noise or vibrations exceeding in character or in aggregate amount of any use permitted and listed in the I-1 and I-2 Districts.

(8) Such special permit shall also be required prior to the establishment within any F District of the uses prescribed in paragraph (8) of the Use Regulations of the F District; provided, however, that in case construction or maintenance of any state or federal highway or other project is or is about to be adversely affected by any delay in issuing such special permit, a request for such use signed by the State Engineer or Federal Engineer in charge shall be accepted in lieu of said permit.

(9) Filling of holes, pits, quarries or lowland with non-odorous and non-combustible material free from garbage and food wastes.

(10) Skeet or trap shooting if not nearer than 800 feet to any residence other than the lessor or owner of the site.

(11) Racing establishments.

(12) Radio and television stations and accessory structures and public utility sub-stations.

(13) Temporary carnivals and circuses operating not longer than 10 days.

(14) A special permit shall be required to erect any structure in all of that area lying in Washington County, Nebraska, within 1000 feet from the designed right and left banks of the Missouri River as described in the Iowa-Nebraska Boundary Compact of 1943 or as subsequently established by the United States Corps of Engineers.

Any person desiring to obtain a special permit shall make written application for the same to the County Building Inspector and concurrently pay to such officer a non-refundable fee of \$25.00. Thereafter, a special permit may be issued only after the conduct of a public hearing before the Zoning Board of Adjustment to be held only after prior notice of the time, place and purpose of the hearing has been given by the publication thereof in a legal newspaper of general circulation in Washington County, Nebraska, one time at least ten days prior to such hearing.

Such special permit shall be required in addition to any building permit which may be required hereunder.

#### SECTION 18. NON-CONFORMING USES

Any lawful use of land or of a structure existing at the time of passage of this regulation that does not conform to the regulations prescribed in this regulation, shall be deemed a non-conforming use and such use may be continued; but if such non-conforming use is discontinued for a period of one year or more, the future use of such land or structure shall be in conformity with the provisions of this regulation. A non-conforming use shall not be extended, but the extension of a continuing use to any portion of a structure, which portion was arranged or designed for such non-conforming use at the time of the passage of this regulation, shall not be deemed the extension of a non-conforming use. A structure arranged, designed and devoted to a non-conforming use at the time of the passage of this regulation may not be reconstructed or structurally altered to any extent unless the use of said structure is changed to a conforming use. A non-conforming use shall not be changed unless changed to a more restrictive use. A non-conforming use if changed to a conforming use, may not thereafter be changed back to any non-conforming use. Notwithstanding the foregoing, if any structure used in a non-conforming manner in accordance herewith is partially destroyed or damaged either by

act of God or by other casualty not caused by the party using such structure to any extent not exceeding 100 percent of the then fair market value of such structure, then such structure may be re-constructed within one year from date of such destruction or damage and such non-conforming use may continue as above provided in this section.

#### SECTION 19. OFF-STREET PARKING SPACE

Off-street parking space shall be provided on land immediately adjoining the land on which the following uses are maintained:

Residences and Multiple Dwellings - Space for at least one automobile for each residence or dwelling unit.

Groceries, Department Stores, and Sales Establishments - Parking space at least equivalent to floor space devoted to selling.

Restaurants, Taverns, Night Clubs, and Places Of Assembly - At least 200 square feet of parking area for each 4 seats located in such structure.

Theaters - At least 200 square feet of parking area for each 6 seats located in the theater.

Farms Selling Home-Grown Products - At least 1,200 square feet of parking area for each stand.

Commercial Establishments Employing 5 Or More - At least 400 square feet of parking area for each 4 employees.

All Commercial And Industrial Establishments - Adequate off-street loading and unloading facilities and a parking area equal to that required for Commercial Establishments Employing 5 Or More as provided herein.

Hotels - At least 200 square feet of parking area for each 2 bedrooms.

Motels - At least 200 square feet of parking area for each bedroom, cottage or cabin.

#### SECTION 20. OBSTRUCTION TO VIEW

On any corner, lot on which a set-back line is established by this regulation, no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained in such location between such set-back line and the street line as to cause danger to traffic, as may be determined by the County Building Inspector.

#### SECTION 21. GARAGES, MOTOR VEHICLE REPAIR SHOPS AND FILLING STATIONS

No garage for more than ten vehicles, no motor vehicle repair shop and no gasoline or other motor vehicle fuel filling station shall have an entrance or exit for motor vehicles within three-hundred (300) feet measured within street or alley lines of any entrance or exit to a public or private school, playground, public library, hospital, church or orphanage or children's home. In the application of this section, with reference to a playground, where said playground is not enclosed with a wall or fence, the entrance and exit to same shall be construed to be nearest point on the playground.

SECTION 22. WATER SUPPLY AND SEWAGE  
DISPOSAL

Every structure, building, residence, business, trade or industry hereafter established in any district and requiring water supply or sewage disposal facilities (or both), shall provide such facilities conforming to standards of design and location approved by the State Department of Public Health; and any new water supply and sewage disposal facilities hereafter provided for existing uses shall conform to such standards. Wells shall be located at a minimum distance of 75 feet from cesspools, septic tanks or other fixed sources of pollution.

SECTION 23. TEMPORARY BUILDINGS

Where temporary buildings have been constructed in any district prior to the enactment of this zoning regulation and where said temporary buildings have been constructed within the front yard set-back, as provided herein, and where said temporary buildings are causing a congestion of traffic or hazard to the movement of traffic along the highway, then and in that event, and upon written order duly signed by the County Board of Supervisors, the owner or owners of said temporary buildings, shall, within 12 months from the date of receiving said notice, move same back to conform with the yard regulations as set forth herein.

SECTION 24. NEW SUBDIVISIONS

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 in 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 Board of Supervisors of Washington County.

The owner or owners of any real property which it is desired to subdivide for building purposes, shall submit to the County Surveyor a complete development plan according to standard zoning requirement which shall be issued by the County Board of Supervisors. Such applicant shall at the time of filing such plan pay to the County Clerk a non-refundable filing fee of \$25.00. The County surveyor shall review the plan submitted to him and shall then submit written recommendations concerning the same to the County Board of Supervisors. The County Board of Supervisors shall hold a public hearing concerning such plan, after giving due public notice of the time, place and purpose of the hearing by publication thereof in a legal newspaper of general circulation in Washington County, Nebraska, one time at least ten days prior to such hearing. After due public notice and public hearing, the County Board of Supervisors shall approve or deny the application for the subdivision. No subdivision plat shall be entitled to be recorded until approval and acceptance by the resolution of the County Board of Supervisors.

SECTION 25. BOARD OF ADJUSTMENT

It is hereby resolved that the Washington County Board of Supervisors shall constitute the Zoning Board of Adjustment for Washington County, and as such Board of Adjustment, shall after public notice and public hearing in appropriate cases and subject to appropriate safeguards, make special exceptions to the terms of this regulation or to the interpretation and acts of the County Building Inspector when in its judgment the public convenience and welfare will be substantially served or the appropriate use of the neighboring property will not be substantially or permanently injured. Rules of procedure governing the County Board of Supervisors while acting as the Board of Adjustment shall be adopted by the County Board of Supervisors.

Appeal from any decision of the Board may be made by an aggrieved person or persons in the manner provided by law. Such applicant shall, at the time of filing request, pay to the Clerk of such County Board of Supervisors a non-refundable fee of \$12.50.

#### SECTION 26. DEFINITIONS

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

"Accessory Building" - A subordinate building or structure detached from the main building, located on and occupying not more than thirty (30) percent of the buildable lot area, the use of which is incidental or complementary to that of the main building.

"Buildable Area" - The space remaining on a lot after deducting the open space requirements of this Zoning Resolution.

"Building" - A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

"Dwelling" - A building in which the entire space is used for a place of abode by one or more families, but specifically excluding tents and house-trailers from such definition.

"Dwelling, Single Family" - A detached building designed or erected for and occupied exclusively by one family.

"Family" - Any number of persons related by blood, marriage or adoption, living, cooking and dining together as a single housekeeper unit, including also not more than two boarders or lodgers, and also domestic servants for whom, subject to the provisions of this Resolution, separate living quarters may be provided.

"Home Occupation" - Any occupation carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign other than an announcement or professional sign not over four (4) square feet in area or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling; there is kept no stock in trade nor commodity sold upon the premises.

"Hotel" - A building where lodging is offered or provided with or without meals for twenty or more persons.

"House-Trailer" - A vehicle designed to permit occupancy thereof as a dwelling or sleeping place for one or more persons having as its original foundation either wheels or jacks and originally designed for transportation on its wheels.

"Lot" - Land occupied or intended to be occupied by one main building or structure and its accessory buildings, and including as a minimum such open spaces, areas and dimensions exclusive of street areas as are required under this Resolution.

"Lot Lines" - The boundaries of a lot are defined herein.

"Motel" - A building where lodging is provided with or without meals or facilities for preparing meals; designed or intended primarily for automobile transients; and providing space where automobiles may be parked in unenclosed or enclosed parking spaces.

"Multiple-Family Dwelling" - A dwelling structure occupied as a home by families and containing three or more family units which may use joint services or facilities.

"Parking Lot" - An open air parcel of land devoted to unenclosed parking spaces.

"Row house" - A dwelling structure not exceeding 2 1/2 stories nor 35 feet in height, containing three or more non-communicating family units, the dividing walls between family units being party or common walls.

"Side Lot Line" - The side lot line of a corner lot which coincides with an adjoining street or road.

"Structural Alteration" - Any change in the supporting members of a building or structure, such as bearing walls or partitions, column, beams or girders.

"Structure" - Any man-made object which is located on land or is attached to an object located on land.

"Subdivision" - Shall mean the division of a lot, tract or parcel of land into two or more sites, or other subdivisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel of land created is more than five acres in area.

"Tent or House Trailer Camp or Park" - Land occupied or intended to be occupied by two or more tents or house trailers.

"Washington County Zoning District" - All territory lying within the boundaries of Washington County, Nebraska, and which is outside the zoning jurisdictional limits of incorporated municipalities located in said County.

"Yard" - An open, unoccupied space on the same lot with a structure, and lying between a lot line and the nearest line or corner of the structure.

#### SECTION 27. COUNTY BUILDING INSPECTOR

A. Establishment of Office. There is hereby established the position and office of the County Building Inspector of Washington County, Nebraska. The said County Building Inspector shall be appointed by and hold office at the pleasure of the County Board of Supervisors.

B. Compensation. The compensation for the County Building Inspector shall be as determined by the County Board of Supervisors.

C. Bond. Said County Building Inspector shall furnish good and sufficient bond to the people of the State of Nebraska in the penal sum of two thousand dollars (\$2,000.00) to be approved by the County Board of Supervisors, conditioned that he shall faithfully perform and execute the duties of the office of County Building Inspector, and shall pay over all monies that may come into his hands as County Building Inspector, and shall deliver to his successor all papers, records and other things pertaining to his office.

#### SECTION 28. AMENDMENTS (RE-ZONING)

A. This resolution and said Zoning Plan may be amended, supplemented, changed, modified or repealed in whole or in part from time to time by resolution of the County Board of Supervisors, either upon its own motion and initiative or upon the written application of any interested party; and in each case after published notice and public hearing by the County Board of Supervisors.

B. Any interested party requesting or desiring an amendment, supplement, change, modification or repeal of all or a





portion of this resolution and said Zoning Plan shall file a written application with the County Board of Supervisors, setting forth with particularity the change in zoning desired and the legal description of the land to be rezoned. Such applicant shall, at the time of filing such application pay to the Clerk of such County Board of Supervisors a non-refundable filing fee of \$25.00. Thereupon and after published notice and public hearing by the County Board of Supervisors, it shall by resolution either adopt or refuse to adopt such proposed amendment, supplement, change, modification or repeal of the Zoning Resolution and said Zoning Plan.

SECTION 29. VALIDITY

Should a court of competent jurisdiction declare any part of this resolution to be invalid, such decision shall not affect the validity of the remainder. All resolutions and parts of resolutions passed and approved prior to the passage and approval of this resolution and in conflict therewith are hereby repealed.

SECTION 30. VIOLATION

If any person, firm or corporation shall violate any of the provisions of this resolution, such person, firm or corporation shall be punished upon conviction in accordance with the penalties prescribed by the Statutes of the State of Nebraska.

SECTION 31. EFFECTIVE DATE

This regulation shall be in full force and effect upon its due passage and publication following public hearing as required by law.

Dated this 26 day of November, 1962.

Passed by motion of the Board of County Supervisors, this 26th day of November, 1962.

Attest Lucille K. Poulson  
Lucille K. Poulson  
County Clerk

Leslie French  
Leslie French  
Chairman, Washington  
County Board Supervisors

(County Clerk Seal)



State of Nebraska }  
County of Washington } ss.  
Entered in Numerical Index and filed for record  
this 31 day of December  
A. D., 1962 at 4:30 o'clock P. M.  
and recorded in book N at page 614-631  
Lucille K. Poulson  
County Clerk

Deputy  
Recorded ✓  
General ✓  
Numerical ✓  
Photostat ✓