

RESOLUTION

BE IT RESOLVED that the County Board of Supervisors of Washington County, Nebraska, that after public notice and hearing held on January 25, 1966, at 2:00 o'clock P.M. pursuant to the statutes of the State of Nebraska, the Zoning Regulations of Washington County, Nebraska, are hereby amended and changed as hereafter set out and all Resolutions or parts of Resolutions passed and approved prior to the passage and approval of this Resolution and in conflict therewith were hereby repealed, such amendments and changes to be effective upon adoption of this Resolution:

State of Nebraska } ss. 882
County of Washington }
Entered in Numerical Index and filed for record
this 1 day of August
A. D., 19 66 at 4:05 o'clock P. M.
and recorded in book R at page 579-591
Jessie L. Paulson
County Clerk
Deputy

Recorded ✓
General ✓
Numerical ✓
Photostat ✓

- 1. That Section 2, Page 1, be amended to read as follows:

SECTION 2. 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 building 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 highway construction, provided that such use be of a temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than six months subject to conditions as will safeguard the public health, safety and general welfare.

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 a plat 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 of the present use and proposed use to be made of the lot, existing and proposed water and sanitary sewer facilities, as may be necessary to determine and provide for the enforcement of 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 25 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. Fees for Permit

582

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.

582

2. That Section 18, Page 6, be amended as follows:

Section 18. 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 unlawfully 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 of 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.

3. That Section 25, Page 7, be amended as follows:

SECTION 25. BOARD OF ADJUSTMENT

- A. 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.
- B. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of Washington County affected by any decision of the Building Inspector. Such an appeal shall be taken within 30 days after written notification of the decision of the Building Inspector. Any person desiring to appeal to the Board of Adjustment shall, at the time of filing request for appeal, pay to the Clerk of the County Board of Supervisors a non-refundable fee of \$12.50. Such request for appeal shall be made on forms furnished by the County Clerk.
- C. The Board of Adjustment shall have the following powers:
 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this regulation.
 2. To authorize upon appeal in specific cases such variance from the terms of this regulation as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the regulation will result in unnecessary hardship, and so that the spirit of the regulation shall be observed and substantial justice done.
 3. To hear and make special exceptions to the terms of this regulation upon which the Board is required to pass under this regulation in harmony with its general purpose and intent, and in accordance with the general or specific rules therein contained.
- D. Appeal from any decision of the Board may be made by an aggrieved person or persons in the manner prescribed by law.

4. That Section 28, Page 8, be amended as follows:

SECTION 28 - AMENDMENTS

The regulation, restrictions and boundaries established by the zoning map may be amended, supplemented, changed, modified or repealed from time to time by resolution of the County Board of Supervisors. Any proposed amendment or change may be initiated by the County Board of Supervisors or by an interested party. An application for an amendment or change shall be submitted to the County Board of Supervisors on forms obtained in the office of the Building Inspector. No change or amendment shall become effective until after a hearing by the County Board of Supervisors and notice of the time and place of such hearing shall be given by the publication thereof in a legal newspaper of general circulation in Washington County one time at least ten days prior to such hearing.

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 there-to 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.

Any interested party making application for amendment or change shall at the time of filing such application pay to the Clerk of the County Board of Supervisors a non-refundable filing fee of \$25.00.

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 a legal newspaper published in and of general circulation in the County one time within ten 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.

Changes made on the official zoning map shall be in accordance with Section 3 of this regulation.

5. That Section 30, Page 9, be repealed.

51 02 00

Floyd Triplett moved the adoption of the foregoing Resolution.

Emmett Rounds seconded the motion. Carried.

YEAS

Leslie French

Floyd Triplett

Carl Graverholt

Velmar Katt

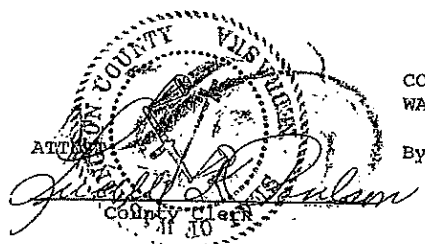
Emmett Rounds

Mack Cameron

Fred Hansen, Chairman - not voting -

NAYS

None



COUNTY BOARD OF SUPERVISORS
WASHINGTON COUNTY, NEBRASKA

By Fred Hansen
Chairman

RESOLUTION

RESOLVED by the County Board of Supervisors of Washington County, Nebraska, that the standard zoning requirements for the development of subdivisions within the jurisdictional limits of Washington County Zoning Districts are hereby amended and changed to read as hereafter set out, to-wit:

PRELIMINARY PLATS

1. Three (3) copies of the preliminary plat shall be submitted to the County Surveyor and one copy to the County Building Inspector.
2. The existing topography and proposed grading shall be shown.
3. A three-line profile showing existing and proposed grades of all streets and alleys shall be submitted to the County Surveyor, together with a typical cross section of the proposed street and alley grading.
4. Surfacing to be constructed on all new streets or thoroughfares shall be placed on a thoroughly compacted subgrade and shall be concrete paving or asphalt paving with integral curbing or curb and gutter with crushed rock, crushed gravel or pit run gravel all meeting the standard requirements of the County Board of Supervisors. Developer shall be responsible for the maintenance and repair of the streets or thoroughfares for a period of two years after construction and such maintenance or repairs shall be performed in accordance with the requirements of the County Building Inspector.
5. Recommended scale of drawing to be not less than 1" equals 100'.
6. Profile scale: Horizontal 1" equals 50'. Vertical 1" equals 5'.
7. All street grades shall be approved by the County Surveyor before the final plat is submitted to the County Board.

FINAL PLATS

1. All land plats shall be prepared on good quality tracing cloth preferably 18 x 28 inches, having a 2 inch margin on the left and not less than 1 inch on the other three sides. North arrow and scale shall be clearly shown. Maps must be drawn with waterproof ink and should be rolled but not folded.
2. Each plat must be drawn to a scale of not less than 200 feet to the inch.

3. All rights of way for streets or thoroughfares must be not less than 50 feet in width and hard surfacing shall be a minimum width of 25 feet, and there shall be no blind or dead-end roads shown except where a turn around of 100 feet in outer diameter is provided; roads to follow established road lines wherever possible.

4. All property lines and other features appurtenant to proper subdivision shall be shown.

5. The length of and the angles between all lines shall be shown. At least three permanent monuments four feet in length at a minimum of 300 feet apart, conveniently placed from which the entire survey can be retraced shall be established. All lot corners established must be described as to size, length and material.

6. The name of all adjoining subdivisions shall be shown.

7. All adjoining roads shall also be shown.

8. All lots and blocks shall be properly numbered and lettered.

9. All new roads, shall wherever possible, be a continuation of existing roads, if any, without any offset.

10. All seals on plats must be legible.

11. All lots shall be large enough to permit the required set-back and yard regulations required in the Washington County Zoning Regulations.

12. Curbs and sidewalks shall be constructed on the public right of way only in accordance with the requirements of the County Board of Supervisors.

13. The name of the Subdivision and name of the owner or Trustee as owner, shall be shown with his certificate of dedication.

14. The certificate of the registered land surveyor shall be shown.

15. The certificate of the County Treasurer that there are no unpaid taxes, unredeemed tax sales certificates, or tax deeds of record, is to be shown on the plat.

16. The plat shall be notarized.

17. A form shall provide on the plat for the approval of the County Board of Supervisors, County Surveyor and County Building Inspector.

18. Upon approval of the final plat by the County Board of Supervisors, the County Surveyor and the County Building Inspector, nine (9) copies of the plat shall be distributed as follows:

- (1) Original tracing or cloth reproducible to the County Surveyor.
- (2) Photostats 9" x 15" with 2" top margin to the County Clerk.
- (3) (2) Black and white or blue line prints of the original to the County Building Inspector.
- (4) Blue line prints to the County Assessor.

19. No plat shall be filed until approved as herein provided.

Be It Further Resolved that such subdivision development requirements be printed in pamphlet form and made available for the use of the public.

Be It Further Resolved that one (1) copy of such subdivision development requirements be kept on file in the office of the County Clerk of Washington County, Nebraska, one (1) copy in the office of the County Building Inspector, together with any and all amendments thereto.

Adopted this 25 day of July, 1966.

COUNTY BOARD OF SUPERVISORS
WASHINGTON COUNTY, NEBRASKA

By Frank Hansen
Chairman

ATTEST:

Lucille K. Pular
County Clerk

