Saunders County, Nebraska

Zoning Regulations

2015 Update

Adopted by

Saunders County, Nebraska

MARCH 3, 2015

RESOLUTION NO. 13-2015

Revised: November 3, 2015	**Resolution 30-2015**
Revised: March 8, 2016	**Resolution 14-2016**
Revised: June 7, 2016	**Resolution 22-2016**
Revised: August 2, 2016	**Resolution 25-2016**
Revised: February 19, 2019	**Resolution 16-2019**
Revised: April 9, 2019	**Resolution 19-2019**
Revised: September 12, 2019	**Resolution 41-2019**
Revised: April 7, 2020	**Resolution 31-2020**
Revised: October 13, 2020	**Resolution 40-2020**
Revised: February 23, 2021	**Resolution 15-2021**
Revised: October 12, 2021	**Resolution 31-2021**
Revised: November 7, 2023	**Resolution 36-2023**
Revised: September 10, 2024	**Resolution 23-2024**
Revised: January 7, 2025	**Resolution 2-2025**
Revised: January 14, 2025	**Resolution 1-2025**

JEO Project No: R131323.00

ZONING REGULATIONS

A ZONING REGULATION of Saunders County, Nebraska to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of non-farm buildings, or structures, and the use, conditions of use, or occupancy of land; defining the terms set forth therein; dividing the territory covered by this Resolution into districts; adopting an official zoning district map; providing off-street parking requirements; conditional uses of special permits; non-conforming uses; providing for the creation of a Board of Adjustment, its members, powers and duties; providing a penalty for violation thereof; repealing conflicting Resolutions; and providing for the effective date of this resolution.

WHEREAS, the County Board of Supervisors of Saunders County deems it necessary to adopt Zoning Regulations for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Nebraska, among others, such specific purposes as:

(1) Establish policies to guide future growth and development.
(2) Lessening congestion in the streets or roads;
(3) Reducing the waste, expense and maintenance costs due to an excessive amount of roads;
(4) Securing safety from fire and other dangers;
(5) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
(6) Providing adequate light and air;
(7) Manage land use development to promote growth in and adjacent to existing communities and avoid scattering of population or settlement;
(8) Promoting land uses, and such distribution of land development as will assure adequate provisions for transportation, water flow, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
(9) Protecting the tax base;
(10) Protecting property against blight and depreciation;
(11) Securing economy in governmental expenditures;
(12) Fostering the state's agriculture, recreation, and other industries;
(13) Encouraging the most appropriate use of land in the county; and
(14) Preserving, protecting, and enhancing historic buildings, places, and districts, all in accordance with a comprehensive plan;

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY BOARD OF SUPERVISORS OF SAUNDERS COUNTY, NEBRASKA:

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ARTICLE 1: GENERAL PROVISIONS

Section 1.01 Short Title
These regulations shall be known and may be cited as the Saunders County Zoning Regulations.

Section 1.02 Abbreviations and Acronyms
For purposes of this Resolution this section contains a listing of abbreviations and acronyms used throughout this document.

AU =	Animal Unit
CAFO =	Confined Animal Feeding Operation
FCC =	Federal Communication Commission
kV =	Kilovolt
kW =	Kilowatt
LFO =	Livestock Feeding Operation
NDEQ =	Nebraska Department of Environmental Quality or successor department
R.O.W. =	right-of-way or rights-of-way
USDA =	United States Department of Agriculture

Section 1.03 Definitions
For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows: The words "person" or "persons" include a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory, the word "may" in permissive. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied". The word "lot" includes the words "plot" or "parcel".

1.03.01 **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.

1.03.02 **ACCESSORY BUILDINGS AND USES** shall mean a subordinate building, the use of which is incidental to that of the main building or to the main use of the premises and is generally located behind the principal structure. An accessory use is one which is incidental to the main use of the premises and shall comply with the county building regulations.

1.03.03 **ACRE** shall mean an area containing 43,560 square feet, as measured in a land survey prepared by a registered land surveyor.

1.03.04 **ADJACENT** shall mean contiguous with or abutting; and will also include property across the street or highway from a District by up to a distance of one hundred feet (100') therefrom.

1.03.05 **ADULT ARCADE** shall mean a commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, wherein image-producing devices are regularly maintained, where a fee is charged to access the booths or rooms, and where minors are excluded from the booths or rooms by reason of age.

1.03.06 **ADULT BOOK STORE** shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment's displayed merchandise consists of said items, or
2. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
3. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items; or
4. The establishment maintains at least seven hundred fifty square feet (750 sq. ft.) of its floor area for the display, sale, and/or rental of said items.

1.03.07 **ADULT ESTABLISHMENT** shall mean an "adult arcade," an "adult bookstore," an "adult motion picture theater," a "semi-nude lounge," or a "sex paraphernalia store."

1.03.08 **ADULT MOTION PITCURE THEATER** shall mean a commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger wherein films or videos characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas" are regularly shown.

1.03.09 **AGRICULTURE** shall mean the planting, cultivating, harvesting and storage of grains, hay plants, or horticultural plants commonly grown in the vicinity. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is twenty (20) acres or more in area and if such raising of livestock and poultry is incidental or supplemental to the raising of crops. Also refer to 'farm' and 'non-farm'.

1.03.10 **ALTERATION** shall mean to make significant changes in the walls or configuration of a building without changing original end use, (e.g. enclosing porch, adding room to dwelling, adding storage area to garage) resulting in an increase in floor area square footage, and costing less than 50% of the market value of original structure. Changes may also be subject to flood flows.

1.03.11 **ALLEY** shall mean a public thoroughfare less than twenty-five feet (25') in width, which affords only a secondary means of access to property abutting thereon.

1.03.12 **AMENDMENT** shall mean a change in the wording, context or substance of this Resolution, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

1.03.13 **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.

1.03.14 **ANIMALS, DOMESTIC** (see Household pet)

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

1.03.16 **ANIMAL UNIT (AU)** shall be defined as follows:
One (1) A.U. = One (1) Cow/Calf combination;
One (1) A.U. = One (1) Slaughter, Feeder Cattle;
One (1) A.U. = One (1) Horse;
One (1) A.U. = Seven Tenths (.7) Mature Dairy Cattle;
One (1) A.U. = Two (2) Sows with litters;
One (1) A.U. = Two and One Half (2.5) Swine (55 pounds or more);
One (1) A.U. = Twenty Five (25) Weaned Pigs (less than 55 pounds);
One (1) A.U. = Ten (10) Sheep;
One (1) A.U. = One Hundred (100) Chickens;
One (1) A.U. = Fifty (50) Turkeys;
One (1) A.U. = Five (5) Ducks

1.03.22. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multipoint distribution services.

1.03.23. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.

1.03.24. **APARTMENT** shall mean a room or suite or rooms in a multiple dwelling intended for occupation by one family, or where more than one living unit is established above non-residential uses, intended or designed for a use as a residence by a single family including culinary accommodations.

1.03.25. **APARTMENT HOUSE** See Dwelling, Multiple.

1.03.26. **APPLICANT** shall mean any person that applies for a any type of Zoning Permit.

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

1.03.28. **APPURTENANT STRUCTURE** shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure, up to a maximum of 400 square feet.

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

1.03.30. **AQUIFER RECHARGE AREA** shall mean an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

1.03.31. **BASEMENT** shall mean that portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.

1.03.32. **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not interest of the immediate neighborhood.

1.03.33. **BEST POSSIBLE MANAGEMENT PRACTICES** shall mean livestock management techniques and practices as set forth by various agencies, including the Nebraska Department of Environmental Quality, that encourage and protect the environment and public.

1.03.34. **BLOCK** shall mean a parcel of land entirely surrounded by public highways, streets, railroads or unplatted land.

1.03.35. **BLOCK FRONT** shall mean all of the property on one side of a street between two intersecting streets.

1.03.36. **BOARDING HOUSE** shall mean a building other than a hotel where for compensations and by pre-arrangement for definite periods, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

1.03.37. **BUILDABLE AREA** shall mean the portion of a lot remaining after required yards have been provided.

1.03.38. **BUILDING** shall mean any structure, including a roof supported by wall, designed or intended for the support, enclosure, shelter, or protection or persons, animals, chattels, or property and forming a construction that is safe and stable.

1.03.39. **BUILDING HEIGHT** shall mean the greatest vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

1.03.40. **CELLAR** shall mean a story or building space having more than one-half (1/2) of its height below the average adjoining grade lines.

1.03.41. **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.

1.03.42. **CERTIFICATE OF SURVEY** shall mean a survey of record filed with the Saunders County Surveyor in accordance with Nebraska Statutes 81-8, 122.01 and applicable regulations on a form approved by the County Surveyor and providing:

a. a plat of the tract or land surveyed,
b. legal description of the tract or lot surveyed,

c. description of all corners found,
d. description of all corners set,
e. ties to any section corners, quarter-corners, or quarter-quarter corners found or set,
f. plat distances and field measurements, and
g. date of completion of survey.

1.03.43. **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainage way.

1.03.44. **CHARACTERIZED BY** shall mean describing the essential character or quality of an item. As applied to adult establishments, no business shall be classified as an adult establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

1.03.45. **CHILD CARE FACILITY** shall mean a single family dwelling in which care is provided for four or more children on a regular basis for compensation. Such care shall be for less than an average of twelve hours per day and comply with State Child Care Regulations.

1.03.46. **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.

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

1.03.48. **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

1.03.49. **COMMUNITY SANITARY SEWER SYSTEM** shall mean an approved central sewer collecting system, meeting state and county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual septic system.

1.03.50. **COMMUNITY WATER SUPPLY SYSTEM** shall mean a public water supply system which serves at least fifteen service connections used by year round residents or uses, or regularly serves 25 or more year round residents or uses.

1.03.51. **CONDITIONAL USE** shall mean a use permitted in districts where certain specified standards, criteria, or use limitations are complied with.

1.03.52. **CONDOMINIUM** shall mean as defined in the Nebraska State Statutes Section 76-801-76-823, the Condominium Law, whereby four or more apartments are separately offered for sale.

1.03.53. **CONFINED ANIMAL FEEDING OPERATION, LARGE** shall mean an farming operation which meets the following minimum numbers:

700 mature dairy cows	125,000 chickens except laying hens (other than liquid manure handling system)
1,000 beef cattle or heifers	82,000 laying hens (other than liquid manure handling system)
2,500 swine (each 55lbs or more)	1,000 veal calves
10,000 swine (each under 55 lb.)	500 horses
30,000 ducks (other than liquid manure handling system)	10,000 sheep
5,000 ducks (liquid manure systems)	55,000 turkeys
30,000 chickens (liquid manure systems)	

Any combination of animals shall follow the definition of Animal Units in order to establish the intensity of Confined Animal Feeding Operation

1.03.52 **CONFINED ANIMAL FEEDING OPERATION, MEDIUM** shall mean an farming operation which meets the following minimum numbers:

200 mature dairy cows	37,500 chickens except laying hens (other than liquid manure handling system)
300 beef cattle or heifers	25,000 laying hens (other than liquid manure handling system)
750 swine (each 55lbs or more)	300 veal calves
3,000 swine (each under 55 lb.)	150 horses
10,000 ducks (other than liquid manure handling system)	3,000 sheep or lambs
1,500 ducks (liquid manure systems)	16,500 turkeys
9,000 chickens (liquid manure systems)	

Any combination of animals shall follow the definition of Animal Units in order to establish the intensity of Confined Animal Feeding Operation

1.03.53. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish that is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

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

1.03.55. **COUNTY** shall mean Saunders County, Nebraska.

1.03.56. **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.

1.03.57. **DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.

1.03.58. **DENSITY** shall mean the number of dwelling units per gross acre of land.

1.03.59. **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or stockpiling of raw materials, and all sub-division tracts.

1.03.60. **DEVELOPMENT CONCEPT PLAN** (See Site Plan)

1.03.61. **DWELLING** shall mean any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.

1.03.62. **DWELLING, SINGLE FAMILY** shall mean a building having accommodations for or occupied exclusively by one family, excluding mobile homes but including manufactured homes which meet all of the following standards:

a. The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
b. The home shall have no less than an eighteen (18) foot exterior width;
c. The roof shall be pitched with a minimum vertical rise of two and one-half (2 ½) inches for each twelve (12) inches of horizontal run;
d. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
e. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, steel standing seam roofing, tile, or rock;
f. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and;
g. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
h. Permanent Foundation: Based on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42" below the final ground level.

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

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

1.03.65. **DWELLING, MODULAR** (Is considered a conventional type single-family dwelling). Shall mean any prefabricated structure, used for dwelling purposes moved on to a site essentially complete constructed condition, in one or more parts and when completed is a single family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, 2nd any amendments thereto, that do not meet the above criteria shall be considered a mobile home and shall meet the minimum standards defined in Dwelling, Single-family.

1.03.66. **DWELLING, MULTIPLE FAMILY** shall mean a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

1.03.67. **DWELLING, FARM OR FARMSTEAD** shall mean residential dwellings appurtenant to agricultural operations including living quarters for persons employed on the premises, guest houses not rented or otherwise conducted as a business, and private garages, out buildings and barns.

1.03.68. **DWELLING UNIT** shall mean one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

1.03.69. **EASEMENT** shall mean a space on a lot or parcel or land reserved for or used for public utilities or public or private uses.

1.03.70. **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 instructions 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.

1.03.71. **ELECTRIC DISTRIBUTION SUBSTATION** shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.

1.03.72. **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.

1.03.73. **EMPLOYEE OF AN ADULT ESTABLISHMENT** shall mean any person who works on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a

person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

1.03.74. **ENCROACHMENT** shall mean advancement or intrusion beyond the lines or limits as designated and established by this Regulation, and to infringe or trespass into or upon the possession or rights of others without permission.

1.03.75. **ENGINEER** shall mean any engineer qualified and licensed by the State of Nebraska.

1.03.76. **FAMILY** shall mean the head of the family and one or more persons related to the head by blood, marriage or adoption living together in a single dwelling unit. Unrelated individuals shall maintain a minimum of 200 square feet of living area per individual as set forth in the building code. However a family shall not be construed to be a group quarters, fraternity/sorority, motel, commune or other similar arrangement.

1.03.77. **FARM** shall mean an area containing at least twenty (20) acres or more which is used for growing of the usual farm products such as vegetable, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

1.03.78. **FARMING** shall mean the operation of any land as defined as a farm.

1.03.79. **FARMSTEAD** shall mean in contrast to a farmstead dwelling, a tract of land of not less than 2 acres and not more than 20 acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family residence purposes.

1.03.80. **FLOOD** shall mean the water of any watercourse or drainage way, which is above the bank or outside the channel and banks of such watercourse or drainageway.

1.03.81. **FLOODPLAIN** shall mean a Flood Plain shall mean the area adjoining a watercourse which may become flooded and is designated as the Special Flood Hazard Area within the boundaries designated as the 500 year flood level by the Federal Insurance Administration.

1.03.82. **FLOODWAY** shall mean a Floodway is the channel of a stream including adjacent flood plain areas that must be kept free of encroachment in order that the 100 year flood level waters can be carried without increasing the flood heights more than 1.0 foot and provided that hazardous velocities are not produced.

1.03.83. **FLOOR AREA** shall mean whenever the term floor area or floor space is used as a basis for requiring off-street parking for any building or structure, it shall be assumed that, unless otherwise stated, it applies not only to the ground floor area but also to any additional stories of floor areas within the surrounding exterior walls.

1.03.84. **FLOOR AREA, HABITABLE** shall mean the habitable floor area for a residential building or structure shall be the sum of the gross horizontal area measured within the surrounding exterior walls or the perimeter walls of the dwelling unit to be used for living, sleeping, eating and cooking, exclusive of garages, and other attached accessory floor areas.

1.03.85. **FRACTIONAL SECTION** Shall mean a subdivision of a section containing led than 640 acres of land, Excluding sections that are adjacent to the Platte River.

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

1.03.87. **GROUP HOUSING PROJECT** shall mean a dwelling project consisting of three (3) or more buildings, to be constructed on a plot of ground which is not subdivided into customary streets or lots, or where existing or contemplated street or streets or lot layouts make it impractical to apply the requirements of these regulations to the individual building units in such housing projects.

1.03.88. **HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from the centerline of this future right-of-way line.

1.03.89. **HOME OCCUPATION** shall mean any occupation or activity carried on in a dwelling by a member or members of the immediate family residing therein and not employing a person not a resident of the dwelling. Such use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the exterior appearance of the dwelling, alter the interior so as to affect the buildings usefulness for single family residential purposes or occupy more than one-half the total area of the dwelling.

a. Permitted home occupations may include but are not limited to the following in conformity with this section:
   1) Seed dealers
   2) Music teachers, provided that instructions shall be limited to one pupil at a time, except for occasional groups.
   3) Dressmakers, seamstresses, tailors, artists.
   4) Ministers, rabbis, priests.
   5) Office facilities for salesmen, sales representatives, manufacturer's representatives, when no retail, wholesale, or exchange of goods are made or transacted on the premises.
   6) Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed, other than that which would customarily be found in the home. Machinery or equipment that would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or a vocation not conducted for gain or profit.
   7) Equipment repair conducted entirely within an enclosed building with no outdoor storage.

b. Permitted home occupations shall not, in any event, include:
   1) Funeral homes.
   2) Nursery schools and group day care centers, unless specifically permitted by the district regulations.
   3) Restaurants.
   4) Stables, kennels, or animal hospitals.
   5) Tourist homes, unless specifically permitted by the district regulations.
   6) Renting of trailers.
   7) Medical or dental clinics or hospitals.

1.03.89 **HOME BUSINESS** shall mean a home occupation that may have one employee that is not a family member residing on the property.

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

1.03.91 **HOUSING FOR THE ELDERLY** shall mean a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of fifty-five-(55) years of age or more. This does not include developments containing convalescent or nursing facilities. (Also, see Congregate Housing)

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

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

1.03.94 **INDIVIDUAL SEPTIC SYSTEM** shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.

1.03.95 **INSTITUTION** shall mean a building occupied by a non-profit corporation or a non-profit establishment for public use.

1.03.96 **JUNKYARD** shall mean any area where waste, discarded or salvaged, is bought, sold, exchanged, baled or packed, disassembled, or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, house-wrecking yards, used lumber yards and places or yards of storage of salvaged house-wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

1.03.97 **KENNEL** shall mean any place in which domesticated dogs or cats are housed, groomed, bred, boarded, trained, for sale, show or recreation. This shall not apply to places that have four (4) or fewer adults and no young more than eight (8) weeks old.

1.03.98 **LANDSCAPING** shall mean to include the original planting of suitable vegetation in conformity with the requirements of these Regulations and the continued maintenance thereof.

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

1.03.100 **LIQUID MANURE** shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface; provided, however, only liquid manure collected in lagoons may be applied through the use of a center pivot or tow-line irrigation systems. (See definition of Waste Handling System.)

1.03.101 **LIVESTOCK FEEDING OPERATION (LFO)** shall mean any farming operation as defined under "Farming" or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confinement is for more than six (6) months in any one calendar year, and where the number of animals meets the definition of a "Large Confined Animal Feeding Operation" as defined in this Resolution. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two (2) or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock wastes.

1.03.102 **LOT** shall mean for purposes of this Resolution, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

a. A single lot of record;
b. A portion of a lot of record;
c. A combination of complete lots of record, and portions of lots of record,
d. A parcel of land described by metes and bounds; provided that in no case of lot division or combination shall any residual lot or parcel be created which does not meet the requirements of this Resolution.

1.03.103 **LOT, CORNER** shall mean a lot abutting upon two (2) or more streets at their intersection.

1.03.104 **LOT, DEPTH OF** shall mean the mean horizontal distance between the front and rear lot lines.

1.03.105 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

1.03.106 **LOT OF RECORD** shall mean a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Saunders County; or a parcel of land, the deed to which was recorded in the office of the County Clerk prior to the adoption of this Resolution.

1.03.107 **LOT WIDTH** shall mean the width of a lot measured at the front or rear building lines, whichever is greater and at right angles to its depth.

1.03.108 **MAINTENANCE** shall mean any improvements to existing development, which are not alterations or substantial improvements.

1.03.109 **MOBILE HOME PARK** shall mean any lot or parcel used for one or more mobile homes, trailers, trailer coaches, houses, or camp cars or other portable or mobile shelters used for living purposes.

1.03.110 **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.

1.03.111 **NON-FARM BUILDINGS** shall mean all buildings except those buildings utilized for agricultural purposes on a farm of 20 acres or more which produce farm products each year.

1.03.112 **NUDITY OR NUDE CONDUCT** shall mean the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

1.03.113 **NURSING HOME, CONVALESCENT HOME** shall mean a home for the aged or infirm where residents are provided with food, shelter, and care for hire or compensation.

1.03.114 **OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

1.03.115 **OPEN STORAGE** shall mean the use of premises for keeping or storing licensed watercrafts, motor homes, camper trailers, and vehicles other than in a wholly enclosed building.

1.03.116 **OPERATOR OF ADULT ESTABLISHMENT** shall mean any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner or part owner, of the business.

1.03.117 **OVERLAY DISTRICT** shall mean a zoning district that may be added to an existing district and impose additional requirements above those required by the underlying district.

1.03.118 **OWNER** shall mean any person with a fee simple title or a leasehold exceeding ten (10) years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.

1.03.119 **PARKING SPACE, OFF-STREET** shall mean for the purposes of this Resolution, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may by parked and unparked without moving another. For purpose of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking and requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case.

1.03.120 **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

1.03.121 **PLANNED DEVELOPMENT** shall mean a planned development as referred to in this regulation shall mean a land development on a single large tract of land or lot conceived, planned, and designed to provide some

reasonable flexibility in the regulations to permit new and innovative arrangement, locations, and distribution of permitted land uses and buildings or structures.

1.03.122 **POULTRY, COMMERCIAL FEEDING** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

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

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

1.03.125 **ROAD, IMPROVED** shall mean a street, county road, and/or State/Federal Highway that are graded, surfaced and maintained on a regular basis with an approved granular material or hard-surfacing material.

1.03.126 **ROAD, UNIMPROVED** shall mean a road officially declared or designated as minimum maintenance. Said road will not generally be graded, crowned or contain a surfacing material of either a granular or hard-surfaced nature.

1.03.127 **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

1.03.128 **SEDIMENT** shall mean a mineral or organic solid particulate matter that has been removed from its site by either soil erosion, suspension in water and/or wind or water transport.

1.03.129 **SEMI-NUDE OR SEMI-NUDITY** shall mean the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

1.03.130 **SEMI-NUDE LOUNGE** shall mean a nightclub, juice bar, restaurant, bottle club, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as a semi-nude lounge by offering nude conduct.

1.03.131 **SEXUAL DEVICE** shall mean any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

1.03.132 **SEX PARAPHERNALIA STORE** shall mean a commercial establishment that regularly offers 100 or more sexual devices for sale. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall or any establishment primarily dedicated to providing medical products.

1.03.133 **SIGN** shall mean any structure or part thereof or device attached thereto or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia or any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

1.03.134 **SIGHT TRIANGLE** shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted, or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within these regulations.

1.03.135 **SITE PLAN** shall mean a plan of the lot or tract of land prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for the specific parcel of land.

1.03.136 **SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

1.03.137 **SMALL BUSINESS** shall mean three or fewer full-time employees or equivalent.

1.03.138 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

1.03.139 **SPECIFIED ANATOMICAL AREAS** shall mean less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

1.03.140 **SPECIFIED SEXUAL ACTIVITIES** shall mean intercourse, oral copulation, masturbation or sodomy.

1.03.139 **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

1.03.140 **STORAGE UNITS** shall mean a building or a group of buildings containing individual compartmentalized and controlled access stalls or lockers for storage.

1.03.141 **STORY** shall mean that portion of a building, included between the surface of any floor and the surface of the floor next above it or, if there be no floor next above it, then the space between the floor and the ceiling next above it.

1.03.142 **STORY, HALF** shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is or may be finished off for use.

1.03.143 **STREET OR ROAD** shall mean all property dedicated to or intended for public or private street, highway, freeway, or roadway purposes or subject to public or private easement therefore.

1.03.144 **STREET LINE** shall mean the right-of-way line of a street.

1.03.145 **STRUCTURAL ALTERATIONS** shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any rebuilding or the roof or the exterior walls.

1.03.146 **STRUCTURE** shall mean anything constructed or erected, excluding fences, the use of which requires permanent location on the ground or is attached to something having a permanent location on the ground, including, buildings, waste lagoons, waste handling systems, advertising signs, billboards, backstops for tennis courts and arbors or breezeways and other similar structures.

1.03.147 **SUBSTANTIAL IMPROVEMENT** shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (a) before the improvement or repair is started, or (b) is the structure has been damaged, and is being restored, before the damage occurred. The term does not include alteration or the restoration of a structure listed in the National Register of Historic Places.

1.03.148 **SURFACE WATER CLASS A – PRIMARY CONTACT RECREATION** shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such

that water may be accidentally ingested and sensitive body organs (e.g. eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.

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

1.03.150 **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, waive guides, antennas, or any other equipment or facilities associated with the transmission or reception of support structure. However, telecommunications facilities shall not include:

1. Any Conforming Commercial Earth Station antenna two (2) meters or less in diameter which is located on real estate zoned A-1, TA-1, R-L, and RE.
2. Any earth station antenna or satellite dish antenna of one (1) meter or less in diameter, regardless of zoning applicable to the location of the antenna.

1.03.151 **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure, which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

1.03.152 **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the County upon approval by the County Board of an application to develop a tower within the zoning jurisdiction of the County; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.

1.03.153 **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

1.03.154 **UTILITY EASEMENT** shall mean the same as "Easement".

1.03.155 **UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE"** 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, and treatment plants.

1.03.156 **VIEWING ROOM** shall mean the room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

1.03.157 **WASTE HANDLING SYSTEM** shall mean any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems

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

B. **Lagoon** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of liquid livestock waste by anaerobic, aerobic or facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.

C. **Liquid manure storage pits** shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.

D. **Sediment** shall mean a pond constructed for the sole purpose of collecting and containing sediment.

1.03.158 **WASTEWATER LAGOON** (See Waste Handling System (Lagoon))

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

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

1.03.161 **YARD** shall mean an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard of the depth of the rear yard, the minimum distance between the lot line and the main building shall be used.

1.03.162 **YARD, CORNER** shall mean any lot, which has two sides contiguous with intersecting streets. The two front yards shall be the same as those in the district, except, one yard not providing vehicle access may be reduced. There shall be a least one designated rear yard set back established by the owner in compliance with the district standards. One front yard may be reduced to ½ of the required front yard set back.

1.03.163 **YARD, FRONT** shall mean a yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof, other than the projection of the usual steps, unenclosed balconies, or open porch.

1.03.164 **YARD, REAR** shall mean a yard extending across the rear of a lot, measured between the side lot lines and being the minimum horizontally between the rear lot line and the rear of the building or any projection other than the steps, unenclosed balconies or unenclosed porches.

1.03.165 **YARD, SIDE** shall mean a yard between the main building and the side line of the lot, and extending from the front line to the rear yard line.

1.03.166 **ZONING DISTRICT** shall mean the same as "District".

1.03.167 **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.

1.03.168 **ZONING DISTRICT, OVERLAY** shall mean a zoning district is to add to the primary zone specific restrictions or liberalization to meet specific locational needs which ordinarily would require rezoning the tract of land into a series of several primary zoning districts which would make the rezoning resolution unnecessarily lengthy and complicated.

ARTICLE 2. ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

Section 2.01 Jurisdiction.
The requirements set by these regulations shall be applicable to all area outside the corporate limits and any zoning jurisdiction of any city or village. Land identified on the zoning map as University of Nebraska and National Guard properties are exempt from county zoning regulations, except that the county shall administer adopted flood plain regulations.

Section 2.02 Zoning Districts
For the purposes of these regulations, Saunders County is hereby divided into the following zoning districts to be known as follows in order of classification:

A-1	Agricultural District
TA-1	Transitional Agricultural District
R-L	Lakeside Residential District
RE	Residential Estates District
R-1	Residential District
H-1	Historical Sites District
HC	Highway Corridor District
C-1	Commercial District
I-1	Light Industrial District
I-2	General Industrial District
PD	Planned Development District
F-1	Flood Plain District
LWCO	Lake Wanahoo Conservation Overlay District
R-M	Residential Mobile Home District
AHO	Airport Hazard Overlay District

Section 2.03 Official Zoning Map
The County and all areas outside the corporate limits and zoning jurisdiction of any city or village is hereby divided into zones, or districts, as shown on the Official Zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these regulations.

The Official Zoning District Map shall be identified by the signature of the Chairman of the County Board of Supervisors, attested by the County Clerk under the following statement: "This is to certify that this is the official Zoning District Map referred to in Resolution No. _____ of Saunders County, Nebraska, as revised and passed on _____."

Section 2.04 Zoning District Boundary Changes on Official Zoning Map
In accordance with the provisions of this Resolution and Chapter 23, State Statutes, changes may be made in district boundaries or other matter portrayed on the Official Zoning Map.

No boundary change shall become effective until after public hearings are held by both the county planning commission and county board where 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 in a legal newspaper of general circulation in the county, and in the local newspaper of any county which has territory within three miles of the property affected by such action, one time at least ten days prior to such hearing. Notice of the time and place of such hearing shall also be given in writing to the chairman of any municipal, county, or joint planning commission, which has jurisdiction over land within three miles of the property, affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. Such changes shall be entered on the Official Zoning map promptly after the amendment has been approved by the County Board with an entry on the Official Zoning Map outlining the area changed and the resolution number making the change, the new district classification, the date of Board action, and the initials of the County Clerk and date of entry.

The Official Zoning District map shall be on file in the office of the Zoning Administrator and shall be final authority as to the current zoning status of the land.

ARTICLE 3. INTERPRETATION

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, moral, prosperity and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between the parties, except that if these regulations impose a greater restriction, these regulations shall control.

In respect to the boundaries of a district as shown on the District Map, if uncertainty exists, the following rules shall apply:

3.01.01. The district boundaries are either streets or alleys unless otherwise shown, and where the district designated on the map is bounded approximately by a street, county road, or alley line, the street or right-of-way shall be constructed to be such boundary.

3.01.02. Where the district boundary is not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines, and where the district designated on the District Map is bounded approximately by lot lines, such lot lines shall be construed to be the boundary of the districts unless otherwise indicated on the Map.

3.01.03. In unsubdivided property the district boundaries shall be determined by use of the scale appearing on the District Map.

ARTICLE 4. GENERAL PROVISIONS OF DISTRICT REGULATIONS

Section 4.01: General Application
The requirements set by these regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

4.01.01. No district shall be enlarged or expanded which is currently or would result in nonconformity with the Land Use Plan.
4.01.02. No building, or other structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
4.01.03. No building or other structure shall hereafter be erected or altered, except as specifically authorized:
a) to exceed the height or bulk;
b) to accommodate or house a greater number of families;
c) to occupy a greater percentage of lot area;
d) to have a narrower or smaller rear yard, front yard, side yard, or other open spaces than herein required; or in any other manner contrary to the provisions of these regulations.
4.01.04. Every building hereafter erected or structurally altered shall be located on a lot, and no more than one residential building shall be located on a lot except as provided herein.
4.01.05. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building or use for the purpose of complying with this Resolution, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.
4.01.06. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.
4.01.07. No accessory structures or buildings shall be erected until after construction of the permitted use.

Section 4.02. County Zoning Administrator
It shall be the duty of the person designated by the County Board of Supervisors as a County Zoning Administrator to take force and administer the regulations contained herein. The County Zoning Administrator may be provided with the assistance of such other persons as the Board of Supervisors may direct. If the County Zoning Administrator shall find that any provisions of this resolution are being violated he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it.

He shall order discontinuance or an illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this resolution to insure compliance or to prevent their violation.

Section 4.03. 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 therefore by the County Zoning Administrator stating that the proposed use of the building or land conforms to this regulation. Permits will not be required for maintenance of existing buildings and structures in all districts only. Maintenance shall be considered as painting, papering, roofing, siding, storm windows, steps, sidewalks and driveways where existing construction and/or grade is not changed or that the overall floor area or dimensions are changed.

All new construction or moved-in structures, replacement of service entrances, plumbing or wiring extensions, foundations repair or replacement and remodeling where walls are removed, and change of grade of sidewalks or driveways, including all curb cuts, and other similar activities shall not be considered maintenance and shall require an application for a building permit.

Section 4.04. Utility Connections and Building Permits Prohibited.
No officer or employee of Saunders County shall issue any building permit, make any water or sewer connection or issue any permit for any water or sewer connection for any building or buildings constructed or proposed to be constructed on land subdivided contrary to the provisions of these Regulations. No person, employee, or his agent of any utility company shall make any utility connections or issue any order for utility connections for any building or

buildings constructed or proposed to be constructed without a building permit first being issued by Saunders County and authorization from the building inspector to proceed.

Section 4.05. Application for Building Permit
Applications for permits shall; (1) be written on a form prescribed by the county zoning administrator, (2) be filed with the county zoning administrator, (3) be complete, (4) furnish the legal description of the property as a lot of public record, (5) provide the name of the owner and applicant, (6) describe the uses to be established or expanded, and (7) furnish or provide such other information as may be required for the enforcement of this regulation. Each copy of the application shall be accompanied by dimensioned drawing or plan of the building plot, and a copy of the certified survey of the land showing the location of buildings and structures, lot areas to be used, grading plan, auto parking areas, service drives, roadways, 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 his agent in his behalf.

4.05.01. The County Zoning Administrator shall issue a written permit or denial thereof, with reasons in writing, within 15 days from the date of the filing of the application. In the 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.

4.05.02. **EXPIRATION OF PERMIT**. Except where an extension has been obtained in 18 months if the use applied for is not completed. Upon expiration of a permit, a fee established by the county will be required for reinstatement of the permit.

4.05.03. **ENFORCEMENT BY ZONING ADMINISTRATOR.** It shall be the duty of the County Zoning Administrator, to enforce this Regulation in accordance with its provisions. All departments, officials, and public employees of Saunders County that 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.

4.05.04 **BUILDING CODE.** All building construction and development shall be in conformity with these regulations. Any construction, remodeling, or repairing of public works projects and privately-owned commercial or industrial building more than one-story, that provides for the employment, housing, or assembly of twenty or more persons, or covers over five thousand square feet of ground, and the construction cost is twenty thousand dollars or more, except farm buildings and structures or privately-owned residential or one story commercial or industrial building or structure, shall require the plans, specifications, and design data to be prepared by professional engineers and architects duly registered and licensed in Nebraska.

In accordance with the State Statutes 81-839 to 81-856; and the construction shall be executed under the immediate supervision of the registered engineer or architect.

4.05.05. All buildings or structures shall be constructed in compliance with the Saunders County Building Code. The plans, design data, and specifications shall be submitted to the County Building Inspector.

4.05.06. No person or employee of Saunders County or of any utility company or its agent shall make any utilities connection including but not limited to water, sewer, or electric, or issue any order for utility connections for any building or structure before a building permit has been applied for and issued by the Saunders County Inspector, except farm outbuildings.

Section 4.06. Zoning Compliance Permit
No non-farming building or structure shall be erected, constructed, reconstructed, altered, repaired, or converted without a Zoning Compliance Permit as required by this Section. Applications for a Zoning Compliance Permit shall be submitted in writing to the County Zoning Administrator in triplicate showing plans for the proposed action, construction, reconstruction, alteration, use or change of use, including sanitation, plumbing and sewage disposal. Such plans shall fully comply to all the zoning regulations. The plan shall be drawn to scale, showing the name of the applicant, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape and location of the building to be erected, and such other information as may be necessary for the enforcement of these regulations. A record shall be kept on file in the office of the County Zoning Administrator.

Section 4.07. Fees
Fees are set by the County Board of Supervisors by separate Resolution.

Section 4.08. Existing Commercial Feedlot Transfer
Any existing permitted Commercial Feedlot permit under the previous Resolution shall be transferred to either a Medium or Large CAFO designation based upon the maximum number of animal units allowed under NDEQ permits.

Section 4.09. Right-of-Way Splits and Minimum Lot Requirements
In circumstances where a parcel of ground owned by one individual or party was split into two or more parcels by action taken by the Nebraska Department of Roads or Saunders County and one or more of the resulting lots has been made a non-conforming tract(s) for development; the required minimum lot size may be less than required and will require a conditional use permit. However, in all circumstances, the minimum setback requirements shall be observed. In addition, said tract(s) shall have been conforming prior to said action.

Section 4.10. Comprehensive Plan Relationship
These zoning regulations are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district regulations or map shall conform to the comprehensive plan adopted by the governing body.

ARTICLE 5. NONCONFORMING USES

Section 5.01. Nonconforming Lots of Record

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

Section 5.02. Nonconforming Structures

5.02.01. *Authority to continue*: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

5.02.02. *Enlargement, Repair, Alterations:* Unless modified by provisions of a special permit, any such structure described in Section 5.02.01 may not be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section.

5.02.03. *Damage or Destruction:* In the event that any structure described in 5.02.01 is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 5.01, whichever is applicable. When a structure is damaged to the extent of fifty percent (50%) or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

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

Section 5.03. Nonconforming Uses.

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

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

Section 5.04 Expansion of Nonconforming Uses

In all districts, a building permit may be granted to permit the enlargement, extension, conversion, reconstruction or structural alteration of any building located upon premises, use of which constitutes a nonconforming use. In consideration of applications for building permits, all factors in Section 7.03 shall be considered. In addition, the following criteria shall be given specific consideration:

1. In areas that are not the agricultural district, no building permit shall be authorized for an existing nonconforming structure, if the proposed expansion (including any other such expansions) exceeds 50% of the square footage of the original structure.
2. In the agricultural district, no building permit shall be authorized for an existing nonconforming structure, if the proposed expansion (including any other such expansions) exceeds 100% of the square footage of the original structure. No addition shall exceed 2,250 square feet.
3. Said permit may only be allowed to continue an existing nonconformity and shall not allow for the creation of new nonconformities. Furthermore, the permit shall not be allowed for multiple nonconformities or to increase the degree of nonconformity of the requested conditional use. By degree of nonconformity shall mean that the request shall not further reduce a setback or height requirement.
4. The consideration of the effects of the expansion will have on adjacent property traffic and environment shall be considered.
5. The density of land use within the existing zoning district and that of adjacent properties shall be considered.
6. The degree of hardship upon the applicant that would be caused by failure to grant such a permit shall also be considered.

Section 5.05. Repairs and Maintenance

5.05.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this Resolution shall not be increased.

5.05.02 Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 5.06. Uses under Conditional or Special Permit not Nonconforming Use

Any use for which a conditional or special permit is issued as provided in this Resolution shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district as long as it remains in compliance with said permit.

ARTICLE 6. SCHEDULES OF DISTRICT REGULATIONS

For the general intent and purpose of preserving the basic agricultural economy of the county and thereby encouraging high density uses adjacent to existing populations centers, the following schedules of district regulations are hereby adopted and declared to be a part of these regulations. Permitted principal uses and permitted conditional uses are provided for in various districts. Conditional uses may be permitted where specific standards for location and operation are complied with. Special permitted uses may be authorized after public hearing and review of a development plan and showing that the location, operation and maintenance of such use would protect the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of the citizens and the county.

Section 6.01. A-1 Agricultural District

6.01.01 Intent:

The intent of this district is:

1. To preserve areas best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses.
2. To prevent the encroachment of uses which may be mutually incompatible, and
3. To continue to provide for agricultural uses as a major asset to the economy of the county.

6.01.02 Permitted Principal Uses and Structures

Uses within this section of the Resolution are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. Agricultural uses and all associated buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises, except that:
   a. All use of farm chemicals, including application of pesticides and herbicides, shall be governed by State Agencies and applicants using restricted-use pesticides shall be required to be certified as required by law.
   b. The spreading of manure by an LFO. (as defined in Article 2 of this Resolution)
   c. Agricultural operations not defined as a "Large CAFO" are permitted by right, provided other requirements in this district are met and submission of a no-fee livestock registration permit to the Zoning Administrator.
2. Mobile homes only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one (1) year conditional use permit which must be renewed annually and which shall be subject to the conditions of the permit.
3. Churches, seminary and convent.
4. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums
5. The sale and distribution of flammable or toxic materials
6. The sale and distribution of farm machinery.
7. Existing Farmstead on a tract as defined by natural boundaries such as wind breaks that has existed at least five (5) years prior to application; that has been lawfully occupied within the last twelve (12) month period; that has public access; approved access location and design and otherwise meets the requirements of the District.
8. Keeping of horse, cattle or other livestock but not as a farm or LFO, on tracts of 2 to 20 acres, provided:
   a. There are adequate and properly maintained buildings
   b. The buildings and the pasture shall be so located as not to be reasonably objectionable to the adjacent properties.
   c. Density of one animal unit per acre of usable pasture up to a total of five A.U.'s.
   d. Any individual owning a stallion(s) must maintain a suitable and safe enclosure that meets the following requirements:
      1) When not confined to a stall, all stallions will be contained within an enclosure that has its perimeter a fence which is six feet high with a hot wire around the top. Such fence shall be maintained around the entire enclosure occupied by a stallion.
      2) For purposes of this regulation, a colt will be considered a stallion upon reaching 18 months of age.
      3) All horse owners and/or boarding facilities must comply with the requirements of this section.
9. Single-family dwellings, provided that:
   a. The location contains a minimum of 3 acres on the site.
   b. There is a ¼ mile separation maintained from all medium and large CAFO's said ¼ mile separation can be waived when a dwelling is part of an existing operation.
   c. There is a 1/8 mile separation maintained from the commercial sale and storage of farm chemicals, dry fertilizers, liquid fertilizer and fuels, said 1/8 mile separation can be waived when a dwelling is part of an existing operation. The 1/8 mile separation shall be from the location of the load out facility and secondary containment as defined in the Nebraska Department of Environmental Quality Regulations Title 198.
   d. There is a ½ mile separation maintained from storage and handling facility of anhydrous ammonia and bulk propane.

e. Single-family dwelling not on the owners property,
f. the proposed location is along an improved county road, and
g. The maximum density of dwelling units is not more than one (1) dwelling unit per 20 acres of land within a particular section of ground
h. Exception to ¼ mile separation: Where a Single-family dwelling was pre-existing prior to the adoption of this Resolution and is on a pre-existing lot, a replacement dwelling may encroach upon the ¼ mile required separation.
i. The ratio of the lot depth shall not exceed 4 to 1.

6.01.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the use presents no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Farms for breeding, raising and sale of wild game, fish, or other animal or plant life
2. Publicly and privately owned parks, playgrounds, golf courses, forest and conservation areas, swimming pool, golf driving ranges, or other outdoor recreational areas.
3. Public, parochial and private schools having similar curricula as public schools.
4. Railroads but not including depots, warehouses or offices
5. Private lakes, ponds, and outdoor recreation facilities
6. Stables and kennels and animal hospitals
7. Cemeteries
8. Keeping of horse, cattle or other livestock but not as a farm or LFO, on tracts of 2 to 20 acres, provided:
   a. there are adequate and properly maintained buildings
   b. The buildings and the pasture shall be so located as not to be reasonably objectionable to the adjacent properties.
   c. Density of one animal unit per acre of usable pasture for five animal units or more.
9. Communications stations and towers, provided that they shall not be closer to a dwelling or place of public assembly and that they shall be no closer to any property line, a distant equal to their height and that the height and location shall not interfere with the operation of any airport or landing strip, nor interfere with the radio, telephone or television receivers of adjacent properties. The county may require joint use of sites in order to avoid fragmentation of land.
10. Mining and extraction of minerals, water or raw material and the manufacturing, processing, treating and storing of mineral, water, or raw materials, which are extracted from any portion of the district shall include but not limited to the following conditions:
    a. located at least fifty (50) feet from the right-of-way line of any public road;
    b. That access to a public road shall not be situated in such a way as to cause real or potential traffic hazards;
    c. that such operation shall not be closer than five hundred (500) feet to any dwelling park or school;
    d. that one parking space for each employee plus one space for each company vehicle be provided;
    e. further as to water wells, no such well shall cause pre-existing subirrigated lands in the flood district (as defined by N.R.S. 46-656.07 (13) or a pre-existing wetland area (as defined by the Federal Emergency Management Agency Floodplain Management and Protection of Wetlands Regulations 44 CFR 9.4) from becoming a non-subirrigated or non-wetland area without an operation and maintenance plan which within one (1) year creates an equal or greater mitigating replacement subirrigated or wetland area in Saunders County as approved by the Saunders County Board of Supervisors;
    f. all other provision of Section 6.12 are met upon completion of any project;
    g. any application shall include an operation and maintenance plan;
    h. A plan for suitable reclamation shall be provide with the application that would return the land to a condition compatible with the surrounding area;
    i. These requirements do not apply to such agricultural activities as terracing, leveling or other minor grading activities but does apply to sale of soil, grading or spreading of stock waste or grading in a Flood District.
    j. The provision in this use shall not apply to the extraction of water that is used for agricultural purposes in Saunders County.
11. Airports and landing fields subject to review by the Federal Aviation Authority and/or the Nebraska Department of Aeronautics.
12. Public utility distribution systems, substations, terminal facilities and other essential facilities but not including equipment, storage or maintenance yards and building or general administrative and sales

offices. Location, site layout, operating and maintenance plans shall be reviewed for conformity with the Comprehensive Plan and may be modified so as to conform to the intent of the plan.

13. Livestock Feeding Operation, as defined under "Large CAFO", provided that such use is located one quarter (1/4) mile from the nearest dwelling use other than that of the owner or operator of an-agricultural operation.
14. Keeping of horse, cattle or other livestock but not as a farm or LFO, on tracts of 2 to 20 acres, provided:
    a. there are adequate and properly maintained buildings
    b. The buildings and the pasture shall be so located as not to be reasonably objectionable to the adjacent properties.
    c. Density of one animal unit per acre of usable pasture for five animal units or more.
15. Alfalfa mills.
16. Home Business.
17. The commercial sale and storage of farm chemicals, dry fertilizers, liquid fertilizer and fuels, provided the location of the load out facility and secondary containment as defined in the Nebraska Department of Environmental Quality Regulations Title 198 shall maintain a separation of 1/8 mile from the nearest residential structure; said 1/8 mile separation can be waived when the dwelling is part of an existing operation.
18. The sale and storage of anhydrous ammonia and bulk propane shall maintain a ½ mile separation from the nearest residential structure.
19. Reestablishment of a nonconforming use and/or structure, provided the following:
    a. The reestablishment of the nonconformity is not harmful to any other use or environmental condition in close proximity to the requested use
    b. The nonconformity use will be reestablish at the original location
    c. The destruction or removal of the nonconformity was not willfully done by the applicant
20. Use of nonstandard lot of record. Where not otherwise prohibited, allow for conversion of publicly owned or used lots for single family dwelling.
21. Temporary uses of mobile home during construction of single family dwelling.
22. The spreading, stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
23. The application of livestock manure in Saunders County by operations located outside the County shall require a conditional use permit.
24. Eating and drinking facilities.
25. Storage units, subject to the following conditions:
    a. There shall be a minimum lot area of three (3) acres.
    b. All storage shall be with enclosed building.
    c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
    d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways that provide direct access to cubicles shall provide for one 10-foot parking lane and one travel lane 15 feet in width. All two-way driveways that provide direct access to cubicles shall provide for one10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent extension of vehicles beyond property lines.
    e. All lights shall be shielded to direct light away from adjacent properties.
    f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing assembly or processing of any product shall be permitted.
    g. The owner or operator shall properly police the area for removal of trash and debris.
    h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the conditional use permit application.
    i. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.
26. Open Storage, subject to the following conditions:
    a. Any open storage shall be limited to licensed watercrafts, motor homes, camper trailers, and vehicles.
    b. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.
27. Firearm manufacturing.
28. Small Business, three or fewer full-time employees or equivalent.

6.01.04 Permitted Accessory Uses and Structures

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
2. Off-street parking
3. Temporary buildings used in conjunction with construction work.
4. Private swimming pools, tennis courts, gardens and greenhouses.

6.01.05 Minimum Lot and Yard and Maximum Height Requirements

Use	Lot Area	Lot Width (feet)	Front Yard Setback[3] (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Max. Height (feet)
Other Permitted Uses	20 acres	500	100[2]	20	20	35
Conditional Uses, General	20 acres	350	100[2]	20	20	35
Single-Family dwellings including new farmsteads[1,6]	3 acres	250	100[2]	20	20	35

1 The total residential density allowed in the A-1 District is one (1) dwelling unit per 20 acres of land.

Exceptions:

a. Where tracts of 20 acres or less have been surveyed / platted prior to the adoption of this Resolution may exceed the Density limitation.

b. Where the existing density or future density has been exceeded and where the majority of an area has been transferred to another owner, one additional farmstead may be constructed on the land purchased. The new farmstead must remain a part of the larger tract of land.

2 The distance shall be measured from the centerline of the roadway

3 Along State and Federal Highways the front yard setback shall be the greatest of 50 feet from the right-of-way or 100 feet from the centerline of the road.

4 The density in the A-1 District shall be one dwelling unit per 20 acres. However, when an individual owns 40 acres or more of contiguous land, the dwelling units may be clustered in a specific location, provided the maximum density is met. Clustering dwelling units will eliminate the ability to construct additional units on the remaining land when the density has been met.

5 A transfer of a right to build a single family dwelling is permitted, from one adjacent land owner to another if the following criteria is met:

- Both the transferor and transferee's property must be in the same quarter section, or abutting properties in the same section.
- Both properties must be in Saunders County Zoning jurisdiction.
- The transferor must have at least 20 acres where the maximum density for single family dwellings has not been met.
- A document must be signed by both parties, acknowledging that the transferor is giving his right to build a single family dwelling to the transferee.
- For fractional sections: Both the transferor and transferee's property must be in the same quarter section, or abutting properties in the same, or adjacent section.

6 Contiguous parcels under common ownership, platted prior to the adoption of this Resolution, and whose aggregate size is less than 3 acres, but larger than 1 acre, and occupy no more than one single-family primary dwelling, are exempt from the minimum lot size requirements set forth under this Section. The aggregate parcel's nonconformity to the lot size requirement of these Regulations shall not prohibit any Permitted Principal or Conditional Uses of the aggregate parcel so long as those uses do not violate any other condition of these Regulations

Section 6.02. TA-1 Transitional Agricultural District

6.02.01 Intent:

The intent of this district is to provide a transition from land used for agriculture to a low-density residential use and other urban development. Developments with common sewer and water may be developed more intensely. This district permits farm and non-farm dwellings, agricultural uses, and other permitted uses.

Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 9, Section 9.13.02.

6.02.02 Permitted Principal Uses and Structures

1. Farms, agriculture and horticultural uses.
2. Single family dwelling , provided that:
   a. the location contains a minimum of 3 acres on the site,
   b. There is a ¼ mile separation maintained from all medium and large CAFO's said ¼ mile separation can be waived when a dwelling is part of an existing operation.
   c. the proposed location is along an improved county road, and
   d. The maximum density of dwelling units is not more than one (1) dwelling unit per 20 acres of land within a particular quarter section of ground
   e. Exception to ¼ mile separation: Where a Single-family dwelling was pre-existing prior to the adoption of this Resolution and is on a pre-existing lot, a replacement dwelling may encroach upon the ¼ mile required separation.
3. Public and private schools having similar curricula as public schools
4. Railroads, including depots, offices or warehouses
5. Churches and temples including dwelling units for pastor and caretaker.
6. Existing Farmstead on not less than two (2) acres a single family dwelling, provided:
   a. That the tract of land has existed at least five (5) years prior to application;
   b. has been lawfully occupied within the last twelve (12) month period;
   c. has public access;
   d. Approved access location and design and
   e. Otherwise meets the requirements of the district.
7. Keeping of horse, cattle or other livestock but not as a farm or LFO, on tracts of 2 to 20 acres, provided:
   a. there are adequate and properly maintained buildings
   b. The buildings and the pasture shall be so located as not to be reasonably objectionable to the adjacent properties.
   c. Density of one animal unit per acre of usable pasture up to a total of five A.U.'s.

8. Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 9, Section 9.13.02

6.02.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the use presents no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Golf courses and country clubs but not including miniature golf courses
2. Public and semi-public parks, playgrounds, campgrounds, wildlife preserves, recreation and conservation areas.
3. Private lakes, ponds, outdoor recreation facilities and campgrounds.
4. Cemeteries.
5. Airports and landing fields subject to approval by the Federal Aviation Authority.
6. Mobile home parks provided:
   a. There are at least 35 spaces,
   b. Situated on a minimum of 7 acres
   c. Does not include the sales or display of mobile homes on a commercial basis and
   d. Shall be subject to Section 9.01 of this Resolution.
7. Utility substations on less than one (1) acre.
8. The sale and distribution of farm products and produce, other than machinery, that are to be used for consumption or agricultural purposes. Provided a site plan showing location of equipment, buildings and appropriate screening is approved.

9. Communication stations and towers, provided that they shall not be closer to a dwelling or place of public assembly and that they shall be no closer to any property line, than a distance equal to their height and that the height and location shall not interfere with the operation of any airport or landing strip, nor interfere with the radio, telephone or television receivers of adjacent properties. The county may require joint use of sites in order to avoid fragmentation of land.
10. Keeping of horse, cattle or other livestock but not as a farm or LFO, on tracts of 2 to 20 acres, provided:
    d. there are adequate and properly maintained buildings
    e. The buildings and the pasture shall be so located as not to be reasonably objectionable to the adjacent properties.
    f. Density of one animal unit per acre of usable pasture for five animal units or more.
11. Expansion of a nonconforming use and/or structure, provided the following:
    a. The reestablishment of the nonconformity is not harmful to any other use or environmental condition in close proximity to the requested use
    b. The nonconformity use will be reestablish at the original location
    c. The destruction or removal of the nonconformity was not willfully done by the applicant
12. The storage of class "C" fireworks provided:
    a. The use is a minimum setback of 200-feet from property lines;
    b. Meets all requirements of the Nebraska State Fire Marshall's office
13. Eating and drinking facilities.
14. Temporary batch plant.
15. Storage units, subject to the following conditions:
    a. There shall be a minimum lot area of three (3) acres.
    b. All storage shall be with enclosed building.
    c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
    d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways that provide direct access to cubicles shall provide for one 10-foot parking lane and one travel lane 15 feet in width. All two-way driveways that provide direct access to cubicles shall provide for one10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent extension of vehicles beyond property lines.
    e. All lights shall be shielded to direct light away from adjacent properties.
    f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing assembly or processing of any product shall be permitted.
    g. The owner or operator shall properly police the area for removal of trash and debris.
    h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the conditional use permit application.
    i. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.
16. Open Storage, subject to the following conditions:
    a. Any open storage shall be limited to licensed watercrafts, motor homes, camper trailers, and vehicles.
    b. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.
17. Small Business, three or fewer full-time employees or equivalent.

6.02.04 Permitted Accessory Uses and Structures

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
3. Off-street parking.
4. Temporary buildings used in conjunction with construction work.
5. Private swimming pools, tennis courts, gardens and greenhouses.

6.02.05 Minimum Lot and Yard and Maximum Height Requirements

Use	Lot Area	Lot Width (feet)	Front Yard Setback[3] (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Max. Height (feet)
Single-family dwellings, except Farmstead	3[1] acres	150	100[2]	20	20	35
Other Uses	5 acres	150	100[2]	20	20	35
Accessory Structures			100[2]	20	20	25

1. Single-family dwellings shall not exceed a density of one (1) dwelling unit per 20 acres of land per quarter section.

   Exception:

   a. Where tracts of 20 acres or less have been surveyed / platted prior to the adoption of this Resolution may exceed the Density limitation.

   b. Where the existing density or future density has been exceeded and where the majority of an area has been transferred to another owner, one additional farmstead may be constructed on the land purchased. The new farmstead must remain a part of the larger tract of land.

2. The distance shall be measured from the centerline of the roadway

3. Along State and Federal Highways the front yard setback shall be the greatest of 50 feet from the right-of-way or 100 feet from the centerline of the road.

4. The density in the A-2 District shall be one dwelling unit per 20 acres. However, when an individual owns 40 acres or more of contiguous land, the dwelling units may be clustered in a specific location, provided the maximum density is met. Clustering dwelling units will eliminate the ability to construct additional units on the remaining land when the density has been met.

5. A transfer of a right to build a single family dwelling is permitted, from one adjacent land owner to another if the following criteria is met:

   - Both the transferor and transferee's property must be in the same quarter section, or abutting properties in the same section.
   - Both properties must be in Saunders County Zoning jurisdiction.
   - The transferor must have at least 20 acres where the maximum density for single family dwellings has not been met.
   - A document must be signed by both parties, acknowledging that the transferor is giving his right to build a single family dwelling to the transferee.

Section 6.03. R-L Lakeside Residential District

6.03.01 Intent:

The intent of this district is to provide low to medium density residential uses around lake developments and for the protection and safety of the environment and the citizens of the county.

6.03.02 Permitted Principal Uses and Structures

Uses within this section of the Resolution are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. Single Family Dwellings
2. Churches and Temples auditorium
3. Public parks, playgrounds and buildings

6.03.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Home Occupations
2. Expansion of non-conforming uses
3. Gates or guardhouses that prevent access to subdivision
4. Farms, agricultural and horticultural uses, limited to crop or green house activities, but not animal production.
5. Utility substations
6. Communications stations and towers
7. Semi-public and private parks and outdoor recreation areas.
8. Storage units, subject to the following conditions:
    a. There shall be a minimum lot area of three (3) acres.
    b. All storage shall be with enclosed building.
    c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
    d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways that provide direct access to cubicles shall provide for one 10-foot parking lane and one travel lane 15 feet in width. All two-way driveways that provide direct access to cubicles shall provide for one10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent extension of vehicles beyond property lines.
    e. All lights shall be shielded to direct light away from adjacent properties.
    f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing assembly or processing of any product shall be permitted.
    g. The owner or operator shall properly police the area for removal of trash and debris.
    h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the conditional use permit application.
    i. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

    Open Storage, subject to the following conditions:
    a. Any open storage shall be limited to licensed watercrafts, motor homes, camper trailers, and vehicles.
    b. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

b. Eating and drinking establishments
c. Convenience stores
d. Boat repair facilities
e. Boat storage facilities
f. Other uses that are deemed compatible to the district and to existing uses in the development by the Planning Commission and Board of Supervisors.

9. Gyms and workout facilities.

6.03.04 Permitted Accessory Uses and Structures

All Structures shall have less lot coverage than the permitted principal structure. Notwithstanding other provisions of this Resolution requiring increased setbacks for accessory structure's, garages and storage buildings for single family residences may be located in front of the principle structure but no closer than twenty (20) feet from the front property line.

1. Buildings and uses customarily incidental to the permitted and special uses.
2. Off-street parking
3. Temporary buildings used in conjunction with construction work
4. Private swimming pools, tennis courts, gardens, greenhouses, boat docks
5. Signs advertising the sale or lease of the premise providing that the temporary sign shall not exceed 12 square feet in size.

6.03.05 Minimum Lot and Yard and Maximum Height Requirements

Use	Lot Area	Lot Width (feet)	Road Side Setback (feet)	Side Yard Setback (feet)	Lake Side Yard Setback (feet)	Max. Height (feet)
Dwellings	3 acres[1]	150	20	10	20	35
Dwellings served by community sewer and water	9,000 sq. ft.	90	20	10	20	35
Dwelling in an existing lakeside subdivision	*[3]	*[3]	20	10	*[3]	25 or 35
Accessory Structures			20	10	10	20

[1] When private wells and septic systems serve dwelling. When lots are less than three (3) acres in size, a detailed engineering report that is approved by the Saunders County Zoning Department must be submitted and will be detailed on the Subdivision plat, in any case the lot size shall not be less than two (2) acres.

[2] No less than at the time of adoption.

[3] Boat stations or docks (unattached to buildings) shall have no setback required when in common lake property.

[4] Requirement shall be the same as the requirement for the Principal structure.

Section 6.04. RE Residential Estates District

6.04.01 Intent:

The intent of this district is to provide low density residential on larger lots as well as compatible uses that supporting uses near population centers with a sound, pleasant environment insuring a desirable, economical growth pattern to urban centers and the county.

6.04.02 Permitted Principal Uses and Structures

Uses within this section of the Resolution are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. Single and two family dwellings
2. Nursery, public and private schools
3. Churches and temples
4. Public parks, play grounds and buildings

6.04.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the use presents no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Farms, agricultural and horticultural uses, limited to crop or green house activities but not animal production
2. Golf courses, country clubs and tennis courts
3. Cemetery
4. Utility substations on less than one (1) acre.
5. Communications stations and towers, provided that they shall not be closer to a dwelling or place of public assembly and that they shall be no closer to any property line, a distance equal to their height and that the height and location shall not interfere with the operation of any airport or landing strip, nor interfere with the radio, telephone or television receivers of adjacent properties. The county may require joint use of sites in order to avoid fragmentation of land
6. Expansion of a nonconforming use.
7. Horses for riding purposes up to five provided the following lot requirements and standards are met:
   a. The horse is in conjunction with a permitted principal or conditional use
   b. The keeping of horses shall require that the owner have the following pastureland
      One (1) acre for the first one (1) A.U. (1 horse)
      One-half (1/2) acre for each additional one (1) A.U. (1 horse)
8. Private lakes or ponds
   a. Any private lake or pond shall be on a minimum of 5-acres of land
   b. Any private lake or pond shall be enclosed by a security fence similar to those required by NDEQ for lagoon systems
   c. Any private lake or pond shall be completely on an individual's lot and shall not be a shared use with adjacent property
   d. Average depth of private lake or pond is not less than 10 feet
   e. Well permit required from the local NRD prior to application (if well is needed to fill pond or lake)
   f. Minimum setbacks will remain the same as the required setbacks for structures in the district

6.04.04 Permitted Accessory Uses and Structures

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
3. Off-street parking.
4. Temporary buildings used in conjunction with construction work.
5. Private swimming pools, tennis courts, gardens and greenhouses.
6. Signs advertising the sale or lease of the premise providing that the temporary sign shall not exceed 12 square feet in size.

6.04.05 Minimum Lot and Yard and Maximum Height Requirements

Use	Lot Area	Lot Width (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Max. Height (feet)
Dwellings	3 acres[1]	150	50	10	20	35
Dwellings served by community sewer and water	22,000 sq. ft.	90	20	10	20	35
Dwelling, Unincorporated Community	10,000 sq. ft.	40	20	5	20	35
Accessory uses			*[2]	10	10	25

[1] When private wells and septic systems serve dwelling. When lots are less than three (3) acres in size, a detailed engineering report that is approved by the Saunders County Zoning Department must be submitted and will be detailed on the Subdivision plat, in any case the lot size shall not be less than two (2) acres.

[2] Requirements shall be the same as the requirement for the principal structure.

Section 6.05. R-1 Residential District

6.05.01 Intent:

The intent of this district is to provide low density residential uses along with compatible supporting uses near population centers with a sound, pleasant environment insuring a desirable, economical growth pattern to urban centers and the county. Also, this district is intended to govern lots in existing unincorporated communities.

6.05.02 Permitted Principal Uses and Structures

Uses within this section of the Resolution are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. Single, two and multiple family dwellings
2. Nursery, public and private schools
3. Churches and temples
4. Public parks, play grounds and buildings

6.05.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Farms, agricultural and horticultural uses, limited to crop or green house activities but not animal production
2. Golf courses, country clubs and tennis courts
3. Cemetery
4. Utility substations on less than one (1) acre.
5. Communications stations and towers, provided that they shall not be closer to a dwelling or place of public assembly and that they shall be no closer to any property line, a distance equal to their height and that the height and location shall not interfere with the operation of any airport or landing strip, nor interfere with the radio, telephone or television receivers of adjacent properties. The county may require joint use of sites in order to avoid fragmentation of land
6. Expansion of a nonconforming use.

6.05.04 Permitted Accessory Uses and Structures

All structures shall have less lot coverage than the permitted principal structures.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
3. Off-street parking.
4. Temporary buildings used in conjunction with construction work.
5. Private swimming pools, tennis courts, gardens and greenhouses.
6. Signs advertising the sale or lease of the premise providing that the temporary sign shall not exceed 12 square feet in size.

6.05.05 Minimum Lot and Yard and Maximum Height Requirements

Use	Lot Area	Lot Width (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Max. Height (feet)
Dwellings	3 acres[1]	150	50	10	20	35
Dwellings served by community sewer and water	22,000 sq. ft.	90	20	10	20	35
Dwelling, Unincorporated Community	10,000 sq. ft.	40	20	5	20	35
Accessory uses				15	20	15

[1] When private wells and septic systems serve dwelling. When lots are less than three (3) acres in size, a detailed engineering report that is approved by the Saunders County Zoning Department must be submitted and will be detailed on the Subdivision plat, in any case the lot size shall not be less than two (2) acres.

Section 6.06 H-1 Historical Sites District

6.06.01 Intent:

The intent of this district is as an overlay district to preserve, protect and enhance the historic buildings and places throughout the county.

6.06.02 Permitted Principal Uses and Structures

Uses within this section of the Resolution are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. Pasture and grazing in Agricultural District
2. Public Parks

6.06.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Same as underlying district subject to these conditions:
    a. Existing uses in this district may continue, however non-remodeling, structural alteration or new structures are permitted without first receiving approval of the Planning Commission and County Board of Supervisors.
    b. Such permission may be granted involving remodeling, structural alteration or new structure when such improvement conforms to the historic significance of the site.
    c. The Planning Commission in making such a recommendation shall consult with an individual or organization recognized as an authority on Saunders County History, such as the Saunders County Historical Society. And the recommendation of said consultant shall be a prime factor in the Planning Commission's recommendation to the board of Supervisors.

6.06.04 Permitted Accessory Uses and Structures

1. Caretakers or watchmen's quarters.
2. Accessory uses normally incidental to a permitted use in this district.
3. Temporary buildings used in conjunction with construction work.

6.06.05 Minimum Lot and Yard and Maximum Height Requirements

1. Same as underlying district

Section 6.07. HC Highway Corridor District

This overlay district is intended to maintain safe efficient access throughout the county and region, promote attractive vistas and encourage appropriate economic development along state, federal highways and designated county arterials.

6.07.01 District Location

The district is ¼ mile from the centerline of designated highways.

6.07.02 Permitted Uses

Uses within this section of the Resolution are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. Farms, agriculture, and horticultural uses except confined feeding operations.
2. Uses permitted in the Underlying District subject to use regulations of this section.
3. Public or semi-public buildings on more than ten (10) acres.

6.07.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Uses allowed in the underlying districts and Use Limitations of this section.
2. Parking.
3. Accessory buildings.
4. Signs subject to Sections 9.04 through9.07

6.07.04 Area Yard and Height Requirements

1. Shall be those of the underlying district.

6.07.05 Use Limitations

1. All lots shall be served by a paved frontage road and may not take access directly from a designated highway.
2. Where permitted in the underlying district, One pole sign not to exceed fifteen (15) feet in height and one wall sign affixed to the side of a principle permitted building. Maximum size: eighty (80) square feet.

Section 6.08. C-1 Commercial District

6.08.01 Intent:

The intent of this district is to provide for the retail trade, service, cultural and recreational needs of local areas as well as for the convenience in location and accessibility to the motoring public.

6.08.02 Permitted Principal Uses and Structures

Uses within this section of the Resolution are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. (Reserved)

6.08.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Professional, medical and personal service uses.
2. Medical clinics
3. Hotels and motels
4. Eating and drinking establishments
5. Automotive service stations.
6. Automobile sales, display, service and repair
7. Farm implement display, sales, service and repair
8. Cultural, entertainment and recreational uses as: theaters, arenas, race tracks and fairgrounds, riding stables, bowling alleys and dance halls.
9. Mortuary or funeral homes
10. Retail sales establishments such as: appliances, books and stationary, baked goods, cameras, clothing, dairy products, drugs, dry cleaning shop, laundromats, fish and meats, farm supplies, furniture, flowers and horticultural supplies, groceries, hardware, liquor, mobile homes, paint, poultry and poultry products, and seed.
11. Lumber yards and building material sales
12. Utility substations.
13. Expansion of a nonconforming use.
14. Storage units, subject to the following conditions:
    a. There shall be a minimum lot area of three (3) acres.
    b. All storage shall be with enclosed building.
    c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
    d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways that provide direct access to cubicles shall provide for one 10-foot parking lane and one travel lane 15 feet in width. All two-way driveways that provide direct access to cubicles shall provide for one10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent extension of vehicles beyond property lines.
    e. All lights shall be shielded to direct light away from adjacent properties.
    f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing assembly or processing of any product shall be permitted.
    g. The owner or operator shall properly police the area for removal of trash and debris.
    h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the conditional use permit application.
    i. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.
15. Open Storage, subject to the following conditions:
    a. Any open storage shall be limited to licensed watercrafts, motor homes, camper trailers, and vehicles.
    b. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

6.08.04 Permitted Accessory Uses and Structures

1. Use and structures clearly incidental to the permitted uses.
2. Storage warehouses in conjunction with permitted principal uses.
3. Temporary buildings used in conjunction with construction, provided such buildings are removed promptly upon completion of the construction work.

6.08.05 Minimum Lot and Yard and Maximum Height Requirements

Use	Lot Area	Lot Width (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Max. Height (feet)
All uses	3 acres[1]	-	30	-[2]	25	35
Accessory uses	-	-	-	25	25	-

[1] When private wells and septic systems serve dwelling. When lots are less than three (3) acres in size, a detailed engineering report that is approved by the Saunders County Zoning Department must be submitted and will be detailed on the Subdivision plat, in any case the lot size shall not be less than two (2) acres.

[2] A 25 feet side yard setback is required when the use is adjacent to any A, TA or Residential District

6.08.06 Additional Requirements

1. The uses in this district, as much as possible, shall be designed to be grouped together using common parking and common ingress and egress points in contrast to stripping along streets and roads using separate individual drives for access.
2. When abutting an "A", "TA", or any residential district a well maintained buffer shall be provided to serve as an effective screen to lessen the incompatibility of present or future uses.
3. The county may require modifications in the minimum lot size and setbacks subject to the proposed location of a given use in order to minimize potential negative impacts such as noise, odor, dust, emissions, water, sewer or other hazardous conditions.

Section 6.09 I-1 Light Industrial District

6.09.01 Intent

The intent of this district is to provide for industrial and certain commercial uses, which are capable of meeting specifications of relatively nuisance free performance.

Adult establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 9, Section 9.13.02

6.09.02 Permitted Principal Uses and Structures

1. Farms for agricultural and horticultural projects.
2. Adult Establishments

6.09.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Administrative, executive, professional research and similar office uses having limited public contact.
2. Public utility installations and buildings.
3. animal hospital (no kennels)
4. radio or television antennas
5. bottling plant
6. blueprinting
7. cannery
8. carpentry or wood working shop
9. dairy products
10. dry cleaning and laundry plant
11. implement repair and service
12. furniture repair and storage
13. automobile repair (no storage of unlicensed vehicles or used parts)
14. laboratories
15. printer
16. sign painting and manufacturing
17. trade and vocational school
18. warehousing and wholesaling of materials
19. Retail and wholesale sales of uses such as: lumber and other building materials, farm equipment, motor vehicles, marine craft, aircraft, mobile homes, trailers, farm and garden supplies.
20. Railroads.
21. Contractor's storage yard or plant.
22. Feed and seed processing and storage.
23. Truck terminal, tractor, trailer or truck storage including maintenance service.
24. Gravel, sand and dirt removal, stockpiling, processing or distribution
25. Batch plant.
26. Grain storage when not a normal part of the farming operation.
27. Expansion of a nonconforming use.
28. Storage units, subject to the following conditions:
    a. There shall be a minimum lot area of three (3) acres.
    b. All storage shall be with enclosed building.
    c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
    d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways that provide direct access to cubicles shall provide for one 10-foot parking lane and one travel lane 15 feet in width. All two-way driveways that provide direct access to cubicles shall provide for one10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent extension of vehicles beyond property lines.
    e. All lights shall be shielded to direct light away from adjacent properties.
    f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing assembly or processing of any product shall be permitted.

g. The owner or operator shall properly police the area for removal of trash and debris.
h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the conditional use permit application.
i. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

29. Open Storage, subject to the following conditions:
    a. Any open storage shall be limited to licensed watercrafts, motor homes, camper trailers, and vehicles.
    b. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

6.09.04 Permitted Accessory Uses and Structures

1. Caretakers or watchmen's quarters.
2. Accessory uses normally incidental to a permitted use in this district.
3. Temporary buildings used in conjunction with construction work.

6.09.05 Minimum Lot and Yard and Maximum Height Requirements

Use	Lot Area	Lot Width (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Max. Height (feet)
All uses	3 acres[1]	-	30	25	25	50

[1] When private wells and septic systems serve dwelling. When lots are less than three (3) acres in size, a detailed engineering report that is approved by the Saunders County Zoning Department must be submitted and will be detailed on the Subdivision plat, in any case the lot size shall not be less than two (2) acres.

6.09.06 Additional Requirements

1. The uses in this district, as much as possible, shall be designed to be grouped together using common parking and common ingress and egress points in contrast to stripping along streets and roads using separate individual drives for access.
2. When abutting an "A", "TA", or any residential district a well maintained buffer shall be provided to serve as an effective screen to lessen the incompatibility of present or future uses.
3. The county may require modifications in the minimum lot size and setbacks subject to the proposed location of a given use in order to minimize potential negative impacts such as noise, odor, dust, emissions, water, sewer or other hazardous conditions.

Section 6.10 I-2 General Industrial District

6.10.01 Intent:

The intent of this district is to provide heavy industrial and commercial activities within the county with protection principally against effects harmful to or incompatible to other districts.

Adult establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 9, Section 9.13.02

6.10.02 Permitted Principal Uses and Structures

1. Farms for agricultural and horticultural projects.
2. Adult Establishments

6.10.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Administrative, executive, professional research and similar office uses having limited public contact.
2. Public utility installations and buildings.
3. animal hospital (no kennels)
4. radio or television antennas
5. bottling plant
6. blueprinting
7. cannery
8. carpentry or wood working shop
9. dairy products
10. dry cleaning and laundry plant
11. implement repair and service
12. furniture repair and storage
13. automobile repair (no storage of unlicensed vehicles or used parts)
14. laboratories
15. printer
16. sign painting and manufacturing
17. trade and vocational school
18. warehousing and wholesaling of materials
19. Retail and wholesale sales of uses such as: lumber and other building materials, farm equipment, motor vehicles, marine craft, aircraft, mobile homes, trailers, farm and garden supplies.
20. Railroads.
21. Contractor's storage yard or plant.
22. Feed and seed processing and storage.
23. Truck terminal, tractor, trailer or truck storage including maintenance service.
24. Gravel, sand and dirt removal, stockpiling, processing or distribution
25. Batch plant.
26. Grain storage when not a normal part of the farming operation.
27. Expansion of a nonconforming use.
28. animal pounds or kennels
29. arena or athletic field or tracks
30. automobile body repair
31. boiler and tank works
32. cemetery
33. crating and hauling depot
34. egg candling
35. felt manufacturing
36. storage yards and buildings for lumber
37. Coal, coke, gas or similar uses except explosives.
38. Storage units, subject to the following conditions:
    a. There shall be a minimum lot area of three (3) acres.
    b. All storage shall be with enclosed building.
    c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.

d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways that provide direct access to cubicles shall provide for one 10-foot parking lane and one travel lane 15 feet in width. All two-way driveways that provide direct access to cubicles shall provide for one10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent extension of vehicles beyond property lines.

e. All lights shall be shielded to direct light away from adjacent properties.

f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing assembly or processing of any product shall be permitted.

g. The owner or operator shall properly police the area for removal of trash and debris.

h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the conditional use permit application.

i. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

39. Open Storage, subject to the following conditions:

a. Any open storage shall be limited to licensed watercrafts, motor homes, camper trailers, and vehicles.

b. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

6.10.04 Permitted Accessory Uses and Structures

1. Caretaker and watchmen's quarters.
2. Accessory uses normally appurtenant to the permitted uses when established in conformance with the height and area requirements of this district.

6.10.05 Minimum Lot and Yard and Maximum Height Requirements

Use	Lot Area	Lot Width (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Max. Height (feet)
All uses	3 acres[1]	-	30	25	25	50

[1] When private wells and septic systems serve dwelling. When lots are less than three (3) acres in size, a detailed engineering report that is approved by the Saunders County Zoning Department must be submitted and will be detailed on the Subdivision plat, in any case the lot size shall not be less than two (2) acres.

6.10.06 Additional Requirements

1. The uses in this district, as much as possible, shall be designed to be grouped together using common parking and common ingress and egress points in contrast to stripping along streets and roads using separate individual drives for access.
2. When abutting an "A-1", "TA-1", or any residential district a well maintained buffer shall be provided to serve as an effective screen to lessen the incompatibility of present or future uses.
3. The county may require modifications in the minimum lot size and setbacks subject to the proposed location of a given use in order to minimize potential negative impacts such as noise, odor, dust, emissions, water, sewer or other hazardous conditions.

Section 6.11 PD Planned Development District

6.11.01 Intent:

This zoning district is intended be overlaid or appended to a residential, transitional agricultural, commercial, or industrial zoning district. It will permit a large tract of land or lot with more than one classification of land use to be developed as a single complete planned development. In addition, it will permit the placement and location of more than one building on a tract of land or lot, permit private out lots, access easements, or private roads, and other reasonable and better conditions as exceptions to the requirements of the primary zoning district. It is intended to permit a more feasible, innovative, and desirable environment for the permitted uses in the zoning district.

6.11.02 Area of Tract

The minimum area of a tract of land to be zoned as an appended PD Planned Development District shall be in five (5) acres.

6.11.03 General Provisions

1. Within the PD Planned Development District variations and departures from normal practice may be permitted. Each building need not face on a public street and more than one building may be located on a lot. Buildings may be constructed on platted tracts, which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Private roads in lieu of public streets may serve buildings. Buildings may be located closer to lot lines than otherwise permitted, provided such buildings are architecturally suitable for such a relationship to adjoining buildings and property. Any building or portion thereof may be owned in condominium under applicable state laws governing same. An approved percentage of buildings may be smaller in size than those required in the primary zoning district where their locations on specific lots are designated on the plans.

6.11.04 Other Applicable Requirements

1. Zoning Compliance Certificate
   a. Prior to the application for a building permit or permits on lots or tracts of land located in residential, commercial, or industrial zoning districts appended as Planned Development District, the owner shall apply for a Zoning Compliance Certificate and shall submit to the building inspector the following to show that his plans conform to the requirements of these regulations set forth herein:
      (1) A site development plan and other drawings at a scale of not less than 1 inch equals 100 feet and calculations necessary to determine that the proposed development meets the requirements of the district in which the proposed development is located.
      (2) The plans shall show the number and arrangement of buildings on the land, the building bulk and height, access drives, walks, parking areas, drainage, grading plan, utility distribution, recreation areas, open spaces, landscape development and, in general, the specific land use of the site.
      (3) The building inspector shall review the plans for compliance to these regulations and, if necessary, may require additional information such as typical building floor plans, building elevations, size and type of plant materials, pavement surfacing and other major site improvements.
      (4) After a review of the plans and necessary information, the building inspector shall issue a Zoning Compliance Certificate, if he finds the proposal in conformity with these regulations, and inform the owner that he may make application for a building permit.
      (5) Should the building inspector find the plans not conforming with these regulations, he shall so inform the owner, along with reasons for his decision.

2. Minimum Building Area
   a. A single family detached residential dwelling unit shall contain at least 900 square feet of floor area on one floor level, for living purposes, all exclusive or garages and other accessory floor area.
   b. Each residential dwelling unit for more than a single family, as a duplex or multi-family building, shall contain at least 800 square feet of habitable floor area finished for living purposes, exclusive of a garages and other accessory floor area.

3. A Conditional Use Permit required by Developers or Builders to reduce the habitable floor area for single family attached or detached residential dwelling units in a Planned Development consisting of more than 10 dwelling units.
   a. The County Board of Supervisors may by Conditional Use Permit, after referral to and recommendation from the Planning Commission, authorize and permit a reduction in the minimum habitable floor area for single family detached residential units in a planned development subject to conditions that may not generally be applicable to other similarly zoned land.
      (1) For the purposes of preserving and enhancing the quality of the immediate surrounding or adjacent properties; and to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Saunders County as provided in Chapter 23, Article 1, Section 23-114.03 of the Nebraska State Statutes.
      (2) Subject to the conditions that may be imposed by the County Board to insure a reasonable balance of housing types, styles, floor areas, number, density, and values in the development in the surrounding areas, or in Saunders County.
      (3) Subject to conditions that may be considered to insure that adequacy of community facilities and services within reasonable allocations of the Improvement District, School, Community, or County tax funds.
   b. A Conditional Use Permit may be granted to include the total Planned Development with specific conditions applicable to individual lots.
   c. The Application for a Conditional Use Permit shall be accompanied by building floor plans, elevations, and other plans and data constituting a record essential to the understanding of the proposed buildings and use in relation to the other requirements of the zoning district.

4. The Board may require a Developer of a Residential Development consisting of more than 10 dwelling units shall include in the Subdivision Agreement with Saunders County or as a part of the agreement, certain covenants that will be binding with the properties, including such conditions that may be imposed by Saunders County that are applicable to the number, density, types, styles, floor areas, and uses of residential dwelling units.

6.11.05 Permitted Principal Uses and Structures

1. Any principal uses permitted in the primary zoning district to which the PD, Planned Development District classification is appended.

6.11.06 Conditional Uses and Structures

1. Any conditional uses permitted in the primary zoning district to which the PD, Planned Development District classification is appended.

6.11.07 Permitted Accessory Uses and Structures

1. Any accessory uses permitted in the primary zoning district to which the PD, Planned Development District is appended.

6.11.08 Minimum Lot and Yard and Maximum Height Requirements

1. Lot area requirements, height requirements, building setbacks, size of buildings, and density of dwelling units of the primary zoning district to which the PD, Planned Development Classification is appended may be amended or reduced.
2. Other conditions, requirements or amenities may be greater than the minimum provided for in these regulations.
3. Changes in requirements may be granted after considering the reasonable intent. All development shall be in conformity with the Land Use District policies and criteria within the Comprehensive Plan. The purpose of the Saunders County Zoning Regulations, including among others, such specific purposes as:
   a. Developing both urban and non-urban areas;
   b. Lessening congestion in the streets or roads;
   c. Reducing the waste of excessive amounts of roads;
   d. Securing safety from fire and similar dangers;

e. Lessening or avoiding the hazards to persons or damage to property resulting from the accumulation or runoff of storm flood waters;
f. Providing adequate light and air;
g. Preventing excessive concentration of population, and excessive and wasteful scattering of population or settlement;
h. Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
i. Protecting the tax base;
j. Protecting property against blight and depreciation;
k. Securing economy in governmental expenditures;
l. Fostering the state's agriculture, recreation, or other industries;
m. Encourage the most appropriate use of land in the country; and
n. Preserving, protecting and enhancing historic buildings, places, and districts.

4. The changes or reductions may be granted by the County Board after receiving the recommendations of the County Planning Commission provided overall density is not increased and the variances substantially meet the following:
   a. Height may be increased by not more than 15 feet;
   b. Fifteen percent of the total number of lots may be reduced to have a minimum lot width of 75 feet;
   c. Front yards may be reduced to a minimum of 25 feet where double car width driveways are provided;
   d. Rear yards may be reduced to a minimum of 15 feet;
   e. Fifteen percent of the total single-family residential buildings may be reduced to 900 square feet of habitable floor area.

6.11.09 Land Use Intensity or Density Computations

1. In an appended residential district, the number of dwelling units that may be permissible on the proposed tract to be developed as a PD, Planned Development District, shall be determined by using the lot area per dwelling unit requirements of the primary zoning district provided, however, that the total lot area of the proposed tract shall be reduced by the areas covered or occupied by existing or proposed streets, roadways, drives, parking areas, and unusable land areas such as streams, lakes, drainage ways, and creeks.

6.11.10 Other Applicable Provisions

1. The entire planned development may be considered as one zoned lot.

6.11.11 Procedure

1. When a property owner or developer intends to develop a tract of land containing at least the minimum area for that primary zoning district and involving more than one establishment, or in the case of a residential zoned are, more than one dwelling unit, he may apply for rezoning the property to a PD, Planned Development District. The rezoning change shall be an amendment of the zoning map as an appendage to the existing primary zoning district. The rezoning change may also be a request to change the existing primary zoning district to another primary zoning district with the PD as an appendage.
2. The property owner shall file, together with the rezoning application, a Site Development Plan and such other drawings or calculations necessary to determine whether the proposed development conforms with the provisions of the primary zoning district to which the PD is to be appended
3. The plans and other drawings and calculations shall provide adequate information to show the arrangement of buildings, the number of dwelling units or establishments, building bulk and height, access drives, walks, parking areas, drainage, grading plan, utilities distribution, recreation areas, open spaces, and the general landscape development.
4. The property owners may further be asked to furnish other information, such as typical building floor plans, building elevations to show the general architectural character of the buildings, some indications as to size and type of landscape plant materials, pavements, and other major site improvements.

5. The property owner shall submit the tentative construction time schedule, the description of the intended means of financing any proposed common areas or common improvements, statements covering ownership and maintenance of common easements or other common areas, such as open space or recreational facilities, documents for incorporation of Home Owners organization, restrictive covenants, and any other document that may help Saunders County in reviewing the application. Such construction schedule shall be substantially completed as approved in this section. If, in the opinion of the planning commission or county board, sufficient development has not been commenced or completed, a public hearing to consider removing all or a portion of the planned district may be initiated. The applicant shall be given notice and may present a request for extending the construction time schedule.
6. These plans and documents, the site development plans, drawings, calculations, and other documents, shall form the basis for issuance of a zoning compliance permit and a building permit in conformity therewith.
7. Any major change in the development plan which may increase the number of dwelling units or establishments, the number of parking stalls, the size or number of structures, and which is a substantial change from the plans and documents approved by the County Board, in the opinion of the Building Inspector, may require a resubmission for approval of the application for rezoning. Any minor changes or adjustments or decrease in the number of dwelling units, common facilities and recreation facilities may be approved by the County Building Inspector without resubmission.

Section 6.12. F-1 Flood Plain District
6.12.01 Intent:
These regulations shall apply to all lands within the jurisdiction of Saunders County identified on the Flood Insurance Rate Map (FIRM) Index # 31155CIND0B dated 08/03/2016, as well as all associated panels; as numbered and unnumbered A Zones (including AE, AO, and AH Zones) established in Section 6.12 of this ordinance. In all areas covered by this ordinance, no development shall be permitted, except upon the issuance of a floodplain permit to develop, granted by Saunders County Board or its duly designated representative, under such safeguards and restrictions as Saunders County Board, or the designated representative, may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community.

It is the purpose of this Resolution to promote the public health, safety, and general welfare and to minimize those potential flood losses by applying the provisions of this Resolution to:

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

A. GENERAL PROVISIONS

1. Lands to Which Resolution Applies
This Resolution shall apply to all lands within the jurisdiction of Saunders County identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in Section C of this Resolution. In all areas covered by this Resolution no development shall be permitted except upon the issuance of a flood plain permit to develop, granted by the Board of Supervisors or its duly designated representative under such safeguards and restrictions as the Board or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the county and where specifically noted in Section D, E, and F.

2. The Enforcement Officer
The Zoning Administrator is hereby designated as the duly designated Enforcement Officer under this Resolution.

3. Rules for Interpretation of District Boundaries
The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence, if he so desires.

4. Compliance
Within identified special flood hazard areas, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

5. Abrogation and Greater Restrictions
It is not intended by this Resolution to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this Resolution imposes greater restrictions, the provision of this Resolution shall prevail. All other Resolutions inconsistent with this Resolution are hereby repealed to the extent of the inconsistency only.

6. Interpretation
In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

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

8. Severability
If any section, clause, provision or portion of this Resolution is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby.

9. Appeal
Where a request for a permit to develop or a variance is denied by the Zoning Administrator the applicant may apply for such permit or variance directly to the board of Adjustment.

B. DEVELOPMENT PERMIT

1. Permit Required
No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section K.

2. Administration
   a. The Zoning Administrator is hereby appointed to administer and implement the provisions of this Resolution.
   b. Duties of the Zoning Administrator shall include, but not be limited to:
      (1) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this Resolution have been satisfied.
      (2) Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
      (3) Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
      (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
      (5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
      (6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.
      (7) When floodproofing is utilized for a particular structure the Zoning Administrator shall be presented certification from a registered professional engineer or architect.

3. Application for Permit
To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
   a. Identify and describe the development to be covered by the floodplain development permit.
   b. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
   c. Indicate the use or occupancy for which the proposed development is intended.
   d. Be accompanied by plans and specifications for proposed construction.
   e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
   f. Give such other information as reasonably may be required by the Zoning Administrator.
4. Permit Approval by Zoning Administrator

Applications for building permits and flood plain development permits may be approved by the Zoning Administrator on all parcels in conformance with these regulations.

C. ESTABLISHMENT OF ZONING DISTRICTS

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

D. STANDARDS FOR FLOODPLAIN DEVELOPMENT

1. No permit for development shall be granted for new construction, substantial improvements and other developments(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Section are satisfied.

2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of Section E. If Flood Insurance Study data is not available, the county shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

3. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.

4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
   a. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
   b. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
   c. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other services facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
   d. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation, provided that, septic drain fields shall be installed at least four (4) feet above the high water table in compliance with Title 124 of the Nebraska Department of Environmental Quality.

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

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (1) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivision) include within such proposals the base flood elevation.

E. FLOOD FRINGE OVERLAY DISTRICT - (Including AO and AH Zones)

1. Permitted Uses
   a. All primary structures provided the building meets the requirements of the development permit
   b. No use allowed in the underlying district shall be permitted in this overlay district unless the standards of Section D are met.
   c. Agricultural uses such as general farming, pasture, nurseries, forestry.
   d. Residential accessory uses and structures such as lawns, gardens, parking and play areas.
   e. Appurtenant structures used exclusively for storage of motor vehicles and storage of other items readily removable in the event of a flood warning, may have their lowest floor below one foot above the base flood elevation, provided the structure is capable of withstanding hydrostatic and hydrodynamic forces caused by the base flood, and provided that no utilities are installed in the structure, except elevated or flood proofed electrical fixtures. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

2. Permitted Conditional Uses
   a. Non-residential areas such as roads, drives, loading areas, parking and airport landing strips.
   b. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves subject to the requirements of the underlying district.
   c. Mining and Extraction of minerals, water, or raw materials and the manufacturing, processing, treating and storing of minerals, water, or raw materials, which are extracted from any portion of the District shall include but not be limited to the following conditions: that access to a public road shall not be situated in such a way as to cause real or potential traffic hazards; that one parking space for each employee plus one space for each company vehicle be provided; further as to water wells, no such well shall cause pre-existing subirrigated lands in the flood district (as defined by N.R.S. 46-656.07 (13) or a pre-existing wetland area (as defined by the Federal Emergency Management Agency Floodplain Management and Protection of Wetlands Regulations 44 CFR 9.4) from becoming a non-subirrigated or non-wetland area without an operation and maintenance plan which within one (1) year creates an equal or greater mitigating replacement subirrigated or wetland area in Saunders County as approved by the Saunders County Board of Supervisors; all other provision of subsection (d) are met upon completion of any project; all lands are restored or are developed in a condition that is compatible with the surrounding area. The foregoing will not apply to the extraction of water that is used for agricultural purposes in Saunders County.
   d. All dirt work required on any site either for a new building or simple regrading work.

3. Standards for the Flood Fringe Overlay District
   a. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
   b. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator as set forth in Section B.2.b. (7)
   c. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   d. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
   e. Manufactured Homes
      (1) All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
(b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
(d) Any additions to the manufactured home be similarly anchored.

2. Require that all manufactured homes to be placed or substantially improved within special flood hazards areas on the community's FIRM on sites:
(a) Outside of a manufactured home park or subdivision,
(b) In a new manufactured home park or subdivision
(c) In an expansion to an existing manufactured home park or subdivision, or
(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section E.2.e(1).

3. Require that manufacture homes to be place or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section E.2.e(2)
(a) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section E.2.e(1).

f. Recreational vehicles placed on sites within the special flood hazard areas on the official map shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this Resolution. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently-attached additions.

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

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of non-residential structures shall:
(a) Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the firm (at least two feet if no depth number is specified), or
(b) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section B.2.b (7).

3. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

F. FLOODWAY OVERLAY DISTRICT

1. Permitted Uses

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

a. Agricultural uses such as general farming, pasture, nurseries, forestry.
b. Residential accessory uses such as lawns, gardens, parking and play areas.

2. Permitted Conditional Uses

a. Non-residential areas such as roads, drives, loading areas, parking and airport landing strips.
b. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves subject to the requirements of the underlying district.
c. Mining and Extraction of minerals, water, or raw materials and the manufacturing, processing, treating and storing of minerals, water, or raw materials, which are extracted from any portion of the District shall include but not be limited to the following conditions: that access to a public road shall not be situated in such a way as to cause real or potential traffic hazards; that one parking space for each employee plus one space for each company vehicle be provided; further as to water wells, no such well shall cause pre-existing subirrigated lands in the flood district (as defined by N.R.S. 46-656.07 (13) or a pre-existing wetland area (as defined by the Federal Emergency Management Agency Floodplain Management and Protection of Wetlands Regulations 44 CFR 9.4) from becoming a non-subirrigated or non-wetland area without an operation and maintenance plan which within one (1) year creates an equal or greater mitigating replacement subirrigated or wetland area in Saunders County as approved by the Saunders County Board of Supervisors; all other provision of subsection (d) are met upon completion of any project; all lands are restored or are developed in a condition that is compatible with the surrounding area. The foregoing will not apply to the extraction of water that is used for agricultural purposes in Saunders County.
d. All dirt work required on any site either for a new building or simple regrading work.

3. Standards for the Floodway Overlay District

New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Section D and E. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section D.6(d) of this Resolution, in meeting the standards of this section.

G. VARIANCE PROCEDURES

1. The County Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. The Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Resolution.

3. Any person aggrieved by the decision of the Board of Appeals or any taxpayer may appeal such decision to the District Court as provided in Section 23-168,R.R.S. 1943 (for Counties).

4. In passing upon such applications, the Board of Appeals shall consider all technical evaluation, all relevant factors, standards specified in other sections of this Resolution, and:

a. The danger that materials may be swept onto other lands to the injury of others;
b. the danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
d. The importance of the services provided by the proposed facility to the community;
e. The necessity to the facility of a waterfront location, where applicable;
f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
g. The compatibility of the proposed use with existing and anticipated development;
h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Conditions for Variances
a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b-f below) have been fully considered.
b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
c. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
e. Variance shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
f. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

H. NONCONFORMING USE

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the Resolution, but which is not in conformity with the provisions of this Resolution may be continued subject to the following conditions:
a. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Resolution. The entities providing utilities shall make an effort to notify the Zoning Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this Resolution. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

I. AMENDMENTS

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

J. DEFINITIONS

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

"Appeal" means a request for a review of the Zoning Administrator's interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Base Flood" means the flood having one percent chance of being equaled or exceeded in any given year.

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

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

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

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

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

(1) The overflow of inland or tidal waters.
(2) The usual and rapid accumulation of runoff of surface waters from any source.

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

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

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

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

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

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

"Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not build so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

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

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

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building per- mit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the firs alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

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

Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 60 percent of the market value of the structure before the damage occurred.

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

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

Section 6.13. LWCO Lake Wanahoo Conservation Overlay District

6.13.01 Intent:

The intent of this district is to establish development standards that allow for the continuation of existing uses, while protecting the public's interests. This district will provide flood control and flood mitigation protection on the sand creek. This overlay district will pre-empt any underlying district standards.

6.13.02 Permitted Principal Uses:

Uses within this section of the Resolution are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. Farms, agricultural and horticultural uses (excluding commercial livestock operations)

6.13.03 Conditional Uses

The following uses are allowed only when Saunders County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Single family dwellings and accessory structures.

*All structures in this district, before being considered by the Planning Commission and the Board of Supervisors, must first submit building plans to the Lower Platte North Natural Resource District pursuant to State Statute 2-32,112.

After receiving recommendation from the Lower Platte North Natural Resource District, the County may proceed according to its conditional use process.

If the County determines that a construction permit should be granted at this time, the applicant shall sign a document acknowledging the potential that their structure may or may not be subject to condemnation.

6.13.04 Prohibited Activities:

1. Any change of zoning request
2. Any division of land for construction purposes

6.13.05 Minimum Lot Sizes:

1. Same as the agricultural district

SECTION 6.14: R-M Mobile Home Residential District

6.14.01 Intent:

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

6.14.02 Permitted Principal Uses.

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

1. Mobile home dwellings
2. Single family dwelling.
3. Public School.
4. Private and public park, playground and recreational facilities.
5. Church, educational facilities and parish house.
6. On-site sign.
7. Multi-unit dwellings, provided such use is part of a Planned Unit Development-Residential.

6.14.03 Conditional Uses.

1. Buildings and uses customarily incidental to the permitted uses.
2. Home occupation, subject to the following:
   a. That such uses are located in the dwelling used by a person as his/her private residence.
   b. That no assistance other than a member of the family household is employed, and no window display or sign, either illuminated or more than two (2) square feet in area is used to advertise the same.
3. Off-street parking.
4. Nursery or day-care schools.
5. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
6. Sewage disposal and water supply and treatment facilities.
7. Campgrounds.
8. Public buildings.

6.14.04 Area and Lot Requirements.

A mobile home park shall have an area of not less than five (5) acres. No mobile homes or other structures shall be located less than eighty-three (83) feet from the road centerline when contiguous to or having frontage to a County road or state highway. The setback on all other court property lines shall be twenty-five (25) feet. These areas shall be landscaped. The minimum lot width for a mobile home court shall be two hundred (200) feet.

Each lot provided for occupancy of a single mobile home shall have an area of not less than seven thousand five hundred (7,500) square feet, excluding road R.O.W., and a width of not less than seventy (70) feet for an interior lot, eighty (80) feet for a corner lot, or forty-five (45) feet when facing a cul-de-sac turnaround or curve on a minor loop street. Each individual lot shall have:

1. Side yards shall not be less than eight (8) feet on one side and not less than eight (8) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of thirty (30) feet on the side abutting a street/road.
2. Front yard of not less than thirty (30) feet.
3. A rear yard of not less than twenty-five (25) feet.

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

Height of Buildings.

1. Maximum height for principal uses: thirty-five (35) feet.
2. Maximum height for accessory uses: twenty (20) feet.

6.14.05 Community Facilities.

1. Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking.
2. Community water and community sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.
3. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.
4. Not less than 8% of the total court area shall be designated and used for park, playground and recreational purposes.

6.14.06 Plan Requirements.

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

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

SECTION 6.15: AHO Airport Hazard Overlay District

6.15.01 Intent:

This district is established as an overlay district for application over any primary zoning district in order to protect the safe use, public investment, and utility of public airports and their Airport Hazard Area, within Saunders County's zoning jurisdiction, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are licensed by the Nebraska Department of Aeronautics, as designated on the Official Zoning Map of Saunders County, Nebraska and on the Airport Zoning Maps prepared by the Nebraska Department of Aeronautics for the Fremont Municipal Airport (Dwg. No. ZN-FET-08 dated January 22, 2014) and for the Wahoo Municipal Airport (Dwg. No. ZN-AHQ-09 dated December 18, 2013).

6.15.02 Designated Public Airport:

The designated public airports for which these regulations have been prepared are the Fremont Municipal Airport located in Sections 9, 15 and 16, Township 17 North, Range 8 East of the 6th P.M., in Dodge County and the Wahoo Municipal Airport located in Section 26, Township 15 North, Range 7 East of the 6th P.M., in Saunders County which are or partly within the planning and zoning jurisdictional area of Saunders County, Nebraska. Information on the Fremont Municipal Airport and Wahoo Municipal Airport can be obtained from the Nebraska Department of Aeronautics at www.aero.nebraska.gov or at www.airnav.com/airports/ .

6.15.03 Definitions:

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

1. Airport means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.
2. Airport Hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; or penetrates any approach, operation, transition, or turning zone.
3. Airport Hazard Area means any area of land or water upon which an airport hazard might be established if not prevented as provided in the Nebraska Airport Zoning Act, but such area shall not extend in any direction a distance in excess of the limits provided for approach, operation, transition, and turning zones.
4. Airport Layout Plan means a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.
5. Approach Zone means a zone that extends from the end of each operation zone and is centered along the extended runway centerlines.
6. Electric Facility means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in Section 70-1001.01, R.R.S. 1943, for the transmission or distribution of electrical power to the electric supplier's customers.
7. Existing Runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or in under construction.
8. Height of Structure means the height of any building, structure or object measured from its highest point to the nearest existing or proposed runway end elevation.
9. Instrument Runway means an existing runway with precision or nonprecision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After the effective date of this zoning regulation, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.
10. Operation Zone means a zone that is longitudinally centered on each existing or proposed runway.
11. Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.
12. Political Subdivision means any city, village, or county.
13. Proposed Runway means an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.
14. Runway means a defined area at an airport that is prepared for the landing and takeoff of aircraft along its

length.

15. Structure means any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.
16. Transition Zone means a zone that extends outward at a right angle to the runway centerline and upward at a rate of one (1) foot vertically for every seven feet horizontally (7:1). The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of 150 feet above the highest elevation on the existing or proposed runway.
17. Tree means any object of natural growth.
18. Turning Zone shall comprise all portions of the hazard area not contained in the Operation Zones, Approach Zones and in the Transitional Zones.
19. Turning Zone's Outer Limit means the area located at a distance of three (3) miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is 150 feet above the highest elevation on the existing or proposed runway.
20. Visual Runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

6.15.04 Hazard Area Description:

In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce the regulations in this section for such airport hazard area.

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

6.15.05 Zone Descriptions and Regulations:

1. **Operation Zones** are longitudinally centered on each existing or proposed runway:
   A. *Length.* For existing and proposed paved runways, the operation zone extends two hundred (200) feet beyond the ends of each runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends;
   B. *Width.* For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline; and
   C. *Height.* The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.
2. **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. The dimensions of the zones are as follows:
   A. For an existing or proposed instrument runway:
      (1) *Length and Width.* An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is 1,000 feet wide at the end of the zone nearest the runway and expands uniformly to 16,840 feet wide at the farthest end of the zone; and
      (2) *Height Limit.* The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 50 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the ten-mile limit.
   B. For an existing or proposed visual runway:
      (1) *Length and Width.* An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is 500 feet wide at the

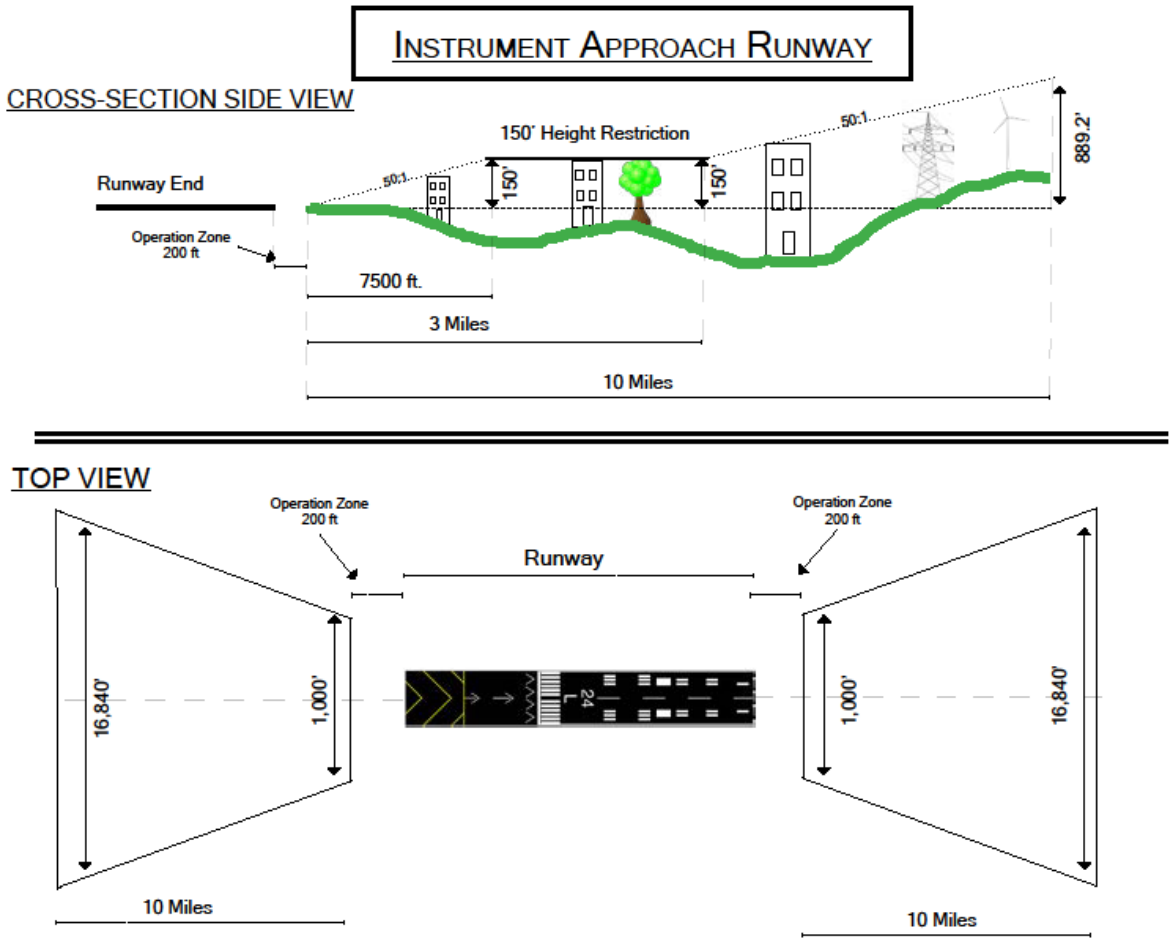
end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide; and

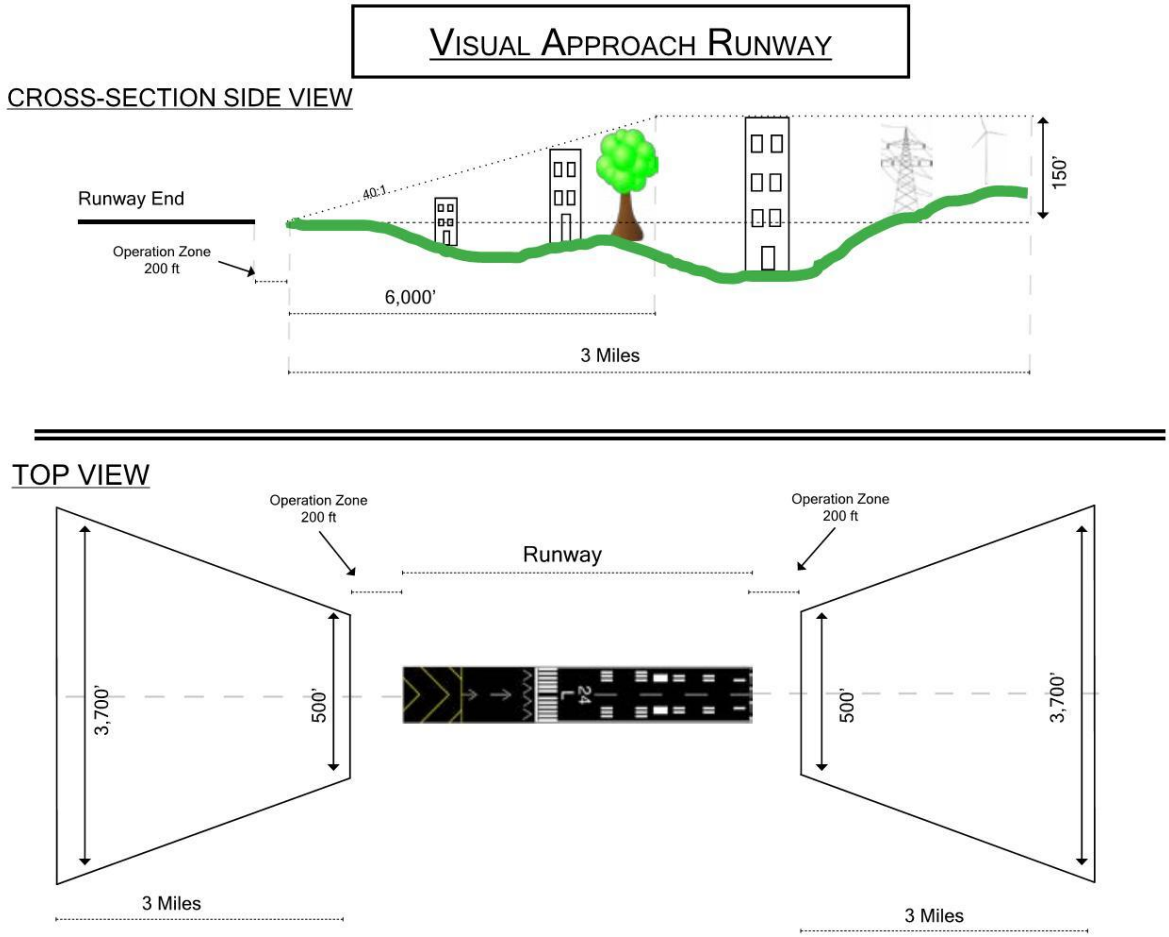
(2) *Height.* The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 40 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end.

3. **Transition Zones** extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.

4. **Turning Zones** extend three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

6.15.06 Height Restrictions:
No building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in Section 5 above or in the diagrams below:





6.15.07 Location Sketch and Zoning Map:
The boundaries, Operation Zones, Approach Zones, Transition Zones and Turning Zones of the Fremont Municipal Airport and the Wahoo Municipal Airport are as indicated on the maps identified in Section 6.15.01, which accompany and are hereby made a part of these regulations, copies of which shall at all times be on file in the offices of the County Clerk and Zoning Administrator of Saunders County, Nebraska.

6.15.08 Permit Required, Exceptions, Application Forms and Permit Fees

1. Permit Required:
   It shall hereafter be unlawful to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth within the boundary of the zoned airport hazard area of the Fremont Municipal Airport and the Wahoo Municipal Airport without first obtaining a zoning permit from the Saunders County Zoning Administrator and review of the City of Fremont (Fremont Airport Advisory Committee), Wahoo Airport Authority, and/or the Nebraska Department of Aeronautics for the appropriate airport.
2. Exceptions:
   In the outer area of Approach Zones and within Turning Zones, no such permit shall be required for construction of planting which is no higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip, except for any permits required by other sections of these regulations.
3. Application Forms:
   Application for a zoning permit as required under these regulations shall be made upon a form or forms to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting (Mean Sea Level Elevation).

4. Permit Fees:
   The fee for each zoning permit shall be the normal fee charged by the county plus any other additional fees determined by the county, City of Fremont, Wahoo Airport Authority or the state for the appropriate airport.

6.15.09 Non-Conforming Uses and Structures:

1. Within the zoned airport hazard area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations where adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of eighty (80) percent or more of their original condition, or abandoned for a period of twelve (12) consecutive months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the airport hazard zone.
2. Except as provided in subsection (9.3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. A permit shall be granted under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use would not result in an increase in height or a greater hazard to air navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.
3. An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

6.15.10 Marking of Non-Conforming Structures:

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

6.15.11 Administrative Agency:

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

6.15.12 Variance from Regulations:

1. Any person desiring to erect any structure, increase the height of any structure, permit the growth of any

tree, or otherwise use his or her property in a manner inconsistent with the airport zoning regulations adopted under this regulation may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed only if the board of adjustment makes the same findings for the granting of variances generally as set forth in State Statute, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this regulation.

2. In granting any permit under or variance from any airport zoning regulation adopted under this regulation, the administrative agency or board of adjustment may, if it deems such action is advisable to effectuate the purposes of the regulation and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

6.15.13 Board of Zoning Adjustment:

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

6.15.14 Conflicts:

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

Section 6.16. FRD Floodwater Retarding Dam Breach Overlay District

6.16.01 Intent:

The intent of this district is to protect certain areas of Saunders County below Floodwater Retarding Dams (hereinafter referred to as FRD) that may be subject to substantial flooding should a FRD breach (dam failure) occur or that would increase the Dam Hazard Classification. This could result in significant losses due to:
1. The cumulative effect of obstructions in the FRD breach impact area district causing increases in flood heights and velocities; and

2. The occupancy of the FRD breach impact area district by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damage.

The FRD breach impact area district is designed to permit the gainful use of certain lands which are considered to be in the path of potential flood waters and from which structures and other valuable property use that is subject to damage by flood water should be regulated. This would permit surface runoff through such areas in the event of a FRD breach with a minimum of structural damage or property loss, and a minimum of obligation upon governmental authorities for flood or disaster assistance.

As such, this Article is intended to promote the public health, safety, and general welfare, and minimize these losses by applying the provisions of this article to the designated areas within Saunders County. And by taking action to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in the FRD breach impact area, or which might cause undue increase in flood heights; and
2. Protect individuals from buying lands for the purpose of building in the FRD breach impact area which is unsuited for intended purposes because of flood hazard.

6.16.02 Findings of Fact:

1. The FRD breach impact area district of Saunders County, Nebraska, is subject to inundation which, in the event of a FRD breach, could result in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare.
2. Such flood losses are caused by:
   a. The cumulative effect of obstructions in FRD breach impact areas causing increases in flood heights and velocities.
   b. The occupancy of FRD breach impact areas by uses vulnerable to floods or hazardous to others, and which are inadequately elevated or otherwise protected from flood damages.
3. This article uses a reasonable method of analyzing FRD breach impact flood hazards which consists of a series of interrelated steps, as follows:
   a. The use of engineering calculations and breach impact studies which indicate the area and potential depth of inundation for each FRD.
   b. Delineation of breach impact area encroachment lines within which no habitable structure is permitted which could cause any increase in flood height

6.16.03 General Provisions

1. Land to which Regulations Apply. This article shall apply to all lands within the unincorporated portion of Saunders County, Nebraska, identified on the FRD Maps as elaborated by the official Professional Engineering Breach Impact Studies. No development of habitable structures shall be permitted in any defined FRD breach impact area except as authorized herein.

2. The Enforcement Officer. The Zoning Administrator of Saunders County, Nebraska or his designee is designated as the enforcement officer.

3. Rules for Interpretation of District Boundaries. The boundaries of the FRD breach impact area district shall be determined by scaling distances on the engineering Breach Impact Studies. The Enforcement Officer shall make all interpretations as to the exact location of said boundaries. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute.

4. Existing Development: No development of habitable structures presently located within a known FRD breach impact area shall be relocated, extended, converted, or structurally altered without permit with the exception that a structure may be relocated to an approved site out of a FRD breach impact area.

5. Abrogation and Greater Restrictions: It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other regulations inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

6. Interpretation: In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall be liberally construed in favor of the Governing body and Saunders County.

7. Warning and Disclaimer of Liability: The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. In the event of a FRD breach, larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes. This Article does not imply that areas outside boundaries of the FRD breach impact area or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of Saunders County or any officer or employee thereof for any flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.

8. Appeal: Where a request for a permit to develop, build, locate, extend, convert or structurally alter any structure or building is denied by the Enforcement Officer, the applicant may appeal such decision and apply for relief to the Board of Zoning Appeals in the method provided in these Regulations for appeals.

6.16.04 Permitted Uses

Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodwater Retarding Dam Breach Impact Overlay District to the extent they are not prohibited by any other provision of these Regulations, and provided they do not require structures or storage of materials or equipment. Subject to the requirements of these Regulations, the following uses are permitted:

a. Agricultural uses.

b. Residential uses such as lawns, gardens, parking, play, and yard areas that do not have a habitable structure.

c. Nonresidential uses such as loading areas, parking, landing strips, and

d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserve.

e. Residential structures with a finished floor elevation certified to exceed a minimum of one-foot above the Wahoo Creek Dam Breach Inundation elevation.

f. Or other uses that will not affect the Dam Hazard Classification and are in conformance with the underlying zoning district.

ARTICLE 7. PERMITTED CONDITIONAL USES, PURPOSES AND PROCEDURES

Section 7.01 Purpose
The Board may, when it is deemed advisable, authorize and permit a specific use as listed in this article, by a conditional use permit place specific conditions as are necessary in preserving the general intent and purpose of this chapter. No such conditional use permit shall become effective except after recommendation and report from the planning commission, after publication notice of the time, place and purpose of a hearing thereon.

Section 7.02 Application and Procedure
Any interested party may request a conditional use permit by filing an application with the Zoning Administrator. A person filing such an application shall pay a fee in the same amount as required by the provisions of this chapter in cases of applications for rezoning.

When any Conditional Use Permit application has action pending, the time and place of the hearing will be sent to all property owners and occupants within one (1) mile via mail service. The County will make every effort to notify all parties having an interest in the decision.

Section 7.03 Standards
The conditional uses shall conform to the intent and purpose of these regulations, the Comprehensive Development Plan, and the following requirements.

1. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
2. The use shall conform to all other applicable Resolutions, laws, and regulations of any governmental jurisdiction.
3. The use shall have adequate water, sewer and drainage facilities.
4. Ingress and egress shall be so designed as to minimize traffic congestion in the public street, road or highway.
5. The use shall be in harmony with the character of the area and the most appropriate use of the land.

The Planning Commission and the County Board in considering an application for a conditional use may consider, among other things,

- the most appropriate use of the land;
- the conservation and stabilization of the value of property;
- adequate open space for light and air;
- concentration of population;
- congestion of public streets; and
- The promotion of public safety, health, convenience, and comfort.

The County Board, after a recommendation of the Planning Commission, may stipulate and require such conditions and restrictions upon the conditional use and operation as is deemed necessary for the protection of the public interest and to secure compliance with these regulations.

Section 7.04 Annual Renewal, Where Required
Where annual review of a conditional use permit is required, the applicant shall file with the zoning administrator an application and fee as may be proscribed. The zoning administrator shall review the application for compliance with conditions set in the original approval. The administrator shall renew such permit unless there is a request by the applicant to modify provisions of the original permit or the administrator finds that the permit is not in conformance with the original provisions. Where such modification or noncompliance exists, the administrator shall forward the application to the planning commission for hearing and action.

Section 7.05 Pre-existing Uses
An existing use of the type described in any zoning district as a special permitted use or conditional use, which was lawfully established prior to the adoption of these regulations, may apply for and may be granted a conditional use permit to continue operation, provided that, no enlargement, extension, or relocation of this use shall take place without approval of a special permit in compliance with all applicable sections of these regulations.

ARTICLE 8. GENERAL CONDITIONS

Section 8.01 Accessory Buildings
No accessory buildings shall be erected in any required front or side yard, and no separate accessory buildings shall be erected within five feet of any other building. Accessory buildings shall not occupy more than 35 percent of the required rear yard. Accessory buildings shall not be constructed prior to completion of the permitted principal use or building.

Section 8.02 More Than One Principal Structure on a Lot
In commercial and industrial districts, more than one structure housing a permitted or permissible use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot.

Section 8.03 Height Regulations Exception
The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators chimneys, grain elevators, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Television, telephone or communication towers for dwellings shall not exceed fifty (50) feet in height and shall be set back from any property line a distance equal to the height of the tower.

Section 8.04 Lot Size Exceptions
If, at the time of passage of these regulations, a lot, or that aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted out-right in the district subject to the other requirements of the district and providing, if there is any area deficiency, residential use shall be limited to a single family.

Section 8.05 Front Yard
The front yard setback shall apply on all street frontages. Not withstanding any other setback requirements in these regulations, unless more restrictive, in no case shall a building or structure hereafter erected or structurally altered be nearer to the center line of the right-of-way than as follows:

	Farm Outbuildings	Other
Saunders County Highway System	100'	100'
State and Federal Designated Highways	100'	100'

Section 8.06 Parking and Storage of Certain Vehicles
Any junk or inoperable vehicle or other automotive vehicles or trailers of any kind or type without current license plates shall not be parked in any district other than in completely enclosed buildings, except that, farm machinery used for parts of the land owners farming operation may be stored outside on parcels over (20) twenty acres in the agricultural district.

Section 8.07 Special Height Regulations Adjacent to Airports
Within the area of an approach zone of a runway of an airport or landing field, no building, utility line, pole, smokestack, chimney, wires, tower or other structures or appurtenance thereto of any kind shall hereafter be erected, constructed, repaired, or established, nor shall any tree or other object of natural growth be allowed to grow to exceed a height that would interfere with the take-off or landing of a plane with a glide angle of one foot (1') vertical for every forty feet (40') horizontal, such glide to be computed as beginning 200' from the end of the runway. Beyond the glide path and within the approach zone no obstruction shall exceed a height of one hundred fifty feet (150").

An approach zone is located at each end of each runway, landing strip or other portion of the airfield used regularly for landing or taking-off of airplanes. Such approach zones are five hundred feet (500') in width at each end of each runway or landing strip, all approach zones expand uniformly to a width of fifteen hundred feet (1500') at a distance of 5,000 feet from the ends of the respective runways or landing strips. The outer boundary line of each approach zone shall be a straight line perpendicular to, and bisected by the extended centerline of its respective runway or landing strip.

ARTICLE 9: SUPPLEMENTAL REGULATIONS

Section 9.01 Mobile Home Park Standards

For new mobile home parks, mobile home subdivisions or expansions of the same, and for new mobile homes not in a mobile home park and for existing mobile home parks where the repair, exceeds 50 percent of the value of the streets, utilities and pads before there repair, reconstruction or improvement has commenced, it is required that:

9.01.01 Specific anchoring standards be met:

1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.
2. Frame ties provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.
3. All components of the anchoring system be capable of carrying a force of 4800 pounds.
4. Any additions to mobile homes be similarly anchored.

9.01.02 Stands or lots are elevated on compacted fill or piers so that the lowest floor of the structure will be at or above the regulatory flood elevation.

9.01.03 Adequate surface drainage and easy access for a hauling vehicles and equipment is provided.

9.01.04 In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than 10 feet apart and steel reinforcement is provided for piers more than 6 feet high.

9.01.05 Storm shelters shall be required and shall meet the following criteria:

1. Shelter space equivalent to two (2) persons per mobile home lot,
2. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
3. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

Section 9.02 Off-Street Automobile Storage

9.02.01 Design Criteria

Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.

9.02.02 Use of other Parking not on Site

If vehicle storage space or standing space required above cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Board of Adjustment, the Board of Adjustment may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

9.02.03 All parking spaces shall be paved with asphalt or concrete.

9.02.04 Where calculations in accordance with the following list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

9.02.05 Where off-street parking is located on a lot other than the lot occupied by the use that requires it, site plan approval for both lots is required.

Section 9.03 Schedule of Minimum Off-street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Adult Establishments	One (1) space per 2 persons of licensed capacity	None required
Bowling Alleys	Four (4) spaces per alley	One (1) space per establishment
Churches, Synagogues, and Temples	One (1) space per 4 seats in main worship area	None required
Clubs, including fraternal organizations	One (1) space per 500 s.f. of gross floor area	None required
College/University	One (1) spaces per every two (2) students of occupancy plus one (1) per employee.	Two (2) spaces per structure
Commercial Uses		
Agricultural Sales / Service	One (1) space per 500 s.f. of gross floor area	One (1) per establishment
Automotive Rental / Sales	One (1) space per 500 s.f. of gross floor area	One (1) per establishment
Automotive Servicing	Three (3) spaces per repair stall	None required
Bars, Taverns, Nightclubs	Parking equal to 30% of licensed capacity	Two (2) spaces per establishment
Body Repair	Four (4) spaces per repair stall	None required
Equipment Rental / Sales	One (1) space per 500 s.f. of gross floor area	One (1) Space
Campground	One (1) space per camping unit	None required
Commercial Recreation	One (1) space per 4 persons of licensed capacity	One (1) per establishment
Communication Services	One (1) space per 500 s.f. of gross floor area	One (1) per establishment
Construction Sales / Service	One (1) space per 500 s.f. of gross floor area	One (1) per establishment
Food Sales (limited)	One (1) space per 300 s.f. of gross floor area	One (1) per establishment
Food Sales (general)	One (1) space per 200 s.f. of gross floor area	Two (2) per establishment
General Retail Sales establishments	One (1) space per 200 s.f. of gross floor area	One (1) per establishment
Laundry Services	One (1) space per 200 s.f. of gross floor area	None required
Restaurants w/ drive-thru	One (1) space per 150 s.f. of gross floor area	One (1) per establishment
Restaurants (General)	Parking equal to 40% of licensed capacity	Two (2) spaces per establishment
Convalescent and Nursing Home Services	One (1) space per 3 beds plus 1 per employee on the largest shift	Two (2) space per structure
Day Care	One (1) space per employee plus 1 space or loading stall per each 10 persons of licensed capacity	None required
Educational Uses, Primary facilities	Two (2) spaces per classroom	Two (2) spaces per structure
Educational Uses, Secondary facilities	Eight (8) spaces per classroom plus 1 space per employee on largest shift	Two (2) spaces per structure
Funeral Homes and Chapels	Eight (8) spaces per reposing room	Two (2) spaces per establishment
Group Care Facility	One (1) space per 4 persons of licensed capacity	Two (2) space per structure
Group Home	One (1) space per 4 persons of licensed capacity	Two (2) space per structure
Guidance Services	One (1) space per 300 s.f. of gross floor area	None required
Hospitals	One and one-half (1 1/2) spaces per 2 licensed beds; plus, .75 times the maximum number of employees during the largest shift.	Three (3) spaces per structure
Hotels and Motels	One (1) space per rental unit	One (1) space per establishment
Housing (Congregate)		
Assisted-living facilities	One (1) space per dwelling unit plus 1 space per employee on the largest shift	One (1) per structure
Duplex	Two (2) spaces per dwelling unit	None required
Multi-family / Apartments	One (1) space per sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located, plus, one (1) additional space per apartment (for 1- and 2-sleeping units), and 1 ½ spaces per apartment (for 3-sleeping units) to accommodate guest parking.	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	Two (2) spaces per establishment
Libraries	One (1) space 500 s.f. of gross floor area	One (1) per structure
Boarding Houses / Bed and Breakfasts	One (1) space per rental units	None required
Medical Clinics	Five (5) spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	Two (2) per dwelling unit	None required
Offices and Office Buildings	One (1) space per 200 s.f. of gross floor area	None required
Residential (Single-family, attached and detached)	Two (2) spaces per dwelling unit	None required
Roadside stands	Four (4) spaces per establishment	None required
Service Oriented Establishments	One (1) space per 200 s.f. of gross floor area	One (1) per establishment
Theaters, Auditoriums, and Places of Assembly	One (1) space per 4 persons of licensed capacity	One (1) space per establishment
Veterinary Establishments	Three (3) spaces per staff doctor	None required
Wholesaling / Distribution Operations	One (1) space per 2 employees on the largest shift	Two (2) spaces per establishment

Section 9.04 Signs: Standard of Measurement

9.04.01 The total area of all signs permitted on a lot shall include:

1. The total area of the faces of all permanent exterior signs visible from a public way, plus
2. The area of permanent signs placed upon the surface of windows and doors, plus
3. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

9.04.02 A building or use having frontage on a second street may include 20% of the length of the lot facing the second street.

Section 9.05 Signs: Special Conditions by Type

9.05.01 **Real Estate:**

Not more than two (2) signs per lot may be used as temporary signs and shall not be larger than six (6) square feet, unless otherwise noted. Real Estate signs shall be setback a minimum of five (5') feet from the R.O.W. In no case shall these signs obstruct the visibility at any intersection or driveway.

9.05.02 **Business:**

Small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over eighteen (18) square feet in area, set back at least twenty (20) feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

9.05.03 **Billboard:**

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

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within one-hundred (100) feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall exceed five-hundred (500) square feet in area.
4. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

9.05.04 **Low Profile or Ground:**

Ground signs at least five (5) feet from any lot line.

9.05.05 **Projecting or Pole:**

One free standing or projecting sign for each enterprise on the premises of not more than six hundred seventy-two (672) square feet per sign face within any Agricultural, Transitional Agricultural, Commercial or Industrial District. Said sign shall be located closer to the front line or a side line than one-half (1/2) of the required building setback distance, and not exceed the maximum height from the established grade level for said Zoning District. The lowest horizontal-projecting feature of any post or pole-mounted sign shall be nine (9) feet above the established grade level.

9.05.06 Signs hung from canopies and awnings shall be no closer than eighty (80) inches from the bottom edge of the sign to grade below.

Section 9.06 Sign Schedules

1. Signs shall be permitted in the various districts according to the following schedule:

Sign Schedule

Zoning District	A-1	TA-1	R-L	RE	R-1	H-1	HC	C-1	I-1	I-2	PD	FP	FW	LWCO
Sign Type														
Historical	+	+	+	+	+	+	+	+	+	+	U	+	-	U
Advertising	+	+	-	-	-	-	+	+	+	+	U	+	-	
Real Estate	+	+	+	+	+	-	+	+	+	+	U	+	-	U
Subdivision Entrance	-	-	C	C	C	-	+	+	+	+	U	C	-	U
Canopy	-	-	-	-	-	-	+	+	+	+	U	+	-	U
Window	-	-	-	-	-	-	+	+	+	+	U	+	-	U
Projecting or Pole	-	-	-	-	-	-	C	C	C	C	U	C	-	U
Name Plate	+	+	+	+	+	-	-	-	-	-	U	+	-	U
Wall	C	C	-	-	-	-	+	+	+	+	U	+	-	U
Billboard	-	-	-	-	-	-	C	C	C	C	U	C	-	U
Ground or Low Profile	-	-	-	-	-	-	+	C	C	C	U	C	-	U

+ permitted
- not permitted
C Conditional Use
U Same as Underlying District

2. Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule, unless stricter provisions apply:

Zoning District	A-1	TA-1	RL	RE	R-1	HC	C-1	I-1	I-2
Sign Type									
Real Estate									
Max. Size (Square Ft.)	32	32	32	32	6	32	32	32	32
Max. Height (Ft.)	6	6	6	6	-	6	6	6	6
Number Allowed per lot	2	2	2	2	2	2	2	2	2
Subdivision Entrance								32	32
Max. Size (Square Ft.)	32	32	32	32	32	32	32	2,500[4]	2,500[4]
Max. Lot Coverage (sq. Ft)	2,500[4]	2,500	2,500[4]	2,500	2,500[4]	2,500[4]	2,500[4]	10	10
Max. Height (Ft.)	10	10	10	10	10	10	10	1[5]	1[5]
Number Allowed per lot	1[5]	1[5]	1[5]	1[5]	1[5]	1[5]	1[5]		
Canopy									
Max. Size	25%[2]	-	-	-	-	25%[2]	25%[2]	25%[2]	25%[2]
Max. Height (Ft.)	NA	-	-	-	-	NA	NA	NA	NA
Number Allowed per building	1	-	-	-	-	1	1	1	1
Window									
Max. Size	25%[3]	-	-	-	-	25%[3]	25%[3]	25%[3]	25%[3]
Max. Height (Ft.)	NA	-	-	-	-	NA	NA	NA	NA
Number Allowed per building/ storefront	2	-	-	-	-	2	2	2	2
Projecting									
Max. Size (Square Ft.)	12	12	12	12	12	12	12	12	12
Max. Height (Ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA
Number Allowed per building	1	1	1	1	1	1	1	1	1
Name Plate									
Max. Size (Square Ft.)	2	2	2	2	2	-	-	-	-
Max. Height (Ft.)	NA	NA	NA	NA	NA	-	-	-	-
Number Allowed per building	1	1	1	1	1				

-: not permitted NA: Not Applicable
1: Maximum letter height is equal to 12 inches
2: percentage of total Canopy area
3: percentage of total window area
4: When constructed as a landscaping element on an outlot or plat lot
5: Per Entrance

3. ***Wall Signs***

A. All wall signs shall be mounted to the primary face of the use.

B. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Size	**Max. Height**	**Max. Number**
A-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
TA-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
RL			
RE			
R-1			
HC	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
PD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

4. Ground Monument

A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and Resolutions. On corner lots, the monument sign may be place on either frontage.

B. All ground monument signs shall be located on the same lot as the advertised use.

C. Change panels may include advertised gasoline prices and any other service provided in the principal building / structure.

D. Setbacks for all ground monument signs are ten (10) feet.

E. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	**Max. Height**	**Max. Number**
A-1	50 square feet	10 feet	One (1) per lot frontage.[1]
TA-1	32 square feet	10 feet	One (1) per lot frontage.[1]
RL	32 square feet	10 feet	One (1) per lot frontage.[1]
RE	32 square feet	10 feet	One (1) per lot frontage.[1]
R-1	32 square feet	10 feet	One (1) per lot frontage.[1]
HC	32 square feet	10 feet	One (1) per lot frontage.[1]
C-1	32 square feet	10 feet	One (1) per lot frontage.[1]
I-1	32 square feet	10 feet	One (1) per lot frontage.[1]
I-2	32 square feet	10 feet	One (1) per lot frontage.[1]
PD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

[1] On a corner lot that adjoins two (2) Arterials or One (1) Arterial and one (1) Collector, the total number of signs may be increased to two (2) with one (1) on each frontage.

Note: All signs shall have a Vertical Clearance of nine (9) feet above any sidewalk, private drive, or parking.
All signs shall have a Vertical Clearance of twelve (12) feet above any Public Street.

Section 9.07 Sign Permits

9.07.01 **Required Permits**

All signs, except Real Estate and Municipality signs shall be required to obtain a building permit from the Zoning Administrator's Office prior to installing said sign. Election signs shall be exempt so long as they do not interfere with the safety and well being of the public.

Section 9.08 Wireless Communication Towers and Facilities

9.08.01 Purpose and Legislative Intent.

The Telecommunications Act of 1996 affirmed Saunders County's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. Saunders County finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the County and its inhabitants. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the County's land use policies, the County is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Local Regulation is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of Saunders County.

9.08.02 Title.

This Regulation shall be known and cited as the Saunders County Wireless Telecommunications Facilities Siting Regulation.

9.08.03 Severability.

A) If any word, phrase, sentence, part, section, subsection, or other portion of this Regulation or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Regulation, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

B) Any Conditional Use Permit issued under this Regulation shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the Permit shall be void in total, upon determination by the County Board.

9.08.04 Definitions.

For purposes of this Regulation, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

A) "Accessory Facility or Structure" means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

B) "Applicant" means any Wireless service provider submitting an Application for a Conditional Use Permit for Wireless Telecommunications Facilities.

C) "Application" means all necessary and appropriate documentation that an Applicant submits in order to receive a Conditional Use Permit for Wireless Telecommunications Facilities.

D) "Antenna" means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

E) "County Board" means the Saunders County Board of Supervisors.

F) "Co-location" means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short timeframe after the new tower is constructed.

G) "Commercial Impracticability" or "Commercially Impracticable" means the inability to perform an act on

terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable."

H) "Completed Application" means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.

I) "Conditional Use Permit" means the official document or permit by which an Applicant is allowed to file for a building permit to construct and use Wireless Telecommunications Facilities as granted or issued by the County Board.

J) "County" means the local political subdivision described as Saunders County as set forth in State Statutes. When the term County is used to refer to a geographic area, it shall denote any areas within the County boundaries excluding areas within the extra territorial zoning jurisdiction of any City or Village within the County.

K) Director of Planning and Zoning" means the Saunders County Zoning Administrator.

L) "FAA" means the Federal Aviation Administration, or its duly designated and authorized successor agency.

M) "FCC" means the Federal Communications Commission, or its duly designated and authorized successor agency.

N) "Height" means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

O) "Modification" or "Modify" means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

P) "NIER" means Non-Ionizing Electromagnetic Radiation

Q) "Person" means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

R) "Personal Wireless Services" or "PWS" or "Personal Telecommunications Service" or "PCS" shall have the same meaning as defined and used in the 1996 Telecommunications Act.

S) "Planning Commission" means the Saunders County Planning Commission.

T) "Repairs and Maintenance" means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

U) "State" means the State of Nebraska.

V) "Stealth" or "Stealth Technology" means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

W) "Telecommunications" means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

X) "Telecommunication Site" See definition for Wireless Telecommunications Facilities

Y) "Telecommunications Structure" means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'

Z) "Temporary" means, temporary in relation to all aspects and components of this Regulation, something intended to, or that does not exist for more than ninety (90) days.

AA) "Tower" means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

BB) "Wireless Telecommunications Facilities" means and includes a "Telecommunications Site" and "Personal Wireless Facility". It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers,

signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

9.08.05 Overall Policy and Desired Goals for Conditional Use Permits for Wireless Telecommunications Facilities. In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the County's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Regulation, the County Board hereby adopts an overall policy with respect to a Conditional Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

A) Requiring a Conditional Use Permit for any new, co-location or modification of a Wireless Telecommunications Facility.
B) Implementing an Application process for person(s) seeking a Conditional Use Permit for Wireless Telecommunications Facilities;
C) Establishing a policy for examining an application for and issuing a Conditional Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.
D) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers
E) Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
F) That in granting a Conditional Use Permit, the County Board has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the County.

9.08.06 Exceptions from a Conditional Use Permit for Wireless Telecommunications Facilities.

A) No Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Regulation without having first obtained a Conditional Use Permit for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Conditional Use Permit shall be required for those non-commercial exceptions noted in Section 9.08.06.
B) All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before the effective date of this Regulation shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing Wireless Telecommunications Facility will require the complete facility and any new installation to comply with this Regulation.
C) Any Repair and Maintenance of a Wireless Facility does not require an Application for a Conditional Use Permit.

9.08.07 Exclusions. The following shall be exempt from this Regulation.

A) The Saunders County's Sheriff's Department, Communications Department and other public service facilities owned and operated by the local government.
B) Any facilities expressly exempt from the County's siting, building and permitting authority.
C) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
D) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
E) Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth) where the facility does not require a new tower.

9.08.08 Conditional Use Permit Application and Other Requirements.

A) All Applicants for a Conditional Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this Regulation. The County

Board is the officially designated agency or body of the County that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking Conditional Use Permits for Wireless Telecommunications Facilities. The County Board has decided that the Planning Commission shall review, analyze, evaluate and make recommendations to the County Board with respect to the granting or not granting or revoking Conditional Use Permits for Wireless Telecommunications Facilities.

B) All Applications for a Conditional Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall be filed with the Director of Planning and Zoning.

C) The Director of Planning and Zoning, Planning Commission and County Board may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

D) No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the Planning Commission and the County Board, and the Conditional Use Permit has been issued.

E) Any and all representations made by the Applicant to the Director of Planning and Zoning, Planning Commission and the County Board on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the County Board.

F) An Application for a Conditional Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

G) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

H) The Applicant shall include a statement in writing:

1. That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Conditional Use Permit, without exception, unless specifically granted relief by the County Board in writing, as well as all applicable and permissible local codes, and regulations, including any and all applicable County, State and Federal Laws, rules, and regulations;
2. That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

I) Where a certification is called for in this Regulation, such certification shall bear the signature and seal of a Registered Professional Engineer licensed in the State

J) In addition to all other required information as stated in this Regulation, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.

1. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
2. Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the County. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;
3. The name, address and phone number of the person preparing the report;
4. The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different that the applicant, provide name and address of the tower owner;
5. The postal address and tax map parcel number of the property;
6. The Zoning District or designation in which the property is situated;
7. Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
8. The location of nearest residential structure;
9. The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
10. The type, locations and dimensions of all proposed and existing landscaping, and fencing;
11. The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
12. The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;
13. The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users;
14. A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting;

15. The frequency, modulation and class of service of radio or other transmitting equipment;
16. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
17. Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
18. A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
19. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
20. A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design.

K) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines, that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

L) Application for New Tower

1. In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the County. Copies of written requests and responses for shared use shall be provided to the County in the Application, along with any letters of rejection stating the reason for rejection.
2. The Applicant shall examine the feasibility of designing the proposed Tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
   a) The foreseeable number of FCC licenses available for the area;
   b) The kind of Wireless Telecommunications Facilities site and structure proposed;
   c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
   d) Available space on existing and approved Towers.
3. The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
   a) Respond within 60 days to a request for information from a potential shared use Applicant;
   b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
   c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.
   d) Failure to abide by the conditions outlined above may be grounds for revocation of the Conditional Use Permit.

M) The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads.

N) If proposal is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

O) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to be the least visually intrusive reasonably possible, given the facts and circumstances involved and

thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility.

P) If a new Tower, proposal for a new Antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:

1. If a new Tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.
2. Pictorial representations of "before and after" (photo simulations) views from key viewpoints as may be appropriate, including but not limited to State highways and other major roads; State and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
3. A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

Q) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility

R) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the County Board.

S) All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

T) At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

U) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

V) A holder of a Conditional Use Permit granted under this Regulation shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.

W) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the County's consultants to prepare for and attend the pre-application meeting will be borne by the Applicant.

X) An Applicant shall submit to the Director of Planning and Zoning the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all municipalities within 3 miles of wireless facility by the Applicant.

Y) The holder of a Conditional Use Permit shall notify the County of any intended Modification of a Wireless Telecommunication Facility and shall apply to the County to modify, relocate or rebuild a Wireless Telecommunications Facility.

9.08.09 Location of Wireless Telecommunications Facilities.

A) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and nine (9) being the lowest priority.

1. On existing Towers or other structures on County owned properties.
2. On existing Towers or other structures on other public properties
3. On existing Towers or other structures on other property in the County.

4. A new Tower on County-owned properties.
5. A new Tower on other public properties
6. A new Tower on properties in areas zoned for Industrial use or designated in the Comprehensive Plan Development Structure Plan as Industrial.
7. A new Tower on properties in areas zoned for Business use or designated in the Comprehensive Plan Development Structure Plan as Mixed Use or Business Park.
8. A new Tower on properties in areas zoned for Agricultural use.
9. A new Tower on properties in areas zoned for Residential use

B) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.

C) An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the County Board why co-location is commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.

D) Notwithstanding the above, the County Board may approve any site located within an area in the above list of priorities, provided that the County Board finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

E) The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.

F) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an Application for any of the following reasons.

1. Conflict with safety and safety-related codes and requirements;
2. Conflict with the historic nature or character of a neighborhood or historical district;
3. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
4. The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers;
5. Conflicts with the provisions of this Regulation.

9.08.10 Shared Use of Wireless Telecommunications Facilities and Other Structures.

A) The County, as opposed to the construction of a new Tower, shall prefer locating on existing Towers or others structures without increasing the height. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within two (2) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.

B) An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.

C) Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

9.08.11 Height of Telecommunications Tower(s).

A) The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

B) No Tower constructed after the effective date of this Regulation, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with County, State, and/or any Federal statute, law, local law, County Regulation, code, rule or regulation.

9.08.12 Visibility of Wireless Telecommunications Facilities.

A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
B) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Regulation.
C) If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

9.08.13 Security of Wireless Telecommunications Facilities.
All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

9.08.14 Signage.
Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

9.08.15 Lot Size and Setbacks.
All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the manufacturers designed fall distance rate of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the manufacturers designed fall distance rate of the Tower or structure, or the existing setback requirement of the underlying Zoning District, whichever is greater. Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

9.08.16 Retention of Expert Assistance and Reimbursement by Applicant.

A) The County Board may hire any consultant and/or expert necessary to assist the Director of Planning and Zoning, Planning Commission and County Board in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
B) An Applicant shall deposit with the County funds sufficient to reimburse the County Board for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any Application including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted.

   The initial deposit shall be $8,500.00. The placement of the $8,500.00 with the County shall precede the pre-application meeting. The County will maintain a separate escrow account for all such funds. The County's consultants/experts shall invoice the County for its services related to the Application. If at any time during the process this escrow account has a balance less than $2,500.00, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance of at least $5,000.00. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant.
C) The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

9.08.17 Public Hearing and Notification Requirements.

A) Prior to the approval of any Conditional Use Permit for Wireless Telecommunications Facilities, Public Hearings shall be held by both the Planning Commission and the County Board, notice of which shall be published in the newspaper general circulation in of the County no less than ten (10) calendar days prior to

the scheduled date of the Public Hearings and the sign posted on or near the property no less than ten (10) calendar days prior to the scheduled dates of the Public Hearings.

B) In order that the Planning and Building Department shall notify all abutting landowners and landowners within 1 mile of the proposed new Wireless Telecommunications Facilities of the Planning Commission Public Hearings only, the Application shall contain the names and address of all abutting landowners whose property is abutting the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located in addition to all landowners within one (1) mile of the of the proposed new Wireless Telecommunications Facilities. Notification shall be by first class, postage pre-paid US Mail.

C) Notwithstanding any other provisions of this section and all subparts thereof, the collocation and/or shared use of antennas on existing telecommunication towers or other tall structures or compatible use structures, such as utility poles, water towers, and other towers, where there is no increase in the height of the existing structure, or for a temporary facility, not to exceed ninety (90) days: shall be exempt from the Public Hearing, Planning Commission and County Board review requirements otherwise required for a new tower or where there is a height increase proposed for the existing structure, and shall be subject only to an administrative review process by the County, its designee and wireless consultant.

D) The Director of Planning and Zoning shall schedule the Public Hearings referred to in Subsection (A) of this section once the Director finds the Application is complete, the County Board, at any stage prior to issuing a Conditional Use Permit, may require such additional information as it deems necessary.

9.08.18 Action on an Application for a Conditional Use Permit for Wireless Telecommunications Facilities.

A) The Planning and Zoning Administrator, Planning Commission and County Board will undertake a review of an Application pursuant to this Article in a timely fashion, consistent with its responsibilities, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.

B) The County Board may refer any Application or part thereof to any advisory, other committee or commission for a non-binding recommendation.

C) After the Public Hearings, upon recommendation from the Planning Commission, and after formally considering the Application, the County Board may approve, approve with conditions, or deny a Conditional Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the Permit shall always be upon the Applicant.

D) If the County Board approves the Conditional Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the County Board's action, and the Conditional Use Permit shall be issued within thirty (30) days after such approval. Except for necessary building permits, and subsequent Certificates of Compliance, once a Conditional Use Permit has been granted hereunder, no additional permits or approvals from the County Board, such as site plan or zoning approvals, shall be required by the County Board for the Wireless Telecommunications Facilities covered by the Conditional Use Permit.

E) If the County Board denies the Conditional Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the County Board's action.

9.08.19 Extent and Parameters of Conditional Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of a Conditional Use Permit for Wireless Telecommunications Facilities shall be as follows:

A) Such Conditional Use Permit shall not be assigned, transferred or conveyed without the express prior written notification to the County Board.

B) Such Conditional Use Permit may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Conditional Use Permit, or for a material violation of this Regulation after prior written notice to the holder of the Conditional Use Permit.

9.08.20 Application Fee.

At the time that a Person submits an Application for a Conditional Use Permit for a new Tower, such Person shall pay a non-refundable application fee of $3,000.00. If the Application is for a Conditional Use Permit for co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be $1,000.00.

9.08.21 Performance Security.

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the County Board a bond, or other form of security acceptable to the County Board as to type of security and the form and manner of execution, in an amount of at least

$75,000.00 for a Tower facility and $25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the County Board to assure the faithful performance of the terms and conditions of this Regulation and conditions of any Conditional Use Permit issued pursuant to this Regulation. The full amount of the bond or security shall remain in full force and effect throughout the term of the Conditional Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Conditional Use Permit.

9.08.22 Reservation of Authority to Inspect Wireless Telecommunications Facilities.
In order to verify that the holder of a Conditional Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, and regulations and other applicable requirements, the Director of Planning and Building, Planning Commission and County Board may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

9.08.23 Liability Insurance.

A) A holder of a Conditional Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Conditional Use Permit in amounts as set forth below:
   1. Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate;
   2. Automobile Coverage: $1,000,000 per occurrence/ $2,000,000 aggregate;
   3. Workers Compensation and Disability: Statutory amounts

B) For a Wireless Telecommunications Facility on County property, the Commercial General Liability insurance policy shall specifically include the County and its officers, Boards, employees, committee members, attorneys, agents and consultants as additional insureds.

C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty-(30) days prior written notice in advance of the cancellation of the insurance.

E) Renewal or replacement policies or certificates shall be delivered to the County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Conditional Use Permit, the holder of the Conditional Use Permit shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

9.08.24 Indemnification.

A) Any application for Wireless Telecommunication Facilities that is proposed for County property, pursuant to this Regulation, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, Boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the County itself applies for and secures a Conditional Use Permit for Wireless Telecommunications Facilities

9.08.25 Fines.

A) In the event of a violation of this Regulation or any Conditional Use Permit issued pursuant to this Regulation, the County may impose and collect, and the holder of the Conditional Use Permit for Wireless Telecommunications Facilities shall pay to the County, fines or penalties as set forth below.

B) The holder of a Conditional Use Permits failure to comply with provisions of this Regulation shall constitute a violation of this Regulation and shall subject the Applicant to the code enforcement provisions and procedures as provided in Article 12 of the County of Saunders Zoning Ordinance and Section 86 of the Revised state Statutes of the State of Nebraska.

C) Notwithstanding anything in this Regulation, the holder of the Conditional Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Regulation or any section of this Regulation. An attempt to do so shall subject the holder of the Conditional Use Permit to termination and revocation of the Conditional Use Permit. The County may also seek injunctive relief to prevent the continued violation of this Regulation, without limiting other remedies available to the County.

9.08.26 Default and/or Revocation.

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Regulation or of the Conditional Use Permit, then the County shall notify the holder of the Conditional Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as in Article 12 and if a violation is not corrected to the satisfaction of the County in a reasonable period of time the Conditional Use Permit is subject to revocation.

9.08.27 Removal of Wireless Telecommunications Facilities.

A) Under the following circumstances, the County Board may determine that the health, safety, and welfare interests of the County warrant and require the removal of Wireless Telecommunications Facilities.

1. Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
2. Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
3. Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Conditional Use Permit, or any other necessary authorization and the Special Permit may be revoked.

B) If the County Board makes such a determination as noted in subsection (A) of this section, then the County Board shall notify the holder of the Conditional Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the County Board may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

C) The holder of the Conditional Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the County Board. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the County Board.

D) If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the Permit holder has received notice, then the County Board may order officials or representatives of the County to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Conditional Use Permit holder.

E) If, the County removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the County may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

F) Notwithstanding anything in this Section to the contrary, the County Board may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or relocation of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Conditional Use Permit, subject to the approval of the County Board, and an agreement to such plan shall be executed by the holder of the Conditional Use Permit and the County. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the County may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

9.08.28 Relief.

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this

Regulation may request such at the pre-application meeting, provided that the relief or exemption is contained in the submitted Application for either a Conditional Use Permit, or in the case of an existing or previously granted Conditional Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the County in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant effect on the health, safety and welfare of the County, its residents and other service providers.

9.08.29 Periodic Regulatory Review by the County.

A) The County may at any time conduct a review and examination of this entire Regulation.

B) If after such a periodic review and examination of this Regulation, the County determines that one or more provisions of this Regulation should be amended, repealed, revised, clarified, or deleted, then the County may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the County, the County may repeal this entire Regulation at any time.

C) Notwithstanding the provisions of subsections (A) and (B) of this Section, the County may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Regulation.

9.08.30 Adherence to State and/or Federal Rules and Regulations.

A) To the extent that the holder of a Conditional Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Conditional Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

B) To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Conditional Use Permit for Wireless Telecommunications Facilities, then the holder of such a Conditional Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

9.08.31 Conflict with Other Laws, Effective Date and Authority.

Where this Regulation differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, this Regulation shall apply. This Regulation shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements. This local Regulation is enacted pursuant to applicable authority granted by the State and federal government.

Section 9.09 Sand and Gravel, Mineral, Stone, Rock, and Soil Extraction and Quarries

The following criteria shall be required prior to any application being approved:

9.09.01 The application shall include a grading map showing contours, proposed excavation contours, and proposed final grade contours.

9.09.02 The application shall be required to meet any standards established by the State of Nebraska or the Federal government;

9.09.03 The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;

9.09.04 The application shall identify proposed vehicle and equipment storage areas;

9.09.05 Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;

9.09.06 The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility;

9.09.07 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;

9.09.08 Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;

9.09.09 Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

Section 9.10 Wind Energy Installation

9.10.01 In any zoning district, a conditional use permit may be granted to allow wind energy conversion system, including such devices as wind charger, windmill, or wind turbine; subject to the following condition:

1. The distance from any tower support base to any tower support base of another wind energy device under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor.
2. The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
3. To limit climbing access to the tower, a fence six (6) feet high with a locking portal shall be placed around the tower base or the tower climbing apparatus shall be limited to no more than twelve (12) feet from the ground, or the tower may be mounted on a roof top.
4. The setback distances from all lot lines to any tower support base shall be determined according to the following setback table:

9.10.02 SETBACK TABLE

Rotor Diameter	Setback Distance	Minimum Lot Area[1]
5 feet	100 feet	1 Acre
10 feet	165 feet	2.5 Acres
15 feet	220 feet	4.5 Acres
20 feet	270 feet	6.75 Acres
25 feet	310 feet	9.0 Acres
30 feet	340 feet	10.75 Acres
35 feet or larger	365 feet	12.25 Acres

1. Where there are several towers under single ownership the minimum lot areas may be adjusted down provided the minimum setback distances are met on all perimeter units. In addition, the landing areas for all internal towers and rotors shall be within the property owned by the operator.

9.10.03 Data pertaining to the machine's turbine safety and stability shall be filed with the application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization based upon standards set by the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program. U.S. Department of Energy – EPRI Wind Turbine Verification Program Electric Power Research Institute – 3412 Hillview Avenue, Palo Alto, California 94304

9.10.04 The application shall provide covenants, easements, or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.

Section 9.11 Waste Disposal Sites and Landfills

9.11.01 A Conditional Use Permit may be granted for any waste material disposal, garbage disposal, or land fill operations in the designated zoning district; provided the following special conditions shall be considered:

1. The effects on the adjacent property and traffic,
2. The public necessity and advantage,
3. The maintenance of access routes related to all weather conditions and droppings of rubbish and litter,
4. The effects on underground water quality,
5. The immediate and long term effects on the environment and the public ,
6. The concerns for public safety,
7. The application shall include documents to indicate conformance to all applicable governmental regulations and standards,
8. The application shall include affidavits or permits from the Environmental Protection Agency and/or the Nebraska Department of Environmental Quality, in the event an approval is required by these agencies.

Section 9.12 Public Utility Facilities Lot Size Requirements

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

9.12.01 Electric and telephone substations and distribution systems.

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

Section 9.13 Adult Establishment Regulations

9.13.01 Purpose*; Findings and Rationale*

1. *Purpose*. It is the purpose of this resolution to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the County. The provisions of this resolution have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this resolution to condone or legitimize the distribution of obscene material.

2. *Findings and Rationale*. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Supervisors, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.,* 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Farkas v. Miller*, 151 F.3d 900 (8th Cir. 1998); *Jakes, Ltd. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8th Cir. 2003); *Scope Pictures v. City of Kansas City*, 140 F.3d 1201 (8th Cir. 1998); *ILQ Invs. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *City of Lincoln v. ABC Books, Inc.*, 470 N.W.2d 760 (Neb. 1991); *Xiong v. City of Moorhead*, 2009 WL 322217 (D. Minn. Feb. 2, 2009); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Major Liquors, Inc. v. City of Omaha*, 188 Neb. 628 (1972); *DLH Inc.v Nebraska Liquor Control Commission*, 266 Neb. 361(2003); *Village of Winslow v Sheets*, 261 Neb. 203 (2001), and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD,"

Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), McLeary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), Adult Business Study: Town and Village of Ellicottville, Cattaraugus County, New York (January 1998), the Board of Supervisors finds:

a. Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

b. Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.

c. Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating. Additionally, the County's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the County. The County finds that the cases and documentation relied on in this resolution are reasonably believed to be relevant to said secondary effects.The Board hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

9.13.02 *Regulations*

1. No person shall establish, operate, or cause to be operated an adult establishment in Saunders County within:
   a. 1,000 feet of another adult establishment;
   b.500 feet of a business licensed to sell alcohol at the premises; or
   c.1,000 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.
   d. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the adult establishment to the closest point on a property boundary of another adult establishment, a business licensed to sell alcohol at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.
2. No adult establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.
3. No patron, employee of an adult establishment, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.
4. No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee of an adult establishment who, while semi-nude, remains at least six (6) feet from all patrons and on a stage at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.
5. No employee of an adult establishment who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult establishment. No customer

shall knowingly or intentionally touch such an employee of an adult establishment or the clothing of such an employee of an adult establishment on the premises of an adult establishment.
6. No person shall possess alcoholic beverages on the premises of an adult establishment.
7. No person shall knowingly or recklessly allow a person under the age of eighteen (18) years to be or remain on the premises of an adult establishment.
8. No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any employee of an adult establishment who is semi-nude or who appears semi-nude on the premises of the adult establishment, unless an operator of the adult establishment is present in the same room.
9. A person who operates or causes to be operated an adult establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

a. The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the County Zoning Administrator a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

b. It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

c. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

d. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the premises.

e. It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

I. That the occupancy of viewing rooms less than 100 square feet is limited to one person.
II. That specified sexual activity on the premises is prohibited.
III. That the making of openings between viewing rooms is prohibited.
IV. That violators will be required to leave the premises.
V. That violations of these regulations are unlawful.

f. It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in e.i. though e.v. above.

g. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

h. It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.

i. It shall be unlawful for a person having a duty under subsections 11.a. through 11.h above to knowingly or recklessly fail to fulfill that duty.

j. No patron shall knowingly or recklessly enter or remain in a viewing room less than 100 square feet in area that is occupied by any other patron.

k. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 100 square feet or larger in area.

l. No person shall knowingly or recklessly make any hole or opening between viewing rooms.

10. It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.

11. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state shall be sufficient to establish a violation of a provision of this section 9.13.02.

Section 9.14 Solar Energy Development

No solar conversion system (SCS) shall be installed or constructed within the zoning jurisdiction of Saunders County unless the applicable permit has been issued. Individual solar conversion systems require a Zoning Permit. Neighborhood and commercial solar conversion systems require a Conditional Use Permit. All solar conversion systems shall meet the requirements found in this section.

Section 9.14.1 Definitions

CONCENTRATED SOLAR POWER: An SCS that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: parabolic trough, solar power tower, enclosed trough, Fresnel reflectors and Dish-Stirling.

ELECTRIC UTILITY: The public entity providing retail electrical service to a given area.

NET EXCESS GENERATION: On an individual solar conversion system (ISCS), net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period;

NET METERING: Net metering means a system of metering electricity in which a local distribution utility:

A. Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and

B. Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period.

SOLAR ACCESS: The ability to receive sunlight across any real property for any solar energy device.

SOLAR ACCESS EASEMENT: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

SOLAR CONVERSION SYSTEM (SCS): An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and transferring that energy to a gas, solid or liquid or using that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

SOLAR CONVERSION SYSTEM, COMMERCIAL (CSCS): A SCS with the following characteristics: a series of solar modules and equipment connected together, with a nameplate capacity of equal to or greater than 500kW, in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

SOLAR CONVERSION SYSTEM, GROUND-MOUNTED: Any SCS which is directly supported and attached to the

ground.
SOLAR CONVERSION SYSTEM, INDIVIDUAL (ISCS): A solar conversion system for the specific use of an individual residential, commercial, public or industrial use.
SOLAR CONVERSION SYSTEM, NEIGHBORHOOD (NSCS): A series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.
SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED: Any SCS which is directly connected to and supported by a building.
SOLAR ENERGY: Radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.
SOLAR SKYSPACE:

A. Commercial and/or Utility Scale Ground Mounted Solar Energy System: The Solar Skyspace shall be the maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for maximum use of the collector.

B. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.

C. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

SOLAR ORIENTED SUBDIVISION: A subdivision in which a minimum of 65 percent of the lots are solar oriented lots.
SOUTH OR SOUTH-FACING: True south, or 20 degrees east of magnetic south.

9.14.02 General Provisions

The following provisions shall apply to all of the different solar conversion systems in this Section.

A. Pre-existing SCS: Notwithstanding noncompliance with the requirements of this section, a SCS erected prior to the adoption of these regulations, pursuant to a valid building permit issued by Saunders County, may continue to be utilized so long as it is maintained in operational condition.

B. Concentrated Solar Power (CSP) systems are prohibited within Saunders County's jurisdiction.

C. All SCS shall be constructed in conformance with all state and national building and fire codes. For those systems that include electrical, plumbing and/or heating constructions, any applicable permits shall also be obtained.

D. A SCS may be installed in the floodplain subject to Section 6.12, as may be amended from time to time, given that all components are installed a minimum of one foot (1') above base flood elevation and subject to written authorization of the Floodplain Administrator.

E. No SCS shall be constructed in an identified Floodway.

F. Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath any ground mounted SCS shall be kept in a presentable manner.

G. Repowering: If any SCS is no longer operating for purposes of repowering, replacement, or maintenance, decommissioning provisions will not apply for up to 12 months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than 12 months will be considered abandoned and decommissioning provisions will apply.

H. Repowering does not require a new permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.

I. Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upfront by Saunders County, and the owner/developer.

9.14.03 Individual Solar Conversion Systems (ISCS)

A. General Requirements for ISCS:

ISCS shall meet the following requirements as provided herein:

(I) A structure-mounted ISCS may project two feet into the front yard, six feet into the rear yard, and two feet into the side yard;

(II) A ground-mounted ISCS may be located in the rear yard. It must be located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage;

(III) All ground mounted ISCS shall have an executed Solar Access Easement, on the south side of the yard,

from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted ISCS is in place and operational; and

(IV) All ground mounted ISCS shall be required to obtain a building permit and follow all local and state building codes for foundation and anchoring of the system.

B. Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

C. Site Plan: The application for a permit shall be accompanied by a site plan, drawn to scale, showing property lines, existing structures on the lot, proposed ISCS location with respect to property lines, and dimensions of the proposed ISCS.

D. Decommissioning:

(I) Whenever an ISCS is no longer operating, the owner shall notify the Saunders County Zoning Administrator and the electric utility.

(II) Whenever a ground mounted ISCS is no longer operating, the property owner shall have 180 days to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

E. Interconnection Agreement: The applicant for any ISCS that has potential to generate electricity shall provide evidence that they have an executed Interconnection Agreement with the electric utility.

F: Utility Approval to Construct: Prior to the installation of any ISCS that has potential to generate electricity, the applicant shall provide evidence that they have official Approval to construct from the electric utility.

G: Witness Test: Prior to the interconnected operation of any ISCS that has potential to generate electricity, a final inspection must be performed by the electric utility or their agent to ensure the ISCS was constructed as designed and the system is still safe to interconnect.

9.14.04 Neighborhood Solar Conversion Systems (NSCS)

A. Applicability

A NSCS is hereby defined as a solar photovoltaic system generating between 500 kilowatts (kW) and 5 mega-watts (MW) of power, and located on less than 40 contiguous acres of ground, distributing that energy to the electrical grid; intending to support more than one residence or business within the community (also sometimes referred to as "Community Solar Gardens"). The provisions in this section are based on a project that is ground mounted and constructed with techniques that support the flow of rainwater between and beneath each module, the growth of vegetation beneath the arrays, limit the impacts of stormwater runoff, and allow for minimal disturbance to the existing ground and grade of the site.

B. General Requirements for NSCS:

NSCS shall meet the following requirements as provided herein:

(I) Zone Districts Allowed: NSCS are permitted uses in the A-1 (Agricultural), TA-1 (Transitional Agricultural), I-1 (Light Industrial), I-2 (General Industrial) zone districts, with approval of a Conditional Use Permit.

(II) The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development, which shall not exceed, in total, 5 MW of power or be larger than 40 contiguous acres in size;

(III) A net metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity. No net excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a net metering agreement;

(IV) All ground mounted NSCS's shall have an executed solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted NSCS is in place and operational.

(V) The developer shall provide Saunders County with all solar easements established; however, Saunders County shall not be responsible for enforcing said easements;

(VI) All solar easements shall be enforced by established Homeowners Association for the development/neighborhood in which the NSCS is constructed.

(VII) An access agreement between the developer, Homeowners Association, and any other necessary other entity and the electric utility shall exist in case of an emergency;

(VIII) The NSCS shall be set on its own lot within a neighborhood/development;

(IX) The developer shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application;

(X) The NSCS shall comply with any specific requirements of the appropriate fire district;

(XI) All NSCS operations shall have, located at key access points, signage stating specific language as outlined by the electric utility. Signage shall conform to the Saunders County Sign Regulations.

(XII) All connections to the uses within the neighborhood shall be made underground; and

(XIII) A ground mounted NSCS shall be protected with fencing and/or bollards.

B. Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

C. Solar Oriented Subdivision Site Plan:

(I) Whenever a NSCS is part of a proposed subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed. Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.

(II) The application for a permit shall be accompanied by a site plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed NSCS.

(III) The developer shall install all underground wiring as prescribed by the governing electric codes.

(IV) All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.

(V) The developer shall provide Saunders County with as-builts of the wiring locations within the subdivision.

D. Decommissioning: A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of the NSCS must occur in the event it is not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Saunders County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning. The NSCS owner shall remove all SCS equipment and appurtenances within 180 days of abandonment.

9.14.05 Commercial Solar Conversion Systems (CSCS)

A. Applicability: The purpose of this subsection is to provide standards for a CSCS generating more than 5 mega-watts (MW) of capacity, and with a Project Area larger than 40 contiguous, or non-contiguous, acres, and connecting that energy to the electrical grid for utility distribution. The provisions of this subsection are based on a ground-mounted SCS constructed with techniques that support the flow of rainwater between each module, the growth of vegetation beneath the arrays, limit the impacts of stormwater runoff, and allow for minimal disturbance to the existing ground and grading of the site. Based on the assumed CSCS, Saunders County finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission; thus, the use is compatible in non-urbanized, low-density areas with other agricultural and scattered industrial use.

B. Site Development Standards:

(I) Zoning Districts: CSCS are permitted uses, with an approved Conditional Use Permit, in the A-1 (Agricultural), TA-1 (Transitional Agricultural), I-1 (Light Industrial), I-2 (General Industrial) zone districts.

(II) Lot coverage: No more than five percent of the gross site area shall be occupied by enclosed buildings and structures.

(III) Setbacks: The required setbacks shall meet or exceed the required setbacks for the zoning district in which the CSCS is located. A 30-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side and/or rear setback shall be eliminated where the CSCS does not abut a residential use or residential zoning district, or the CSCS and the residential use or residential district are separated by a public right-of-way and/or where the CSCS project is located on adjacent or contiguous parcels.

(IV) Height: The maximum height of the ground mounted CSCS shall not exceed 25 feet.

(V) Screening: CSCS shall provide visual screening only along a lot line that abuts a residential use or residential zoning district. The screen shall only be required if the closest exterior wall of a dwelling on the adjacent property is within 300 feet of the CSCS. Screening is not required where the CSCS does not abut a residential use or residential zoning district, or the two districts are separated by a public right-of-way. There are no requirements for screening from public streets.

(VI) Stormwater Management: CSCS shall be considered pervious and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.

(VII) All CSCS operations shall have, located at key access points, signage stating specific language as outlined by the electric utility or owner. Signage shall conform to the Saunders County Sign Regulations.

(VIII) On-site power lines shall be buried where reasonably feasible, except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.

(IX) Fencing: Due the unique security requirements of this land use, to ensure public safety, and to facilitate the educational value of seeing this land use, fencing up to eight feet in height is permitted, provided the fencing material is predominantly open. For security and safety purposes, chain-link fence or similar is required.

(X) All state and federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

C. Submittal Requirements: These requirements shall apply to a Conditional Use Permit application for a CSCS. All applications shall contain, at a minimum, the following:

(I) A site plan, drawn to scale, of the project area, indicating the parcels to be included in the project, total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to all project boundary lines

(II) The site plan shall include any roads, electric lines and/or overhead utility lines;

(III) A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant electric utility;

(IV) Manufacturer's recommended installations, if any;

(V) Documentation of land ownership and/or legal authority to construct on the property; The applicant may submit a letter of authorization from the legal owners of the land consenting to participation in and construction of the CSCS on their land;

(VI) Evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application; and

(VII) Any specific requirements of the appropriate fire district.

(VIII) A cost estimate for the decommissioning of the CSCS and any estimated resale or salvage value shall be provided at the cost of the applicant. The applicant shall provide Saunders County a revised and updated decommissioning cost estimate every five years from the date of approval.

(IX) A decommissioning plan to ensure that facilities are properly removed after their useful life. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Saunders County may require the posting of a surety, in the form of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning. The net surety amount shall account for the estimated resale and salvage value of materials.

D. Compliance with Other Regulations:

(I) Conditional use permit applications for CSCS's shall be accompanied by a single line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State's adopted electrical code and that has been pre-approved by the associated electric utility meeting their distribution generation requirements and guidelines.

(II) This subsection does not waive any requirements of any state or federal codes, electrical codes or other technical codes as applicable.

E. Decommissioning A CSCS shall be considered abandoned after 12 consecutive months without energy production; provided, however, that a CSCS shall not be considered abandoned if the energy is not being produced as a result of maintenance, repairs, or replacement of the CSCS system. The CSCS owner shall remove all SCS equipment and appurtenances within 180 days of abandonment.

ARTICLE 10. BOARD OF ADJUSTMENT

A Board of Adjustment is hereby created which shall consist of five members, each to be appointed for a term of three years and be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed by the County Board from the membership of the County Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in immediate loss of membership on the Board of Adjustment and the appointment of another planning commissioner to the Board of Adjustment.

10.01 Rules and Findings of Fact

10.01.01 The Board of Adjustment shall adopt rules in accordance with the provisions of any resolution adopted pursuant to this resolution. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or when absent 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 a record of its proceedings including:

1. Findings of fact for all items in subsection 10.04.02 below
2. Record showing the vote of each member upon each question, or, if absent for failing to vote, indicating such fact, and
3. Shall keep records of its examinations and other official actions all of which shall be filed with the county clerk and shall constitute the public record.

10.02 Appeals to the Board of Adjustment

10.02.01 Appeals to the Board of Adjustment may be taken by any person or persons aggrieved, or by an officer, department, board, or bureau of the County affected by any decision of an administrative officer or the Planning Commission. Such appeal shall be taken within reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Board a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. A fee as set by the Board of Supervisors shall accompany all notices of appeals.

10.03 Public Hearing and Notice

10.03.01 The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent, or by attorney.

10.04 Board of Adjustment, Establishment and Powers

10.04.01 The Board of Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the County Board have the following powers:

(1) Errors: To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any resolution relating to the location or soundness of structure:

(2) Interpretation at Zoning Map or Regulations: To hear and decide, in accordance with the provisions of any resolution, requests for interpretation of any map, or for decisions upon other specific questions upon which the Board is authorized by such resolution to pass; and

(3) Variance of Regulations: Where by reason of exceptional narrowness, shallowness, or shape, of a specific piece of property at the time of the adoption of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted resolution under this resolution would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such 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 any zoning regulations.

10.04.02 The board shall, by resolution, set out findings of fact based on evidence and testimony that the following conditions exist or would result:

(a) The strict application of the zoning regulation would produce what undue hardship;

(b) List why such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(c) Cite evidence that the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations of the regulations for purposes of convenience, profit or caprice.

10.04.03 No variance shall be authorized unless the Board finds that the condition of 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 resolution to be adopted as an amendment to the zoning regulations.

10.04.04 In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as shall be proper, and to that end shall have the power of the officer or agency from whom the appeal is taken.

10.04.05 The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any resolution or to effect any variation in such resolution.

10.05 Appeals.

10.05.01 Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, may present to the district court for the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part specifying the grounds of the illegality. The petition must be presented to the court within fifteen (15) days after the filing of the decision of the office of the Board of Adjustment. Upon the filing of such petition a summons shall be issued and be served upon the Board of Adjustment together with a copy of the petition, and return of service shall be made within four (4) days after the issuance of the summons. Within ten (10) days after the return day of the summons, the Board shall file an answer to the petition which shall admit or deny the substantial averments of the petition and matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition.

At the expiration of the time for filing the answer, the court shall proceed to hear and determine the cause without delay and shall render judgment according to law. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. Any appeal from such judgment of the district court shall be prosecuted in accordance with the general laws of the state regulating appeals in actions at law.

ARTICLE 11. AMENDMENTS AND FEES

11.01 These regulations and boundaries set forth in these regulations may from time to time be amended, supplemented, or changed by the County Board of Supervisors after a public hearing and a recommendation of the Planning Commission in accordance with the Statutes of the State of Nebraska. Notice of time and place of such hearing shall be given by the publication thereof in a legal newspaper of general circulation in the County one time at least ten (10) days prior to such hearing.

When said amendment proposes the rezoning of land, County staff should send notice, by first-class mail, of the time and place of the Planning Commission's public hearing, at least ten (10) days before the public hearing, to the addresses in the County's property tax files for property owners within one (1) mile of any parcel(s) specified in the proposed amendment.

11.02 An amendment may be initiated by the County Board by a motion of the Planning Commission, or by written petition of any property owner addressed to the County Board. The County Board shall not hold its public meeting or take action on matters relating to zoning until it has received the recommendations of the Planning Commission.

11.03 All proposed amendments shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall review the petitions to determine:

1. The need and justification for the proposed change.
2. When pertaining to a change in the district classification of property, the effect of the said change, if any, on the property on surrounding properties.
3. The amount of undeveloped land in the general area and in the County having the same district classification as requested.
4. The relationship of the proposed amendment to the purposes of the Comprehensive Plan, with consideration as to whether the change will further the purposes of these regulations and the Comprehensive Plan.
5. Whether the proposed amendment will generally be reasonably consistent with the intent and purposes of the Saunders County Zoning Regulations, including, among others, such specific purposes as:
    1) Developing both urban and non-urban areas;
    2) Lessening congestion in the streets or roads;
    3) Reducing the waste of excessive amounts of roads;
    4) Securing safety from fire and similar dangers;
    5) Lessening or avoiding the hazards to persons or damage to property resulting from the accumulation or runoff of storm flood waters;
    6) Providing adequate light and air;
    7) Preventing excessive concentration of population, and excessive and wasteful scattering of population or settlement;
    8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
    9) Protecting the tax base;
    10) Protecting property against blight and depreciation;
    11) Securing economy in governmental expenditures;
    12) Fostering the state's agriculture, recreation, and other industries;
    13) Encourage the most appropriate use of land in the county; and
    14) Preserving, protecting and enhancing historic buildings, places, and districts.

11.04 No change to the regulations shall be made unless it is in conformity with the Comprehensive Plan.

11.05 In order to provide for orderly school planning and development and to protect prospective home owners, their children, and the taxpayer from any ill-conceived and poorly planned development of real estate, the Planning

Commission before considering an amendment to these Zoning Regulations shall notify the Board of Education of each school district in which the real estate, or some part thereof, to be affected lies, of the next regular meeting of the Planning Commission at which such proposal is to be considered and shall submit a copy of the proposal to the Board or Boards of Education at least ten (10) days prior to such meeting.

11.06 Before any action shall be taken as provided in this Section, the party or parties proposing a change in the zoning regulations or district boundary shall deposit to the County Treasurer a fee set by the County to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the County Board.

11.07 A protest against such change, signed by the owners of twenty percent (20%) or more of either

1. the area of the lots included in such proposed change, or
2. those properties within one hundred feet (100′) from the boundary of the proposed area or those extending one hundred feet (100′) from the street frontage of such lots opposite the proposed area; such amendment shall not become effective unless approved by two-thirds (_) of the Board.

ARTICLE 12. VIOLATION AND PENALTY

12.01 The erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of any building, structure, automobile, trailer, or land in violation of this act or of any regulation made by the County Board under the provisions of this act shall be a misdemeanor.

12.02 Any person, partnership, association, club or corporation violating the provisions of this act or of any regulation of the County Board, or erecting, constructing, reconstructing, altering, or converting any structure without having first obtained a permit as required by the provisions of this act shall be guilty of a Class III Misdemeanor. Each day such violation exists shall constitute a separate offense.

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

ARTICLE 13. SEVERABILITY

Each section and provision herein is hereby declared to be independent and, not withstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision herein, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions, and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision or application so known to be invalid.

ARTICLE 14. PROVISIONS OF REGULATIONS ARE MINIMUM REQUIREMENTS

14.01 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements

14.02 Whenever the requirements of these regulations are at variance with the requirements of any other statute or local Resolution or regulations, the most restrictive or that imposing the higher standards shall govern.

ARTICLE 15. REPEAL OF CONFLICTING RESOLUTIONS AND EFFECTIVE DATE

The Zoning Regulations for Saunders County, Nebraska, previously adopted by the Saunders County Board of Supervisors together with any subsequent amendments are hereby repealed. Further, all resolutions or parts of resolutions in conflict with these zoning regulations, or inconsistent with these provisions, are hereby repealed to the extent necessary to give these regulations full force and effect. These regulations shall be in full force and effect, upon its due passage as required by law.

PASSED AND APPROVED THIS 3RD DAY OF MARCH, 2015.

ATTEST _____ _____

Saunders County Clerk Chairman, Board of Supervisors