

LOUP COUNTY, NEBRASKA

ZONING REGULATIONS 2021

HANNA:KEELAN ASSOCIATES, P.C.
COMMUNITY PLANNING & RESEARCH
LINCOLN, NEBRASKA 68503

PHONE: (402) 464-5383

FAX: (402) 464-5856

www.hannakeelan.com

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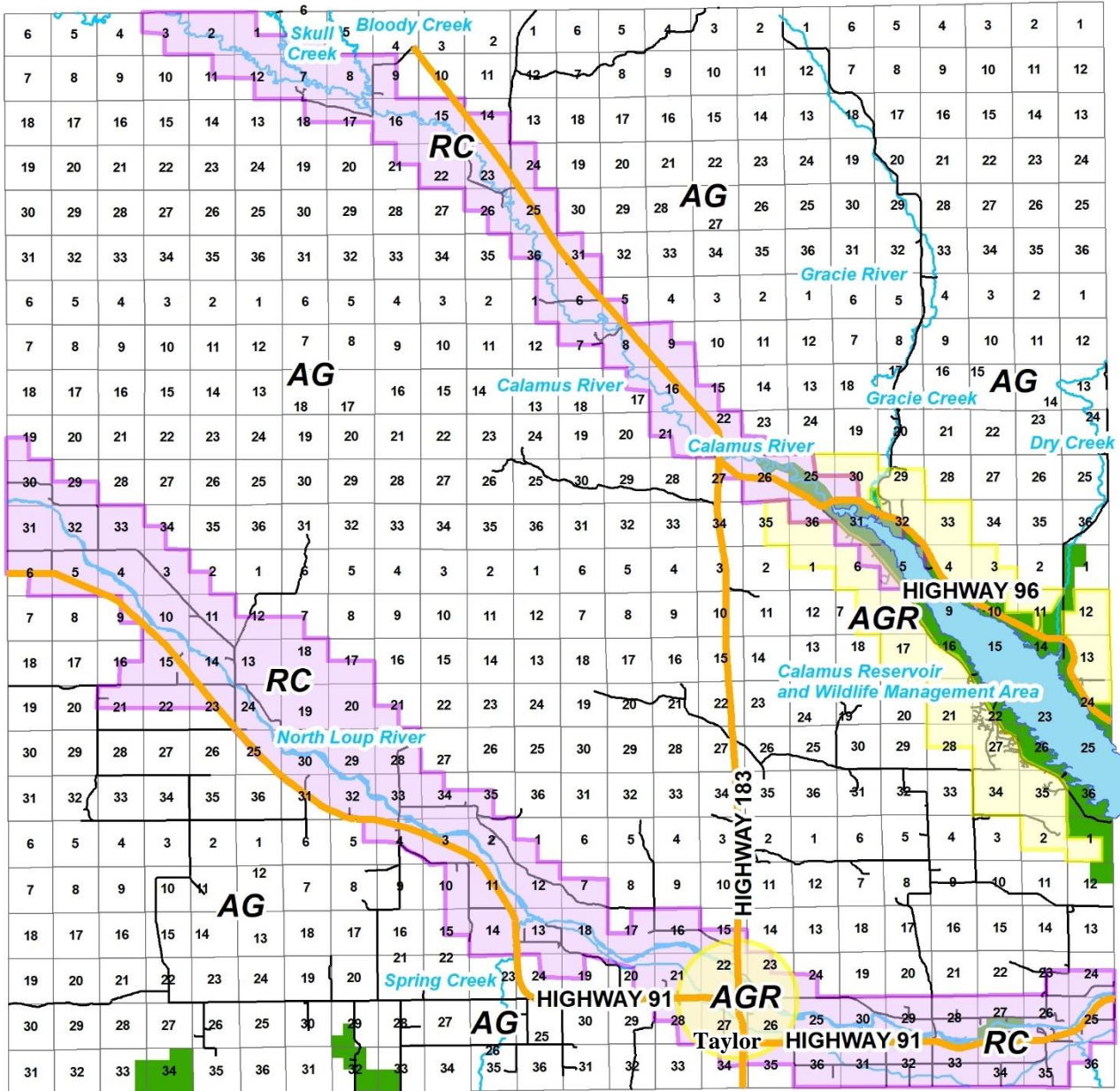
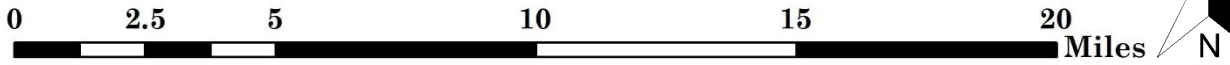
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ZONING MAP

LOUP COUNTY, NEBRASKA



LEGEND

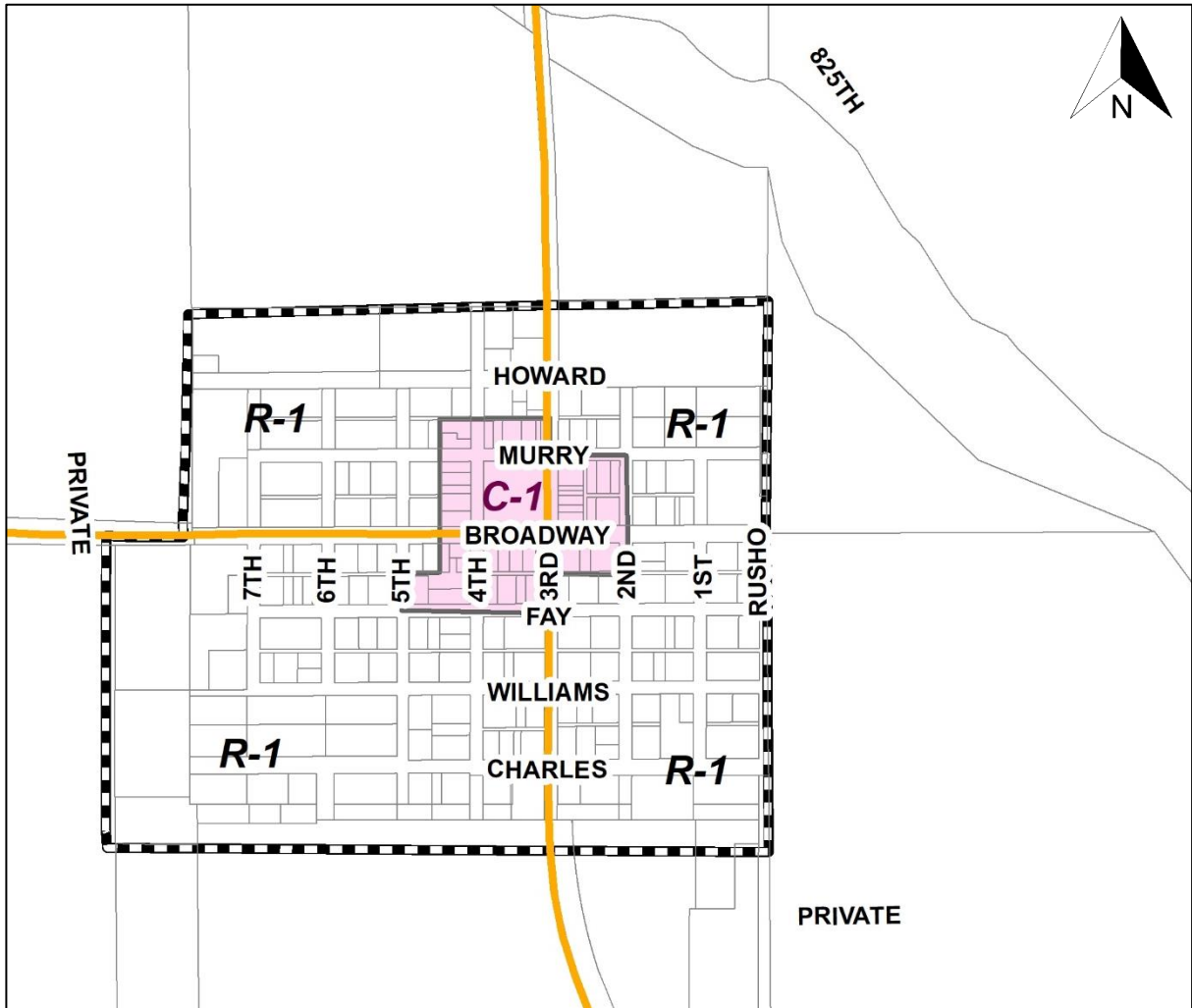
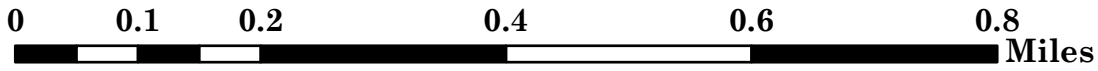
- AG – GENERAL AGRICULTURAL DISTRICT
- RC – RURAL CONSERVATION DISTRICT
- AGR – AGRICULTURAL RESIDENTIAL DISTRICT
- PARKS/RECREATION
- RIVER CORRIDOR
- HIGHWAY CORRIDOR
- STREETS/ROADS

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Loup County Zoning Regulations

ZONING MAP

VILLAGE OF TAYLOR, NEBRASKA



LEGEND

- C-1 – GENERAL COMMERCIAL DISTRICT
- R-1 – SINGLE FAMILY RESIDENTIAL DISTRICT
- AGR – AGRICULTURAL RESIDENTIAL DISTRICT
- HIGHWAY CORRIDOR
- ▬ TAYLOR CITY LIMITS

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ARTICLE 1

GENERAL PROVISIONS

1.1 TITLE

This Resolution shall be known, referred to, and cited as the Zoning Resolution of Loup County in the State of Nebraska.

1.2 JURISDICTION

The provisions of this Resolution shall apply within the planning jurisdiction of Loup County as established on the map entitled "The Official Zoning Map of Loup County, Nebraska" The jurisdiction includes the rural and unincorporated areas of Loup County, including the Village of Taylor.

1.3 PURPOSE

In pursuance of the authority conferred by Section 23-114.03 - 114.05 and 23-164 to 174.10 of Nebraska Statutes as amended, and other applicable laws, this resolution is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Loup County and for implementing the Comprehensive Plan of the county.

ARTICLE 2

APPLICATION OF REGULATIONS

2.1 GENERAL

The zoning regulations set forth by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

2.2 ZONING AFFECTS EVERY BUILDING AND USE

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved or structurally altered except in conformity with all of the zoning regulations herein specified for the district in which it is located.

2.3 YARD AND LOT REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this resolution shall be reduced by private action in dimension or area below the minimum requirements set herein. Yards or lots created after the effective date of this resolution shall meet the minimum requirements established by this resolution.

2.4 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Where applicable, Municipal, State or Federal standards which are more restrictive than those contained herein, the more restrictive standards shall apply.

2.5 NONCONFORMITIES

Nonconformities; Intent. Nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses.

2.51 NONCONFORMING LOTS OF RECORD: The Building Inspector may issue a Building Permit for any nonconforming lot of record provided that:

Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited, and

Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the zoning regulation, and

Said lot can meet all yard regulations for the district in which it is located.

2.52 NONCONFORMING STRUCTURES

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 use regulations and/or the applicable yard and height regulations may be continued, so long as it remains otherwise lawful.

Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired, remodeled or rebuilt; 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.

Damage of Destruction: In the event any nonconforming nonresidential structure is damaged or destroyed, by any means, to the extent of more than 60 percent 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. When a structure is damaged to the extent of 60 percent or less, no repairs or restoration shall be made unless a building permit is obtained within six months, and restoration is actually begun one year after the date of such partial destruction and is diligently pursued to completion.

Moving: No nonconforming structure shall be moved in whole or in part of any distance whatsoever, 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.

2.53 NONCONFORMING USES

Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.

Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement, installation or relocation or nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, water and/or waste disposal systems, may be performed on any structure or system that is devoted in whole or in part to a nonconforming use.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restorations to a safe condition.

Extension: A nonconforming use shall not be extended, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to the extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged to the extent of more than sixty (60) percent of its reasonable replacement value, the property shall conform to the zone in which it is located.

Moving: No structure that is devoted in whole or in part to a nonconforming use and nonconforming use of land shall be moved in whole or in part for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

Change in use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.

Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned, for a period of twelve consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

ARTICLE 3

GENERAL DEFINITIONS

3.1 GENERAL PROVISIONS

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this resolution.

3.11 TENSE: Words used in the present tense include the future tense.

3.12 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.

3.13 SHALL AND MAY: The word "shall" is mandatory; the work "may" is permissive.

3.14 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Resolution and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

3.2 GENERAL TERMINOLOGY

The word "County" shall mean the County of Loup, Nebraska. The word "Village" shall mean the Village of Taylor, Nebraska. The words "County Board" shall mean the Loup County Board of Commissioners. The words "Village Board" shall mean the Village Board of Trustees of Taylor, Nebraska. The words "Planning Commission" shall mean the Joint Planning Commission of Loup County duly appointed and represented by the governing bodies of Loup County and the Village of Taylor.

Words or terms not herein defined shall have their ordinary meaning in relation to the context.

3.3 DEFINITION

For the purpose of this resolution certain words and terms used herein are defined as follows:

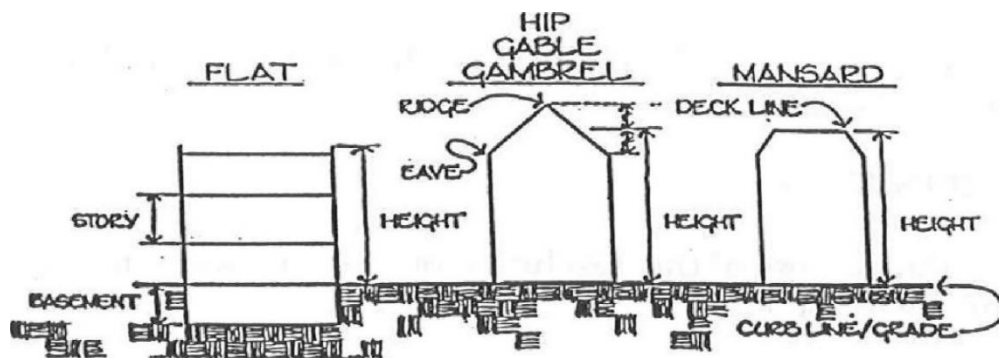
3.31 ACCESSORY USE OF BUILDING: A subordinate building or use which customarily is incidental to that of the main or principal building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, detached garages, garden houses, antenna/satellite dishes, and residential, agricultural and recreation storage sheds. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.

3.32 AGRICULTURAL FARM OR OPERATION: Farm or farm operation shall mean any tract of land over 20 acres in area used for or devoted to the commercial production of farm products.

3.33 BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

3.34 BUILDING: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building. "Building" includes "structure."

3.35 BUILDING HEIGHT: The vertical distance to the highest point of the roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the curb level if the building is not more than ten (10) feet from the front line or from the grade in all other cases.



Source: A Survey of Zoning Definitions, (American Planning Association, 1989).

3.36 PERSONAL CAMPSITES: Any lot, pad, or premises intended for parking trailers or use as a personal camping space. A personal campsite includes any buildings, structures, vehicles or enclosures used or intended for the accommodation of campers. Up to 3 individual camping units are permitted within AG and AGR zoning districts (up to 2 units in the Village of Taylor), on parcels of at least 3 acres in size, on a lot containing a permanent, occupied residential unit. Each camping unit must allow for 2,500 square feet of area. Personal campsites are intended to serve property owners and their friends/family; they cannot be rented to transient campers or used for any commercial purpose.

3.36.1 COMMERCIAL CAMPGROUNDS Any premises where three (3) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for three (3) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers. Commercial campgrounds may be allowed by special permit in the AG and AGR zoning districts under the following conditions:

- a. The maximum area of a commercial campground shall be 3 acres, with a maximum of 10 camping units per acre.
- b. Each camping unit shall contain at least 2,500 square feet of area.
- c. The commercial campground shall be supplied with adequate water supply and sewage disposal facilities, including hand washing areas, toilets, and similar facilities, all of which meet all applicable codes and regulations. At least 1 toilet will be provided for every 4 camping units. At least one dumpster is required for trash disposal purposes – the number and capacity of dumpsters and trash receptacles must be sufficient for the amount of trash generated, as to prevent litter from campers.
- d. The outer boundaries of each camping unit will be set-back at least 60-feet from any public street right-of-way and 150-feet from any adjoining property line.
- e. Screening of commercial campgrounds from adjoining properties and public right of ways is required. Campground screening shall be set back at least 20 feet from adjoining properties and public right-of-ways. Screening will consist of a continuous fence, landscape planting, continuous wall, hedge or a combination of at least four feet in height.
- f. Internal roads shall be provided for each camping unit and all internal roads must have a minimum width of fourteen feet for all one-way roads and twenty feet for all two-way roads.
- g. A minimum of 1 parking space will be provided for each camping unit, plus an additional 1 parking space for every 5 camping units.
- h. The sale of alcoholic beverages within commercial campgrounds shall be prohibited.

- i. All commercial campground operators shall keep accurate records as to the length of time a person stays in the campground and shall make said records available to any city official upon request.
- j. An on-site park attendant shall be on duty when campground sites are occupied.
- k. A site plan depicting the layout of camping units, access roads, setbacks, restrooms, trashcans, parking lots, screening, and other relevant site features will be submitted for review with the special permit. Additionally, proposed campground rules will be included in the special permit application.
- l. Commercial campgrounds may be subject to additional conditions, such as revisions to campground rules and a maximum length of camper occupancy, as determined by the Planning Commission.
- m. Commercial campgrounds are subject to Nebraska Department of Health regulations as determined in Title 178 the of Nebraska Administrative Code.

3.37 **COMMERCIAL USE:** An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

3.38 **DWELLING:** Any building or portion thereof which is designed and used exclusively for residential purposes.

3.39 **DWELLING, MULTIFAMILY:** A building or portion thereof used for occupancy by two or more families living independently of each other and containing two or more dwelling units.

3.40 **DWELLING, SINGLE FAMILY:** A dwelling having accommodations for and occupied by one family.

3.41 **EASEMENT:** A grant by the property owner to the public, a corporation or persons for the use of a tract of land for a specific purpose or purposes.

3.42 **FARM RESIDENCE:** Residential dwellings located on a farm including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.

3.43 **FLOOD PLAIN:** Those lands within the zoning jurisdictions of Loup County which are subject to a one percent (1%) or greater chance of flooding in any given year. The regulatory flood plain for this Resolution shall be based on the official Flood Hazard Boundary Map or Flood Insurance administration, U.S. Department of Housing and Urban Development and any revision thereto. Copies of said map shall be on file in the Office of the Loup County Clerk.

3.44 HOME OCCUPATION: An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

3.45 LIVESTOCK CONFINEMENT FACILITIES/ OPERATIONS: Shall mean any building(s), lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals for more than 180 consecutive days, which exceed any combination of 299 animal units from the following:

Animal Units Equal:

- | | | |
|-----|---|-------------------------------|
| 1. | (1.0 x ____ number of head) | Slaughter and Feeder Cattle |
| 2. | (1.2 x ____ number of head) | Cow/Calf Pairs |
| 3. | (1.4 x ____ number of head) | Mature Dairy Cattle |
| 4. | (0.4 x ____ number of head) | Swine, 55lbs. and over |
| 5. | (0.04 x ____ number of head) | Weaned Pigs, less than 55lbs. |
| 6. | (0.1 x ____ number of head) | Sheep |
| 7. | (2.0 x ____ number of head) | Horses |
| 8. | (0.01 x ____ number of head) | Chickens |
| 9. | (0.02 x ____ number of head) | Turkeys |
| 10. | (0.2 x ____ number of head) | Ducks |
| 11. | For Immature Dairy Cattle, or those species not listed, number of animal units shall be calculated as the average weight of animals divided by 1,000 lbs., multiplied by the number of animals. | |

In conformance with NDEE regulations, the site(s) may qualify as a concentrated animal feeding operation even if animals are moved between pens/lots, or if different animals are moved onto the same site(s). Operating a Livestock Confinement Facility requires an inspection by NDEE staff and any necessary permitting as identified by a NDEE inspector.

3.45.1 TEMPORARY, OPEN LOT LIVESTOCK CONFINEMENT FACILITIES / OPERATIONS (BACKGROUNDING): Any open lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which are designed and/or used for raising, feeding or management of animals for more than 45 but less than 180 consecutive days, which exceed any combination of 299 animal units, calculated using the animal unit calculations in Section 3.45. In conformance with NDEE regulations, the site(s) qualifies as an animal feeding operation even if animals are moved between pens/lots, or if different animals are moved onto the same site(s). Operating a Temporary, open lot livestock confinement facility requires an inspection by NDEE staff, and any necessary permitting identified by a NDEE inspector.

3.46 **LANDFILL:** A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material overall exposed waste at the end of each operating day.

3.47 **LOT:** A parcel of land occupied or intended for occupation by a use permitted in this resolution and fronting upon a street or road.

3.48 **LOT, CORNER:** A lot abutting two or more streets or roads at their intersection.

3.49 **LOT DEPTH:** The average horizontal distance between the front and rear lot lines.

3.50 **LOT FRONTAGE:** The front of a lot shall be construed to be the portion nearest the street or road.

3.51 **LOT OF RECORD:** A lot of which is part of a sub-division recorded in the Office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been recorded.

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

3.53 **MANUFACTURED HOME:** A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built to compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes bearing the seal of the Department of Health and Human Service System.

3.54 **MOBILE HOME:** A year-round, transportable structures which is a single family dwelling unit suitable for permanent, more than thirty (30) days of living quarters, more than eight (8) feet wide and forty (40) feet in length and built to be towed on its own chassis with or without a permanent foundation when connected to the required utilities. This portable dwelling may consist of one (1) or more units that can be telescoped when towed and expanded later for additional capacity, or two (2) or more units, separately towable but designed to be joined as one (1) integral unit. Nothing in this definition shall be construed so as to include prefabricated, modular, precut dwelling units or these manufactured in sections or parts away from the site and transported thereto for assembly.

3.55 MOBILE HOME PARK: Any area of land which one (1) or more mobile homes are parked, connected to utilities and used by one (1) or more persons for living or sleeping purposes. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirtings or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for one (1) or more mobile homes, connected to utilities and used by one (1) or more persons living, or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

3.56 MODULAR HOME: Any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling units, which units are movable or portable until placed on a permanent foundation and connected to utilities. All modular homes shall bear a label certifying that it was built to compliance with the Nebraska Department of Health and Human Services System as established in Section 71-1557 of the Nebraska revised Statutes.

3.57 NONCONFORMING LOT OF RECORD: A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to _____, (date of adoption), and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

3.58 NONCONFORMING STRUCTURE: An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

3.59 NONCONFORMING USE: An existing use of a structure or of land which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.

3.60 PARCEL: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

3.61 PARKING SPACE, OFF-STREET: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or road and permitting ingress and egress of an automobile.

3.62 RECYCLING CENTER: A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum and paper, and similar household wastes; no hazardous material as defined by State and Federal law is accepted; there is not wrecking or dismantling of salvage material and no salvage material is held outside a building.

3.63 RECYCLING COLLECTION POINT: A collection point for small refuse items, such as bottles, cans and newspapers, located either in a container or small structure.

3.64 SALVAGE OR JUNKYARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, boats or trailers presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing operations.

3.65 SPECIAL USE PERMIT: A written permit issued with authorization of the County. The special permit provides permission under specific conditions to make certain special uses of land in certain zoning districts as stipulated under permitted special uses in each of the district zoning regulations.

3.66 STREET: All property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes.

3.67 STREET, CENTER LINE: A line midway between street lines.

3.68 STREET LINE: A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.

3.69 STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs.

3.70 STRUCTURAL ALTERATIONS: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof.

3.71 TOWNHOUSE: One of a group or row of not less than three (3) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

3.72 VARIANCE: A variance is a relaxation of the terms of the zoning resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship.

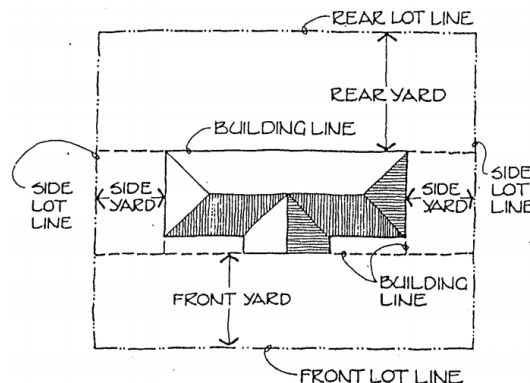
3.73 YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yards accessories, ornaments, and furniture may be permitted in any yard subject to the district regulations.

3.74 YARD, FRONT: A yard extending from the front lot line adjoining a public street to the front of the building between side lot lines.

3.75 YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot to the nearest point of the main building.

3.76 YARD, REQUIRED: The required minimum open space between the property line and the building line. The required yard shall contain no building or structure other than the projection of the usual steps, or open porches, or as otherwise provided in this resolution.

3.77 YARD, SIDE: A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building.



Source: A Survey of Zoning Definitions, (American Planning Association, 1989).

3.78 ZONING ADMINISTRATOR: The person duly designated by the County and Village governing bodies to enforce these regulations.

3.79 ZONING DISTRICT: The term "zoning map" means a map or maps officially enacted by the County Board or Village Board of Taylor, as part of this chapter showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the County Clerk or Village Clerk, as an official record of the County.

ARTICLE 4

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

4.1 ZONING AND PLANNING COMMISSION RECOMMENDATIONS

It shall be a purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the County Board or Village Board shall not hold its public hearings or take action until it has received the final report of the Joint Planning Commission.

4.2 DISTRICTS CREATED

For the purpose of this resolution, there are hereby created zoning districts for Loup County and the Village of Taylor, as named and described in Article 5 of this Resolution.

1. AG - Agriculture District
2. RC - Rural Conservation District
3. AGR - Agricultural Residential District
4. R-1 - Single Family Residential District
5. C-1 - General Commercial District

4.3 OFFICIAL ZONING MAP

1. The boundaries of the district are shown upon maps, which is made a part hereof by reference, which map(s) are designated as the Loup County and Village of Taylor Zoning Maps, dated _____ and signed by the Chairperson of the County or Village Boards and attested by the County Clerk or Village Clerk and hereinafter referred to as the "Official Zoning Map."
2. The signed copy of the Zoning Map (s) containing the zoning districts designated at the time of adoption of this resolution shall be maintained in the offices of the County Clerk or Village Clerk for the use and benefit of the public.
3. If in accordance with the provisions of this resolution, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map(s), such changes shall be entered on the appropriate part of the Official Zoning Map(s) promptly after the amendment has been approved by the governing body with an entry on the Official Zoning Map(s) as follows:

"On (date), by official action of the County or Village Board, the following change was made in the Official Zoning Map(s) (brief description of the nature of the change), "which entry shall be signed by the Chairperson and attested by the County or Village Clerk."

No amendment to this resolution which involves matter portrayed on the Official Zoning Map(s) shall become effective until after such change and entry have been made on said map(s).

4. No changes of any nature shall be made in the Official Zoning Map(s) or matter shown thereon except in conformity with the procedures set forth in this resolution,
5. In the event that the Official Zoning Map(s) become damaged, destroyed, lost or difficult to interpret, the County may, by resolution, adopt a new Official Zoning Map(s) which shall supersede the prior Official Zoning Map (s).

The new Official Zoning Map(s) may correct drafting or other errors or omissions in the prior Official Zoning Map(s), but no such correction shall have the effect of amending the original Official Zoning Map(s) or any subsequent amendment thereof.

4.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of roads, highways, streets, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following Village corporate limits shall be construed as following such corporate limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the railroad right-of-way;
5. Boundaries indicated as parallel to or extension of features indicated in subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map(s) shall be determined by the scale of the map.

6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map(s), or in other circumstances not covered by subsection 1 through 5 above, the Board of Zoning Adjustment shall interpret the district boundaries.
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this resolution the Board of Zoning Adjustment may permit, as an exception, the extension of the regulations for either portion of the lot not to exceed one hundred and fifty (150) feet beyond the district line into the remaining portion of the lot.

ARTICLE 5
ZONING DISTRICTS

5.1 AG AGRICULTURE DISTRICT

5.11 INTENT: This district is designated for general agriculture use and is intended to preserve and protect agriculture production from encroachment by incompatible uses.

5.111 PERMITTED PRINCIPAL/SPECIAL USES: Ranch and farm dwellings and one additional farm/ranch dwelling for the purpose of housing relatives or permanent agriculture workers, provided the intensity of use and all other requirements of this district are met, provided that in no case are non-farm single family dwellings permitted on tracts without legal access to an improved road, except by Special Use Permit.

Non-farm single family dwellings, provided the intensity of use and all other requirements of this district are met, provided that in no case are non-farm single family dwellings permitted on tracts without legal access to an improved road, except by Special Use Permit.

SPECIAL USE PERMIT- Ranch and farm dwellings and one additional farm/ranch dwelling for the purpose of housing relatives or permanent agriculture workers and non-farm single family dwellings on tracts without legal access to an improved road (with frontage on a minimum maintenance or undeveloped primitive road), subject to the following conditions in addition to those imposed by the Commission:

The landowner must agree to pay the up-front cost, of road improvements to meet all applicable minimum design standards at the discretion of the County, including, but not limited to, engineering design, surveying, construction, drainage structures, grading and aggregate surfacing, provided that after such road improvements are completed, the County will be responsible for ongoing maintenance and any future necessary reconstruction activities.

5.12 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/ operations as defined in Section 3.45, which are three hundred (300) or more Animal Units in size.
2. Ranch and farm dwellings on an improved all weather county road (above minimum maintenance road), including ranch and farm dwellings; and

one additional one farm/ranch single family dwelling for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a confinement facility/operation in conformance with Section 6.5

3. Bulk grain and produce storage, excluding commercial warehouses;
4. Irrigation, flood, erosion and sediment control projects;
5. Greenhouses and garden centers; and
6. Bed and breakfast homes.

5.13 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 8; and
3. Roadside stands for the temporary sale of produce.
4. Personal use solar as described in Section 6.73 "Personal Scale Solar Energy Conversion System Requirements."
5. Personal use wind as described in Section 6.66 "Setbacks & Design Requirements."
6. Personal campsites in accordance with Section 3.36;

5.14 PERMITTED SPECIAL USES: A building premises may be used for the following purposes in the "AG" Agriculture District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Non-farm/ranch single family dwellings on an improved all weather county road (above minimum maintenance road), in addition single family dwellings must be located minimum distances from a confinement facility/operation in conformance with Section 6.5;
2. Airports and heliports including crop dusting strips;
3. Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills; gravel plants and asphalt or concrete batch plants;

4. Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair;
5. Broadcast towers and stations including Amateur Radio or land mobile communication towers of more than 100 feet when in conformance with the following:
 - A. Towers shall be located a minimum distance greater than the height of the tower from an adjacent road right-of-way, and twice the height of the tower from adjacent dwellings or structures other than those associated with the tower facility.
 - B. Towers must comply with the regulations of the Federal Aviation Administration (FAA).
6. Churches, places of worship and cemeteries.
7. Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems;
8. Public and private recreational uses, including parks and playgrounds, and riding stables;
9. Auction/sale barns and yards;
10. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
11. Salvage or junk yards in accordance with Section 6.3;
12. Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries;
13. Pre-school and child care centers;
14. Private elementary and high schools;
15. Expansion of existing or development of new livestock confinement facilities/operations of three hundred (300) Animal Units or more, as defined in Sections 3.45 and 3.45.1 and in accordance with Section 6.5;
16. Veterinary facilities;

17. Dog breeding establishments and kennels;
18. Manufacturing, Commercial and/or Industrial operations;
19. Hospitals, penal institutions and sanitariums;
20. Nursing and care homes;
21. Public and private, including non-profit, charitable institutions;
22. Recreational motel-lodging; and
23. Disposal of paunch animal waste.
24. Commercial campgrounds in accordance with Section 3.36.1.
25. Utility/Commercial scale Wind Energy Generation Systems in accordance with Section 6.6.
26. Solar Farms in accordance with Section 6.74.
27. Transportation, warehousing, or storage operations.
28. Sites for the sale of farm or construction equipment.

5.15 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or nor permissible as special uses shall be prohibited from the AG Agriculture District.

5.16 MINIMUM LOT REQUIREMENTS:

All improved area or uses, other than general farming, ranching, pasturing, etc, shall be adjacent to an improved all weather county road (above minimum maintenance road).

Single Family Dwellings:

Lot Size: 10 acres, with the placement of (3) single family dwellings per quarter section (160 acres), adjacent to an improved all weather county road (above minimum maintenance road), at a minimum distance of five hundred (500) feet from neighboring property line(s).

5.17 MINIMUM YARD REQUIREMENTS

Yard Requirements:

Front Yard: There shall be a minimum front yard of not less than a depth of fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Rear Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Side Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum side yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

5.18 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.19 PARKING REQUIREMENTS: See Article 7.

5.110 FENCES, WALLS, HEDGES AND SHELTER BELTS: see Article 8.7.

5.2 RC RURAL CONSERVATION DISTRICT

5.21 INTENT: This district is intended for those areas which, because of limiting environmental characteristics such as scenic status, excessive slope, soils conditions, high water table, or other factors, in areas associated with the North Loup and Calamus Rivers, require the regulation of development in keeping with the conditions imposed by the natural environment.

5.212 PERMITTED PRINCIPAL/SPECIAL USES: Ranch and farm dwellings and one additional farm/ranch dwelling for the purpose of housing relatives or permanent agriculture workers, provided the intensity of use and all other requirements of this district are met, provided that in no case are non-farm single family dwellings permitted on tracts without legal access to an improved road, except by Special Use Permit.

Non-farm single family dwellings, provided the intensity of use and all other requirements of this district are met, provided that in no case are non-farm single family dwellings permitted on tracts without legal access to an improved road, except by Special Use Permit.

SPECIAL USE PERMIT- Ranch and farm dwellings and one additional farm/ranch dwelling for the purpose of housing relatives or permanent agriculture workers and non-farm single family dwellings on tracts without legal access to an improved road (with frontage on a minimum maintenance or undeveloped primitive road), subject to the following conditions in addition to those imposed by the Commission:

The landowner must agree to pay the up-front cost, of road improvements to meet all applicable minimum design standards at the discretion of the County, including, but not limited to, engineering design, surveying, construction, drainage structures, grading and aggregate surfacing, provided that after such road improvements are completed, the County will be responsible for ongoing maintenance and any future necessary reconstruction activities.

5.22 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.45.

5.23 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.
2. Home occupations in accordance with Article 8; and
3. Roadside stands for temporary sale of produce.
4. Personal use solar as described in Section 6.73 "Personal Scale Solar Energy Conversion System Requirements."
5. Personal use wind as described in Section 6.66 "Setbacks & Design Requirements."

5.24 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the "RC" Rural Conservation District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Non-farm/ranch single family, ranch and farm dwellings on an improved all weather county road (above minimum maintenance road), including ranch and farm dwellings; and one additional on farm/ranch single family dwelling for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a confinement facility/operation in conformance with Section 6.5.
2. Sewage disposal and water systems;
3. Public and private uses including parks, playgrounds, golf courses, recreation uses, riding stables, public utilities, and utility distribution system;
4. Flood, erosion and sediment control projects;
5. Bed and breakfast homes;
6. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and quarries; and
7. Broadcast towers and stations including Amateur Radio or land mobile communication towers of more than 100 feet when in conformance with the following:
 - A. Towers shall be located a minimum distance greater than the height of the tower from an adjacent road right-of-way, and twice the height of the tower from adjacent dwellings or structures other than those associated with the tower facility.
 - B. Towers must comply with the regulations of the Federal Aviation Administration (FAA).

5.25 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or not permissible as special uses shall be prohibited from the RC Rural Conservation District.

5.26 SPECIAL REGULATION: Provisions must be made for disposal of wastes in accordance with local and state regulations.

5.27 MINIMUM LOT REQUIREMENTS:

All improved area or uses, other than general farming, ranching, pasturing, etc, shall be adjacent to an improved all weather county road (above minimum maintenance road).

Single Family Dwellings:

Lot Size: 10 acres, with the placement of a maximum of one single family dwellings per quarter section (160 acres), adjacent to an improved all weather county road (above minimum maintenance road), at a minimum distance of five hundred (500) feet from neighboring property lines.

5.28 MINIMUM YARD REQUIREMENTS:

Yard requirements are as follows:

Front Yard: There shall be a minimum front yard of not less than a depth of fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Rear Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Side Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum side yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

5.29 MAXIMUM HEIGHT: Thirty-five (35) feet; however, nonresidential uses shall have no height limitations except in conformance with community Airport Zoning Regulations.

5.210 PARKING REQUIREMENTS: See Article 7.

5.211 FENCES, WALLS, HEDGES AND SHELTER BELTS: see Article 8.7.

5.3 AGR AGRICULTURAL RESIDENTIAL DISTRICT

5.31 INTENT: This district is intended to provide for low-density, acreage residential development in selected areas in close proximity to the Village of Taylor and the Calamus Reservoir, or in rural areas with reasonable access to major rural roads. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.

5.310 PERMITTED PRINCIPAL/SPECIAL USES: Ranch and farm dwellings and one additional farm/ranch dwelling for the purpose of housing relatives or permanent agriculture workers, provided the intensity of use and all other requirements of this district are met, provided that in no case are non-farm single family dwellings permitted on tracts without legal access to an improved road, except by Special Use Permit.

Non-farm single family dwellings, provided the intensity of use and all other requirements of this district are met, provided that in no case are non-farm single family dwellings permitted on tracts without legal access to an improved road, except by Special Use Permit.

SPECIAL USE PERMIT- Ranch and farm dwellings and one additional farm/ranch dwelling for the purpose of housing relatives or permanent agriculture workers and non-farm single family dwellings on tracts without legal access to an improved road (with frontage on a minimum maintenance or undeveloped primitive road), subject to the following conditions in addition to those imposed by the Commission:

The landowner must agree to pay the up-front cost, of road improvements to meet all applicable minimum design standards at the discretion of the County, including, but not limited to, engineering design, surveying, construction, drainage structures, grading and aggregate surfacing, provided that after such road improvements are completed, the County will be responsible for ongoing maintenance and any future necessary reconstruction activities.

5.32 PERMITTED PRINCIPLES USES AND STRUCTURES: The following shall be permitted as uses by right:

1. General farming and ranching activities, including hobby farming or animal raising, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.45, which are three hundred (300) or more animal units in size.
2. Non-farm single family, ranch and farm dwellings on an improved all weather county road (above minimum maintenance road), including ranch and farm dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located

- minimum distances from a confinement facility/operation in conformance with Section 6.4,
3. Irrigation, flood erosion and sediment control projects;
 4. Public parks and recreational areas;
 5. Community buildings and/or facilities owned and/or occupied by public agencies;
 6. Public and/or private schools; and
 7. Churches, places of worship, and cemeteries.

5.33 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

- 1 Accessory uses and structures normally appurtenant to the permitted uses and structures;
- 2 Home occupations in conformance with Article 8.2; and
- 3 Roadside stands for sale of agricultural produce.
- 4 Personal use solar as described in Section 6.73 “Personal Scale Solar Energy Conversion System Requirements.”
- 5 Personal use wind as described in Section 6.66 “Setbacks & Design Requirements.”
- 6 Personal campsites in accordance with Section 3.36;

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
2. Cemeteries, crematories, mausoleums and columbarium;
3. Pre-school and child care centers;
4. Radio and television towers and transmitters;
5. Commercial campgrounds, in accordance with Section 3.36.1;
6. Bed and breakfast homes;
7. Commercial kennels;
8. Public and private charitable institutions;
9. Greenhouses and nurseries;
10. Animal clinics, animal hospitals and veterinarian services;
11. Mobile home parks;
12. Broadcast towers and stations including Amateur Radio or land mobile communication towers of more than 100 feet when in conformance with the following:

- A. Towers shall be located a minimum distance greater than the height of the tower from an adjacent road right-of-way, and twice the height of the tower from adjacent dwellings or structures other than those associated with the tower facility.
 - B. Towers must comply with the regulations of the Federal Aviation Administration (FAA).
14. Rural subdivisions with individual parcels less than 3 acres in accordance with the Nebraska Department of Environmental Quality Title 124 and Department of Health and Human Services Regulations and/or with a shared or "community" drinking water and/or sanitary sewer system, then the minimum lot area of individual parcels may be reduced to one (1) acre.
15. Commercial uses.

5.35 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from AGR Agricultural Residential District.

5.36 MINIMUM LOT REQUIREMENTS:

All improved uses, other than general farming, ranching, pasturing, etc, shall be adjacent to an improved all weather county road (above minimum maintenance road).

1. Single family dwellings:

Lot Size: 5 acres, adjacent to an improved all weather county road (above minimum maintenance road), at a minimum distance of five hundred (500) feet from neighboring property lines.

5.37 MINIMUM YARD REQUIREMENTS:

Yard requirements:

Front Yard: There shall be a minimum front yard of not less than a depth of fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Rear Yard: There shall be a minimum rear yard of fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

Side Yard: There shall be a minimum side yard of ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be fifty-eight (58) feet measured from the center of the road in conformance with Section 8.7.

5.38 MAXIMUM HEIGHT: Thirty-five (35) feet; however, non-residential structures shall have no height limitations except in conformance with the community Airport Zoning Regulations.

5.39 PARKING REGULATIONS: Parking shall be in conformance with the provisions of Article 7 of these regulations.

5.310 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Article 8.7.

5.4 R-1 RESIDENTIAL DISTRICT

5.41 INTENT: This district is intended to provide for low density residential uses consisting of single family and two-family detached dwelling units and accessory structures.

5.42 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Single family dwellings;
2. Manufactured homes which comply with the provisions of Section 8.3;
3. Two-family dwellings;
4. Nursery, primary and secondary education;
5. Public parks, buildings and grounds;
6. Child care homes;
7. Public uses: Including but not limited to public parks, playgrounds, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems; and
8. Places of worship such as churches and synagogues.

5.43 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2; and
2. Accessory uses and structures normally appurtenant to permitted uses and structures.
3. Personal use solar as described in Section 6.73 “Personal Scale Solar Energy Conversion System Requirements.

5.44 PERMITTED SPECIAL USES: A building or premises may be used for the following purpose in the R-1 Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Medical clinics;
2. Mortuaries;
3. Child care center;
4. Museum and art galleries;
5. Nursing homes;
6. Public and private golf courses;
7. Retirement homes;
8. Bed and breakfast homes;
9. Barber shops and beauty shops;
10. Mobile home parks shall have a minimum tract of one (1) acre; and
11. Multifamily dwellings.

5.45 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R-1 Residential District.

5.46 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>
Single Family Dwelling	7,000	50'	25'	7'	20'	35'
Two Family Dwelling	3,750 per family	25' per family	25'	7', 0' of party wall	20'	35'
Other Permitted Uses	10,000	75'	25'	7'	20'	35'

2. There shall be a required front yard setback of twenty-five feet on each street side of a double frontage lot;

3. Building on corner lots shall provide front yard setbacks of twenty-five (25) feet on both street frontages; and designate remaining yards as one rear and one side yard;
4. Building and structures shall not exceed two and one half stories in height; and
5. The side yard setback between individual units of two-family dwellings may be reduced to zero, if a one (1) hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

5.47 PARKING REGULATIONS: Parking within the R-1 Residential Ordinance District shall be in conformance with the provisions of Article 7 of this ordinance.

5.48 USE LIMITATIONS: Each mobile home park shall be designed in accordance with the following minimum design standards:

1. Minimum Design Standards:
 - a) The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
 - b) Mobile home parks hereafter approved shall have a maximum density of seven (7) mobile homes per gross acre, and minimum area of four thousand four hundred (4,400) square feet shall be provided for each mobile home space.
 - c) Each mobile home space shall be at least forty (40) feet wide at the front setback line and clearly defined.
 - d) Mobile homes shall be located on each space so as to maintain a setback of no less than twenty-five (25) feet from any public street, highway right-of-way, to maintain a setback of no less than twenty (20) feet from the edge of a park roadway or sidewalk; as to maintain a setback of no less than fifteen (15) feet from a rear boundary line that is not common to any public street, highway right-of-way, and as to maintain a setback of no less than five (5) feet from any side boundary line of a mobile home space.
 - e) All mobile homes shall be so located to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than fifteen (15) feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than twenty (20) feet from any building within the park.

- f) Mobile home spaces when front upon a private roadway shall not be of less than twenty-four (24) feet in width, including curbs, if required, provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to thirty-six (36) feet. All roadways shall have unobstructed access to a public street.
 - g) Common walks shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance and to the office and other important facilities.
 - h) All roadways and sidewalks within the mobile home park shall be constructed in accordance with Village standards and shall be adequately lighted at night. A street must be completely constructed prior to the occupancy of any mobile home space fronting on said street.
 - i) A community building may be provided which may include recreation facilities, laundry facilities, storm shelter, and other similar uses.
 - j) A storm shelter or an approved evacuation plan to a designated storm shelter will be provided.
 - k) A landscape buffer may be required to provide screening for the park.
2. Tiedowns and ground anchors: All mobile homes shall be secured to the ground by tie downs and ground anchors in accordance with standards of the State Department of Health.
 3. Blocking: All mobile homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each mobile home, and this blocking shall provide sixteen (16) inches bearing upon the stand.
 4. Pad Requirements: Shall be flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials, or shall be a hard surface of a minimum of two eighteen (18) inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.
 5. Fire Safety Standards: When liquified petroleum gas is used in a mobile home park, containers for such gas shall not hold more than five hundred (500) gallon water capacity, shall be the liquified petroleum gas containers approved by the United States Commerce

Commission for its intended purpose, and shall be attached to the mobile home in a manner approved by the Liquefied Petroleum Gas Association.

6. Skirting: Each mobile home shall be skirted within thirty (30) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home.

5.49 APPLICATION REQUIREMENTS:

1. An application for "MP" Mobile Home Park District shall prepare, or cause to be prepared, a preliminary Mobile Home Park Plan, drawn to a scale of not less than and fifteen (15) copies of said Plan including a reproducible mylar shall be submitted to the Planning Commission for its review and recommendations. Said Plan shall be designed in accordance with "um Design Standards" of these regulations, and shall have contours shown at two-foot intervals.
2. Upon approval of the preliminary mobile home park plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendations shall be forwarded to the Governing Body for their review and final action.
3. Any substantial deviation from the approved plan, as determined by the Zoning Administrator, shall constitute a violation of the zoning certificate authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body.

5.5 C-1 GENERAL COMMERCIAL DISTRICT

5.51 INTENT: This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a Central Business District. Highest density and intensity of use is permitted in this district.

5.52 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Apartments on floors other than ground floor;
2. Automobile sales and services;
3. Automotive wash facilities;
4. Bakery;
5. Banks, savings and loan associations, credit unions and finance companies;
6. Barbershops, beauty parlors and shoeshine shops;

7. Business offices;
8. Child care homes and centers;
9. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses);
10. Convenience stores and filling stations;
11. Detached banking facilities;
12. Dry cleaning or laundry establishments;
13. Food service, restaurants and taverns;
14. Food storage lockers;
15. Funeral homes and mortuaries;
16. Garden centers;
17. Motels and hotels;
18. Museums and art galleries;
19. Nursery, primary and secondary education;
20. Office buildings;
21. Parking lots, parking garages and other off-street parking facilities;
22. Personal and professional services;
23. Photography studios;
24. Private schools, including but not limited to business or commercial schools, and dance or music academies;
25. Public and private charitable institutions;
26. Public parks, buildings and grounds;
27. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities;
28. Public utility facilities;
29. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
30. Service stations;
31. Stores or shops for the sale of goods at retail; and
32. Temporary shelter for homeless.

5.53 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2; and
2. Accessory uses and structures normally appurtenant to permitted uses and structures and to uses and structures permitted as special uses.
3. Personal use solar as described in Section 6.73 “Personal Scale Solar Energy Conversion System Requirements.

5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C-1 Commercial District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Bed and breakfast guest home;
2. Recycling center; and
3. Single family dwellings.

5.55 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the C-1 Commercial Business District.

5.56 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot</u> <u>Width</u>	<u>Required</u> <u>Front Yard</u>	<u>Required</u> <u>Side Yard</u>	<u>Required</u> <u>Rear Yard</u>	<u>Height</u>
Permitted Uses	3,500	25'	0'	0', 10' when abutting a residential district	15'	45'

5.57 PERMITTED PRINCIPAL/SPECIAL USES: Ranch and farm dwellings and one additional farm/ranch dwelling for the purpose of housing relatives or permanent agriculture workers, provided the intensity of use and all other requirements of this district are met, provided that in no case are non-farm single family dwellings permitted on tracts without legal access to an improved road, except by Special Use Permit.

Non-farm single family dwellings, provided the intensity of use and all other requirements of this district are met, provided that in no case are non-farm single family dwellings permitted on tracts without legal access to an improved road, except by Special Use Permit.

SPECIAL USE PERMIT- Ranch and farm dwellings and one additional farm/ranch dwelling for the purpose of housing relatives or permanent agriculture workers and non-farm single family dwellings on tracts without legal access to an improved road (with frontage on a minimum maintenance or undeveloped primitive road), subject to the following conditions in addition to those imposed by the Commission:

The landowner must agree to pay the up-front cost, of road improvements to meet all applicable minimum design standards at the discretion of the County, including, but not limited to, engineering design, surveying, construction, drainage structures, grading and aggregate surfacing, provided that after such road improvements are completed, the County will be responsible for ongoing maintenance and any future necessary reconstruction activities.

ARTICLE 6

SPECIAL USE PERMIT

6.1 GENERAL

The County or Village Board may authorize by special permit after public hearing, any of the buildings or uses designated in this resolution as permitted special uses.

6.2 PROCEDURES

Such application shall be in writing, filed in the Office of the County or Village Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the County or Village Board. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the County or Village Board, within thirty (30) days. Upon hearing, the County or Village Board may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the County or Village Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the County and in the local newspaper of any county/village/city which has territory within three miles of the property affected by such action of the County or Village Board, one time at least ten days prior to such hearing. (Ref. 23-164 R.S. Neb.).

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing. A notice of the purpose, time, and place of the hearing shall be given in writing to the Chairperson of any municipality, 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. A written notice of such hearing shall be distributed to record title owners of property located within one hundred (100) feet of the property line of the property requesting the special use permit in incorporated areas and within one (1) mile of the property line of the property requesting the special use permit in unincorporated areas. Written notice must be delivered by the applicant via certified mail, and a record of addresses mailed such notices must be submitted to the Zoning Administrator at least ten (10) days prior to the hearing.

Except as otherwise provided herein, no special use permit shall be granted by the County or Village Board, without an affirmative vote of a majority of all members of the County or Village Board and providing the proposed use is found to comply with the following guidelines:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

In case of protest against such special use permit, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending one hundred (100) feet, therefrom, and of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of two-thirds of all members of the County or Village Board.

6.3 SALVAGE OR JUNK YARD

Salvage or junk yard operations and related facilities shall only be allowed by special permit in the AG and I Zoning Districts under the following conditions:

1. Located on a tract of land at least one (1) mile from a residential or agricultural farm residence.
2. A remediation fund or bond shall be posted for clean up of facility in the event of abandonment.
3. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.

4. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.
5. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.
6. Special use permits granted under this section shall be subject to annual review and renewal by the County or Village Board.

In making any decision granting a special use permit, the County or Village Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

6.4 LANDFILLS

Landfill operations shall only be allowed by special permit in the AG Agriculture District under the following conditions:

1. Located on a tract of land at least one (1) mile from a residential or agricultural farm residence.
2. A remediation fund or bond shall be posted for clean up of facility in the event of abandonment.
3. The operation shall be conducted wholly within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all material within the yard and no material shall protrude above the fence.
4. No material shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.
5. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.
6. Special use permits granted under this section shall be subject to annual review and renewal by the County Board.

In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

6.5 LIVESTOCK CONFINEMENT FACILITIES/OPERATIONS

Livestock confinement facilities/operations as defined by Section 3.45 shall only be allowed by special permit in the AG Agricultural District under the following conditions:

1. Distance requirements:

Any new or expanding livestock facilities/operations, as defined in Sections 3.45 and 3.45.1, shall be a minimum distance from any residence, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator.

Expansion of an existing livestock facility/operation is defined as such when capacity of the facility is increased to the point where the total animal units is defined as a larger class. See minimum distance requirements in the following table.

Existing livestock confinement facilities/operations with approved permits by the Nebraska Department of Environment and Energy (NDEE) dated prior to _____(the effective date of this Zoning Regulation) shall be hereafter allowed to expand up to the permitted NDEE animal unit number. These facilities/operations shall be exempt from the Special Use Permit and setback requirements contained in Section 6.5 of these Regulations, until further expansion requires a new NDEE permit. Upon application of a new NDEE permit, the facility/operation shall meet all provisions of Section 6.5.

LIVESTOCK CONFINEMENT FACILITIES MINIMUM DISTANCE REQUIREMENTS		
<u>LEVEL</u>	<u>Animal Units</u>	<u>Setback Distance</u>
A	300-1,000	3,960 ft (0.75 mile)
B	1,001-2,500	5,280 ft (1.0 mile)
C	2,501-5,000	7,920 ft (1.5 mile)
D	5,001-10,000	10,560 ft (2.0 mile)
E	10,000+	13,200 ft (2.5 mile)

BACKGROUNDING MINIMUM DISTANCE REQUIREMENTS		
<u>LEVEL</u>	<u>Animal Units</u>	<u>Setback Distance</u>
1	300-1,000	1,320 ft (0.25 mile)
2	1,001-5,000	1,980 ft (0.375 mile)
3	5,001-10,000	2,640 ft (0.5 mile)
4	10,001+	3,960 ft (0.75 mile)

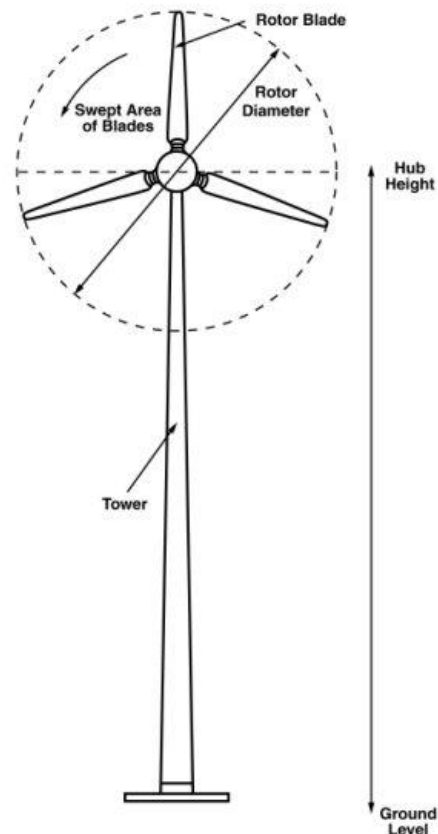
2. A management plan for the facility, acceptable to the Nebraska Department of Environment and Energy and the Loup County Board, which provides for the proper disposal of animal waste and dead animals in a manner as not to contaminate ground water or any stream, creek or river and minimizes odor.
3. Disposal and storage of livestock confinement facility/operation animal waste shall be in conformance with the following:
 - A. There shall be no storage, or disposal, of livestock waste from a livestock confinement facility/operation upon land designated as wetlands by the United States Department of Agriculture, Farm Services Commission.
 - B. Paunch waste disposal shall only be allowed in the AG Agriculture District in conformance with a Special Use Permit process.
4. Special use permits granted under this section shall be subject to review by the County Board if not in compliance with the Nebraska Department of Environment and Energy regulations.
5. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health, safety and welfare of the residents of Loup County.

6.6 WIND ENERGY CONVERSION SYSTEMS.

6.61 DEFINITIONS.

- (1.) "Abandon" means failure to have a power purchase agreement in place for 90 days and decommissioning has not commenced, or a turbine has not been actively generating and selling power for 365 days.
- (2.) "Collateral bond" means an indemnity agreement for a fixed amount, payable to the Loup County, executed by the owner and supported by the deposit with Loup County of cash, negotiable bonds of the United States (not treasury certificates), state or municipalities, negotiable certificates of deposit or an irrevocable letter of credit of any bank organized or authorized to transact business in the United States or other surety acceptable to the Commission.
- (3.) "Commenced commercial operation" means the signed date on the turbine completion certification for the turbine whose capacity first brings the wind generation facility's cumulative generating capacity to 25 megawatts or more.
- (4.) "Decommission" or "decommissioning" means:
 - (a) the removal of aboveground wind turbine tower(s) after the end of a wind generation facility's useful life or abandonment;

- (b) except as provided in rule, the removal of all buildings, cabling, electrical components, roads, or any other associated facilities; and
 - (c) except as provided in rule, reclamation of all surface lands to the previous grade and to comparable productivity in order to prevent adverse hydrological effects.
- (5.) “Commission” means the “Loup County Planning Commission”
 - (6.) “Expansion” means the act of a wind generation facility adding one or more additional wind turbines to its operation after commencing commercial operation.
 - (7.) “Facility” means any place, amenity or piece of equipment provided for a particular purpose in support of the wind energy development.
 - (8.) “Infrastructure” means the physical structures and facilities (e.g. buildings, roads, towers, power supplies, transformers, etc.) needed for the operation of the enterprise.
 - (9.) “Owner” means a person(s) who owns a wind generation facility used for the generation of electricity.
 - (10.) “Person” means any individual, firm, partnership, company, association, corporation, city, town, or local governmental entity or any other state, federal, or private entity, whether organized for profit or not.
 - (11.) “Repurposed” means having made a significant investment in an existing wind generation facility to extend the useful life of the facility by more than 5 years.
 - (12.) “Surety bond” means an indemnity agreement in a certain sum, payable to Loup County, executed by the owner which is supported by the performance guarantee of a corporation licensed to do business as a surety in Nebraska.
 - (13.) “Wind generation facility” means any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from wind that have a nameplate capacity greater than or equal to 25 megawatts.
 - (14.) “Personal, Non-Commercial Wind Turbine” shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion



electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

6.62 SPECIAL USE PERMIT APPLICATION.

Non-Commercial and Commercial/Utility Grade wind energy systems shall be permitted as a Special Use within the AG district and allowed. Original signatures are required for the applicant and all co-applicants applying for the Special Use Permit for a Wind Energy Unit. If the applicant or co-applicant will be represented by an agent, the original signature authorizing the agent to represent the applicant and/or co-applicant is required. Applicant(s) shall remit an application fee of \$1,000.00 per tower in the proposed WECS.

6.63 PERMIT APPLICATION.

An application must include plans and specifications sufficient to show that the proposed wind energy unit complies with the standards of the Loup County's Zoning Ordinance, and cannot be deemed complete unless it includes the following items:

- (1.) Name, address and telephone number of the property owner of record, applicant and the person preparing the map (if different than owner).
- (2.) The approximate generating capacity of the wind energy unit.
- (3.) An estimate of the total on-site electrical demands.
- (4.) The name of the manufacturer and model being used.
- (5.) The name, address, and phone number of the Engineer registered in the State of Nebraska preparing and providing the certified and sealed engineered drawings for the unit.
- (6.) The name, address, and phone number of the individual installing the unit on-site.
- (7.) The total system height of the wind energy unit to be constructed, from the natural grade to the highest point of the blade in the upright position for horizontal axis units, or to the highest point of the structure for vertical axis units.
- (8.) The phone number and name of a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

6.64 SYSTEM DESIGN REQUIREMENTS AND DRAWINGS.

Certified and sealed engineered drawings prepared by a professional Engineer registered in the State of Nebraska are required, and must include the following information;

- (1.) A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines, along with signed easements. The description must be accurate and no changes may be made after Special Use Permit Application has been approved.
- (2.) Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.

- (3.) Certification by an Engineer competent in disciplines of WECS and approved by Loup County Planning Commission and Loup County Board of Commissioners including the following:
 - a. Design specifications of the wind energy unit, including the tower, base, and footings, and unit components.
 - b. For buildings or structurally-mounted units, the certified and sealed engineering plans prepared by a professional Engineer registered in the State of Nebraska must show how the wind energy unit will be installed for the portions of the structure proposed for use in the mounting of the unit, and must state and show that the proposed wind energy unit is compatible with the portions of the mounting structure proposed for use, and does not impose a safety hazard to the main structure or adjacent property or their occupants.
 - c. Drawings that indicate the total finished wind energy unit height from the grade level prior to any modifications, and including any engineered break points on the tower.
 - d. The wind survival speed of the entire unit, including the supporting structure, turbine, rotor blades, covers, and other components.
 - e. Data pertaining to the tower or supporting structure's safety and stability, including any safety results from test facilities.
- (4.) Documentation of land ownership or legal control of property.
- (5.) The latitude and longitude of individual wind turbines.
- (6.) A USGS topographical map, or map with similar data, of property and surrounding area, including any other Wind Energy Conservation System not owned by the applicant, within 10 rotor diameters of the proposed Wind Energy Conversion System.
- (7.) Location of known wetlands, designated scenic areas, and natural areas within 3 miles of USFW areas of the proposed Wind Energy Conversion System.
- (8.) An Acoustical and Infrasound Analysis that certifies that the noise requirements within this regulation can be met.
- (9.) Applicant shall submit FAA notices of determination of no hazard to air navigation, & FCC permit evidence that the permit has been filed with the appropriate agency.
- (10.) Evidence that there will be no interference with any commercial and/or public safety communication towers, including but not limited to radio, telephone or television signals.
- (11.) Decommissioning Plan as required by Special Safety & Design Standards.
- (12.) Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties not owned by the applicant.
- (13.) Documentation of all easement agreements for all transmission lines, feeder lines and substations required for the operation of the WECS, shall accompany the Special Use Permit Application and be filed with the Loup County Register of Deeds. Voluntary easements for the crossing of any form of neighboring properties shall be required and filed with the Special Use Permit Application.

- (14.) The Commercial/Utility WECS owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the WECS. The analysis shall identify the locations of shadow flicker that may be caused by the project and expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.
- (15.) Incident Plan: Any WECS operator and owner shall prepare an incident response plan that ensures that their employees have the necessary equipment and training to effectively handle emergencies such as oil spills, turbine fires, turbine structural damage (or collapse) or equipment, including access to heavy equipment needed for rescue of trapped personnel.
- (16.) Roads Applicants shall:
- a. Identify and prepare an itemized report of all county, municipal or township roads to be used for the purpose of transporting WECS, Substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdiction prior to transportation and construction. Such itemized report will be presented with the Special Use Permit Application to the Loup County Zoning Administrator for approval by the Loup County Planning Commission and Loup County Board of Commissioners.
 - b. Conduct a pre-construction survey, in coordination with the appropriate jurisdiction to determine existing road conditions. The survey shall include photographs to document the condition of the public roads. This survey must be presented with the Special Use Permit Application to the Loup County Zoning Administrator for approval by the Loup County Planning Commission and Loup County Board of Commissioners.
 - c. All MSDS (material safety data sheets) data sheets pertaining to all materials utilized on the WECS project will be presented to the Loup County Zoning Administrator with the Special Use Permit application.
- (17.) Aggregate Projects:
- a. Aggregate projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
 - b. Permits may be issued and recorded separately.
 - c. Aggregate projects will be assessed fees as \$1,000 per tower, which is non-refundable.
 - d. Setbacks to property lines, not right-of-way, may be less when adjoining property owners are within the same aggregate project.

6.65 SITE PLAN.

Two copies of a site plan submitted for a wind energy unit are required, submitted on a minimum size of 8½" X 14" sheets for units proposed on an industrial / commercial use. The site plan must include the delineation, location, and dimension of the lengths and widths of the following:

- (1.) The Site Plan should be drawn so that "north" is to the top of the Site Plan, with the scale used under the north arrow provided.
- (2.) Provide the legal description, including tax identification/parcel number, and address of the project site.
- (3.) Adjacent existing land uses and zoning designations.
- (4.) The locations of all easements, rights-of-way (names included), building, front, side, and rear zoning lot setback lines, and overhead utility lines on the property.
- (5.) The location of all underground structures including septic tanks and wells.
- (6.) Indicate the dimensions of, and distances between, all existing structures and the nearest existing or proposed property line.
- (7.) Indicate the location, height, and the distance of the Wind Energy Unit to all existing structures as well as the distance to the property lines.
- (8.) Show the direction of the prevailing winds.
- (9.) The type of development on all adjacent properties, including across any streets. Show distance of structure(s) on adjacent properties from the project property lines.
- (10.) The location of water bodies, waterways, wetlands, drainage channels, creeks, and rivers within 10,560 feet (2 miles) of the proposed wind energy unit location onsite.
- (11.) One-line diagram for the electrical interconnection.

6.66 SETBACKS AND DESIGN REQUIREMENTS

All towers shall adhere to the setbacks as measured from centerline of turbine established in the following table:

	Personal, Non-Commercial Wind Turbine	WECS Wind Turbine Commercial/Utility WECS and Meteorological Towers
Property Lines (other than right angle corners)	Diameter plus applicable building setback	3 miles
Right angle corner property lines	Diameter plus applicable building setback from both property lines	3 miles plus behind a line on the property lines drawn between two points from the property line intersection. Generator blades must not exceed the building setback lines on the non-road side, and shall not encroach on the right-of-way on the road side. Can be closer if waiver from neighbor.
Road Right-of-Way*	Diameter plus applicable building setback	3 miles plus applicable building setback
Other Right-of-Way	Diameter plus applicable building setback	3 miles plus applicable building setback
Wetlands, USFW Types III, IV, and V	N/A	3 miles

*The setback shall be measured from any future Right-of-Way if a planned change or expanded right-of-way is known.

All Personal-Use, Non-Commercial towers shall adhere to the following safety and design standards:

(1.) Tower Height

A. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.

B. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.

(2.) Setbacks

A. No part of the wind system structure, including guy-wire anchors, may extend closer than the building setbacks of the appropriate zoning district to the property lines of the installation site.

(3.) Noise

A. Non-Commercial towers shall not exceed 35 dBA, as measured at the closest neighboring inhabited dwelling unit.

B. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

- (4.) Approved Wind Turbines
 - A. Turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
- (5.) Compliance with Building and Zoning Codes
 - A. Applications for personal, non-commercial energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - B. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska certified by a professional engineer licensed and certified in Nebraska shall also be submitted. The manufacturer frequently supplies this analysis.
 - C. Wet stamps shall not be required.
- (6.) Compliance with FAA Regulations
 - A. The wind energy system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- (7.) Compliance with National Electrical Code
 - A. Personal, non-commercial wind systems must conform to the National Electrical Code.
 - B. The manufacturer frequently supplies this analysis.
- (8.) Utility Notification
 - A. No personal/non-commercial system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - B. Off-grid systems shall be exempt from this requirement.

All Commercial/Utility towers shall adhere to the following safety and design standards:

- (1.) Clearance of rotor blades or airfoils must maintain a minimum of 100 feet of clearance between their lowest point on the ground
- (2.) All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information and on all gates into WECS structures.
- (3.) All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
- (4.) Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
- (5.) Color and finish: All wind turbines and towers that are a part of the commercial/utility WECS shall be white, grey or another non-obtrusive color. Blade finishes shall be matte or non-reflective.
- (6.) Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red Strobe lights shall be used during nighttime illumination to reduce impact on neighboring uses and birds. Red pulsating incandescent lights should be avoided.
- (7.) Other Signage: All other signage shall comply with the sign regulations found in these regulations.
- (8.) Feeder Lines: All communication and feeder lines installed as part of a WECS shall be buried, where practicable. Feeder lines installed as part of WECS shall not be considered an essential service.

- (9.) Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packing materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal rules and regulations. WECS owner shall be responsible to get all waste disposal off participating and nonparticipating at their cost.
- (10.) Discontinuation and Decommissioning: A WECS shall be considered in discontinued use after 6 months without energy production, unless a plan is developed and submitted to the Loup County Zoning Administrator/Loup County Planning Commission outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities must be removed to four (4) feet below ground level within 8 months of discontinuation of use. This period may be extended by the Loup County Zoning Administrator/Loup County Planning Commission following a written request by an agent of the owner of the WECS.
- (12.) Noise: No Commercial/Utility WECS shall exceed 35 dBA at the nearest structure occupied by humans.
- (13.) Interference: The applicant shall minimize or mitigate interference with electromagnetic communications such as radio, telephone, medical equipment, microwaves or television signals caused by any WECS. The applicant shall notify all communication tower operators within 5 (five) miles of the proposed WECS location upon application to the county for permits.
- (14.) A 10-foot circumference with a 10-inch depth of bentonite rock shall surround each turbine tower base to prevent contamination to the soil and aquifer. The bottom of the tower cement base cannot be within twenty (20) feet of the static water and/or water table.
- (15.) Roads Applicants shall:
 - a. Not less than fifteen (15) days after application is approved, Developer shall provide Loup County with the names of the Highways and county roads they will be using along with a bond issued by a sound financial institution in a form reasonably acceptable to Loup County in the amount of \$1,000,000.00. The bond shall provide security to Loup County for Developer's obligations to Loup County. In order for Loup County to draw upon the bond, Loup County shall be obligated to first submit an invoice to the Developer prior to submitting to the financial institute that holds the bond.
 - b. Developer (and Developer's mortgagee, if any) setting forth in detail the time, materials and charges incurred in the repairs necessitating such draw request.
 - c. Be responsible for restoring the road(s) and bridges to preconstruction conditions.
 - d. Conduct a post-construction survey, in coordination with the appropriate jurisdiction to determine whether road conditions have been restored to pre-construction conditions and approved by the Loup County Board of Commissioners.
- (16.) Drainage System: The applicant shall be responsible for immediate repair of damage to public and private drainage systems stemming from construction, operation or maintenance of the WECS.
- (17.) Public Inquiries & Complaints:
 - a. Should an aggrieved property owner allege that the WECS is not in compliance with the noise requirements of this Regulation, the procedure shall be as follows:
 - (i) Noise Complaint:
 - 1. Notify the Loup County Zoning Administrator and Loup County Board of Commissioners in writing regarding concerns on all complaints.

2. If the Complaint is deemed sufficient by the Loup County Zoning Administrator and Loup County Board of Commissioners to warrant an investigation, the Loup County Zoning Administrator will request the owner of the WECS property to deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of these regulations.
 3. If the test indicates that the noise level is within Regulation noise requirements, the Loup County Zoning Administrator will use the deposit to pay for the test.
 4. If the WECS Owners(s) is in violation of the Regulation noise requirements, the Owner(s) shall reimburse the Loup County Zoning Administrator/Loup County for the noise level test and take immediate action to bring the WECS into compliance which may include ceasing operation of the WECS until Regulation violations are corrected.
- (18.) Soil Testing: Initial report to be assessed by an independent soil lab chosen by Loup County and paid for by WECS. This report and all subsequent reports must be provided to the Loup County Zoning Administrator/Loup County Planning Commission and Loup County Board of Commissioners. Assessment to occur prior to construction. The independent soil lab will identify soil types and their classifications located at each individual tower site. This information will then be forwarded to a third party Structural and Civil Engineer for review. This Engineer will then provide a report as to whether the soil will withstand the weight and height of a wind turbine-tower plus blades. This engineer will also provide guidelines in which the developer must meet in order to avoid any structural failure.
- (19.) Secondary soil testing will occur after construction biannually. This will consist of bored soil samples acquired by a third party. This testing will identify whether any contaminants can be found that have leaked from the foreign structure into the ground. If contaminants are found, then the wind farm must be completely shut down immediately until the damage is resolved.
- (20.) Water Testing: Initial testing at each sited tower by an independent certified lab familiar with the Sandhills chosen by Loup County and paid for by WECS. This report and all subsequent reports must be provided to the Loup County Zoning Administrator/Loup County Planning Commission and Loup County Board of Commissioners, and will identify the location of the water table prior to construction. This report will then deem whether a site is suitable for a tower to be constructed. With this report, the consideration of the bottom of the concrete pad depth and width cannot come within twenty (20) feet of the water table. Secondary testing will occur annually by a third party professional Testing service to identify possible contamination. One station per 10 towers in a specified wind farm.
- (21.) Easements: All necessary easements for construction of wind turbine towers, transmission lines, and setbacks of property lines within three (3) miles, must be recorded with the Loup County Register of Deeds.
- (22.) Tower height: Tower height shall not exceed 300' from grade to hub.

6.67 DECOMMISSIONING PLAN.

A Decommissioning Plan for installed facilities and infrastructure must be submitted to the Planning Commission at the time of permit application.

- (1.) A decommissioning plan must include:
 - a. the manner in which the facility will be decommissioned; and
 - b. a decommissioning schedule;
 - c. a detailed estimate of the cost of decommissioning a wind generation facility by a professional engineer licensed in the State of Nebraska that shall at a minimum include:
 - (i) dismantling and removal of all towers, turbine generators, transformers, overhead cables and debris of the wind generation facility;
 - (ii) removal of underground cables to a depth forty-eight (48) inches;
 - (iii) removal of foundations, buildings, and ancillary equipment to a minimum depth of one hundred twenty (120) inches below grade;
 - (iv) site restoration and reclamation to the approximate original topography that existed prior to the construction of the facility with grading, topsoil re-spread over the disturbed areas at a depth similar to that in existence prior to the disturbance, and reseeding to achieve the same utility of native vegetation of the surrounding area to prevent adverse hydrological effects, unless the Loup County Board of Commissioners approves a signed request by the applicable landowner, identifying the surface features the landowner prefers to remain in place and a valid reason the landowner prefers those features to remain;
 - (v) repairs and reconstruction from damage to public roads, culverts and natural drainage ways resulting directly from the decommissioning of a wind generation facility;
 - (vi) all access roads shall be removed, cleared, and graded, unless a property owner agreement indicates otherwise or the county through official action of the county commissioners agrees to keep the road;
 - (vii) the current salvageable value of the facility, as determined by an independent evaluator;
 - (viii) all expenses related to the decommissioning shall be the responsibility of the wind generation facility owner, including any expenses related to releasing any easements.
 - d. copy of as-built plans including structural and electrical drawings of all facilities and all disturbances associated with the wind generation facility. The as-built plans must be certified by a professional engineer licensed in the State of Nebraska that the information included on depicted as-built plans is complete and accurate; and
- (2.) The Commission may reject a decommissioning plan if:
 - a. it finds that the plan does not provide for decommissioning as defined in Rule; and,
 - b. the plan does not adequately describe the cost of decommissioning.

6.68 DECOMMISSIONING BOND.

A decommissioning performance surety bonds is required for all approved special use permits granted for the installation of Commercial Wind Power Farms / Facilities. The surety bond must be transferable upon sale of the facilities to any new owner and may not be refunded to any owner / operator of said bond until decommissioning has been satisfactorily completed or transfer to the Loup County.

6.69 DETERMINATION OF BOND AMOUNT.

- (1) The Loup County Planning Commission shall require submission of a bond by the owner in the amount of the estimated cost to Loup County if it had to perform the decommissioning and reclamation work required of an owner. This amount is based on

the estimated cost to the Loup County Planning Commission to ensure compliance with this section.

- (2) The bond amount must be based on:
 - a. the estimated costs submitted by the owner in accordance with this rule and costs estimated by using current machinery production handbooks and publications or other documented costs acceptable to the Loup County Planning Commission;
 - b. estimated costs to the Loup County Planning Commission that may arise from applicable public contracting requirements or the need to bring personnel and equipment to the facility after its abandonment by the owner to perform decommissioning and reclamation work;
 - c. estimated costs to the Loup County Planning Commission that may arise from management, operation, and maintenance of the site upon temporary or permanent operator insolvency or abandonment, until full bond liquidation can be affected;
 - d. unless the provisions of the bond provide otherwise, the line items in the bond calculations are estimates only and are not limits on spending of any part of the bond to complete any particular task subsequent to forfeiture of the bond or settlement in the context of bond forfeiture proceedings; and
 - e. such other cost information as may be required by or available to the Loup County Planning Commission.

- (3) In determining the amount of a bond required in accordance with the rule, the Loup County Planning Commission shall consider:
 - a. the character and nature of the site where the wind generation facility is located; and
 - b. the current market salvage value of the wind generation facility.

6.610 BOND DEADLINE.

- (1) Except as provided in (3) below, and in accordance with rule, the owner shall submit to the Loup County Planning Commission a bond payable to the Loup County Nebraska in a form acceptable by the Loup County Planning Commission and in a sum determined by the Loup County Planning Commission, conditioned on the faithful decommissioning of the wind generation facility.
- (2) If a wind generation facility is repurposed, as determined by the Loup County Planning Commission in consultation with the owner, any existing bond must be maintained or a new bond acquired and submitted.

6.611 PENALTIES FOR FAILURE TO SUBMIT BOND.

- (1) If an owner does not submit an acceptable bond to the Loup County Planning Commission within the timeframe required by this rule, the Loup County Planning Commission may assess an administrative penalty of not more than \$1,500, and an additional administrative penalty of not more than \$1,500 for each day the bond is late.
- (2) An owner may appeal the Loup County Planning Commission's penalty assessment to the board within 20 days after receipt of written notice of the penalty.

6.612 ADJUSTMENT OF BOND AMOUNT.

- (1) Once every 5 years, an owner may request a reduction of the required bond amount upon submission of evidence to the Loup County Planning Commission proving that decommissioning work, reclamation or other circumstances will reduce the maximum

estimated cost to the Loup County Planning Commission to complete decommissioning and therefore warrant a reduction of the bond amount.

- (2) The Loup County Planning Commission shall review each decommissioning plan and bond amount every 5 years. The performance bond must be increased, as required by the Loup County Planning Commission, if the cost to decommission a wind generation facility increases. The Loup County Planning Commission shall notify the owner of any proposed bond increase and provide the owner an opportunity for an informal conference on the proposal. The owner shall increase the bond within 90 days of receiving the Loup County Planning Commission's revised bond amount. If an owner does not submit an acceptable bond to the Loup County Planning Commission within the timeframe required by this rule, the Loup County Planning Commission may assess an administrative penalty of not more than \$1,500, and an additional administrative penalty of not more than \$1,500 for each day the bond is late.

6.613 SURETY BONDS.

- (1.) Surety bonds are subject to the following requirements:
 - a. Loup County may not accept a surety bond in excess of 10% of the surety company's capital surplus account as shown on a balance sheet certified by a certified public accountant.
 - b. Loup County may not accept surety bonds from a surety company for any owner in excess of three times the surety's maximum single obligation as provided in (a) above.
 - c. Loup County may not accept a surety bond from a surety company for any owner unless that surety is registered with the state auditor and is listed in the United States Department of the Treasury Circular 570 as revised.
 - d. A power of attorney must be attached to the surety bond.
 - e. The surety bond must provide a requirement and a mechanism for the surety company to give prompt notice to Loup County and the owner of:
 - (i) any action alleging bankruptcy or insolvency of the surety or violation that would result in suspension or revocation of the license of the surety;
 - (ii) cancellation by the owner; and
 - (iii) cancellation or pending cancellation by the surety.
 - f. Upon a determination by Loup County that a surety is unable to comply with the terms of the bond, the owner of a wind generation facility must be deemed to be without bond coverage. The owner shall replace the bond coverage within 90 days of notice from Loup County.
 - g. Whenever operations are abandoned concurrent with cancellation of the bond, Loup County shall forfeit the bond and decommission the site.

SECTION 6.7 SOLAR ENERGY CONVERSION SYSTEMS

6.71 PURPOSE.

This ordinance promotes the accommodation of on-site solar energy conversion systems in Loup County, with the intent to reduce energy consumption, regulate necessary equipment and promote adequate access to sunlight. This ordinance also addresses utility-scale solar energy conversion systems, or “solar farms”, intended for the sale of electricity to utilities, industries, and/or businesses. Solar energy conversion systems, excluding solar farms, shall be permitted AG, AGR, C, and RC zoning districts as a Permitted use. Solar Farms shall be permitted in the “AG” Agriculture District as a Special Permitted use.

6.72 DEFINITIONS.

- (1.) **Battery Back-Up:** A battery system that stores electrical energy from a solar energy conversion system for use in the future.
- (2.) **Combiner or Junction Box:** Combines the electrical flows from multiple strings of solar panels into a single-source output circuit.
- (3.) **Electricity Generation** - The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
- (4.) **Ground-Mount System** - A solar energy system that is attached to an anchor in the ground and wired to connect to the meter of a home or building.
- (5.) **Kilowatt (kW)** - Equal to 1,000 Watts; a measure of the use of electrical power.
- (6.) **Kilowatt-hour (kWh)** - A unit of energy equivalent to one kilowatt (1 kW) of power expended for 1 hour of time.
- (7.) **Megawatt (MW)** - Equal to 1,000 Kilowatts; a measure of the use of electrical power.
- (8.) **Megawatt-hour (MWh)** - A unit of energy equivalent to one Megawatt (1 MW) of power expended for one hour of time.
- (9.) **Net Metering:** A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated on-site and provided to the utility grid.
- (10.) **Photovoltaic (PV) System:** An energy producing system that utilizes semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight.
- (11.) **Pole-Mount Systems:** A solar energy system that is directly installed on specialized pole-attached systems, anchored to a concrete foundation in the ground, and wired underground to the meter.
- (12.) **PV-Direct Systems:** A Solar Energy Conversion System designed to only provide electricity during sunlight.

- (13.) **Roof-Mount System** - A solar energy system consisting of solar panels installed directly on the roof of a primary or accessory structure.
- (14.) **Solar Access:** The ability to receive sunlight across property lines without obstruction from another's property.
- (15.) **Solar Array:** Multiple solar panels combined together to create one system.
- (16.) **Solar Collector:** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation and transfer of electricity.
- (17.) **Solar Energy Conversion System:** A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy which is then transferred to a point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation.
- (18.) **Solar Farm:** An area of land designated use for the sole purpose of deploying photovoltaic power and generating electric energy.
- (19.) **Solar Panel/Module:** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
- (20.) **Tilt:** The angle of the solar panels and/or solar collector.
- (21.) **Watts (W)** - A measure of the use of electrical power (power (Watts) = voltage (volts) X current (Amps)).

6.73 PERSONAL SCALE SOLAR ENERGY CONVERSION SYSTEM REQUIREMENTS.

- (1.) A solar energy system shall provide power, solely, for the principal use and/or accessory use of the property on which the solar energy system is located.
- (2.) The installation and construction of a *roof-mount solar energy system* shall be subject to the following development and design standards:
 - (a) All personal scale solar energy conversion systems within the R-1 Zoning District shall be *roof-mounted solar energy systems*.
 - (b) A roof or building mounted solar energy system may be mounted on a principal or accessory building.
 - (c) Any height limitations of the zoning district within shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.
 - (d) Placement of solar collectors on flat roofs shall be allowed, provided that panels do not extend horizontally past the roofline.
- (3.) The installation and construction of solar energy conversion systems shall be subject to the following development and design standards:
 - (a) The height of the solar collector and any mounts shall not exceed 10 feet when oriented at maximum tilt.
 - (b) The surface area of a ground- or pole-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

- (c) The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district
 - (d) All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located in proper accordance with local building/electrical code.
 - (e) The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 - (f) For all roof-mounted systems other than a flat roof, the elevation must show the tilt of the solar collector and the slope of the finished roof surface on which it is mounted.
 - (g) For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
- (4.) All electrical equipment associated with the operation of solar energy conversion systems shall comply with the setbacks specified for accessory structures in the underlying zoning district.
 - (5.) Solar panel placement should be prioritized to minimize or negate any glare onto nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar system.
 - (6.) A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.
 - (7.) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - (8.) Solar panels used for direct agricultural use, such as for pumping water or powering farming/ranching equipment, shall not be subject to the personal scale solar regulations.

6.74 SOLAR FARMS.

- (1.) The height of the solar collector and any mounts within an established solar farm shall not exceed 20 feet when oriented at maximum tilt.
- (2.) Solar farms with panels located at least one hundred fifty (150) feet from an adjacent public road right-of-way, or adjacent property line, shall not require screening.
- (3.) Solar farms with panels located less than one hundred fifty (150) feet from an adjacent public road right-of-way, or adjacent property line, must provide landscaping and/or trees to visually obscure the facility from the public road.
- (4.) Solar Farm Application Requirements.
 - (a) A site plan denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway(s). No portion of the system area may encroach into the required setbacks.
 - (b) Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property and its relationship to adjacent roads or highways.
 - (c) If applicable, the applicant must apply and receive from the Nebraska Department of Transportation (NDOT) authorization for a private driveway or access easement from a State or Federal Highway, or submit documentation

from NDOT that the existing site access is acceptable for the required use prior to final project approval.

- (5.) Installation and Design.
 - (a) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - (b) All solar farms shall meet all requirements of the Nebraska State Fire Marshal and Electrical Division.
 - (c) Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the building for a roof-mounted system or on the property for a ground-mounted system, including the property lines.

6.75 SAFETY AND INSPECTIONS.

- (1.) The design of all solar energy systems shall be in conformance with the Nebraska State Fire Marshal and Electrical Division requirements for inspection and licensing. A building permit reviewed by the Loup County staff/Planning Commission shall be obtained for a solar energy system.
- (2.) The solar energy system shall comply with all applicable regulations of the Loup County, so as to ensure the structural integrity of such solar energy system.
- (3.) Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency, as determined by Loup County staff.
- (4.) Any connection to the public utility grid must be approved by the local public utility.
- (5.) If solar storage batteries are included as part of the solar collector system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of Loup County and any other applicable laws and regulations relating to hazardous waste disposal.
- (6.) Unless otherwise specified, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

6.76 DECOMMISSIONING PLAN.

A Decommissioning Plan for installed facilities and infrastructure must be submitted to the Planning Commission at the time of permit application.

- (1.) A decommissioning plan must include:
 - (a) the manner in which the facility will be decommissioned; and
 - (b) a decommissioning schedule;
 - (c) a detailed estimate of the cost of decommissioning a solar generation facility by a professional engineer licensed in the state of Nebraska that shall at a minimum include:
 - (i) dismantling and removal of all towers, turbine generators, transformers, overhead cables and debris of the solar generation facility;
 - (ii) removal of underground cables to a depth forty eight (48) inches;
 - (iii) removal of foundations, buildings, and ancillary equipment to a minimum depth of one hundred twenty (120) inches below grade;
 - (iv) site restoration and reclamation to the approximate original topography that existed prior to the construction of the facility with grading, topsoil re-spread over the disturbed areas at a depth similar to that in existence prior to the disturbance, and reseeding at achieve the same utility of native vegetation of the surrounding area to prevent adverse hydrological effects,

- unless the Commission approves a signed request by the applicable landowner, identifying the surface features the landowner prefers to remain in place and a valid reason the landowner prefers those features to remain;
- (v) repairs and reconstruction from damage to public roads, culverts and natural drainage ways resulting directly from the decommissioning of a solar generation facility;
- (vi) all access roads shall be removed, cleared, and graded, unless a property owner agreement indicates otherwise or the county through official action of the county commissioners agrees to keep the road;
- (vii) the current salvageable value of the facility, as determined by an independent evaluator;
- (viii) all expenses related to the decommissioning shall be the responsibility of the solar generation facility owner, including any expenses related to releasing any easements.
- (d) copy of as-built plans including structural and electrical drawings of all facilities and all disturbances associated with the solar generation facility. The as-built plans must be certified by a professional engineer licensed in the state of Nebraska that the information included on depicted as-built plans is complete and accurate; and

(2.) The Commission may reject a decommissioning plan if:

- (a) it finds that the plan does not provide for decommissioning as defined in Rule; and,
- (b) the plan does not adequately describe the cost of decommissioning.

6.77 DECOMMISSIONING BOND.

A decommissioning performance surety bonds is required for all approved special use permits granted for the installation of Commercial Solar Farms / Facilities. The surety bond must be transferable upon sale of the facilities to any new owner and may not be refunded to any owner / operator of said bond until decommissioning has been satisfactorily completed or transfer to the Loup County Nebraska Planning Commission.

6.78 DETERMINATION OF BOND AMOUNT

- (1.) The Commission shall require submission of a bond by the owner in the amount of the estimated cost to the Commission if it had to perform the decommissioning and reclamation work required of an owner. This amount is based on the estimated cost to the Commission to ensure compliance with this section.
- (2.) The bond amount must be based on:
 - (a) the estimated costs submitted by the owner in accordance with this rule and costs estimated by using current machinery production handbooks and publications or other documented costs acceptable to the Commission;
 - (b) estimated costs to the Commission that may arise from applicable public contracting requirements or the need to bring personnel and equipment to the facility after its abandonment by the owner to perform decommissioning and reclamation work;
 - (c) estimated costs to the Commission that may arise from management, operation, and maintenance of the site upon temporary or permanent operator insolvency or abandonment, until full bond liquidation can be effected;

- (d) unless the provisions of the bond provide otherwise, the line items in the bond calculations are estimates only and are not limits on spending of any part of the bond to complete any particular task subsequent to forfeiture of the bond or settlement in the context of bond forfeiture proceedings; and
 - (e) such other cost information as may be required by or available to the Commission.
- (3.) In determining the amount of a bond required in accordance with the rule, the Commission shall consider:
- (a) the character and nature of the site where the solar generation facility is located; and
 - (b) the current market salvage value of the solar generation facility.

6.79 BOND DEADLINE.

- (1.) Except as provided in (3) below, and in accordance with rule, the owner shall submit to the Commission a bond payable to the Loup County Nebraska in a form acceptable by the Commission and in a sum determined by the Commission, conditioned on the faithful decommissioning of the solar generation facility.
- (2.) If a solar generation facility is repurposed, as determined by the Commission in consultation with the owner, any existing bond must be maintained or a new bond acquired and submitted.

6.710 PENALTIES FOR FAILURE TO SUBMIT BOND.

- (1.) If an owner does not submit an acceptable bond to the Commission within the timeframe required by this rule, the Commission may assess an administrative penalty of not more than \$1,500, and an additional administrative penalty of not more than \$1,500 for each day the bond is late.
- (2.) An owner may appeal the Commission's penalty assessment to the board within 20 days after receipt of written notice of the penalty.

6.711 ADJUSTMENT OF BOND AMOUNT.

- (1.) Once every 5 years, an owner may request a reduction of the required bond amount upon submission of evidence to the Commission proving that decommissioning work, reclamation or other circumstances will reduce the maximum estimated cost to the Commission to complete decommissioning and therefore warrant a reduction of the bond amount.
- (2.) The Commission shall review each decommissioning plan and bond amount every 5 years. The performance bond must be increased, as required by the Commission, if the cost to decommission a solar generation facility increases. The Commission shall notify the owner of any proposed bond increase and provide the owner an opportunity for an informal conference on the proposal. The owner shall increase the bond within 90 days of receiving the Commission's revised bond amount.

6.712 SURETY BONDS.

- (1.) Surety bonds are subject to the following requirements:
 - (a) The Commission may not accept a surety bond in excess of 10% of the surety company's capital surplus account as shown on a balance sheet certified by a certified public accountant.

- (b) The Commission may not accept surety bonds from a surety company for any owner in excess of three times the surety's maximum single obligation as provided in (a) above.
- (c) The Commission may not accept a surety bond from a surety company for any owner unless that surety is registered with the state auditor and is listed in the United States Department of the Treasury Circular 570 as revised.
- (d) A power of attorney must be attached to the surety bond.
- (e) The surety bond must provide a requirement and a mechanism for the surety company to give prompt notice to the Commission and the owner of:
 - (i) any action alleging bankruptcy or insolvency of the surety or violation that would result in suspension or revocation of the license of the surety;
 - (ii) cancellation by the owner; and
 - (iii) cancellation or pending cancellation by the surety.
- (f) Upon a determination by the Commission that a surety is unable to comply with the terms of the bond, the owner of a solar generation facility must be deemed to be without bond coverage. The owner shall replace the bond coverage within 90 days of notice from the Commission.
- (g) Whenever operations are abandoned concurrent with cancellation of the bond, the Commission shall forfeit the bond and decommission the site.

6.713 CERTIFICATE OF DEPOSIT.

- (1.) The Commission may accept as bond an assignment of a certificate of deposit in a denomination not in excess of \$250,000, or the maximum insurable amount as determined by Federal Deposit Insurance Corporation(FDIC), whichever is less. The Commission may not accept a combination of certificates of deposit for a solar generation facility in excess of that limit.
- (2.) The Commission may only accept automatically renewable certificates of deposit issued by a bank insured by the FDIC or a credit union insured by the National Credit Union Administration (NCAU).
- (3.) The Commission shall require the owner to deposit sufficient amounts of certificates of deposit, to assure that the Commission will be able to liquidate those certificates prior to maturity, upon forfeiture, for the amount of the bond required by rule IV and rule VIII.
- (4.) The Commission shall require that each certificate of deposit be made payable to or assigned to the Commission, both in writing and in the records of the bank or credit union issuing the certificate. The Commission shall require banks or credit unions issuing these certificates to waive all rights of setoff or liens against these certificates.

6.714 EFFECT OF FORFEITURE.

- (1.) The written determination to forfeit all or part of the bond, including the reasons for forfeiture and the amount to be forfeited, is a final decision by the Commission.
- (2.) The Commission may forfeit any or all bonds deposited for an entire solar generation facility.
Liability under any bond, including separate bond increments or indemnity agreements applicable to a single owner must extend to the owner's entire solar generation facility.
- (3.) In the event the estimated amount forfeited is insufficient to pay for the full cost of decommissioning and reclamation, the owner shall be liable for the remaining costs. The Commission may complete or authorize completion of decommissioning of the

bonded area and may recover from the owner all costs of decommissioning in excess of the amount forfeited.

6.715 APPEALS.

- (1.) If the owner of a solar energy system is found to be in violation of the provisions of this Ordinance, appeals should be made in accordance with the established procedures of the Loup County Zoning Regulations.

SECTION 6.8 TOWER CONSTRUCTION CONDITIONS FOR EMERGENCY SERVICES.

- (1.) As a condition of a Special Use Permit for the construction of a tower, Loup County Emergency Services will be: granted a slot as high on the tower as possible that does not impede the use and operation of the Tower Owner's equipment, space to place an External Cabinet inside the fence enclosure, ingress and egress to the tower site, and 24/7 access to the tower for the Loup County Emergency Services designated maintenance company for equipment repair/replacement, with prior approval of the Tower Owner. These services will be provided free of charge to Loup County Emergency Services.
- (2.) Loup County Emergency Services will be responsible for: cost, installation, and operation of all equipment that Emergency Services installs on the tower and in the fence enclosure, cost of repair/replacement of equipment that Emergency Services installs on the tower, and insurance of all equipment that Emergency Services installs on the tower. Loup County Emergency Services equipment will not interfere with the operation of any other carrier's equipment.
- (3.) Loup County Emergency Services shall indemnify and hold harmless, the Tower Owner and its officers, employees, and agents, from and against any loss, damage. Liability, claim, and expense including cost of enforcement and reasonable attorneys' fees, occasioned by growing out of, or arising in connection with any act or failure by Tower Owner, its agents or employees, except loss, damage, or liability resulting from the negligent acts or omissions of the Tower Owner, its agents or employees. Tower Owner shall not be held liable for any loss or damage due to personal injury, death, property damage, libel slander, or imperfect or unsatisfactory communications experiences by Loup County Emergency Services for any reason whatsoever, arising from, or in connection with the installation, operation, maintenance, or removal of Loup County Emergency Services equipment, or any activity related to Loup County Emergency Services performance. In no event, shall the Tower Owner be liable for any consequential or incidental damages, including but not limited to loss of profit or revenues, cost of capital, cost of substitute facilities or services, downtime cost or claims of Loup County Emergency Services customers or advertisers for such damages.

ARTICLE 7
PARKING REGULATIONS

7.1 GENERAL PROVISIONS

1. All buildings and structures erected and all uses of land in all districts established after the effective date of this Ordinance shall provide accessory parking and loading facilities as required under this section.
2. All off-street parking spaces required by this Ordinance shall be located on the same lots as the use it serves.
3. Owners of two or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.
4. All yard area including driveways, except the required front yard for residential uses may be used for off-street parking. Garages and driveways may be considered as off-street parking spaces.
5. A plan, drawn to scale, indicated how the off-street parking and loading requirements are to be met, shall accompany an application for a building certificate. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

7.2 OFF-STREET PARKING REQUIREMENTS

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

<u>Use</u>	<u>10. Minimum Number of Parking Spaces</u>
1. Residential	
Single family, two-family dwelling	1 per dwelling unit
Multifamily	
Efficiency and one-bedroom	1 per dwelling unit
Two-bedrooms	1 1/2 per dwelling unit
Three or more bedrooms	2 per dwelling unit
2. Mobile Trailer Park	1 per trailer unit
3. Hotel and Motel	1 per rental unit plus 1 for every 4 employees
4. Hospitals, nursing homes, rest homes, or similar uses	1 for every 2 1/2 patient beds and 1 for each staff and employee on the largest shift
5. Places of public assembly such as auditoriums, theaters, stadiums, community halls, churches, etc.	2 for each alley
6. Bowling Alley	2 for each alley
7. Retails sales department stores, restaurants, taverns, grocery stores, etc	1 per 200 square feet of floor area as determined by exterior wall dimensions
8. Professional office establishments	1 per 500 square feet of floor area as determined by exterior wall dimensions
9. Manufacturing, wholesale warehouse and similar uses	1 for every 2 employees on the largest working shift

7.3 OFF-STREET LOADING REQUIREMENTS

At the time of construction, alteration or enlargement of any structure or building except residences and farms having an aggregate gross floor area of 500 square feet or more, off-street loading areas shall be provided and maintained for all uses as follows:

	<u>Number</u>	<u>Loading Area</u>	<u>Gross Floor Area</u>
1.	One	500 square feet	For every 5,000 to 20,000 square feet
2.	One	500 square feet	For every 20,000 square feet or fraction thereof

ARTICLE 8
ACCESSORY USES

8.1 ACCESSORY BUILDING

Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof, and shall be on the premises of the main use.

Accessory buildings shall not occupy more than thirty percent of the required area for the rear yard. Any accessory building shall have a minimum setback of 3 feet and all garage entrances must have ten (10) feet from the access street or alley. Attached garages are considered part of principal building.

8.2 HOME OCCUPATIONS

An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

The following conditions and restrictions shall apply to such customary home occupations:

- a. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his private residence.
- b. No equipment or machinery shall be used in such activities that is perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.

8.3 MANUFACTURED HOMES: All manufactured homes located outside mobile home parks shall meet the following standards:

- 8.31 The home shall have no less than nine hundred (900) square feet of floor area.
- 8.32 The home shall have no less than an eighteen (18) foot exterior width.
- 8.33 The roof shall be pitched with a minimum vertical rise of two and one half (2 1/2) inches for each twelve (12) inches of horizontal run.
- 8.34 The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction.
- 8.35 The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock.
- 8.36 The home shall have wheels, axles, transporting lights and removable towing apparatus removed.
- 8.37 Nothing in this Article shall be deemed to supersede any valid restrictive covenants of record.
- 8.38 The home must meet building code requirements adopted by the Village.

8.4 YARD REGULATIONS:

8.41 FRONT YARDS: The front yards heretofore established shall be adjusted in the following cases:

Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have observed a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings provided that no building shall be required to have a front yard setback of more than fifty (50) feet.

Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard less than the required, new buildings shall not be erected closer to the street than the nearest building on the block.

8.42 **STRUCTURAL PROJECTIONS:** The ordinary projections of chimneys and flues, buttresses, eaves, overhangs, open-unenclosed steps or stoops up to 5' in height may extend into required yards for a distance of not more than two (2) feet in the required side yard and not more than five (5) feet in the required front yard.

8.5 **EXCEPTIONS TO HEIGHT REGULATIONS:** The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy and agricultural structures.

8.6 **EXCEPTIONS TO LOT SIZE REQUIREMENTS:** If, at the time of passage of this article, a lot or the 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 outright in the district subject to the other requirements of the district.

8.7 **RURAL RIGHT-OF-WAYS:** All buildings and sight impairing or "solid" fences, walls and hedges shall have a minimum set back of fifty-eight (58) feet measured from the center of the county road or seventy-five (75) feet measured from center of Federal Aid-Primary or Federal Aid-Secondary highways. Furthermore, all buildings, fences, walls, retaining walls, diversions, walkway structures or planting of trees, shrubbery, or similar uses are prohibited within the right-of-ways of rural roads or state and federal highways.

Planting of shelter belts shall have a minimum set back of one hundred (100) feet measured from the rural or highway right-of-way (front lot line or property line).

ARTICLE 9

COUNTY BOARD OF ZONING ADJUSTMENT

9.1 CREATION, MEMBERSHIP

The County Board of Zoning Adjustment is hereby created and shall be known as the County Board of Zoning Adjustment. The members of said board shall be appointed by the County Board.

One (1) member only of said board shall be appointed from membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the County Board of Zoning Adjustment.

Said board shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three (3) years and removable for cause by the County Board upon written charges and after public hearings. Vacancies shall be filled for the unexpired terms of any member whose terms becomes vacant. (Ref. 23-168.01 RS. Neb)

9.2 MEETINGS

Meetings of the Board of Zoning Adjustment shall be held at the call of the chairperson and at such times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the county clerk and shall be a public record.

9.3 INTERPRETATIONS AND VARIANCES

9.31 The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these regulations, have the following powers (Ref. 23168.03 R.S. Neb.):

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or Planning Commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;

2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any maps, or for decisions upon other special questions upon which the Board is authorized by any such regulation to pass; and
3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that:
 - a. The strict application of the regulation would produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - c. 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 reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

9.32 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

9.33 In exercising the above-mentioned powers such Board may, in conformity with the provisions of said sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as shall be proper, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

9.4 PROCEDURES FOR REQUESTING A VARIANCE

The procedures to be followed by the Board of Zoning Adjustment shall be as follows.

9.41 Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by any county officer or department. The appeal filed in writing shall define the appeal being requested and the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the paper constituting the record upon which the action appealed from was taken.

9.42 The chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time and place.

9.5 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the County, may seek review of such decision by the district court for the County in the manner provided by the laws of the State and particularly by Section 23168.04.

ARTICLE 10

ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

10.1 ENFORCEMENT

10.11 ZONING ADMINISTRATOR. This resolution shall be enforced and administered by a zoning administrator who shall be appointed by the County Board and who may be provided with the assistance of such other persons as the County Board may direct in order to carry out the following duties and responsibilities:

1. Approve and issue all building permits and occupancy certificates when compliance is made with this resolution.
2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this resolution.
3. Receive, file and forward to the County Board of Zoning Adjustment the records in all appeals for variances.
4. Maintain permanent and current records of the Zoning Resolution including but not limited to, all zoning maps, amendments, special use permits, variances, appeals and applications thereof and records of hearings thereon.
5. Prepare and have available in book, pamphlet or map for each year.
 - a. The compiled text of the Zoning Resolution and amendments thereto, including all amendments adopted through the preceding December 31; and
 - b. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding December 31.
6. Whenever the Zoning Administrator shall find that any of the provisions of this resolution have been or are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she may order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, structures or additions or alterations thereto; discontinuance of any illegal work being done; or take any other appropriate action authorized by this resolution to insure compliance with, or to prevent violation of, its provisions.

10.2 ZONING PERMITS

10.21 GENERAL. No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit first having been issued by the Zoning Administrator. No zoning permit shall be issued unless the proposed construction or use is in conformance with all of the provisions of this resolution and with all other applicable codes, regulations and laws of Loup County and with all orders, and variances lawfully issued by the Board of Adjustment.

10.22 APPLICATION FOR ZONING PERMIT. All applications for a zoning permit shall be accompanied by a plot plan showing the location, ground area, height and bulk of all present and proposed structures, additions, parking areas and site improvements; the actual dimensions and shape of the lot lines; the uses to be built upon; the building lines in proposed structures or additions; and any other reasonable and pertinent information as may be required by the Zoning Administrator or the proper enforcement of this resolution.

10.23 APPROVAL OR DISAPPROVAL OF PERMIT. The Zoning Administrator shall examine all applications for zoning permits, including plans, specifications and documents filed therewith and shall either approve or disapprove such application within thirty (30) days of receipt of same. Upon approval and receipt of required fees, the Zoning Administrator shall promptly issue the zoning permit and shall affix his/her signature to the permit and the plans and mark the plans "Approved." Upon disapproval of the application, the Zoning Administrator shall refuse to issue the permit and shall state in writing on the plans the reasons for disapproval, affix his/her signature and mark the plans "Disapproved. "

10.3 FORM OF PETITIONS, APPLICATIONS AND APPEALS

10.31 A verbal decision by the Zoning Administrator except in the cases of building, occupancy shall be the primary instrument for administering compliance with this resolution.

10.4 SCHEDULE OF FEES

10.41 The schedule of fees shall be established for this Zoning Resolution to cover costs of administration by the County Board. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the County Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 11
AMENDMENT

11.1 GENERAL

The County or Village Board may from time to time supplement, change or generally revise the boundaries or regulations contained in this resolution amendment. A proposal for such amendment may be initiated by the County Board, Planning Commission or upon application of the owner of the property affected. A filing fee established by the County Board is required for each application to be considered by the Planning Commission.

11.2 SUBMISSION TO PLANNING COMMISSION

All such proposed amendments shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district.

If such proposed amendment is not a general revision of an existing provision of this resolution, and will affect specific property, it shall be designated by legal description and general street location and in addition to such publication notice, written notice of such proposed amendment shall be delivered by the applicant, via certified mail, to all owners of lands located within three hundred (300) feet of the area proposed to be altered in incorporated areas and one (1) mile in unincorporated areas, at least ten (10) days before the scheduled hearing. A record of addresses mailed such notices must be submitted to the Zoning Administrator at least ten (10) days prior to the hearing. The hearing shall provide an opportunity for interested parties to be heard.

11.3 AMENDMENT CONSIDERATION AND ADOPTION

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (h) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County or Village Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.

11.4 PROTEST

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the County Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two thirds (2/3) majority of the County Board.

ARTICLE 12

COMPLAINTS, PENALTIES, REMEDIES

12.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

12.2 PENALTIES

Any person, limited liability company, association, corporation, club, or other entity who violates any provision of this resolution or any zoning regulations contained therein, shall be guilty of a misdemeanor of such degree and subject to such punishment as is allowed by Nebraska State law including, but not limited to, Section 19-913 Neb. Rev. Stat. within the zoning jurisdiction of villages and Section 23-114.05 Neb. Rev. Stat for violations within the County of Loup's zoning jurisdiction.

Nothing herein contained shall prohibit or prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

12.3 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this resolution the appropriate authorities of the County may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 13

LEGAL STATUS PROVISIONS

13.1 SEPARABILITY

Should any article, section or provisions of this resolution be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

13.2 PURPOSE OF CATCH HEADS

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this resolution.

13.3 REPEAL OF CONFLICTING RESOLUTIONS

All other resolutions and regulations in conflict with this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

13.4 EFFECT DATE

This resolution shall take effect and be in force from and after its passage and publication according to law.

APPLICATION FOR A SPECIAL USE PERMIT
LOUP COUNTY, NEBRASKA

Instructions:

1. Fill out application form completely. Please print or type. Use additional sheets if needed.
2. Pay the filing fees as directed on the filing fee schedule document. Make check payable to the Loup County Treasurer.
3. Contact the Loup County Zoning Administrator if you have any questions.
4. Submit a list of property owners within 100 feet in incorporated areas, and 1-mile in unincorporated areas. Written notice must be delivered by the applicant via certified mail, and a certified record of addresses mailed such notices must be submitted to the Zoning Administrator at least ten (10) days prior to the public hearing.

1. Applicant's name: _____
2. Applicant's address: _____
_____ ZIP: _____
3. Telephone (business): _____ (home): _____
4. Email _____
5. Present use of property: _____
6. Desired use of property: _____
7. Present zoning: _____
8. Legal description of property: _____

9. Under what provisions of the zoning regulations are you seeking this permit? _____

Note: A Special Permit requires associated structures to be built within one year of the approval date, or the Special Permit will expire

10. Explain in detail what you propose to do: _____

11. How are adjoining properties used? Indicate both zoning district designations and actual uses.
North: _____ South: _____
East: _____ West: _____

12. This authorizes the County Zoning Administrator to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation. The Administrator may be accompanied by members the County Board of Supervisors or the County Planning Commission.

Owner's Signature and Date

Jurisdiction: _____ Permit Number: _____
Value of Improvement: _____
Zoning Classification: _____

**APPLICATION FOR ZONING/BUILDING PERMIT
LOUP COUNTY, NEBRASKA**

DIRECTIONS. Fill in the following information as accurately and completely as possible. On the back of this page or on an attached sheet indicate, by drawing, the shape and dimensions of the land, shape and dimensions of all existing and proposed buildings, and distances from buildings to lot lines. THIS APPLICATION IS NOT ACCEPTABLE UNLESS ALL REQUIRED INFORMATION IS FURNISHED.

Name: _____ Phone: _____

Address: _____

Contractor and address: _____

Complete legal description of property: _____

Location of construction site from town if in rural area:

Street address of construction site if in town: _____

Type of structure or building proposed: _____

Proposed use of building: _____

Dimensions of structure: _____ Dimensions of property: _____

Distance structure will be from:
A. Front property line or edge of right-of-way: _____ B. Rear property line: _____
C. Side property line: _____ D. Side property line: _____
E. Center of nearest street intersection: _____

Area of the property in acres or square feet: _____

Value of structure: _____

Approximate start date for construction: _____ Approximate finish date: _____

Improvement to be assessed to the following party: _____

If the structure is a residence, how far will it be from the nearest feed lot? _____

If the structure is an apartment building or a commercial or industrial building, indicate how many off-street parking spaces will be provided: _____

ATTACH A DRAWING OF THE PROPOSED STRUCTURE.

The above requested information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval at the Zoning Administrator subsequent to the issuance of the zoning/building permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from the approval date.

The applicant, their heirs, successors, and assigns acknowledge that the above-described property is situated in an agricultural area and may be subjected to conditions resulting from agricultural operations on adjacent lands.

Such operations include:

- The cultivation, harvesting, and storage of crops,
- All aspects of the raising of livestock, and
- The application of chemicals, operation of machinery, application of irrigation water, and other accepted and customary agricultural activities conducted in accordance with federal and state laws.

These activities ordinarily and necessarily produce noise, dust, smoke, odors and other conditions that may conflict with the applicants' use of the applicants' property. Applicants hereby waive all objections to normal and necessary agricultural activities legally conducted on adjacent lands, regardless of their conflict with applicants' use of the applicants' property.

Signed: _____ Date: _____, 20____
Applicant

FOR OFFICE USE ONLY

Paid in the amount of \$ _____

Approved: _____ Date: _____, 20____
Zoning Administrator

Date application disapproved: _____, 20____

Disapproval signature (Zoning Administrator): _____

Reason for disapproval: _____

Date application approved from appeal: _____, 20____

**REQUEST FOR AMENDMENT
TO THE ZONING ORDINANCE
LOUP COUNTY, NEBRASKA**

Applicant: _____ Date: _____

Address: _____ Application No.: _____

_____ Phone: _____

Email: _____

I wish to (build), (alter buildings or structures), or (change the use of the land or structures) at the following described premises:

The following change in the zoning ordinance is hereby requested:

Change the zoning of the subject property from its present classification, _____, to the following proposed zoning classification: _____

Amend the text or district regulations as follows: _____

to permit the following improvement or use: _____

The applicant also shall furnish a plat of the area containing the property for which a zoning change is sought and including all lots within 300 feet of the property lines of the subject property. The plat shall show existing and proposed zoning.

See Fee Schedule online at <http://www.co.loup.ne.us/zoning.html>

I certify that the above information as submitted herewith, is, to the best of my knowledge, true and accurate.

Signed _____

Applicant Signature and Date

ADMINISTRATIVE LOT SPLIT APPLICATION

Loup County Zoning Administrator

POB 187

Taylor NE 68879-0187

(308) 942-6218

Permit No. _____ Zoning District _____ Date _____

Property Owner's Name _____

Address _____ Phone _____

Number _____

Legal Description of Property to be Split _____

What ¼ section is lot being removed from: NE1/4 NW1/4 SW1/4 SE1/4

Number of acres being split off _____

1. Is split 3 or less parcels? YES or NO
2. Does the lot split involve the dedication of any right-of-way? YES or NO
3. Has the lot been previously split in accordance with these regulations? YES or NO
4. Will this action result in a tract without direct access to an improved county road? YES or NO

Applicant's Signature _____

A Survey must accompany this form

Administrative Fee: Must be submitted with permit

See Fee Schedule online at <http://www.co.loup.ne.us/zoning.html>

Office Use Only

Date _____ Approved _____

Disapproved _____

Zoning Administrator

LOUP COUNTY/ TAYLOR, NEBRASKA

SUBDIVISION REGULATIONS 2021

HANNA:KEELAN ASSOCIATES, P.C.
COMMUNITY PLANNING & RESEARCH
LINCOLN, NEBRASKA 68503
PHONE: (402) 464-5383
FAX: (402) 464-5856

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SECTION 1. AUTHORITY. These regulations are hereby adopted and enacted under authority of R.R.S., Nebr. 1943, Chapters 19-916 thru 19-922 and 17-1001 thru 17-1003 (municipalities) and 23-373 to 23-377 (counties), and amendments thereto, and comprise requirements, standards and specifications with respect to provisions for the proper location and width of streets, building lines, open spaces, safety, recreation; and, for the manner in which streets will be graded and improved; and, the extent to which water, sewer and other utility services shall be provided; and, to provide for the approval of preliminary plats and final plats and endorsement thereof by the Loup County/Community Planning Commission and by the County Board of Commissioners and the Taylor Village Board of Trustees. No final plat of a subdivision shall be approved and accepted by the County or Village unless it conforms to the provisions of these regulations.

SECTION 2. PURPOSE. of subdivisions in harmony with the comprehensive plan; for the coordination of streets. The purpose of these regulations is to provide for the orderly development of Loup County and the Village of Taylor; to proscribe standards for the laying out and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan to provide for adequate open space for traffic, recreation, light and air; and for the distribution of population and traffic in such a manner so as to create conditions favorable to health, safety, convenience or prosperity, all in accordance with applicable state statutes.

SECTION 3. JURISDICTION. The provisions of this County Resolution/Municipal Ordinance shall apply within the area of planning and zoning jurisdiction as defined on the Official Zoning Map of Loup County and the Village of Taylor, Nebraska, as may be amended from time to time.

SECTION 4. APPLICABILITY. Any plat, hereafter made, for each subdivision or part thereof lying within the jurisdiction of this County Resolution/Municipal Ordinance, shall be prepared for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the resubdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from these regulations. Further, the regulations set forth by this County Resolution/Municipal Ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this County Resolution/Municipal Ordinance except as hereafter provided.

A. Each separate principal use/building within the jurisdiction of this County Resolution/Municipal Ordinance shall be situated on a separate and single subdivided lot of record unless otherwise provided in the zoning regulations of the County/Village.

B. No subdivision of land shall be permitted within the jurisdiction of this County Resolution/Municipal Ordinance unless a plat is approved in accordance with the provisions of this County Resolution/Municipal Ordinance. Further, no lot in a subdivision may be sold, transferred, no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless a final plat has been approved by the County Board or Village Board and recorded with the Loup County Register of Deeds.

C. These regulations shall not apply to the following:

1. To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres.
2. The subdivision of burial lots in cemeteries.
3. The combination of two or more lots for one principle use or a change in the boundary between adjoining lands.

SECTION 5. DEFINITIONS. For the purposes of this Article, certain terms or words used herein shall be interpreted as follows:

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

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

BUILDING LINE. The term "building line" means a line parallel or nearly parallel, to either the street line or the lot line not abutting the street and at a specified distance from the street or lot line which marks the minimum distance from either line that a building may be erected. In the case of a cul-de-sac, the building line shall be measured around the curvature of the street line.

BUILDING OFFICIAL. The Loup County Zoning Administrator.

COMMON OPEN SPACE. That undivided land in a subdivision which may be jointly owned by all property owners of the subdivision, for the benefit of the owners of the individual building sites of said development.

COMMON SEWER SYSTEM. A sanitary sewage system owned by the developer or the housing association which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environment and Energy for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

COMMON WATER SYSTEM. A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis which is in public ownership of the developer or housing association.

COMPREHENSIVE PLAN. The long range development plan adopted by the County and the Village of Taylor.

COVENANT. Written promise or pledge.

CULVERT. A transverse drain that channels water under a bridge, street or driveway.

EASEMENT. A grant by property owner to the public, a corporation or persons of the use of a tract of land for a specific purpose.

ENGINEER. One, licensed by the State of Nebraska, designated by the County/Village to act for the County/Village.

FRONTAGE. The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the street.

GREEN AREA. Same as common open space.

IMPROVEMENT. Street pavement or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Article, including one (1) main building together with its accessory buildings, the open spaces and parking required by this Article and fronting upon a street.

LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection.

LOT, INTERIOR. A lot other than a corner lot which has frontage on one street only.

LOT, THROUGH. A lot other than a corner lot fronting on more than one street.

LOT OF RECORD. A tract of land described as an integral portion of a subdivision plat which is properly recorded in the office of the Loup County Clerk.

MONUMENTS. Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

OUT LOT. Property shown on a subdivision plat outside of the boundaries of the land which is developed and which is to be excluded from the development of the subdivision.

PARKING SPACE, OFF-STREET. Off-street parking shall mean an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress.

PEDESTRIAN WAYS. A tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets and properties.

PLANNED DEVELOPMENT. Special development of certain tracts of land, planned and designed as a unit for one (1) or more land uses under the regulations and procedures contained in this Article.

PLANNING AREA. The statutory zoning jurisdiction of the County/Village.

PLANNING COMMISSION. The appointed planning body designated by the County/Village.

PLAT. Map, drawing, or chart upon which the developer's plan of subdivision (Preliminary) is presented to the County or Village Board for approval and, after such approval, to the appropriate County Clerk for recording.

PLOT. A parcel of ground.

PUBLIC WAY. An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

RIGHT-OF-WAY. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts and bridges.

SETBACK LINE. The term "setback line" means a line, as shown on a record plat or otherwise established by the County or Village Board, beyond which no part of a main exterior wall of a building or structure may project.

SEWERS, ON-SITE. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

STREET. Street shall mean a public or private thoroughfare including avenues, which affords principle means of access to abutting property.

SUBDIVIDER. The owners, developers or agents of persons or corporations affecting subdivision.

SUBDIVISION. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership, building development, or, if a new street is involved, any division of a parcel of land. The term includes re-subdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR. Any person registered in Nebraska to practice surveying.

THOROUGHFARE, STREET OR ROAD. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

Arterial Street: A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.

Collector Street: A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

Cul-de-sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

Local Street: A street which provides direct access to abutting land and local traffic movement, whether in business, industrial or residential land.

Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street or Service Road)

VICINITY MAP. A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the County or Village, in order to better locate and orient the area in question.

WALKWAY. see sidewalk.

ZONE OR DISTRICT. A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings, are established,

SECTION 6. SEVERABILITY. Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Article as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 7. PROCEDURES

7.1 Plat Submission Requirements. The subdivider shall submit to the County or Village Clerk twelve (12) copies of the preliminary plat and supplemental material specified, with written application for conditional approval, at least ten (10) days prior to the regular meeting of the I pup County Planning Commission at which the request will be heard.

7.2 Fees. Fees are set by the County/Village.

7.3 Scale and Preliminary Plat Contents. Preliminary plats shall be a scale of one (1") inch to one hundred (100') feet, or 1" = 200' if 75% of the lots are one (1) acre or larger, and shall be prepared with the following information:

- A. Name, location, acreage, owner and designer of subdivision with legal description as shown by land records.
- B. Present zoning.
- C. Date, north point and graphic scale.
- D. Location of property lines, roads, existing utilities with size of lines, and other underground installations and easement.
- E. Names of adjoining properties or subdivisions.
- F. Proposed utility system, including water, sewer and paving.
- G. Dimensions, lot lines, except that in industrial type subdivisions, lot lines may be excluded. H. Location of proposed drainage.
- I. Contours at five (5') feet intervals at 1" = 200' scale.
- J. Proposed improvements and grading concepts.
- K. Location of existing buildings.
- L. Proposed easements, dedications and reservations of land required.
- M. Copy of the proposed housing association covenants.
- N. Copies of submitted or approved permits required by other state or federal regulatory agencies.

7.4 Notification of Improvement Schedule. Subdivider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter.

7.5 Notification of School Board. At least ten (10) days prior to the Loup County/Community Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

7.6 Approval or Rejection. After review of the preliminary plat and negotiations with the subdivider, the Loup County/Community Planning Commission shall reject or conditionally approve the preliminary plat, within thirty (30) days after the official meeting at which the plat was considered.

7.7 Recording of Action. The action of the Loup County/Community Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy relayed to the Governing Board and one (1) copy retained by the Planning Commission.

7.8 Approval is Conditional. Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final plat, which will be subject to further consideration by the Loup County/Community Planning Commission and the Governing Board. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

7.9 Installation of Improvements for Final Plat Approval. Following approval of the preliminary plat, the subdivider shall:

- (1) Agree to install the required improvements or;
- (2) Sign an agreement, which shall be entered into only at the option of the County or Village, thereby guaranteeing the installation of improvements; or
- (3) Furnish a bond or enter into an escrow or security agreement approved by the County or Village Attorney in an amount sufficient to guarantee the installation of the required improvements.

7.10 Final Plat Submission Requirements. Final plats, showing entire concept, shall be submitted to the County or Village Clerk within one (1) year of approval of the preliminary plat, unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable County Resolution/Municipal Ordinances and State statutes; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

7.11 Scale and Final Plat Contents. One (1) original and two (2) mylar copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on mylar and shall be at a scale of one (1") inch to one hundred (100') feet or larger. The final plat shall show the following:

- A. Date, title, name and location of subdivision.
- B. Streets and street names, lots, setback lines, lot numbers, etc, except that in industrial type subdivision lot designation may be excluded.
- C. Graphic scale and north arrow.
- D. Monuments (ferrous) 1" diameter, maximum, 30" length minimum.
- E. Dimensions, angles and bearings, and complete legal description of the property.
- F. Sufficient survey data to reproduce any line on the ground.
- G. Names of adjoining subdivisions.
- H. Location and dimensions of any easements.
- I. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
- J. Certification by surveyor as to accuracy of survey and plat.
- K. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
- L. Certification recording the approval by the Planning Commission.
- M. Certification recording the approval by the County or Village and the acceptance of any dedications.
- N. Copy of approved housing association covenants.
- O. Copies of approved permits required by other state or federal regulatory agencies.

7.12 Supplementary Data Required. The final plat shall be accompanied by:

- A. Construction plans of all required public improvements, approved by an Engineer.

7.13 Professional Assistance. The County or Village or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.

7.14 Planning Commission Recommendations. The Planning Commission shall reject or approve the final plat and have prepared a recommendation to the Governing Board recommending rejection or approval. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or Governing Board shall be given the subdivider within sixty (60) days after submission of the final plat to the Planning Commission.

7.15 Administrative Subdivision. In the event that a proposed subdivision does not involve the platting and dedication of streets, extension of utility systems, change in subdivision class and type, change in zoning district, change in surface drainage, and will not result in the creation of more than three (3) lots of record, the subdivider may apply for administrative subdivision under the provisions of this section. The utilization of the administrative subdivision does not relieve the subdivider of its obligation to comply with Section 8: Streets, Alleys, Sidewalks and Driveways; and Section 9: Utility and Drainage Facilities of the Subdivision Regulations. The necessity of establishing and dedicating easements for utilities shall not bar the utilization of the administrative subdivision. The procedure for such application will be as follows:

1. Application will be made to the County or Village Board and the County or Village Board may act or may at their option refer the application to the Planning Commission. In the event it is referred to the Planning Commission, the procedures outlined under the final plat provisions shall be followed.
2. The subdivider shall submit an original and twelve (12) copies of the plat. The original shall be drawn in ink on tracing cloth, mylar, or similar material, and shall be at a scale of 1" to 100' or larger. The plat shall contain the following:
 - a. Date, title, name, and location of the subdivision.
 - b. Names and locations of abutting streets and lots identifying street names and lot and block numbers.
 - c. Identification of the new lot and block numbers and set back lines.
 - d. Graphic scale and true north point.
 - e. Monuments.
 - f. Dimensions, angles and bearings and complete legal description of the property.
 - g. Sufficient engineering data to reproduce any line on the ground.
 - h. Location, dimensions, and purposes of any existing easements.
 1. Certification by surveyor or engineer certifying to the accuracy of the survey and plat.
 - j. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
3. The plat shall be accompanied by:
 - a. Protective covenants in form for recording if such are desired by the subdivider.
 - b. For subdivisions adjoining or touching the boundaries of a Village corporate limits; a tract or area for which annexation proceedings have been commenced; an approved subdivision which touches or adjoins a Village corporate limits, a petition signed by the owner or owners requesting annexation to the Village.

- c. Utility easements signed by the owner or owners to permit all lots created access to all utilities available in a Village, including but not limited to, sanitary sewer, storm sewer, water, electrical, telephone, and cable television.

SECTION 8. STREETS, ALLEYS, SIDEWALKS, DRIVEWAYS.

8.1 Streets. The arrangements, character, extent, width, grade and location of all streets shall conform to the comprehensive development plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

8.2 Street Extension. The street layout of the proposed subdivision shall provide for the continuation of appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the County or Village Board, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the County or Village Board deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least sixty (6(Y) feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

8.3 Dedication of Right-of-Way for New Streets. The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the comprehensive plan. All streets classified as arterial streets by the comprehensive plan shall have all points of access approved by the County or Village Board. Marginal access streets may be required by the County or Village Board for subdivisions fronting on arterial streets.

8.4 Dedication of Right-of-Way for Existing Streets. Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in this Article. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one (1) side of an existing street, one half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

8.5 Intersections. Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be at any angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least twenty (20') feet. When the smallest angle of street intersection is less than 75 degrees, the County or Village Board may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within fifty (50') feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

8.6 Widths, Grades and Sight Distance Requirements. Right-of-way widths, pavements widths, grades and sight distance requirements shall be as follows, but can be modified to meet the standay.ds of the Village or the County.

TYPE	R.O.W.	STREET OR ALLEY SURFACE	GRADE	MINIMUM SIGHT DISTANCE ON CURVES
Arterial Street	*100'	46'	8%	400'
Marginal Access Streets	60'	26'	10%	300'
Collector Streets	*70'	44'	10%	300'
Local Streets	60'	34'	10% Av.	300'
Alleys	20'	20'	no max.	none
Cull-de-sac Streets	60'	40'	10% Av.	200'

* Streets in these classifications shall be designed and graded to the full right-of way widths stated.

The horizontal alignment on all street except in unusual cases as determined by the Loup County/Community Planning Commission shall as follows, but can be modified to meet the standards of the Village or County.

STREET TYPE	RADI OF HORIZONTAL CURVES
Arterial Streets	700' Minimum
Collector Streets	300' Minimum
Local Streets	100' Minimum

8.7 Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the County or Village Board may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway or which traffic volumes and vehicular speeds warrant special safety considerations, the County or the Village may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway,

Where a subdivision borders on or contains a railway right-of-way or limited access highway right-of-way, the County c/ the Village may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

8.8 Street Jogs. Street jogs with center line offsets of less than one hundred twenty-five (125') feet shall be prohibited. Cul-de-sacs, minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred (500') feet and shall be provided at the closed end with a turnaround having a radius at the outside of the right-of-way of at least sixty (60') feet.

8.9 Street Names. Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix. Whenever a street alignment changes direction more than 45 degrees without a return to the original alignment within a distance of five hundred (500') feet, then the name of the street shall be changed at the point of curvature. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac. To avoid duplication and confusion, the proposed names of all streets shall be approved by the designated County or Village Engineer prior to such names being assigned or used.

8.10 Private Streets and Reserve Strips. There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the Village or County under conditions approved by the County or Village Board as authorized herein.

8.11 Grading Specifications. All streets, roads and alleys shall be graded to their full widths by the subdivider, so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the County or Village. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectional materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts and fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two (2') feet below the graded surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

8.12 Minimum Pavement Widths. Pavement widths shall be measured between curb backs.

8.13 Street Surfacing. The streets in the proposed subdivision shall be paved, including curbs and gutters, and street surfacing shall be of concrete or any other suitable surface as recommended by the designated Village or County Engineer and approved by the County or Village Board. Requirements for paving, including curb and gutter, may be waived at the request of the subdivider. Streets in such subdivision shall have a crushed rock or gravel surface which meets the specifications of the governing body.

8.14 Curb and Gutter. Curb and gutter shall be provided as required by the Village or County Engineer. In areas of notable flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the areas surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards of the Village and as approved by the Village or County Engineer.

8.15 Blocks. Except in unusual circumstances, the maximum length of blocks shall be 1,320 feet.

8.16 Street Name Signs. Street name signs, of a type in use throughout the Village or County, shall be erected by the subdivider at all intersections.

8.17 Alleys. Alleys where deemed necessary, shall be provided to give access to the rear of all lots used for commercial and industrial purposes. Minimum width of an alley shall be twenty (20') feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead-end, as determined by the Governing Board. Alleys need not be provided in residential areas where the subdivider produces evidence of easements which are satisfactory to the Village or County Board.

8.18 Sidewalks. Sidewalks, where deemed necessary, shall be provided as required by Village or County ordinances/Resolutions and shall be constructed of Portland cement concrete or other acceptable materials as approved by the Village or County Board. Sidewalk thickness shall be not less than four (4") inches and sidewalk width not less than four (4') feet. The sidewalk system for the proposed subdivision shall provide for extending existing sidewalks at the same or greater width, but in no case shall a sidewalk extension be of less width than the minimum width required in these regulations for a sidewalk,

8.19 Driveways. Driveways shall have a maximum grade of ten (10%) percent. Driveways and curb cuts shall be located not less than three (3') feet from the side lot lines. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3') feet wider than the driveway pavement on each side.

8.20 Street and Walkway Lighting. Such lights, where deemed necessary shall be located at each street and walkway entrance to the subdivision. In addition, whenever the distance between two (2) adjacent street or walkway lights would exceed three hundred (300') feet, then additional street lights shall be installed in such manner that proper light intensity shall be provided and maintained. New subdivision street and walkway lighting may be installed with all associated wiring underground or overhead, as required by the Governing Board.

SECTION 9. UTILITY AND DRAINAGE FACILITIES.

9.1 Sewer and Water. It shall be required that the owner or developer of the tract to be subdivided install, satisfactory sewer and water lines which are necessary to serve such subdivision. Installation of the above shall be in accordance with the specifications of the Governing Body and under the direction and supervision of the Village or County Board. Where adequate water and sewer lines are accessible within thirteen hundred twenty (1,320) feet of the final plat, connections to these lines shall be made. Water lines shall be looped according to specifications set by the Governing Body.

The cost of providing this engineering service will be the responsibility of the owner or developer of the tract to be subdivided or by other agreement with the Governing Body. Design of municipal water mains and sanitary sewer lines shall conform to standards and guidelines approved by the Village or County Engineer.

9.2 Sanitary Sewer Improvements. The following requirements shall govern sanitary sewer improvements:

1. Where an adequate public sanitary sewer system is reasonably accessible in the determination of the Governing Body, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Governing Body standards and the Nebraska Department of Environmental Quality and the Department of Health and Human Services System. Combinations of sanitary sewers and storm sewers shall prohibited.
2. Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
 - a. A central treatment plant, provided that such central treatment plant is installed in accordance with the City and State Department of Environment and Energy and Department of Health and Human Services System requirements, or
 - b. Lots may be served by individual disposal systems, if the provisions of the following section are met.
3.
 - a. Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the Governing Body and the Nebraska Department of Environment and Energy and the Department of Health and Human Services System.
 - b. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed buildings. Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided that in no case shall said minimum lot be less than one (1) acre in area where there is a public water supply available at the lot, and three (3) acres where there is not public water supply available.
 - c. At least one (1) percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the Governing Body.

9.3 Drainage Improvements. An adequate system for the drainage of all surface water within the area being subdivided, including ditches, pipes, culverts, intersectional drains, drop inlets, bridges, and other structures, shall be constructed by the developer. Such drains shall comply as to size with such requirements, conformable to good engineering practice, as the Village or the County shall prescribe; provided that such drains in no event shall be less than twelve inches (12") in diameter. Cross drains shall be constructed to accommodate all natural water flow, be built on a straight line and grade, be laid on a firm base but not on rock and be of sufficient length to permit construction of streets and alleys to their required width and grades. Surface drainage pipes shall be laid with the spigot end pointed in the direction of the flow, and all ends shall be fitted and matched to provide tight joints and a smooth uniform invert. Such pipes shall be placed at a depth below the road bed that is sufficient to avoid dangerous pressure from impact, and the top, in no event, shall be less than one foot (1') below the surface of the road bed.

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Village or County Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the zoning regulations.

The Village or County Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development or the subdivision will overload an existing downstream drainage facility or flood existing development upstream, the Loup County/Community Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

Subdivision proposals and other proposed new development be required to assure that (a) 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 so as to assure that all building sites are reasonably safe from flood hazards.

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot into areas not designed to handle flood waters. Lot drainage plans shall conform to the drainage study required for submittal approval.

9.4 Storm Sewers and Storm Water Drainage. Where an adequate public storm sewer system is available at the plat boundary, the Governing Body shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easement of adequate width shall be provided, as determined by the County or Village Engineer and approved by the Governing Body. Paved gutters or storm sewers shall be required if velocities are greater than specified in these regulations or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

9.5 Culverts and Bridges. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the Governing Body to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

1. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the Village or County Engineer. The minimum diameter of a culvert pipe shall be eighteen (18") inches. Depending on existing drainage conditions, head walls may be required.
2. Driveway culverts shall have a minimum length of twenty (20') feet, and a minimum diameter of eighteen (18") inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

9.6 Solar Access. In order to promote the conservation of energy through the use of both passive and active solar systems, streets in residential subdivisions should, where possible, have an east-west alignment. Lots intended for detached dwellings should be of sufficient width to allow the structure to be built with its longest axis running east-west.

In order to allow the orientations of structures on the site so as to maximize potential solar gain, side lot lines should run as near to north-south as possible providing that the angle between the side of lot line and the street right-of-way line on a straight street or the tangent to a curved street shall not be less than 80 degrees.

Any property owner or developer may grant or establish a solar sky-space easement to protect solar energy systems from shade. The easements shall be created in writing and shall be recorded separately or should be contained on the face of the plat. The easements shall run with the land.

9.7 Erosion Control. The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the Governing Body and the Engineer.

9.8 Fire Protection. Fire hydrants shall be provided by the Governing Body in all subdivisions with public water supplies. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400') feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the designated Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six (6") inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the Engineer and the Fire Chief.

9.9 Electric, Gas, and Telephone Improvements.

1. Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, street lighting, and communications conductors may be installed underground at the option of the Governing Body.
2. Overhead secondary utility lines, where installed shall be located at the rear of all lots.
3. Whenever a sanitary sewer line and electric and/or telephone line is each placed underground in the same utility easement, the following provisions shall be applicable:
 - a. the total easement width shall not be less than fifteen (15') feet, and
 - b. the sanitary sewer line shall be installed within three (3') feet of the easement, and the electric and/or telephone line shall be installed within three (3') feet of the opposite side of the easement.

SECTION 10. SHARED IMPROVEMENT COSTS.

10.1 Extensions to Boundaries. The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the Village or County Board.

10.2 Off-site Extensions. If street or utilities are not available at the boundary of a proposed subdivision, and if the Village or County Board finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a Municipal expense until some future time, the subdivider may be required, prior to the approval of the final plat, to obtain necessary easements or right-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

SECTION 11. SUBDIVISION IMPROVEMENT PROCEDURE.

11.0 Subdivision Improvements Guarantees. Prior to the final plat approval, but after approval of all improvement plans and specifications, the subdivider shall complete all improvements required for the subdivision. Final plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the Village or County Board.

In lieu of requiring the completion of all improvements prior to the final plat approval, the Village or County Board may enter into an agreement with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this County Resolution/Municipal Ordinance and approved by the Planning Commission and Village or County Board in a manner satisfactory to the Village or County Board. To secure this agreement, the subdivider shall provide, subject to the approval of the Village or County Board, one (1) or more of the guarantees set forth in Section 11.1, 11.2 and 11.3.

11.1 Surety Performance Bond. The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the Governing Body and shall be in an amount to cover one hundred ten (110%) percent of the cost of all improvements, as estimated by the subdivider and accepted by the Village or County Board upon recommendations of the Village or County Attorney and Engineer. The duration of the bond shall be until such time as the improvements are accepted by the Village or County Board in accordance with Section 11.9 of this Municipal ordinance/County Resolution.

11.2 Escrow Account. The subdivider shall deposit cash, or other instrument readily convertible to cash at face value, either with the Village or County Board or in escrow with a bank. The use of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Village or County Board. The amount of the deposit shall be an amount equal to one hundred ten (110%) percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the Village or County Board upon recommendation of the Village or County Engineer.

11.3 Security Agreement. The subdivider shall provide a Security Agreement guaranteeing the installation of all required improvements. The Security Agreement must be approved by the Village or County Attorney and in an amount sufficient to guarantee the installation of all improvements.

In the case of an escrow account, the subdivider shall file with the Village or County Board an agreement between the bank and himself guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until released by the Village or County Board and may not be used or pledged by the subdivider as security in any other matter during that period.
2. That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the Village or County Board for use in completion of the improvements.

11.4 Improvement (Assessment) District. Because the original intent of such improvements in already built-up areas, and because the Governing Body should not assume the risk of real estate development which results if the lots are unable to be sold and the subdivider defaults on the assessment payments, the use of improvement districts in connections with new subdivision developments shall not be used as a method of financing such improvements. Only in specific cases where the subdivider illustrates through extensive market research will the Village or County Board consider acceptances of an improvement district as a means of financing the necessary improvements and providing financial security to the Governing Body.

11.5 Time Limits. Prior to the granting of final plat approval, the subdivider and the Village or County Board shall agree upon a deadline for the completion of all improvements. Such deadline shall not exceed two (2) years from the date of final plat approval, provided, however, the Village or County Board may extend that deadline for one (1) additional year where the subdivider present substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements.

11.6 Installation of Improvements. Developers may select either method or combination of methods listed below to comply with the minimum improvement requirements:

1. They may install the required improvements upon acceptance of plans and specifications being approved by Village or County Engineer and Village or County Board.
2. They may submit a petition or petitions requesting the Village or County to construct street surfacing, sanitary sewer, and water mains in the proposed subdivision by the district method. In that event, the Village or County will prepare plans and specification for all such improvements districts and shall assess the cost of such improvements to the adjacent property, as provided by law. The size of any street improvement district, sanitary sewer district, or water main district, shall be determined by the Village or County Board and the construction of any such district shall be subject to the Village's or County's ability to finance any of the improvements.

11.7 Plan Review Reimbursement. The subdivider or Sanitary and Improvements District shall reimburse the Village or County such costs incurred by the Village or County for Plan Review, Plan Check, and Plan Approval as to conformance with approved Village or County Standards and Specifications, but such costs shall not exceed 1 percent of the total contracted cost for improvements in the subdivision.

11.8 Failure to Complete Improvements. If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 11.9 below within the required time period, either for reason of noncompletion or for reason of substandard and unacceptable construction, the Village or County Board shall accept one (1) of the following sections:

1. Where improvements have been guaranteed under Section 11.1 of this County Resolution/Municipal Ordinance, the bond shall be forfeited to the Village or County.
2. Where improvements have been guaranteed under Section 11.2 of this County Resolution/Municipal Ordinance, the County or Village Board shall declare whatever security has been pledged as a guarantee to be forfeited.

Where the County or Village Board is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the County or Village Board shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

11.9 Inspection and Certification. The Village or County Engineer or other authorized person shall regularly inspect construction of required improvements for defects. Upon completion of the improvements, the Village or County Engineer or other authorized person shall file with the County or Village Board a statement either certifying that the improvements have been completed in the specified manner or listing defects in those improvements which do not meet the requirements of the approved improvement plans and specifications.

Upon completion of the improvements, the subdivider shall file with the County or Village Board a statement stipulating the following:

1. That all required improvements are complete
2. That these improvements are in compliance with the minimum standards specified by the Loup County Planning Commission and County or Village Board,
3. That the subdivider knows of no defects from any cause in the improvements.
4. That these improvements are free and clear of any encumbrance or lien.

If the Village or County Engineer or other authorized person has certified that the improvements are complete and free from defect, the County or Village Board shall accept any dedication of improvements. The County or Village Board may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

11.10 Reduction of Guarantees. In those cases where improvement guaranteed have been made under Section 11.1 or 11.2 of this County Resolution/Municipal Ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 11.9 of the dedication of a portion of the improvements.

11.11 Release of Guarantees. Upon acceptance, in accordance with Section 11.9 of this County Resolution/Municipal Ordinance, the County or Village Board shall authorize the release of the performance bond or the remaining portion of the escrow.

SECTION 12 DEDICATION OF PUBLIC LAND

12.1 Dedication.

1. At the time of final plat approval by the County or Village Board, the owners shall be required to dedicate to the public use all streets, alleys, easements, and buffer strips as required by the County or Village Board and these Regulations. Acceptance of dedicated land shall be recorded in the minutes of the County or Village Board. Dedication of land shall not mean the acceptance of maintenance or upkeep by the County Board, but shall remain with the housing association or developer.
2. Subdividers of "Commercial" type subdivisions may be required to dedicate land for off-street parking as determined necessary by the County or Village Board.

SECTION 13. ANNEXATION AND RECORDING OF PLAT

13.1 Subdivision Annexation of Adjoining or Contiguous Properties. All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the municipality for all purposes whatsoever, upon approval of and acceptance by Resolution of the Village Board. (Ref 19-916)

13.2 Subdivision Annexation: Petition for Annexation. Any subdivision in which there are lands dedicated to the Village or any subdivision serviced by public utilities shall be annexed to the Village. Before approval for the final plat is given, the Governing Body shall receive a Petition for annexation from the owners of the subdivided properties.

13.3 Subdivision Annexation: Adoption Plan by Resolution. The Village Board desiring to annex land under the authority of this section shall first adopt both a resolution stating that the Village is considering the annexation of the land and a plan for extending Village services to the land. The resolution shall state:

1. The time, date and location of the public hearing required below;
2. A description of the boundaries of the land proposed for annexation; and
3. That the plan of the Village for extension of Village services to the land proposed for annexation is available for inspection during regular business hours in the office of the Village Clerk.

The plan adopted by the Village Board shall contain sufficient detail to provide a reasonable persons with a full and complete understanding of the intentions of the Village for extending Village services to the land proposed for annexation. The plan shall:

1. State the estimated cost impact of providing the services to such land.
2. State the method by which the Village plans to finance the extension of services to the land and how any services already provided to the land will be maintained.
3. Include a timetable for extending service to the land proposed for annexation, and
4. Include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the Village, the proposed boundaries of the Village after annexation and the general land-use pattern in the land proposed for annexation.

A public hearing on the proposed annexation shall be held within sixty days following the adoption of the resolution to allow the Village Board to receive testimony from interested persons. The Village Board may recess the hearing, for good cause, to a time and date specified at the hearing.

A copy of the resolution providing for the public hearing shall be published in the official newspaper or the Village at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail, following its passage, to the school board of any school district in the land proposed for annexation.

SECTION 14. VARIANCES.

14.1 Granting of Variances: Conditions. The Village or County Board may grant variances from the provisions herein, but only after determining that:

1. There are unique circumstances or conditions affecting the property,
2. The variance is necessary for the reasonable and acceptable development of the property in question,
3. The granting of the variance will not be detrimental to the public welfare or injurious to the adjacent property.

14.2 Recording of Plat. In no case shall the requirement of filing and recording a plat for subdivision be waived.

14.3 Planned Development. The Village or County Board may also grant reasonable variances, if the subdivider concurrently submits an application for, and obtains approval of, a planned development. The subdivider shall indicate where the plans vary from the requirements of this Article and shall present sufficient evidence to support the request, indicating why the request will not be detrimental to the public health, safety and welfare.

SECTION 15. WAIVER FOR SMALL SUBDIVISIONS. The subdivider may make application for, and the Village or County Board may grant, a waiver of some or all of the requirements provided for herein for small residential, commercial and industrial subdivisions where the following conditions exist:

1. The subdivision contains; no more than four (4) lots, which total area of said lots shall not exceed one half (h) acre each, and conform to existing zoning regulations,
2. All lots of the proposed subdivisions shall be platted on existing streets,
3. Surfaces of all streets serving the subdivision meet, or exceed, street surface standards of the Village or County,
4. Public water, sanitary sewer, storm sewer system facilities are available to all lots in the subdivision,
5. The development of the subdivision will not increase erosion or flooding potential, and
6. The subdivider demonstrates to the Village or County Board that said development is in conformity with the potential development of abutting property. A subdivider requesting a waiver hereunder shall submit said request in writing to the Village or County Board prior to the submission of a preliminary plat. The request for a waiver shall include a list of all requirements for which a waiver is sought by reference to code numbers and descriptive headings.

SECTION 16. PUBLIC SITES AND OPEN SPACES.

16.1 Recreation Standards. The Loup County/Community Planning Commission may require that land be dedicated for parks and playgrounds or other recreation purposes. Such areas shall be shown and marked on both the preliminary and final plat, as "Dedicated for Park and/or Recreation Purpose." The developer shall dedicate all such recreation areas to the Governing Body as a condition of final subdivision plat approval. The Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

16.2 Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes; and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the performance bond. A recreation site shall have a total frontage on one (1) or more streets of at least one hundred feet (100'), and no other dimension of the site shall be less than one hundred feet (100') unless it is for a designated linear park. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the Governing Body. All land to be reserved for dedication to the Governing Body for park purposes shall have prior approval of the Village or County Board and shall be shown marked on the plat "Dedicated for Park."

SECTION 17. AMENDMENTS. Any provision herein from time to time may be amended, supplemented, changed, modified or repealed by the Governing Body according to law; Provided, however, that such amendments, supplements, changes, modifications or repealed provision, shall not become effective until after study and report and recommendations of the Planning Commission.

17.1 Change of lot boundary without subdivision plat thereof; enumerated; survey and plat approval required; deed of conveyance required; fees.

(a) A proposed change in lot boundary may be approved without a subdivision plat thereof under the following circumstances:

1. If the change is solely for the purpose of establishing or changing the boundary of a public way; or
2. If the change consists of the division of three (3) adjoining lots or platted lots being platted into two (2) adjoining lots; or
3. If the change is for the purpose of making lawful the conveyance of a part of a lot, block, or tract of land which would otherwise be noncomplying with this Code, so long as the boundary change does not create or result in the reaction of a noncomplying lot or lots; or
4. If the boundary change consists of a change between two (2) adjoining lots on one (1) or both of which is or are situated, a building or buildings which do not comply with the minimum setback requirements of this Code, where the purpose of the change is to effect or more nearly effect compliance with such setback requirements; provided, a change of boundary as set forth above shall not be approved, unless the Village or County Boards find that the owner or owners of the lot or lots at the time when construction of the building or buildings was commenced did not have knowledge of the noncompliance, or if facts that should have put the owner or owners on notice to inquire in regard thereto; or
5. If the change is for the purpose of making lawful the conveyance of part of a lot, block, or tract of land which would otherwise be

noncomplying, where the acquisition or conveyance of such part of a lot, block, or tract of land which would otherwise be noncomplying, was made necessary by problems arising in the construction of a building on adjoining property and where the Village or County Boards find that the problems arising in the construction of the building could not have been reasonably anticipated before commencement of construction.

(b) Any boundary change as set forth in subsection (a) above shall not become effective until a detailed drawing or plat showing both the previous and proposed new boundaries, and showing any alternations, adjustments or removal in setbacks lines resulting from the lot boundary change, is delivered to county zoning official and approved by said zoning official for those changes set for in subsections (a)(1), (a)(2), or (a)(3). The zoning official shall, at the time of the delivery of the detailed drawing or plat, collect a filing fee for such boundary change of fifty dollars (\$50.00).

6. If the change is for the reasonable development of real estate as approved by the Board of Commissioners or the Village Board, but in no event shall the division result in or tract less than five (5) acres or less than the minimum of the lot size.

(c) That said changes in boundaries shall be reasonable and as much as practicable conform to the “Loup County Lot Split Guidelines” attached hereto.

(d) The Board of Commissioners and the Village Board hereby reserve the right to reasonably reject any and all Lot Split applications but shall not do so for reasons prohibited by state or federal law.

Loup County Lot Split Guidelines

A lot split is required if the owner of a piece of property wishes to transfer part of their property to another owner (regardless of relationship). The only exception is a piece of property may be sold to an adjoining neighbor as long as the property purchased is added to an existing lot or parcel and a new lot is not created.

1. An application for Lot Split Certificate and the application fee as detailed in the schedule of fees (make checks payable to the Loup County Treasurer) must be made by the owner of the land to Zoning Administrator.
2. Present the original Survey Certification along with four (4) copies each for the Loup County Zoning office, Loup County Clerk's Office, Loup County Area Planning Commission and Loup County Board of Commissioners, as well as the completed application.

The Survey Certificate should be prepared on Mylar or sufficient drafting paper and include:

- a. The proposed name of the split
- b. The names of the owner, engineer, surveyor, architect or engineer who prepared the plat.
- c. Scale at 1" = 100' or larger
- d. Date of preparation and north arrow
- e. Legal description indicated exactly from which 40 acre tract and which quarter section the lot split is being removed
- f. The location of monument
- g. Building setback lines
- h. Utility easements if known
- i. Existing structures
- j. Certificates for signatures of all owners, surveyor, notary acknowledgements, Zoning Administrator, Board of Commissioner's Chairman, County Clerk and/or Register of Deeds

k. The survey shall also contain a location map at a scale of at least 1"=500' indicated exactly from which 40 acre tract and which quarter section the lot split is being removed.

3. A list of the names and addresses of all those persons having any ownership interest in the property involved prepared and certified by a registered abstractor must be submitted or title commitment showing the true vested owner.

4. Also:

a. The completed application fee, signed plat, and abstractor's certificate must be submitted before the plot will be placed on the Board of Commissioners Agenda for final approval. The school district in which the split is located must be notified per state statute.

5. No lot split shall be approved if:

a. A new street or alley is proposed

b. A vacation of streets, alley, setback lines, access control or easement is required or proposed.

c. Such action will result in significant increases in service requirements or will interfere with maintaining existing service levels.

d. The split will result in no direct access to a street.

e. A substandard-sized or non-conforming lot or parcel will be created.

6. Five acres is the minimum size for all lot splits.

a. In an Agricultural (AG) District, 10 acres is the minimum lot size. Three (3) single family dwellings per quarter section will be allowed, five hundred feet (500') from neighboring property line.

b. In an Rural Conservation (RC) District, 10 acres is the minimum lot size. One (1) single family dwelling per quarter section will be allowed, five hundred feet (500') from neighboring property line.

c. In an Agriculture Residential (AGR) District, five acres is the minimum lot size. distance shall be five hundred feet (500') from neighboring property line.