

CHASE COUNTY, NEBRASKA

ZONING REGULATIONS 2000

Prepared for:
Chase County, Nebraska

Prepared By:
Hanna:Keelan Associates, P.C.
Community Planners
Lincoln, Nebraska
www.hannakeelan.com

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ARTICLE 1

GENERAL PROVISIONS

1.1_ TITLE

This Zoning Regulation shall be know, referred to, and cited as the Zoning Regulation of Chase County in the State of Nebraska.

1.2 JURISDICTION

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

1.3 PURPOSE

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

ARTICLE 2

APPLICATION OF REGULATIONS

2.1 GENERAL

The Zoning Regulations set forth within each Zoning 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 Regulation, by 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 Regulation shall meet the minimum requirements established by this Regulation.

2.4 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Regulation 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 zoning permits 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 Regulations, 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 sixty (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 sixty (60) percent or less, no repairs or restoration shall be made unless a zoning permits is obtained within six (6) months, and restoration is actually begun one (1) 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 of 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 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 Zoning District 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 Zoning 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 word “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 Regulation 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 Chase, Nebraska. The words “County Board” shall mean the Chase County Board of Commissioners. The words “Planning Commission” shall mean the County Planning Commission of Chase County duly appointed by the governing body of Chase County.

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.

3.36 **CAMP GROUNDS:** Any premises where two (2) 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 two (2) 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.

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 an 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 jurisdiction of Chase County which are subject to a one (1) percent 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 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 INTENSIVE 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 one hundred eighty (180) consecutive days, which exceed a combination of three hundred (300) animal units below.

Animal Units Equal:

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 3. | (1.0 x _____ number of head) | Slaughter and Feeder Cattle |
| 4. | (1.2 x _____ number of head) | Cow/Calf Pairs |
| 5. | (1.4 x _____ number of head) | Mature Dairy Cattle |
| 6. | (0.4 x _____ number of head) | Swine, 55 lbs. and over |
| 7. | (0.04 x _____ number of head) | Weaned Pigs, less than 55lbs. |
| 8. | (0.1 x _____ number of head) | Sheep |
| 9. | (2.0 x _____ number of head) | Horses |
| 10. | (0.01 x _____ number of head) | Chickens |
| 11. | (0.02 x _____ number of head) | Turkeys |
| 12. | (0.2 x _____ number of head) | Ducks |
| 13. | 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.

Total of item numbers 1 through 11 equaling three hundred (300) or more animal units are defined as an intensive livestock confinement facilities/operation.

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 **LIGHT MANUFACTURING:** A use engaged in the manufacture, predominately from previously maintained materials, of finished products, or parts, including processing, fabrication, assembly, treatment packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

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

3.49 **LOT, CORNER:** A lot abutting two (2) or more streets or roads at their intersection.

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

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

3.52 **LOT OF RECORD:** A lot of which is part of a subdivision 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 so recorded.

3.53 **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.

3.54 **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.

3.55 **MOBILE HOME:** A year-round, transportable structures which is a single family dwelling unit suitable for permanent, more that 30 days of living quarters, more than eight (8) feet wide and 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. Mobile homes shall be skirted with a material that is compatible with the exterior finish of the mobile home.

3.56 **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) ore 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.

3.57 **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.

3.58 **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 December 26, 2000, 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.

3.59 **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.

3.60 **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.

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

3.62 **PARKING SPACE, OFF-STREET:** An area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or road and permitting ingress and egress of an automobile.

3.63 **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.

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

3.65 **SALVAGE OR JUNK YARD:** 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 or 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.

3.66 SPECIAL USE PERMIT: A written permit issued with authorization of the County Board. The special permit provides permission under specific conditions and, possibly performance standards to make certain special uses of land in certain zoning districts as stipulated under permitted special uses in each of the Zoning Districts.

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

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

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

3.70 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.

3.71 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.

3.72 TOWNHOUSE: One of a group or row of not less than three (3) or more than 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.

3.73 VARIANCE: A variance is a relaxation of the terms of the Zoning Regulations 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 Zoning Regulations would result in unnecessary and undue hardship.

3.74 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 regulations of the Zoning District.

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

3.76 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.

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

3.78 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.

3.79 ZONING ADMINISTRATOR: The person duly designated by the County governing body to enforce these Zoning Regulations.

3.80 ZONING DISTRICT: The term “zoning map” means a map or maps officially enacted by the County Board 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, as an official record of Chase County, or unincorporated communities.

ARTICLE 4

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

4.1 PLANNING COMMISSION RECOMMENDATIONS

It shall be a purpose of the Chase County Planning Commission to recommend the boundaries of the various original Zoning 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 shall not hold its public hearings or take action until it has received the final report of the Planning Commission.

4.2 DISTRICTS CREATED

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

2. AG - Agriculture District
3. AGR - Agricultural Residential District
4. R - Single Family
5. C - General Commercial
6. I - Industrial District

4.3 OFFICIAL ZONING MAP

1. The boundaries of the Zoning Districts are shown upon the map, which is made a part hereof by reference, which map is designated as the Chase County Zoning Map dated December 26, 2000 and signed by the Chairperson of the County Board, and attested by the County Clerk and hereinafter referred to as the "Official Zoning Map".
2. The signed copy of the Zoning Map containing the Zoning Districts designated at the time of adoption of this Regulation shall be maintained in the offices of the County Clerk for the use and benefit of the public.

1. 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, such changes shall be entered on the appropriate part of the Official Zoning Map promptly after the amendment has been approved by the governing body with an entry on the Official Zoning Map as follows:

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

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

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

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map 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 streets, highways, 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 following railroad lines shall be construed to be midway between the main tracks;

4. Boundaries indicated as parallel to or extension of features indicated in subsection 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
5. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection 1 through 4 above, the Board of Zoning Adjustment shall interpret the Zoning District boundaries.
6. Where a District boundary line divides a lot which was in single ownership at the time of passage of this Regulation 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 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.

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

1. General farming and ranching activities, excluding expansion of existing or development of new intensive livestock confinement facilities/operations as defined in Section 3.45. Expansion of an intensive livestock confinement facilities/operations shall be defined as such when said facility increases in size from one class to another in conformance with Section 6.3.
2. Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems;
3. Bulk grain and produce storage, excluding commercial warehouses;
4. Irrigation, flood, erosion and sediment control projects;
5. Non-farm single family and ranch and farm dwellings;
6. Greenhouses and garden centers;
7. Bed and breakfast;
8. Churches, places of worship and cemeteries; and
9. Broadcast towers and stations, including Amateur Radio or land mobile towers of less than or equal to 100 feet, when in conformance with restrictions associated with airport approach zones and flight paths of municipal and/or private airports (crop dusting air strips).

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 7.2; and
3. Roadside stands for the temporary sale of produce.

5.14 PERMITTED SPECIAL USES: A building or 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. Airports and heliports including crop dusting strips;
2. Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills; gravel plants and asphalt or concrete batch plants;
3. 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;
4. Broadcast towers and stations, including Amateur Radio or land mobile towers of more than one hundred (100) feet when in conformance with the following:
 - A. Towers, including wind generation towers, shall be located a minimum distance of 1,320 feet, or twice the height of the tower, whichever is greater, from adjacent dwellings or structures other than those associated with the tower facility.
 - B. Towers of two hundred (200) feet or greater in height must comply with the regulation of the Federal Aviation Administration (FAA) and submit an FAA 7460 form to the FAA Central Region Office. Towers less than 200 feet in height that break the 100 to 1 slope of the approach path of a public use airport must also submit a FAA 7460 form.
5. Public and private recreational uses, including parks and playgrounds, campgrounds and riding stables;
6. Auction/sale barns and yards;

7. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
8. Salvage or junk yards;
9. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and quarries;
10. Private elementary and high schools;
11. Expansion of existing or development of new intensive livestock confinement facilities/operations as described in Section 3.45 in accordance with Section 6.3;
12. Veterinary facilities;
13. Dog breeding establishments and kennels;
14. Manufacturing, Commercial and/or Industrial operations;
15. Hospitals, penal institutions and sanitariums;
16. Nursing and care homes;
17. Public and private, including non-profit, charitable institutions; and
18. Recreational motel-lodging.
19. Motorized Racing Facilities (amended May 2002)

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 SPECIAL REGULATIONS: Disposal of any confinement or feedlot waste on land within Chase County other than on the property upon which the confinement or feedlot is located, shall be subject to the license requirements and waste disposal requirements and recommendations of the State of Nebraska.

5.17 MINIMUM LOT REQUIREMENTS

1. Single Family Dwellings:

Lot Size: **Three (3) acres**, with the placement of a maximum of four single family dwellings per 160 acres. All dwellings shall be 1) adjacent to an improved county road (above minimum maintenance road) or have access to an improved county road via a private driveway or private road and 2) be a minimum distance from an existing intensive livestock, confinement facility/operation in conformance with the distance requirements established in Section 6.3

5.18 MINIMUM YARD REQUIREMENTS

Front Yard: There shall be a minimum front yard of not less than a depth of 25 feet.

Rear Yard: No limitations; unless abutting a residential district then the minimum rear yard shall be 15 feet.

Side Yard: No limitations; unless abutting a residential district then the minimum side yard shall be 10 feet.

5.19 MAXIMUM HEIGHT: No limitation.

5.2 AGR AGRICULTURAL RESIDENTIAL DISTRICT

5.21 INTENT: This District is intended to provide for low-density, acreage residential development in selected areas in close proximity to the communities of Chase County, 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.

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

1. General farming, including hobby farming or animal raising, excluding any expansion of existing or development of intensive livestock confinement facilities/operations as defined in Section 3.45.
2. Non-farm single family and ranch and farm dwellings, in addition single family dwellings must be located minimum distances from an intensive livestock confinement facility/operation in conformance with the distance requirements established in Section 6.3.
3. Irrigation and flood control projects;
4. Child care home;
5. Public parks and recreational areas;
6. Community buildings and/or facilities owned and/or occupied by public agencies;
7. Public and/or private schools; and
8. Churches, places of worship, and cemeteries.

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;
2. Home occupations in conformance with Article 8.2; and
3. Roadside stands for sale of agricultural produce.

5.24 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. Child care center;
4. Radio and television towers and transmitters;
5. Camp grounds;
6. Wind generating systems;
7. Commercial kennels;
8. Public and private charitable institutions;
9. Greenhouses and nurseries;

10. Animal clinics, animal hospitals and veterinarian services;
11. Mobile homes;
12. Rural subdivisions with individual parcels less than five (5) 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 are of individual parcels may be reduced to one (1) acre.

5.25 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.

5.26 MINIMUM AREA AND YARD REQUIREMENTS:

1. The minimum lot area for AGR uses shall be 5 acres. All improved uses, other than general farming, ranching, pasturing, etc, shall be adjacent to an improved county road (above minimum maintenance road).

2. Yard requirements are as follows:

Front Yard: There shall be a minimum front yard of not less than a depth of twenty-five (25) feet measured from the right-of-way line.

Rear Yard: There shall be a minimum rear yard of fifteen (15) feet.

Side Yard: There shall be a minimum side yard of ten (10) feet.

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

5.3 R RESIDENTIAL DISTRICT

5.31 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.

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

2. Single family dwellings;
3. Manufactured homes which comply with the provisions of Article 8;
4. Mobile Homes;
5. Two-family dwellings;
6. Nursery, primary and secondary education;
7. Public parks, buildings and grounds;
8. Child care homes;
9. 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
10. Places of worship such as churches and synagogues.

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

1. Home occupations in accordance with Article 7.2; and
2. Accessory uses and structures normally appurtenant to permitted uses and structures.

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purpose in the R 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; and
8. Bed and breakfast homes.

5.35 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 Residential District.

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

1. General Requirements:

| | <u>Minimum Lot Area (Sq. Ft.)</u> | <u>Minimum Lot Width</u> | <u>Required Front Yard</u> | <u>Required Side Yard</u> | <u>Required Rear Yard</u> | <u>Maximum Height</u> |
|------------------------|-----------------------------------|--------------------------|----------------------------|---------------------------|---------------------------|-----------------------|
| Single Family Dwelling | 7,000 | 50' | 25' | 5' | 20' | 35' |
| Two Family Dwelling | 3,750 per family | 25' per family | 25' | 5', 0' of party wall | 20' | 35' |
| Other Permitted Uses | 10,000 | 75' | 25' | 5' | 20' | 35' |

2. There shall be a required front yard setback of twenty-five (25) feet on each street side of a corner 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.

5.4 C GENERAL COMMERCIAL DISTRICT

5.41 INTENT: This District is designed to provide for a wide range of retail, office, amusement and service uses normally found in the primary business areas of Champion and Enders. Highest density and intensity of use is permitted in this district.

5.42 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 shoe shine shops;
7. Business offices;
8. Child care homes and centers;
9. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses);
10. Detached banking facilities;
11. Dry cleaning or laundry establishments;
12. Food service, restaurants and taverns;
13. Food storage lockers;
14. Funeral homes and mortuaries;
15. Garden centers;
16. Messenger and telegraph stations;
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.

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

1. Home occupations in accordance with Article 7.2; and
2. Accessory uses and structures normally appurtenant to permitted uses and structures and to uses and structures permitted as special uses.

5.44 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C 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.

5.45 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 C Commercial Business District.

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

| | <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> |
|----------------|-------------------------------|----------------------|--------------------------------|----------------------------------------------------|-------------------------------|---------------|
| Permitted Uses | 3,500 | 25' | 0' | 0', 10' when abutting a residential district | 15' | 45' |

5.5 I INDUSTRIAL DISTRICT

5.51 INTENT: This District is designed to provide for a wide range of light industrial and related uses.

5.52 PERMITTED PRINCIPAL USES AND STRUCTURES:

1. Animal hospitals;
2. Automobile sales and services;
3. Automotive wash facilities;
4. Bottling works;
5. Building material sales and ready-mix concrete plants;
6. Carpenter, cabinet, plumbing or sheet metal shops;
7. Carpet and rug cleaning and repair services;
8. Disinfecting and exterminating services;
9. Dry cleaning, laundering and dyeing services;
10. Dyeing and finishing of textiles;
11. Educational and scientific research services;
12. Electrical sales and services;
13. Equipment rental and leasing services;
14. Farm machinery and equipment - retail;
15. Farm supplies - retail;
16. Feeds, grains and hay - retail;
17. Food lockers and storage services;
18. Freight forwarding services;
19. Furniture repair and reupholster services;
20. Fur trading services;
21. Garden centers and nurseries;
22. Gas utility maintenance yard;
23. Light manufacturing operation;
24. Landscape sales and services;
25. Mobile and modular home sales and manufacturing;
26. Newspaper publishing plants and commercial printing;
27. Photoengraving;
28. Photo finishing services;
29. Public utility and public service uses;
30. Radios, televisions, phonographs, recorders, tape players and other similar devices repair services;
31. Service stations;
32. Stores or shops for the sale of industry goods at retail;
33. Telephone services;
34. Transportation warehousing;
35. Truck wash services;
36. Veterinarian services;
37. Warehousing and storage except for products of a highly explosive, combustible or volatile nature;

- 38. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature; and
- 39. Mini-warehouse.

5.53 PERMITTED ACCESSORY USES: Accessory uses and structures normally appurtenant to permitted uses and structures.

5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the I Industrial District if a special permit for such use has been obtained in accordance with Article 6 of this Regulation.

- 1. Salvage or junk yard;
- 2. Recycling center;
- 3. Mineral extraction, which shall include the following:
oil wells, sand and gravel extraction and strip mine operations and quarries; and
- 4. Airport.

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 I Industrial District.

5.56 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> |
|----------------|-------------------------------|----------------------|--------------------------------|----------------------------------------------------|-------------------------------|---------------|
| Permitted Uses | None | 100' | 40' | 0', 10' when abutting a residential district | 15' | None |

5.57 PARKING REGULATIONS: Parking within the I Industrial District shall be in conformance with the provisions of Article 7 of this Regulation.

ARTICLE 6

SPECIAL USE PERMIT

6.1 GENERAL

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

6.2 PROCEDURES

Such application shall be in writing, filed in the Office of the County Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the County 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, within 30 days. Upon hearing, the County 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 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 Board, one time at least ten (10) 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 the County or Planning Commission which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the County Clerk. 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.

Except as otherwise provided herein, no special use permit shall be granted by the County Board, without an affirmative vote of a majority of all members of the County 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 (20) percent 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 (2/3) of all members of the County Board.

Expiration of Special Use Permits: The effective date of a Special Use Permit shall be the date of approval, authorized by the signature of the Chase County Zoning Administrator. Said signature shall only be affixed upon the Special Use Permit after approval by the Chase County Board of Commissioners. All approved Special Use Permits shall be valid for a period of time not to exceed two (2) years from the effective date to allow for completion of the project. Once completed, the Special Use Permit shall be perpetual unless upon review by the County Board as stated in Article 6.3, paragraph 4, the special use permit is placed under reconsideration. (Amended: May 8, 2001.)

6.3 INTENSIVE LIVESTOCK FACILITIES/OPERATIONS

Intensive livestock facilities/operations, as defined in Section 3.45, shall only be allowed by special permit in the AG District under the following conditions:

1. Distance requirements:

Any new or expanding intensive livestock facilities/operations, as defined in Section 3.45, shall either be: (1) 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, or (2) have signed letters of agreement from two-thirds of the owners within the setback area of occupied dwellings, 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, supporting the proposed expansion or development of new intensive livestock facilities/operations. Occupied dwellings are dwellings that have been occupied for at least 90 days continuously prior to the initial Planning Commission meeting in which the proposed Special Use Permit is an agenda item. (Amended: May 8, 2001.)

Expansion of an existing intensive 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.

| MINIMUM DISTANCE REQUIREMENTS | | | | |
|-------------------------------------------|----------------|-----------------|------------------|------------------|
| | <u>Class I</u> | <u>Class II</u> | <u>Class III</u> | <u>Class IV</u> |
| Total Animal Units Allowed (Section 3.45) | 300 to 1,000 | 1,001 to 5,000 | 5,001 to 20,000 | 20,000 and above |
| Minimum Distance Required | 1,000 feet | 1 Mile | 1 ½ Mile | 2 Mile |

1. A management plan for the facility, acceptable to the Nebraska Department of Environmental Quality and the Chase County Board, which provides for the proper disposal of animal waste in a manner as not to contaminate ground water or any stream, creek or river and minimizes odor.
2. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.
3. Special use permits granted under this section shall be subject to review by the County Board.

ARTICLE 7

ACCESSORY USES

7.1 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.

7.2 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.

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

- 7.31 The home shall have no less than 900 square feet of floor area.
- 7.32 The home shall have no less than an 18 foot exterior width.
- 7.33 The roof shall be pitched with a minimum vertical rise of two and one-half (2 ½) inches for each 12 inches of horizontal run.
- 7.34 The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction.
- 7.35 The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock.
- 7.36 The home shall have wheels, axles, transporting lights and removable towing apparatus removed.
- 7.37 Nothing in this Article shall be deemed to supersede any valid restrictive covenants of record.
- 7.38 The home must meet building code requirements adopted by the State of Nebraska and any future code requirements adopted by Chase County.

7.4 YARD REGULATIONS:

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

Where forty (40) percent or more of the frontage on one (1) side of a street between two (2) 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 (40) percent or more of the frontage on one (1) side of a street between two (2) 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.

7.42 **STRUCTURAL PROJECTIONS:** The ordinary projections of chimneys and flues, buttresses, eaves, overhangs, open-unenclosed steps or stoops up to five (5) feet 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.

7.5 EXCEPTIONS TO HEIGHT REGULATIONS: The height limitations contained in the Schedule of Zoning 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.

7.6 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.

ARTICLE 8

COUNTY BOARD OF ZONING ADJUSTMENT

8.1 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 (5) regular members, plus one (1) 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)

8.2 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.

8.3 INTERPRETATIONS AND VARIANCES

8.31 The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these Regulations, have the following powers (Ref. 23-168.03 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. Whereby reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of 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.

8.32 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.

8.33 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.

8.4 PROCEDURES FOR REQUESTING A VARIANCE

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

8.41 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 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.

8.42 The chairperson of the Board shall set a hearing within 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 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.

8.5 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 23-168.04.

ARTICLE 9

ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

9.1 ENFORCEMENT

9.11 ZONING ADMINISTRATOR. This Regulation 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 zoning permits when compliance is made with this Regulation.
2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Regulation.
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 Regulation 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 Regulation and amendments thereto, including all amendments adopted through the preceding December 31st; and
 - b. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding December 31st.
6. Whenever the Zoning Administrator shall find that any of the provisions of this Regulation 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 Regulation to insure compliance with, or to prevent violation of, its provisions.

9.2 ZONING PERMITS

9.21 GENERAL. No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permits 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 Chase County and with all orders, and variances lawfully issued by the Board of Adjustment.

9.22 APPLICATION FOR ZONING PERMIT. All applications for a zoning permits 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 Regulation.

9.23 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 30 days of receipt of same. Upon approval and receipt of required fees, the Zoning Administrator shall promptly issue the zoning permits 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."

9.24 APPEAL FROM APPROVAL OR DISAPPROVAL. An appeal from approval or disapproval of any Application shall be made to the Board of Adjustment in writing within 10 days after the determination of the Zoning Administrator has been filed.

9.25 EXPIRATION OF ZONING PERMITS. The effective date of a Zoning Permit shall be the date of approval, authorized by the signature of the Chase County Zoning Administrator. All approved zoning permits shall be valid for a period of time not to exceed one (1) year from the effective date to allow for completion of the project. Once completed, the zoning permit shall be perpetual. (Amended: May 8, 2001.)

9.26 NOT REQUIRED. "Building permits" are not required for buildings utilized for agricultural purposes on a farmstead of 20 acres or more which produces \$1,000 or more of farm products each year. (R.S. Neb. 23-114.03)

9.27 REQUIRED. "Zoning permits" are required for all structures and uses of land within Chase County and the un-incorporated communities of Champion and Enders.

9.3 FORM OF PETITIONS, APPLICATIONS AND APPEALS

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

9.4 SCHEDULE OF FEES

9.51 The schedule of fees shall be established for this Zoning Regulation 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 10

AMENDMENT

10.1 GENERAL

The County Board may from time to time supplement, change or generally revise the Zoning District Boundaries or Regulations contained in these Regulations. 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.

10.2 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 Regulation, 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 mailed to all owners of lands located within 300 feet of the area proposed to be altered in incorporated areas and one (1) mile in unincorporated areas and an opportunity granted to interested parties to be heard.

10.3 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 Regulations except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half ($\frac{1}{2}$) 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 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 to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.

10.4 PROTEST

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment to the Regulations or fails to recommend, if a protest against such amendment be filed in the office of the County Clerk within 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 (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (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 11

COMPLAINTS, PENALTIES, REMEDIES

11.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Regulation 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 Regulation.

11.2 PENALTIES

The owner or agent of a building or premises in or upon which a violation of any provisions of this Regulation has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a Class V misdemeanor. Each and every day that such violation continues after notification shall constitute a separate offense.

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

11.3 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 Chase 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 12

LEGAL STATUS PROVISIONS

12.1 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 Regulation as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

12.2 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 Regulation.

12.3 REPEAL OF CONFLICTING RESOLUTIONS

All other Regulations in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

12.4 EFFECT DATE

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