GREELEY COUNTY, NEBRASKA

ZONING REGULATIONS - 2025

ORIGINALLY ADOPTED 1999

-REVISED-
JUNE 2008

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Prepared By:

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

*COMPREHENSIVE PLANS & ZONING * HOUSING STUDIES *
DOWNTOWN, NEIGHBORHOOD & REDEVELOPMENT PLANNING *
CONSULTANTS FOR AFFORDABLE HOUSING DEVELOPMENTS**

***Lincoln, Nebraska* 402.464.5383 ***

*** Becky Hanna, Tim Keelan, Lonnie Dickson, AICP, Keith Carl ***

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TABLE OF CONTENTS

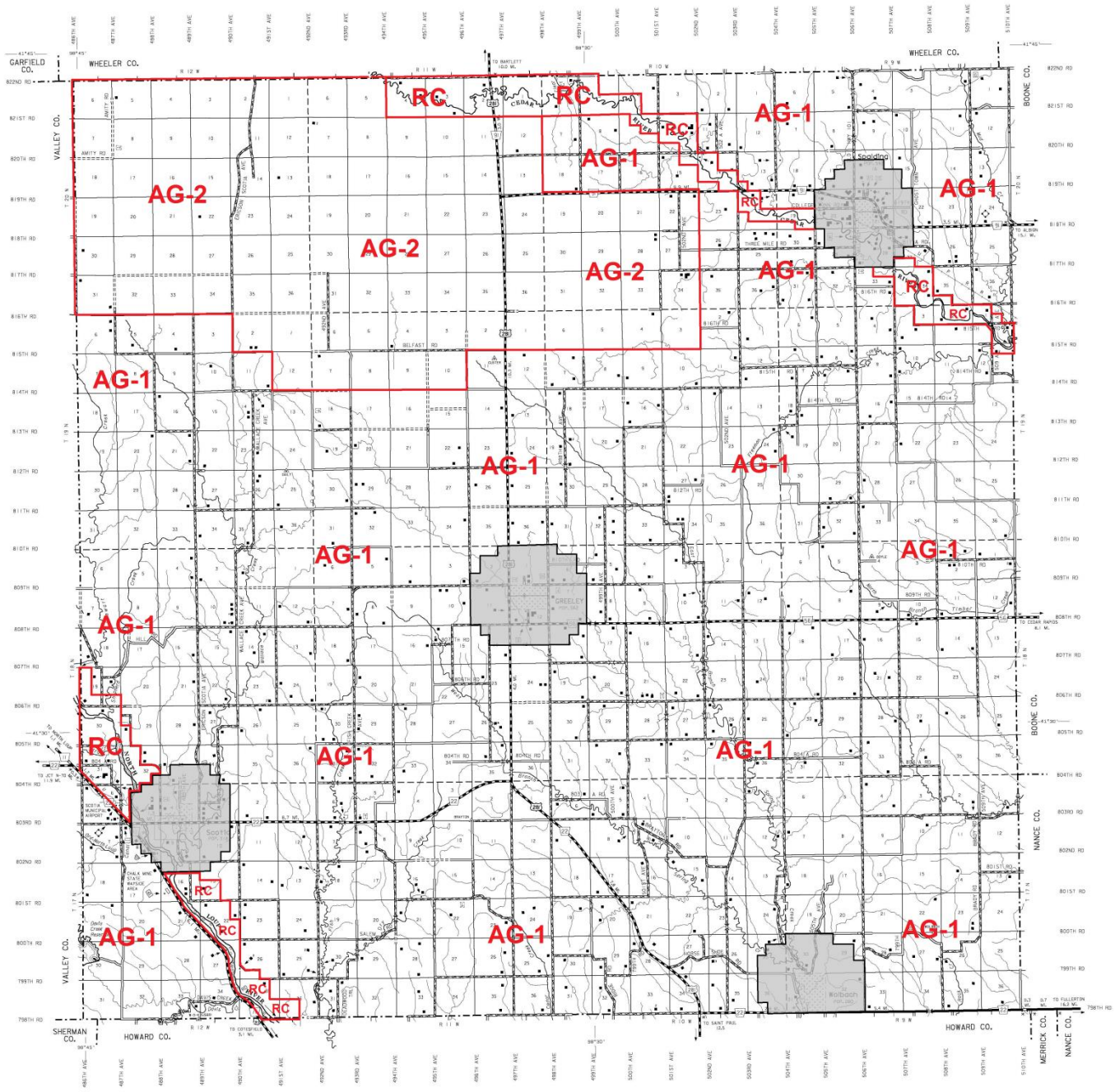
Article 1	**General Provisions**	**Page**
1.1	Title	1
1.2	Jurisdiction	1
1.3	Purpose	1
Article 2	**Application of Regulations**	
2.1	General	2
2.2	Zoning Affects Every Building and Use	2
2.3	Yard and Lot Reduction Prohibited	2
2.4	Minimum Requirements	2
2.5	Nonconformities	2
Article 3	**General Definitions**	
3.1	General Provisions	6
3.2	General Terminology	6
3.3	Definition	6
Article 4	**Establishment and Designation of District**	
4.1	Planning Commission Recommendations	17
4.2	Districts Created	17
4.3	Official Zoning Map	17
4.4	Rules for Interpretation of District Boundaries	18
Article 5	**Zoning Districts**	
5.1	AG-1 Agriculture District	20
5.2	AG-2 Agriculture District	24
5.3	RC Rural Conservation District	27
5.4	C Highway Commercial District	30
5.5	I Industrial District	32
Article 6	**Special Use Permit**	
6.1	General	34
6.2	Procedures	34
6.3	Salvage or Junk Yard	36
6.4	Landfills	36
6.5	Commercial Feedlot Regulations	38
6.6	Modifying, Suspending, or Revoking Permits	
Article 7	**Parking Regulations**	
7.1	General Provisions	51
7.2	Off-Street Parking Requirements	52
7.3	Off-Street Loading Requirements	53

TABLE OF CONTENTS (CONT.)

Article 8	**Accessory Uses**	
8.1	Accessory Building	54
8.2	Home Occupations	54
8.3	Manufactured Homes	55
8.4	Yard Regulations	55
8.5	Exceptions to Height Requirements	56
8.6	Exceptions to Lot Size Requirements	56
8.7	Wind Energy Conversion Facilities	56
Article 9	**County Board of Zoning Adjustment**	
9.1	Creation, Membership	63
9.2	Meetings	63
9.3	Interpretations of Variances	63
9.4	Procedures foe Requesting a Variance	65
9.5	Appeals from the Board of Zoning Adjustment	65
Article 10	**Administrative Provisions, Enforcement and Fees**	
10.1	Enforcement	66
10.2	Building and Zoning Permits	67
10.3	Certificate of Occupancy Required	68
10.4	Form of Petitions, Applications and Appeals	69
10.5	Schedule of Fees	69
Article 11	**Amendment**	
11.1	General	70
11.2	Submission to Planning Commission	70
11.3	Amendment Consideration and Adoption	70
11.4	Protest	71
Article 12	**Complaints, Penalties, Remedies**	
12.1	Complaints Regarding Violations	72
12.2	Penalties	72
Article 13	**Legal Status Provisions**	
13.1	Separability	73
13.2	Purpose of Catch Heads	73
13.3	Repeal of Conflicting Resolutions	73
13.4	Effective Date	73

OFFICIAL ZONING MAP

GREELEY COUNTY, NEBRASKA



LEGEND

AG-1	AGRICULTURAL DISTRICT
AG-2	AGRICULTURAL DISTRICT
RC	RURAL CONSERVATION DISTRICT
C	HIGHWAY COMMERCIAL DISTRICT
I	INDUSTRIAL DISTRICT

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

* Lincoln, Nebraska * 402.464.5383 *

This map is designated as the Greeley County Official Zoning Map, dated October 27, 2015, and hereinafter referred to as the "Official Zoning Map". (Resolution No. 2015-11, October 27, 2015.)

Chairperson, Co. Board — Date: 10/27/2015

ARTICLE 1

GENERAL PROVISIONS

1.1 TITLE

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

1.2 JURISDICTION

The provisions of this Resolution shall apply within the planning jurisdiction of Greeley County as established on the map entitled "The Official Zoning Map of Greeley County, Nebraska". The jurisdiction includes the rural and unincorporated areas of Greeley County, except for the one-mile Extra-Territorial Planning Jurisdiction of the four Villages. (Resolution No. 2015-11, October 27, 2015.)

1.3 PURPOSE

In pursuance of the authority conferred by Section 23-114.03 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 Greeley County and for implementing the Comprehensive Plan of the County. (Resolution No. 2015-11, October 27, 2015.)

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.

Exception: A nonconformity may be increased when the nonconformity is the result of a residence not meeting a minimum distance setback as described in Section (6.5 & 5.12, #5) A nonconforming residence shall be allowed to further encroach upon minimum distance setbacks at a distance not to exceed 200 feet.

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 the 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 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 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 Greeley, Nebraska. The words "County Board" shall mean the Greeley County Board of Commissioners. The words "Planning Commission" shall mean the County Planning Commission of Greeley County duly appointed by the governing body of Greeley 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.
(Resolution No. 2015-11, October 27, 2015.)

3.32 ADMINISTRATIVE CONDITIONAL USE PERMIT: is solely for permitting the spreading of livestock waste on land not on the DEQ Nutrient Management Plan. It is issued by the Zoning Administrator without a Public Hearing and does not need the approval of the Planning Commission or the County Board of Commissioners.
(Resolution No. 2015-11, October 27, 2015.)

3.32B ADMINISTRATIVE SUBDIVISION: Any single lot subdivision that includes an existing single family dwelling may be subdivided administratively by the recommendation of the Zoning Administrator, with final approval by the Greeley County Commissioners. (Resolution No. 2015-11, October 27, 2015.)

3.33 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 <u>and produces $1,000 per year</u>.
(Resolution No. 2015-11, October 27, 2015.)

3.34 BEST INTERESTS OF COMMUNITY: is the interests of the Community at large and not interest of the immediate neighborhood.
(Resolution No. 2015-11, October 27, 2015.)

3.35 BEST MANAGEMENT PLAN: a plan which describes Best Management Practices intended to prevent or minimize the potential for pollution of waters, air or land of the State, and to prevent or minimize health problems resulting from the operation.
(Resolution No. 2015-11, October 27, 2015.)

3.36 BEST MANAGEMENT PRACTICES: Treatment requirements, operation and maintenance procedures, schedules of activities, prohibitions of activities, and other management practices to control site runoff, spillage, leaks, sludge or waste disposal or drainage from raw material or waste storage. With livestock – livestock management techniques and practices as set forth by various agencies, including the Nebraska Department of Environmental Quality, that encourage and protect the environment and public.
(Resolution No. 2015-11, October 27, 2015.)

3.37 BORROW PIT: any place or premises where, dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.
(Resolution No. 2015-11, October 27, 2015.)

3.38 BUILDABLE AREA: The portion of a lot remaining after required setbacks have been provided.

3.39 BUILDING: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter or 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 "structures".

3.40 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 10 feet from the front line or from the grade in all other cases.

3.41 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.

3.42 COMMERCIAL BIODEGRADABLE MATERIAL: Industrial waste which decomposes readily by bacterial action including, and not necessarily limited to, sludge, Soilbuilder I, Soilbuilder II, grit food scraps and similar materials.
(Resolution No. 2015-11, October 27, 2015.)

3.43 COMMERCIAL BIODEGRADABLE MATERIAL APPLICATION SITE: Land where Industrial Commercial Biodegradable materials are applied.
(Resolution No. 2015-11, October 27, 2015.)

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

3.45 CONFINEMENT: The concentrated feeding of animals in buildings, lots or pens which are not normally used for the raising of crops or the grazing of animals, except that the word "confinement" shall not mean the temporary concentrated feeding of livestock during seasonal adverse weather.
(Resolution No. 2015-11, October 27, 2015.)

3.46 CONSERVATION/PRESERVATION EASEMENTS: Shall mean a right, covenant or condition of any deed, will, agreement or other instrument executed by or on behalf of the owner of an interest in real property imposing a limitation upon the rights of the owner or an affirmative obligation upon the owner appropriate to the purpose of the retaining or protecting the property in its natural, scenic or open condition, assuring its availability for agricultural, horticultural, forest, recreational, wildlife habitat or open space, protecting air or other natural resources or for such other conservation purpose as may qualify as a charitable contribution under the Internal Revenue Code. As defined in Section 76-2111 of the Nebraska Revised Statutes, as amended.
(Resolution No. 2015-11, October 27, 2015.)

3.47 CONTROLLED DISCHARGE LAGOON: A discharging wastewater lagoon system operated to store wastewater for extended periods and to periodically discharge treated effluent in accordance with permits.
(Resolution No. 2015-11, October 27, 2015.)

3.48 DISCHARGE: The accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of pollutants into any waters of the State or in a place which will likely reach waters of the State.

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

3.50 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.

3.51 DWELLING, SEASONAL: A dwelling designed and used as a temporary residence and occupied less than six (6) months in each year.

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

3.53 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.

3.54 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.

3.55 FEEDLOT, COMMERCIAL: The feeding, farrowing or raising of cattle, swine, sheep, poultry, or other livestock, in a concentrated area where grazing is not possible, where the confinement is for more than six (6) months in any one (1) calendar year, and where the number of animals so maintained exceeds one thousand (1,000) animal units as defined herein. The area of the concentrated feeding operation shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds and related facilities. Such facilities shall be constructed and operated in conformance with applicable County, State, and Federal regulations. Commercial Feedlots shall not be considered general farming or ranching activities and are not permitted principal uses or structures. Two or more feedlots operations under common ownership are deemed to be a single livestock operation if they are adjacent to each other or if they utilize a common area or system for the disposal of livestock wastes. Animal units (AU) are defined as follows:
(Resolution No. 2015-11, October 27, 2015.)

A. Dairy Cattle:

1.	Mature cow over 1,000 lbs.	_____ x 1.4 = _____
2.	Mature cow under 1,000 lbs.	_____ x 1.0 = _____
3.	Heifer	_____ x 0.7 = _____
4.	Calf	_____ x 0.2 = _____

B. Beef Cattle:

	1.	Slaughter steer or stock cow	_____ x 1.0 = _____
	2.	Feeder cattle or heifer	_____ x 0.7 = _____
	3.	Cow and Calf pair	_____ x 1.2 = _____
	4.	Calf	_____ x 0.2 = _____
C.	**Swine**		
	1.	Over 300 lbs.	_____ x 0.4 = _____
	2.	Between 55 and 300 lbs.	_____ x 0.3 = _____
	3.	Under 55 lbs.	_____ x 0.05 = _____
D.	**Horse**		_____ x 1.0 = _____
E.	**Sheep and Lambs**		_____ x 0.1 = _____
F.	**Chickens**		
	1.	Laying hen or Broiler (liquid manure system)	_____ x 0.033 = _____
	2.	Chicken over 5 lbs. (dry manure system)	_____ x 0.005 = _____
	3.	Chicken under 5 lbs. (dry manure system)	_____ x 0.003 = _____
G.	**Turkeys**		
	1.	Over 5 lbs.	_____ x 0.018 = _____
	2.	Under 5 lbs.	_____ x 0.005 = _____
H.	**Ducks**		_____ x 0.01 = _____
I.	**Animal not listed in items A-H**		= Av. Weight of animal in lbs. divided by 1,000 lbs.

(Resolution No. 2015-11, October 27, 2015.)

3.56 FEEDLOT FARM: The feeding, farrowing or raising of cattle, swine, sheep, poultry, or other livestock, in a concentrated area where grazing is not possible, where the confinements is for more than six (6) months in any one calendar year, and where the number of animal units (as described in Feedlot, Commercial) so maintained exceeds 15 animal units, but no more than 1,000 animal units. The area of the concentrated feeding operation shall include the pens, corrals, sheds, building, feed storage areas, waste disposal ponds, and related facilities. (Resolution No. 2015-11, October 27, 2015.)

3.57 FLOOD PLAIN: Those lands within the zoning jurisdiction of Greeley 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 County Clerk.

3.58 HOLDING POND: An impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes.

3.59 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.

3.60 IRRIGATION DISTRIBUTION SYSTEM: Any device or combination of devices having a hose, pipe, or other conduit, which connects directly to any source of ground or surface water, through which livestock wastes or a mixture of water and livestock wastes is drawn and applied for agricultural or horticultural purposes.

3.61 LAGOON: An impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of waste by anaerobic, aerobic or facultative digestion.

3.62 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 over all exposed waste at the end of each operating day.

3.63 LIGHT MANUFACTURING: A use engaged in the manufacture, predominately from previously made 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.

3.64 LIQUID MANURE: Type of livestock waste that is in liquid form, collected in liquid manure pits and can be sprayed upon or injected beneath the surface of the ground.

3.65 LIQUID MANURE STORAGE PITS: Earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.

3.66 LIVESTOCK WASTE CONTROL FACILITIES: Any structure or combination of structures utilized to control livestock waste until it can be used, recycled, or disposed of in an environmentally acceptable manner. Such structures include, but are not limited to, diversion terraces, holding ponds, debris basins, liquid manure storage pits, lagoons or other such devices utilized to control livestock wastes.

3.67 LIVESTOCK WASTES: Animal and poultry excreta and associated feed losses, bedding, spillage or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock wastes.

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

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

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

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

3.72 LOT OF RECORD: A lot 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 so recorded.

3.73 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.

3.74 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 is 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.

3.75 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. Mobile homes shall be skirted with a material that is compatible with the exterior finish of the mobile home.

3.76 MOBILE HOME PARK: Any area of land on 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.

3.77 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.

3.78 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 April 28, 1999, 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.

3.79 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.

3.80 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.

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

3.82 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.

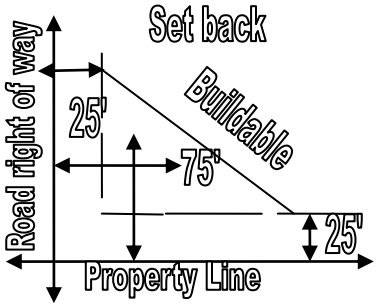
3.82B PERMANENT FOUNDATION: Shall mean a poured concrete masonry or concrete block masonry foundation perimeter wall system that supports a manufactured or mobile home that has the axels and tow gear completely removed from the frame of the dwelling.

3.83 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; accepts no material as defined by State and Federal law; allows no wrecking or dismantling of salvage material and no salvage material is held outside a building.

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

3.85 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.

3.86 SIGHT TRIANGLE (at road intersections)
This seventy-five (75') foot point from each property line is the middle of the hypotenuse of an isosceles triangle (two equal sides), formed by the twenty-five (25') foot setback and the hypotenuse.



3.87 SLUDGE: Solids removed from animal waste lagoon during wastewater treatment and then disposed of by incineration, dumping, or incorporating in soil by injection or spreading.

3.88 SPECIAL USE PERMIT: A written permit issued with authorization of the County Board. 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.

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

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

3.91 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.

3.92 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.

3.93 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.

3.94 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.

3.95 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.

3.96 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.

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

3.98 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.

3.99 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 resolution.

3.88 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.

3.100 ZONING ADMINISTRATOR: The person duly designated by the county governing body to enforce these regulations.

3.101 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 the County.

ARTICLE 4

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

4.1 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 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 Greeley County, as named and described in Article 5 of this Resolution.

1. AG-1 - Agriculture District
2. AG-2 - Agriculture District
3. RC – Rural Conservation District.
4. C - Highway Commercial District
5. I - Industrial District

(Resolution No. 2015-11, October 27, 2015.)

4.3 OFFICIAL ZONING MAP

1. The boundaries of the Districts are shown upon the map, which is made a part hereof by reference, which map is designated as the Greeley County Zoning Map, County Map dated October 27, 2015, and signed by the Chairperson of the County Board and hereinafter referred to as the "Official Zoning Map".
   (Resolution No. 2015-11, October 27, 2015.)

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 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 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 of the County and attested by the County Clerk.
(Resolution No. 2015-11, October 27, 2015.)

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 of difficult to interpret, the County may, by resolution, adopt a new Official Zoning Map(s) which shall supersede the prior Official Zoning Map(s).

(Resolution No. 2015-11, October 27, 2015.)

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 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 approximately following village limits shall be construed as following such village limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

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.

8. Boundaries of the Extra-Territorial Planning Jurisdiction of the Villages are "squared-off", following quarter/quarter lines.

ARTICLE 5

ZONING DISTRICTS

5.1 AG-1 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 any expansion of existing or development of commercial feedlots as defined in Section 3.55. Farm feedlots of 15 to 1,000 animal units are permissible when in conformance with the odor footprint requirements of Section 6.5 of these Regulations.
   (Resolution No. 2015-11, October 27, 2015.)

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. Single family dwellings, including non-farm dwellings, shall have a permanent foundation and be limited to one dwelling per quarter section; Ranch and farm dwellings may have one additional on farm/ranch single or two family dwelling (which may be a mobile home that is exempt from requirement of a permanent foundation) for the purpose of housing relatives or permanent agriculture workers. In addition, single family dwellings must be located minimum distances from commercial feedlots in conformance with the distances established in Section 6.5;
   (Resolution No. 2015-11, October 27, 2015.)

6. Greenhouses and garden centers;

7. Bed and breakfast; and

8. Churches, places of worship and cemeteries.

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.

5.14 PERMITTED CONDITIONAL USE: The Zoning Administrator may issue an Administrative Conditional Use Permit when an applicant for one of the following conditional uses meets the provisions established for such use.

1. Application or disposal of commercial livestock waste upon agricultural lands in conformance with Section 6.5 (1) G.
(Resolution No. 2015-11, October 27, 2015.)

5.15 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the "AG-1" Agriculture District if a special permit for such use has been obtained in accordance with Article 6 of this Resolution.

1. Airports and heliports including crop dusting strips;

2. A Conservation/Preservation Easement, when authorized by the Natural Resources Conservation Service (NRCS) Office, as the local unit of the United States Federal Government. Authorized easements shall be submitted to the County Assessor's and Treasurer's Offices for official filing purposes.
(Resolution No. 2015-11, October 27, 2015.)

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 and cellular towers of more than 100 feet;
(Resolution No. 2015-11, October 27, 2015.)

6. Public and private recreational uses, including parks and playgrounds, campgrounds and riding stables;

7. Auction/sale barns and yards;

8. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;

9. Salvage or junk yards;

10. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and strip mine operations and quarries;

11. Private elementary and high schools;

12. Expansion of existing and development of new Commercial Feedlots of one thousand and one (1,001) or more Animal Units as defined in these Regulations, subject to the license requirements and waste disposal requirements and recommendations of the State of Nebraska, the following minimum sanitation and odor practices, and those imposed by the Planning Commission in considering the health, safety, and general welfare of the public including such items as property values, dust, lighting, disposal of waste and dead livestock, and the recommendations of the Planning Commission, in accordance with the provisions of Section 6.5. (Resolution No. 2015-11, October 27, 2015.)

13. Veterinary facilities;

14. Dog breeding establishments and kennels;

15. Manufacturing, Commercial and/or Industrial operations;

16. Hospitals, penal institutions and sanitariums;

17. Nursing and care homes;

18. Public and private, including non-profit, charitable institutions; and

19. Recreational motel-lodging.

20. SPECIAL REGULATIONS: Disposal of any commercial feedlot, as defined in Section 3.55, on land within Greeley 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, and be in conformance with the provisions of Section 6.5 of these Regulations.
(Resolution No. 2015-11, October 27, 2015.)

21. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes 70-201to 205, as amended. Individual or "Small Wind Energy Systems" shall also be in conformance with the provisions of Section 8.72 of these Regulations. (Resolution No. 2015-11, October 27, 2015.)

22. Commercial/Utility Grade Wind Energy Systems, when in conformance with the provisions of Section 8.73. (Resolution No. 2015-11, October 27, 2015.)

5.16 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 AG-1 Agriculture District.

5.17 MINIMUM LOT REQUIREMENTS

Single Family Dwelling

Lot Size: A minimum lot size of 3 acres may be subdivided off a (1/4) quarter section of land. There is a limit of (1) one non-farming residence per quarter section. This lot/ residence must have direct access to an improved road. These single lot subdivisions must be brought before the Planning and Zoning Board and Board of Commissioners, as a public hearing, for approval.

5.18 MINIMUM YARD REQUIREMENTS

Front Yard: The setback shall be no less than twenty five (25) feet from the right-of-way of all public streets, roads or highways. The setback for structures or any other obstruction to a clear view at road intersections shall be no less than seventy five (75) feet from both property lines. (Property lines are 33' feet from the center of any county road having a sixty six (66) foot road right-of-way.)

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

Side Yard: No limitations; unless abutting a residential district that the minimum yard shall be ten (10) feet.

5.19 MAXIMUM HEIGHT: No limitation.

5.2 AG-2 AGRICULTURE 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, including the lack of a modern road network, require the regulation of development in keeping with the conditions imposed by either/both the natural and built environment.

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

1. Single family dwellings, including non-farm dwellings, shall have a permanent foundation and be limited to one dwelling per quarter section; Ranch and farm dwellings may have one additional on farm/ranch single or two family dwelling (which may be a mobile home that is exempt from requirement of a permanent foundation) for the purpose of housing relatives or permanent agriculture workers. In addition, single family dwellings must be located minimum distances from commercial feedlots in conformance with the distances established in Section 6.5;
   (Resolution No. 2015-11, October 27, 2015.)

2. General farming and ranching activities, excluding any expansion of existing or development of commercial feedlots as defined in Section 3.55: (Resolution No. 2015-11, October 27, 2015.)

3. Public facilities and utility distribution systems;

4. One additional single family dwelling for the purpose of housing relatives or agricultural workers; and

5. 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 and to uses and structures permitted as special uses;

2. Home occupations in accordance with Article 8; and

3. Roadside stands for the sale of agricultural produce grown on the agricultural farm or operation.

5.24 PERMITTED CONDITIONAL USE: The Zoning Administrator may issue an Administrative Conditional Use Permit when an applicant for one of the following conditional uses meets the provisions established for such use.

1. Application or disposal of commercial livestock waste upon agricultural lands in conformance with Section 6.5 (1) G.
(Resolution No. 2015-11, October 27, 2015.)

5.25 PERMITTED SPECIAL USES: A building or premise may be used for the following purposes in the "AG-2" Agricultural District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Sewage disposal, livestock waste (from commercial and farm feedlots as defined in Section 3.55) in conformance with the provisions of Section 6.5 of these Regulations, including agricultural irrigation wells;
(Resolution No. 2015-11, October 27, 2015.)

2. Public and private uses including parks, playgrounds, golf courses, campgrounds, recreation uses, riding stables, dude ranches, public utilities and utility distribution system;

3. Flood, erosion and sediment control projects;

4. Broadcast towers and stations, including Amateur Radio or land mobile and cellular towers of more than 100 feet;
(Resolution No. 2015-11, October 27, 2015.)

5. Bed and breakfast establishments;

6. Salvage or junk yard in accordance with Section 6.3;

7. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes 70-201to 205, as amended. Individual or "Small Wind Energy Systems" shall also be in conformance with the provisions of Section 8.72 of these Regulations; and (Resolution No. 2015-11, October 27, 2015.)

8. Commercial/Utility Grade Wind Energy Systems, when in conformance with the provisions of Section 8.73. (Resolution No. 2015-11, October 27, 2015.)

9. A Conservation/Preservation Easement, when authorized by the Natural Resources Conservation Service (NRCS) Office, as the local unit of the United States Federal Government. Authorized easements shall be submitted to the County Assessor's and Treasurer's Offices for official filing purposes. (Resolution No. 2015-11, October 27, 2015.)

5.26 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 AG-2 Agricultural District.

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

5.28 MINIMUM LOT REQUIREMENTS:

Single Family Dwelling

Lot Size: A minimum lot size of 3 acres may be subdivided off a (1/4) quarter section of land. There is a limit of (1) one non-farming residence per quarter section. This lot/ residence must have direct access to an improved road. These single lot subdivisions must be brought before the Planning and Zoning Board and Board of Commissioners, as a public hearing, for approval.

5.29 MINIMUM YARD REQUIREMENTS:

Front Yard: The setback shall be no less than twenty five (25) feet from the right-of-way of all public streets, roads or highways. The setback for structures or any other obstruction to a clear view at road intersections shall be no less than seventy five (75) feet from both property lines. (Property lines are 33' feet from the center of any county road having a sixty six (66) foot road right-of-way.)

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

Side Yard: No limitations; unless abutting a residential district that the minimum yard shall be ten (10) feet.

5.29.1 MAXIMUM HEIGHT: No limitation.

5.3 RC - RURAL CONSERVATION DISTRICT

5.31 INTENT: This district is intended for those areas which, because of limiting environmental characteristics such as scenic status, areas with a floodway or flood plain, sensitive soils conditions, high water table, or other factors, require the regulation of development in keeping with the conditions imposed by the natural environment.

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

1. Single family dwellings, including non-farm dwellings, shall have a permanent foundation and be limited to one dwelling per quarter section; Ranch and farm dwellings may have one additional on farm/ranch single or two family dwelling (which may be a mobile home that is exempt from requirement of a permanent foundation) for the purpose of housing relatives or permanent agriculture workers. In addition, single family dwellings must be located minimum distances from commercial feedlots in conformance with the distances established in Section 6.5; (Resolution No. 2015-11, October 27, 2015.)

2. General farming and ranching activities, excluding any expansion of existing or development of Commercial Feedlots and Farm Feedlots as defined in Section 3.55;

3. Flood, erosion and sediment control projects

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 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.

5.34 PERMITTED CONDITIONAL USE: The Zoning Administrator may issue an Administrative Conditional Use Permit when an applicant for one of the following conditional uses meets the provisions established for such use.

1. Application or disposal of commercial livestock waste upon agricultural lands in conformance with Section 6.5 (1) G.
(Resolution No. 2015-11, October 27, 2015.)

5.35 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. Sewage disposal and water systems;

2. Public and private uses including parks, playgrounds, golf courses, recreation uses, riding stables, public utilities, and utility distribution system;

3. Seasonal Dwellings or cabins that are not a permanent year round occupied dwelling. Generally, these dwellings are utilized for fishing, camping or hunting lodging. Seasonal Dwellings shall also meeting the following conditions:

   a. No season dwelling nor accessory building or structure shall be located within the designated floodway. All of the requirements of the Floodplain Regulations shall be followed.

   b. All lots for sale to allow owner occupancy shall be platted in conformance with the Subdivision Regulations of Greeley County and shall have frontage on, and direct access to, an improved County Road.

   c. All lots leased for seasonal dwellings shall have access to an improved county road by easement; however, a leased lot shall not be sold prior to the platting of the lot. The lot, when platted, shall include the easement as part of the lot in order to give frontage on and direct access to the improved County Road.

   d. No seasonal dwelling shall be used as a permanent residence.

   e. All sanitary and water facilities shall meet the requirements of the Supplementary District Regulations

   f. Only two (2) seasonal dwellings shall be permitted per 80 acres.

   g. Floodplain permits, sanitary waste permits and construction permits shall be obtained from the Zoning Administrator prior to any construction.

4. Bed and breakfast establishments;

5. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and quarries;

6. Broadcast towers and stations, including Amateur Radio or land mobile and cellular communication towers in accordance with the Airport Zoning Regulations Article 14 of this document;

7. A Conservation/Preservation Easement, when authorized by the Natural Resources Conservation Service (NRCS) Office, as the local unit of the United States Federal Government. Authorized easements shall be submitted to the County Assessor's and Treasurer's Offices for official filing purposes. (Resolution No. 2015-11, October 27, 2015.)

8. Commercial uses, without outside storage of materials and equipment.

9. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes 70-201to 205, as amended. Individual or "Small Wind Energy Systems" shall also be in conformance with the provisions of Section 8.72 of these Regulations.

5.36 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.

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

5.38 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:

A. 3 acres, with the placement of a maximum of one (1) non-farm single family dwellings per quarter section (160 acres), adjacent to an improved all weather county road (above minimum maintenance road). There shall be no limitation of the number of farm single family dwellings, when authorized by the Greeley County Zoning Administrator.

5.39 MINIMUM YARD REQUIREMENTS:

1. No structure shall be placed within this RC District without being in conformance with the flood plain provisions of Greeley County. .

2. Yard requirements are as follows:

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

   Rear Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be <u>twenty-five (25)</u> feet.

   Side Yard: No limitations; unless abutting an improved county road, state or federal highway, then the minimum side yard shall be <u>twenty-five (25)</u> feet.

5.39.1 MAXIMUM HEIGHT: No limitations.

5.4 C HIGHWAY COMMERCIAL DISTRICT

5.41 INTENT: The "C" Highway Commercial District is intended for the purpose of providing limited commercial services. Off-street parking is required in order to reduce adverse effects on adjacent properties.

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

1. Automobile wash facilities;
2. Churches and other religious institutions;
3. Construction sales and services;
4. Convenience store or filling station;
5. Detached banking facilities (ATM);
6. Electric and telephone substations;
7. Farm implement sales and services;
8. Garden centers and nurseries;
9. Irrigation equipment sales and services;
10. Mini storage facilities;
11. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
12. Restaurants and cafes;
13. Service stations;
14. Stores or shops for sale of goods at retail;
15. Transportation warehousing;
16. Trucks and freight terminals;
17. Utilities, including shops and offices;
18. Medical clinics; and
19. Light manufacturing.

5.43 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.

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

1. Private clubs and lodges;
2. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agriculture chemicals;
3. Radio studios, transmitters and antenna;
4. Recycling centers; and
5. Single Family Homes.

6. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes 70-201to 205, as amended. Individual or "Small Wind Energy Systems" shall also be in conformance with the provisions of Section 8.72 of these Regulations. (Resolution No. 2015-11, October 27, 2015.)

5.45 SCREENING REQUIREMENTS:

1. Where a site adjoins or is located across an alley from the Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height may be required on the property line common to such districts, except in a required front yard.

2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.46 PROHIBITED USES:

1. All other uses and structures which are not specifically permitted or permissible as special uses shall be prohibited from the "C" Highway Commercial District.

5.47 HEIGHT AND AREAS REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	3 Acres	25'	10'	20'	35'

5.48 PARKING REGULATIONS:

1. Parking within the "C" Highway Commercial District shall be in conformance with the provisions of Article 7 of these regulations.

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;
39. Mini-warehouse; and
40. Airport.

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 Resolution.

1. Salvage or junk yard in accordance with Section 6.3;
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. Grain elevator, agricultural chemical and fertilizer services.
6. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes 70-201to 205, as amended. Individual or "Small Wind Energy Systems" shall also be in conformance with the provisions of Section 8.72 of these Regulations.
   (Resolution No. 2015-11, October 27, 2015.)

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:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
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 Resolution.

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 resolution 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 Board, within thirty (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 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 <u>incorporated</u> areas and within one (1) mile of the property line of the property requesting the special use permit in <u>unincorporated</u> 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 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, there from, 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 Board.

The applicant may withdraw a request for a special use permit at any time before notice of the public hearing has been published in the legal county or village newspaper. After notice of public hearing has been published, the application may only be withdrawn with the approval of the County Board.

In the event that the proposed special use permit is denied by the County Board, no new request shall be made for the same or substantially similar special use permit within six (6) months of said denial thereof.

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 Greeley County zoning administrator. Said signature shall only be affixed upon the Special Use Permit after approval by prescribed public hearing procedure of both the Planning Commission and County Board. 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, the special use permit is placed under reconsideration.

6.3 SALVAGE OR JUNK YARD

Salvage or junk yard operations and related facilities shall only be allowed by special permit in the AG-1 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.

1. A remediation fund or bond shall be posted for cleanup 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 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.

6.4 LANDFILLS

Landfill operations shall only be allowed by special permit in the AG-1 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 cleanup 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 COMMERCIAL FEEDLOT REGULATIONS

The following provisions shall be considered by the Planning Commission and the County Board when an application for the expansion of an existing or development of a new Commercial Feedlot has been submitted to the County. (Entire Section 6.5 amended by Resolution No. 2015-11, October 27, 2015.)

1. Distance Requirement

   A. Any new or expanding commercial feedlot (as defined in these Regulations) shall meet the minimum odor footprint distance requirements, in the following table, 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.

   B. No commercial feedlot shall be closer to a separate commercial feedlot than the distance requirements for their class, Identified in the following table.

   C. The setbacks will be determined by the odor footprint procedure which is as follows:

      a. Locate the center of the feedlot.

      b. Draw in the wind lines for all four directions (Fig. A- rosette on page 39)

      c. Draw in the radii — 45 degrees off the wind lines.

      d. Using the Minimum Setback Distance Requirements, mark the setback distance on the wind line from where it exits the feedlot.

      e. The arc in each quadrant will be swung using the center of the feedlot and the mark on the wind line to swing the arc across the quadrant.

   D. The resulting "Odor Footprint" rosette will be imposed on the aerial photographs, the result of which will be used as the official setback tool.

   E. Repairs, improvements, replacements, or expansion of existing dwellings shall be permitted where existing residences are within the setback distances. Replacement of existing residences shall not further encroach more than 200 feet upon setback.

F. No Commercial feedlot will be located in an area which has a residence located within its odor footprint, unless the residence is under the ownership of the feedlot.

N-NE DISTANCE REQUIREMENT (OPEN LOT)

ANIMAL UNITS ALLOWED N-NE DISTANCE	FARM - FEEDLOT 15 - 1000 AU 1,980 Feet	CLASS - I 1001 - 1500 AU 2,300 Feet	CLASS - II 1501 - 2000 AU 2,600 Feet	CLASS - III 2001 - 2500 AU 2,940 Feet
ANIMAL UNITS ALLOWED N-NE DISTANCE	CLASS - IV 2501 - 3000 AU 3,260 Feet	CLASS - V 3001 - 3500 AU 3,425 Feet	CLASS - VI 3501 - 4000 AU 3,590 Feet	CLASS - VII 4001 - 4500 AU 3,755 Feet
ANIMAL UNITS ALLOWED N-NE DISTANCE	CLASS - VIII 4501 - 5000 AU 3,960 Feet	CLASS - IX 5001 - 6000 AU 4,225 Feet	CLASS - X 6001 - 7000 AU 4,490 Feet	CLASS - XI 7001 - 8000AU 4,750 Feet
ANIMAL UNITS ALLOWED N-NE DISTANCE	CLASS - XII 8001 - 9000 AU 5,015 Feet	CLASS - XIII 9001-10K AU 5,280 Feet	CLASS - XIV 10,001 - 15K AU 7,920 Feet	CLASS - XV* 15,001-20K AU 10,560 Feet

* Maximum Sixe Allowed Revised and Approved on 7-12-2016

Farm Feedlots 15 — 1,000 animal units do not require a Special Permit. They do however follow the "Odor Footprint" tool using 1/2 mile as the setback to the N-NE. (See Farm Feedlots above)

Confinement operations with pit buildings with or without lagoons will multiply the setback distance for each class of open pen setbacks by 1.5.

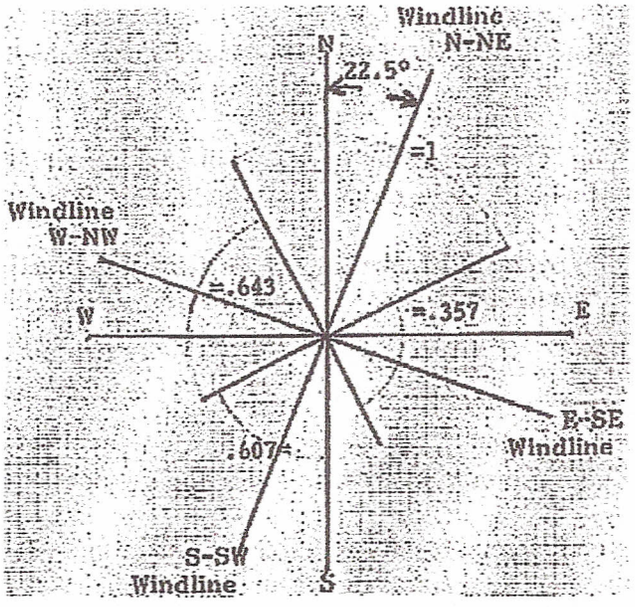


FIGURE "A"
Setback Distances Using the Odor Footprint Tool
Fairly open Land in Greeley County
South – Central Nebraska (G.I. Data)

	Farm/feedlot	CLASS I	CLASS II	CLASS III	CLASS IV	CLASS V	CLASS VI	CLASS VII
ANIMAL UNITS	15-1000	1001-1500	1501-2000	2001-2500	2501-3000	3001-3500	3501-4000	4001-4500
N-NE 1	1,980'	2,300'	2,620'	2,940'	3,260'	3,425'	3,590'	3,755'
W-NW .643	1,270'	1,480'	1,685'	1,890'	2,095'	2,200'	2,310'	2,415'
S-SW .607	1,200'	1,395'	1,590'	1,785'	1,980'	2,080'	2,180'	2,280'
E-SE .357	705'	820'	935'	1,050'	1,165'	1,225'	1,280'	1,340'
	CLASS - VIII	CLASS - IX	CLASS - X	CLASS - XI	CLASS - XII	CLASS - XIII	CLASS -XIV	CLASS - XV *
ANIMAL UNITS	4501-5000	5001-6000	6001-7000	7001-8000	8001-9000	9001-10 K	10,001-15K	15,001-20K
N-NE 1	3,960'	4,225'	4,490'	4,750'	5,015'	5,280'	7,920'	10,560'
W-NW .643	2,545'	2,715'	2,885'	3,055'	3,225'	3,395'	5,095'	6,790'
S-SW .607	2,405'	2,565'	2,725'	2,885'	3,045'	3,205'	4,810'	6,410'
E-SE .357	1,415'	1,510'	1,600'	1,695'	1,790'	1,885'	2,830'	3,770'

* Maximum Size Allowed Revised and Approved on 7-12-2016

The setbacks are measured from the edge of the feedlot.

a. The maximum number of animal units per permit shall be limited by the Special Use Permit.

b. Chemical sprays and poisons in accordance with label procedures and recommendations and applied by an experienced certified pesticide applicator to control insects and rodents.

c. All ground surfaces within pens shall be so graded and compacted to insure proper drainage and maintained as such.

d. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto a neighbor's property.

e. A management plan for the facility, acceptable to the Nebraska Department of Environmental Quality and the Greeley 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. Waste disposal by spraying or spreading shall be practiced in accordance with the best management practices consistent with the manure management plan approved by NDEQ or other state agency having authority to approve the same. (NOTE - see definition of "Best Management Practice" in Article 3, Section 3.3 of this Zoning Regulations)

f. Recognizing the progress being made by the livestock industry developing methods of protection the environment and improving feeding methods of livestock through nutritional benefits, the Special Permit shall be reviewed by the Planning Commission and County Board during the existence of the Special Permit.

g. The Planning Commission and County Board of Commissioners may include additional conditions as may be needed to provide for the protection of the environment and the minimum intrusion upon neighboring properties. Those additional conditions may include, but shall not be limited to:

1. A more stringent seepage requirement from lagoons storing livestock waste than required by state or federal requirements or agencies.

2. Groundwater tests from wells at or near the commercial feedlot. These tests should be taken at least annually or more often if needed depending on the facts and circumstances of each application. The date or dates of the testing may be specified in the Special Permit. Results of these tests shall be submitted to the zoning administrator either by direct copy from the testing lab or submitted immediately to the Zoning Administrator by the Applicant.

h. CAFO'S that have their DEQ Nutrient Management Plan on file at the County Planning and Zoning office in order to apply their waste without having to have a County Permit but must follow DEQ guidelines.

G. For land **not** on the DEQ Nutrient Management Plan:

The owner of the land upon which commercial livestock waste is applied or disposed of, must have an Administrative Conditional Use Permit and shall be responsible for ensuring that the following minimum sanitation and odor practices are followed:

1. There shall be no storage of livestock waste within a designated flood plain or floodway.

2. Application shall be so controlled that soil or manure is not carried into any ditch, roadway or drainage area or onto neighbor's property.

3. Livestock waste from concentrated pit buildings and/or buildings with outside lagoons only, shall be directly injected into the soil, or with the approval of a Special Permit may be applied through an irrigation system.

4. Storage of commercial livestock waste hauled to land where it is to be applied, is limited to 6 months to receive and apply. Storage must be one-half (1/2) mile away from any residence.

H. The spreading of Commercial Biodegradable Material including, and not necessarily limited to, sludge, Soilbuilder I, Soilbuilder II, paunch, etc., on land within Greeley County shall be subject to the following regulations:

1. **Definitions** — See Section 3.3 Definitions

2. **Permits -** This section applies to all land application of Commercial Biodegradable Material.

a. Permit Required. The term "permit" as used in this Section refers to Special Permit.

b. Activities or Operations.

1) Any person who is proposing to land apply Commercial Biodegradable Waste shall submit to the Zoning Administrator a permit application on a form designated and furnished by the Zoning Administrator at least thirty (30) days prior to physical construction and/or operation, whichever is applicable.

2) The thirty (30) days requirement may be reduced with the approval of the Administrator.

3) Operation shall not commence until a permit is issued.

2. Contents of Application

A. All applicants shall provide a Best Management Plan, which shall contain the following information:

1. The activity or operation conducted by the applicant, which required a permit and a brief description of the nature of the business;

2. The owner/operator' s name, address, telephone number, ownership status, and status as federal, state, private, public or other entity;

3. The legal description of each location of the activity or operation, and common or mailing address;

4. The name and distance to the nearest surface water from the activity or operation; and

5. Whether the applicant has ever been issued a permit or license from the Department, and if so, the reasons for the termination of such permit or license;

6. Authorized Agent of the individual company producing the Commercial Biodegradable Waste.

7. Name and address of the owner or owners of the Commercial Biodegradable Waste application site(s), legal description of the site, and travel directions from the nearest town.

8. The area available, the current and foreseeable future use of the land, and the slope of the land. An explanation of how Commercial Biodegradable Waste will be transported from the generation site to the application site, and the routes to be used.

9. A description of the method of unloading and storage of Commercial Biodegradable Waste at the application area. If unloading facilities are to be utilized, engineering plans and specifications prepared by a licensed professional engineer must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Governing Body.

10. A description of the method of spreading of material and incorporation into the soil. This description must include a discussion of methods to be used during periods of unfavorable weather and soil conditions as well as normal favorable conditions. The proposed application rate and justification for the rate, taking into account the items listed in Section 1., Part 2 must also be shown.

11. A topographic map or engineering plans and specifications with topography shown of the application area must be included with the following features delineated:

    a. Land available for application of Commercial Biodegradable Waste and overall dimensions of the land;

    b. Location and addresses of neighboring home sites or farmsteads within one mile from application site and adjacent land owned by others;

c. The location of domestic water supply wells within 1000 feet of the area, the location of municipal water supply wells within 5000 feet of the area, and the approximate depths of the water tables used for any such identified wells;

d. Location and name of watercourses or wetlands in the area.

3 Application and Reports

A. All permit applications submitted to the Zoning Administrator and all reports required by such permits to be submitted to the Zoning Administrator shall be signed:

1. In the case of a corporation, by a principal executive officer of at least the level of vice-president;

2. In the case of a partnership or sole proprietorship, by a general partner or the sole proprietor, respectively; and

3. In the case of a municipal, state, federal, or other public facility; by either a principal executive officer or raking elected official; or

4. By a duly authorized representative of the persons described in Paragraph 3A1 to 3A3. of this section if such representative is responsible for the overall operation of the activity, the authorization is made in writing by the person designated in Paragraphs 3A1. to 3A3 of this section and the written authorization is submitted to the Director.

B. Any change in an authorization meeting the requirements of Paragraph 3A. of this section shall be submitted to the Zoning Administrator in writing prior to or together with any application or report to be signed by an authorized representative.

4. Application. Additional Information Requests

No permit application submitted to the Department shall be considered for processing until all information necessary to complete the application or additional information as required by the Department has been received.

5. Permit Conditions; General

A. The following general conditions shall apply to all permits:

1. Duration: see Paragraph g. of this section;

2. Retention by permittee of any records required by this section for a minimum of three (3) years; and

3. Responsibility of permittee to comply with all other applicable local, state, and federal requirements.

6. Duration

Each issued permit shall have a fixed term not to exceed six (6) months from the date of issuance.

7. Transferability of Permits

A permit may not be transferred.

8. Modifying, Suspending, or Revoking Permits

A. Any permit issued may be modified, suspended, or revoked in whole or in part during its term for cause, including, but not limited to:

a. A violation of any terms or conditions of the permit;

b. Obtaining a permit by misrepresentation of any relevant facts or failure to disclose fully all relevant facts;

c. Conditions indicate that the permitted activity or operation poses a threat to human health or environment;

d. A change in the ownership or control of an activity or operation which has a permit.

B. A permit may be suspended immediately by written order of the Zoning Administrator for a material violation of the standards set forth in Section 8 of these regulations. In the event of a suspension, written notice of the order and the reason for the suspension shall be served upon the permittee at the time of the suspension. A permittee may request a hearing before the Governing Body on said suspension by filing a written request for a hearing within ten (10) days of receipt of the notice of suspension. Said hearing shall be held and a decision rendered at the next regularly scheduled public meeting of the Governing Board, unless such time period is waived by the parties.

A permit may not be revoked or modified by the Governing Body until notice of the public hearing is given as provided for in these regulations, and a public hearing is held. The hearing on the suspension may be combined with a hearing on revocation or modification if public notice can be accomplished prior to the regularly scheduled meeting of the Governing Body.

a. Planning Commission and the Governing Body. Notice of the public hearings will be given as provided for in these regulations. The Planning Commission will review the permit and forward its recommendation to the Governing Body.

The Governing Body will then hold a public hearing. At that hearing, the Governing Body will review the recommendations of the Planning Commission and decide whether or not to issue an order revoking or modifying the permit.

b. In addition to the reasons specified in Paragraph 8A of this section, causes for modification, but not revocation, include, but are not limited to:

3. Material and substantial alterations or additions to the permitted activity or operation which occurred after issuance of the permit • which justify different conditions from those which are present in the existing permit;

4. Information received by the Governing Body which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance;

5. A change in the standards or regulations on which the permit or license was based;

6. A determination made by the Governing Body that good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control for which there is not reasonable available remedy.

9. Denial of Permits

A. The Governing Body may deny a permit when:

a. The terms and conditions of the proposed permit application do not comply and assure compliance with the applicable requirements of state and federal laws and local, state, and federal rules and regulations.

b. The application does not meet the requirements of these regulations.

10. Issuance or Denial of a Permit

A. After receiving the application fee and completed application, the
Zoning Administrator shall cause notice to be made for public hearing and hearing shall be held at the earliest possible regularly scheduled meeting of the Planning Commission. The Planning Commission shall hold a public hearing and submit their recommendation to the Governing Body. After a public hearing, the Governing Body may authorize a Special Permit for Commercial Biodegradable Waste application, provided it is found that the location and characteristics of the use will not be injurious to the health, safety, morals, and general welfare of the area. Notice for the above hearings shall be given in the manner provided by these regulations.

11. Land application of Commercial Biodegradable Waste

A. The landowner must apply for and receive a permit prior to allowing any Commercial Biodegradable Waste application.

B. Specific Permit Terms and Conditions.

a. Transportation: Transportation of Commercial Biodegradable Waste over public roads or near an inhabited residence, business, or facility/area (excluding public roads) shall be done in a leak-proof, tightly covered, splash-proof container.

b. Incorporation: Except as provided by 11.B.b.1, when Commercial Biodegradable Waste is land applied, it shall be incorporated into the soil immediately. When weather conditions do not allow for immediate incorporation of land applied Commercial Biodegradable Waste, application is prohibited at the location until soil or weather conditions permit immediate incorporation.

1. Commercial Biodegradable Waste that has been dewatered so as to have a moisture content of 65% or less as shown by analysis provided by the permittee shall be incorporated within such time as specified by the Governing Body.

c. Application rates shall not exceed those specified in the permit. Application rates will be approved for permitting purposes taking into consideration:

1. Protection of waters, land, and air of the state. The application of nitrogen from Commercial Biodegradable Waste and any other sources shall not exceed the nitrogen needs of the crops to be grown on the site over the next year, and the total application of all nutrients shall not exceed the acceptable agronomic application rates recommended by the University of Nebraska Department of Agronomy for the crops involved;

2. Any other local, state, or federal regulations applying to this practice;

3. Application for amounts greater than 10 dry tons per acre shall not be granted unless the applicant submits proof of appropriate permit or license issued by the Nebraska Department of Environmental Quality.

d. Land and Location Considerations,

1. Unless the applicant can demonstrate to the Department's satisfaction that pollution of waters of the state will not result, Commercial Biodegradable Waste shall not be surface applied on land with greater than 10% slope.

2. Commercial Biodegradable Waste shall not be applied on wetland areas.

3. Commercial Biodegradable Waste shall not be applied within 1320 feet of inhabited dwellings, businesses, or facilities or lands (excluding public roads) frequented by the public, unless applicant presents documented permission from the owners (and in the case of a dwelling, the residents) of such dwelling, business, facility, or lands, consenting to the application of Commercial Biodegradable Waste within a lesser distance from such inhabited dwelling, business, facilities, or lands.

4. Commercial Biodegradable Waste shall not be applied within 5000 feet of a municipal water supply well. Commercial Biodegradable Waste shall not be applied within 200 feet of a domestic water supply well.

e. Crop Considerations.

1. Commercial Biodegradable Waste shall not be applied to edible portions of crops that are consumed by humans without processing to minimize pathogens prior to consumption.

f. General Considerations

1. Application of Commercial Biodegradable Waste may be made by any method which injects or disperses the material so that a uniform application is achieved.

2. Application of material shall be to land properly selected and managed in such a manner so that:

a. No pollution of water of the state results;

b. Flies and odors are controlled. Techniques and procedures may be required to reduce the potential for flies and odors.

3. Records and Reporting

a. Permittee shall maintain records of the amount of Commercial Biodegradable Waste that is land applied, the site at which applied, dates of application, moisture content and such other information as .required by the Department. Such records shall be maintained at applicant's place of business in Greeley County and shall be available for inspection and copying by Department upon reasonable notice to permittee.

4 Penalties

a. Failure to comply with the foregoing procedures shall be grounds for prosecution under Nebraska Revised Statute §23-114.05.

5 Fees

a. The Department is authorized to establish an
application fee.

6. Severability

a. The provisions of this Resolution are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Resolution is for any reason held to be contrary to law, such decision shall not affect the remaining provisions of this Resolution.

(Entire Section 6.5 amended by Resolution No. 2015-11, October 27, 2015.)

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:

	Use	Minimum Number of Parking Spaces
1	Residential	
	Single family, two-family dwelling	1 per dwelling unit
	Multifamily	
	Efficiency and one-bedroom	1 per dwelling unit
	Two-bedrooms	1 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 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:

	Number	Loading Area	Gross Floor Area
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.

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 are 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 non-reflective 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 All dwellings must be on a permanent foundation and the home must meet building code requirements adopted by the County. (Resolution No. 2015-11, October 27, 2015.)

8.4 YARD REGULATIONS FOR RURAL SUBDIVISIONS:

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 for "C" Commercial and "I" Industrial Zoning Districts 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 WIND ENERGY CONVERSION FACILITIES:

8.71 WIND ENERGY INSTALATION: In any zoning district, a Special Permit may be granted to allow wind energy conversion system, including such devices as wind charger, windmill, or wind turbine; subject to the regulations established in this section.

8.72 SMALL WIND ENERGY SYSTEMS:

Purpose: It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

Definitions: The following are defined for the specific use of this section:

1. *Small Wind Energy System* 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.

2. *Tower Height* shall mean the height above grade of the hub portion of the tower, excluding the wind turbine itself.

Requirements: Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

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

3. Noise:
   a. Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
   b. The noise level may be exceeded during short time events such as utility outages and/or severe wind storms.

4. Approved Wind Turbines: Small wind turbines must have been approved under the Emerging Technologies program recognized by the American Wind Energy Association.

5. Compliance with Building and Zoning Codes:
   a. Applications for small wind 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 the 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.
   c. The manufacturer frequently supplies this analysis.
   d. Wet stamps shall not be required.

6. Compliance with FAA regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

7. Compliance with National Electrical Code:
   a. Permit applications for small wind energy systems shall be accompanies by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
   b. The manufacturer frequency supplies this analysis.

8. Utility Notification: No small wind energy 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, off-grid systems shall be exempt from this requirement.

8.73 COMMERCIAL/ UTILITY GRADE WIND ENERGY SYSTEMS:

Purpose: It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/ utility grade wind energy systems within Greeley County.

Definitions: The following are defined for the specific use of this section.

1. *Aggregate Project* shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
2. *Commercial WECS* shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.
3. *Fall Zone* shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
4. *Feeder Line* shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electrical power grid, in the case of interconnection shall be the substation serving the wind energy conversion system.
5. *Meteorological Tower* shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to sitting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.
6. *Public Conservation Lands* shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, Federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
7. *Rotor Diameter* shall mean the diameter of the circle described by the moving rotor blades as shown in Figure 1.
8. *Small Wind Energy System* shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated 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.
9. *Substations* shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 KV) for interconnection with high voltage transmission lines.
10. *Total Height* shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
11. *Tower* shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.
12. *Tower Height* shall mean the total height of the Wind Energy Conversion System from grade to the hub.

13. *Transmission Line* shall mean the electrical power lines that carry voltages of at least 69,000 volts (69KV) and are primarily used to carry electrical energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
14. *Wind Energy Conservation System* shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
15. *Wind Turbines* shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfolds or similar devices to capture the wind.

Requirements: Commercial/ Utility Grade wind energy systems shall be permitted as a Special within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. 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.
5. 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.
6. Engineer's certification.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion Systems not owned by the applicant, within 10 rotor distances of the proposed Wind Energy Conversion System.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An acoustical analysis.
12. FAA permit.
13. Location of all known Communication Towers within 2 miles of the proposed Wind Energy Conversion System.
14. Decommissioning Plan.
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties not owned by the applicant.

Aggregated Projects:

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.

2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.
4. Setbacks to property lines, not road right-of-way, may be less when adjoining property owners are within the same aggregate project.

Setbacks: All towers shall adhere to the setbacks as measured from the hub established in the following table:

	Wind Turbine-Non-Commercial	WECS Wind Turbine-Commercial/Utility WECS	Meteorological Towers
Property Lines (other than right angle corners.	Diameter plus applicable building setback.	Diameter plus applicable building setback.	1.1 times the total height
Right angle corner property lines.	Diameter plus applicable building setback from both property lines.	Behind a line of the property lines drawn between two points 130' 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 or the road side. (See Figure2)	1.1 times the total height from both property lines.
Neighboring Dwelling Units.*	Diameter plus applicable building setback.	1,000'	1.1 times the total height plus applicable building setback.
Road Rights-of-Way.**	Diameter plus applicable building setback.	Generator blades shall not encroach on the right-of-way.	1.1 times the total height plus applicable building setback.
Other Rights-of-Way	Diameter plus applicable building setback.	Generator blades shall not encroach on the right-of-way.	1.1 times the total height plus applicable building setback.
Public Conservation Lands including Wildlife Management Areas and State Recreation Areas.	Applicable building setback.	Diameter plus applicable building setback.	1.1 times the total height plus applicable building setback.
Wetlands, USFW Types III, IV and V.	NA	600'	1.1 times the total height.
Other structures not on the applicant's site.	NA	Diameter	1.1 times the total height.
River Bluffs of over 15 feet.		Diameter	
*The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System. **The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-way is known.			

Special Safety and Design Standards: All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfolds must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. AH 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.
3. All wind turbines, which are 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 that are part of a commercial/ utility WECS shall be white, gray, or another non-obtrusive color. Blades may be black in order to facilitate decking; 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 impacts on neighboring uses and migratory 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 communications and feeder lines installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
9. Waste Disposal: Solid and hazardous wastes, including but not limited to crates, packaging 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.
10. Discontinuation and Decominissioning:
    A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 180 day of discontinuation of use. This period may be extended by the Zoning Administrator following a written request by an agent of the owner of the WECS.
    Each Commercial/ Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party: such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.
11. Noise: No commercial/ Utility WECS shall exceed 50 dBA at the nearest structure occupied by humans. Exception: a commercial/ utility WECS may exceed 50 dBA during periods of severe weather as defined by the US Weather Service.
12. Interference: The applicant shall minimize or mitigate interferences with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits.

13. Roads: Applicants shall:
    a. Identify 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 jurisdictions prior to construction.
    b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
    c. Be responsible for restoring the road(s) and bridges to preconstruction conditions.
14. Drainage System: The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.
15. Permit Fees: Applicant shall remit an application fee of $50.00 for every megawatt of nameplate capacity in the proposed WECF.

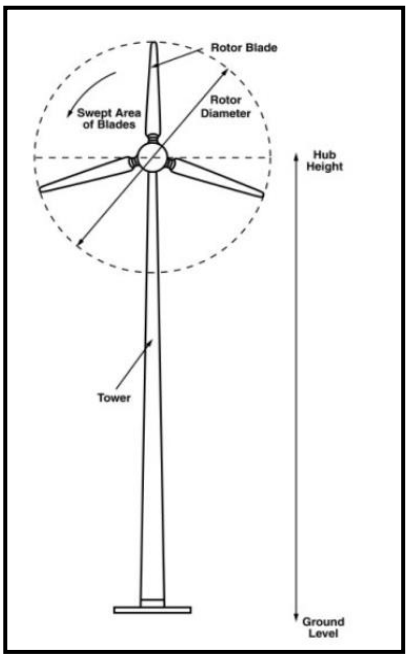


Figure 1

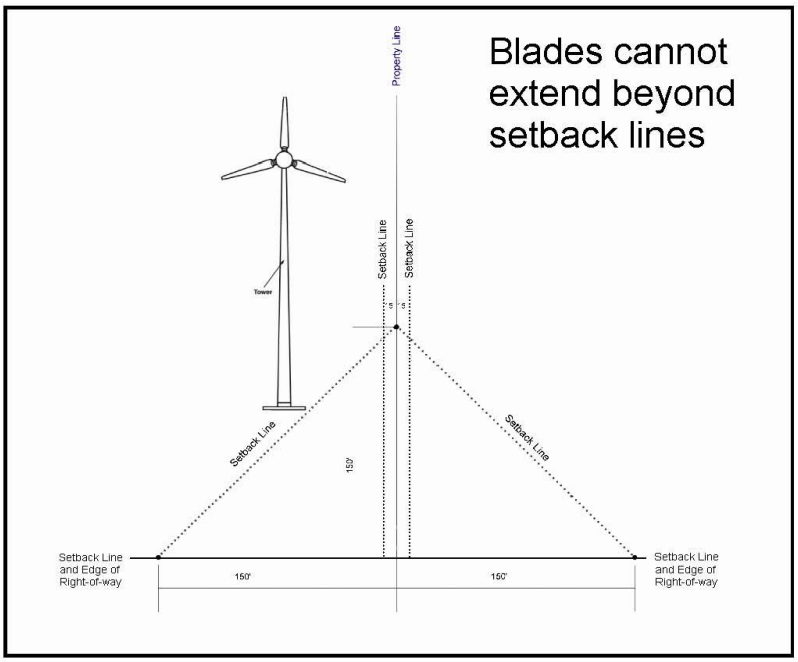


Figure 2

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 become 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. 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. 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 23-168.04.

ARTICLE 10

ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

10.1 ENFORCEMENT

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:

10.11 Approve and issue all building permits and occupancy certificates when compliance is made with this resolution.

10.12 Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this resolution.

10.13 Receive, file and forward to the County Board of Zoning Adjustment the records in all appeals for variances.

10.14 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.

10.15 Prepare and have available in book, pamphlet or map for each year.

1. The compiled text of the Zoning Resolution and amendments thereto, including all amendments adopted through the preceding December 31; and

2. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding December 31.

10.16 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 BUILDING AND ZONING PERMITS

10.21 GENERAL. No building or other structure shall be erected, moved, added to, or structurally altered without a building and/or zoning permit first having been issued by the Zoning Administrator. No building and/or 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 Greeley County and with all orders, and variances lawfully issued by the Board of Adjustment.

10.22 APPLICATION FOR BUILDING AND ZONING PERMITS. All applications for building and 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 resolution.

10.23 APPROVAL OR DISAPPROVAL OF PERMIT. The Zoning Administrator shall examine all applications for building and/or 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 building and/or 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."

10.24 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 ten (10) days after the determination of the Zoning Administrator has been filed.

10.25 REQUIRED. Zoning permits are required for buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.
(R.S. Neb. 23-114.03)

10.26 EXPIRATION OF ZONING AND BUILDING PERMITS: The effective date of a Zoning and Building Permits shall be the date of approval, authorized by the signature of the Greeley County Zoning administrator for Permitted Principal Uses and Structures of the appropriate zoning district. Said signature shall only be affixed upon the Zoning and Building Permits for Permitted Special Uses or Amendments to the Zoning Regulations or maps after approval by prescribed public hearing procedure of both the Planning Commission and County Board. All approved Zoning and Building 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 or Building Permit shall be perpetual unless upon review by the County Board, the zoning or building permit is placed under reconsideration.

10.3 CERTIFICATION OF OCCUPANCY REQUIRED

10.31 GENERAL. No building, structure or land shall be used or occupied, in whole or in part, nor shall any change made in the use or type of occupancy of an existing building or structure requiring a building permit, nor shall any change be made in the use of land, except to any use which is primarily agricultural, unless a certificate of occupancy shall be issued by the Zoning Administrator in accordance with this resolution.

10.32 TEMPORARY CERTIFICATE. Upon request, the Zoning Administrator may issue a partial certificate of occupancy for a period not to exceed ninety (90) days, for a building or structure or part thereof, before the entire work covered by the building permit shall have been completed, provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

10.33 APPLICATION FOR CERTIFICATE OF OCCUPANCY. All applications for certificate of occupancy shall be made by the owner or his agent and shall be accompanied by an affidavit of the owner, registered architect, licensed professional engineer, or superintendent of construction who shall state that he has examined the approved plans of the structure, that said structure has been erected in accordance with the approved plans and that it complies with this resolution and all local code and resolutions governing building construction, including subdivision regulations. The application and affidavit shall be filed with the Zoning Administrator.

10.34 ISSUANCE OF CERTIFICATE OF OCCUPANCY. Before issuing a certificate of occupancy, the Zoning Administrator shall examine all buildings, structures or sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, or change the use or occupancy. The Zoning Administrator shall maintain a record of all examinations and inspections, together with a record of findings of violations of the law.

10.35 A certificate of occupancy shall be deemed to authorize, and is required for, both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect so long as such building or land is used as authorized in the certificate of occupancy.

10.4 FORM OF PETITIONS, APPLICATIONS AND APPEALS

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.

10.5 SCHEDULE OF FEES

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 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 mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered in <u>incorporated</u> areas and one (1) mile in <u>unincorporated</u> areas and an opportunity granted to 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 (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(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.

The applicant may withdraw a request for amendment at any time before notice of the public hearing has been published in the legal county or village newspaper. After notice of public hearing has been published, the application may only be withdrawn with the approval of the County Board.

In the event that the proposed amendment is denied by the County Board, no new request shall be made for the same or substantially similar amendment within six (6) months of said denial thereof.

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 (90) feet there from, or of those directly opposite thereto extending one hundred (90) 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 23-114.05 Neb. Rev. Stat for violations within the County of Greeley'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.