



# **Box Butte County**

## **Zoning Resolution**

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RESOLUTION NO. \_\_

A RESOLUTION OF BOX BUTTE COUNTY, NEBRASKA, ESTABLISHING LAND USE ZONING AND SUBDIVISION STANDARDS WITHIN THE UNINCORPORATED AREAS OF BOX BUTTE COUNTY; ESTABLISHING ZONING DISTRICTS; ADOPTING MAPS OF SAID AREAS AND ZONING DISTRICTS THEREIN; REGULATING THE USE OF LAND ITS DEVELOPMENT INCLUDING BUT NOT LIMITED TO THE USE, SETBACK, LOT AREA, LOT WIDTH, YARDS, AND HEIGHT OF BUILDING; PLATTING, DIVISION, IMPROVEMENTS REQUIRED, DESIGN STANDARDS; PROVIDING FOR THE ADMINISTRATION, ADJUSTMENT, ENFORCEMENT AND AMENDMENT THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPLACING ALL RESOLUTIONS IN CONFLICT HEREWITH.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BOX BUTTE COUNTY, NEBRASKA THAT THIS RESOLUTION SHALL APPLY TO THE UNINCORPORATED AREAS WITHIN BOX BUTTE COUNTY, NEBRASKA; AND DISTRICTS AND THEIR RELATED STANDARDS SHALL BE ESTABLISHED AS DEFINED HEREIN AND THE ZONING MAP ADOPTED AND MADE PART HEREOF:

**SECTION 1. TITLE**

1.01. A Comprehensive Zoning Code and subdivision regulations for Box Butte County are established as set out in this Resolution. This Resolution and any later amendments to it shall be known as the "Box Butte County Zoning and Subdivision Resolution" and may be cited by that name.

**SECTION 2. PURPOSE AND INTENT**

2.01. This zoning Resolution is intended to provide a unified regulatory system for land use in Box Butte County. The zoning Resolution is designed to serve the following purposes:

1. To promote the health, safety, comfort and general welfare of the present and future residents of Box Butte County.
2. To secure safety from fire, flood, and other dangers.
3. To preserve and protect property values throughout Box Butte County.
4. To protect the tax base of Box Butte County.
5. To regulate the height, number of stories, and size of buildings and other structures; the percentage of lot coverage; the size of yards and other open spaces, and the density of population.
6. To create zoning districts within the unincorporated areas of Box Butte County.
7. To regulate the location and use of buildings and land within each district or zone.
8. To enforce and maintain the objectives and policies of the Box Butte County Comprehensive Plan.
9. To encourage the most appropriate use of land.
10. To facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
11. To secure economy in government expenditures.
12. To preserve, protect, and enhance historical buildings, places, and districts.
13. To preserve quality agricultural lands.

### SECTION 3. AUTHORITY AND GENERAL PROVISIONS

3.01. Authority: Box Butte County is authorized by law to regulate zoning, planning, subdivision of land, and buildings by virtue of Section 23-114 RR Nebraska Statutes as amended, and is hereby declared to be in accordance with all provisions of these statutes.

3.02. Jurisdiction: This Resolution shall apply to the unincorporated areas within the boundaries of Box Butte County, Nebraska not located within the zoning jurisdiction of any municipality as set forth by Nebraska law, and as may be amended when necessary.

3.03. Scope: Except as may hereinafter specified, no land, building structure, or premises, hereafter shall be used or occupied and no structure may be located, constructed, extended, converted, structurally altered or otherwise developed without full compliance with the terms of this Resolution. Any structure or use lawfully existing at the effective date of this Resolution but not in conformity with the regulations of the appropriate zoning district may be continued, subject to the regulations of Section 16.

3.04. Districts: In order to carry out the purpose and intent of this Resolution, the unincorporated area of Box Butte County, Nebraska is hereby divided into the following zoning district classifications:

- A Agriculture District
- RR Residential Estate District
- RL Residential Low Density District
- RM Residential Medium Density District
- C Commercial District
- I Industrial District

3.05. District Boundaries and Official Map: The boundaries of the zoning districts are indicated upon the Official Zoning Map of Box Butte County, Nebraska, which map is made a part of this Resolution by reference hereto. The Official Zoning Map and all the notations, references, and other matters shown thereon shall be as much a part of this Resolution as if the notations, references and other matters set forth by said map were all fully described herein. The Official Zoning Map shall be on file in the Box Butte County Courthouse and shall bear the signature of the Chairperson of the Board of Commissioners attested by the County Clerk, under the certification that this is the Official Zoning Map of the Box Butte County Zoning Resolution

3.06. Changes to Official Zoning Map: If in accordance with the provisions of this Resolution, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, the resolution number and date of said change shall be recorded by the County Clerk on the Official Zoning Map. The County Board may from time to time adopt a new Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original Zoning Resolution or any subsequent amendment thereof.

3.07. Disincorporation: All territory which may hereafter become part of the unincorporated area of Box Butte County, Nebraska which is regulated by this Resolution by the disincorporation of any city or village, or any part thereof, shall automatically be classified as lying and being in the A - Agricultural District until such classification shall have been changed by amendment of this Resolution as provided by law.

3.08. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts the following rules apply:

1. The district boundaries are the centerline of roads, alleys, waterways, or other public right-of-way, unless otherwise indicated; and where the designation of a boundary line coincides with the location of

roads, alleys, waterways, or other public right-of-way, the centerline of the roads, alleys, waterways, or other public right-of-way shall be construed to be the boundary line of the district.

2. Where the district boundaries do not coincide with the location of roads, alleys, waterways, or other public right-of-way, but do coincide with platted lot-lines, the lot-line shall be construed to be the boundary of the district.

3. Where the district boundaries do not coincide with the location of roads, alleys, waterways, or other public right-of-way, but do coincide with section lines, quarter lines, quarter section lines, or quarter - quarter section lines, the section lines, quarter lines, quarter section lines, or quarter - quarter section lines shall be construed to be the boundary of the district.

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

**3.09. Exemptions:** The following structures and uses shall be exempt from the provisions of these regulations:

1. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the surface of the ground.

2. Public signs, erected by or on behalf of a governmental entity.

**3.10. Interpretation:** In the interpretation and application of the provisions of this Resolution, the following regulations set forth below shall govern:

1. **Minimum Requirements:** In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

2. **Overlapping or Contradicting Regulations:** Where the conditions imposed by any provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or any provision of any other law, resolution, rule or regulation of any kind, the regulations which are more restrictive shall govern unless specifically excepted.

3. **Private Agreements:** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than the easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.

4. **Unlawful Uses:** The adoption of these regulations shall not be interpreted as retroactively legalizing a use or structure which was illegal under previous law.

**3.11. Severability:** It is hereby declared to be the intention of Box Butte County that the provisions of these regulations are severable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, the judgment shall not affect any other provisions of these regulations.

2. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of these regulations to a particular property or structure, the judgment shall not affect the application of the provisions to any other property or structure.

**3.12. Amendments:** Any provision of this Resolution from time to time may be amended, supplemented, changed, modified, or repealed by the governing body according to law; provided, however,

that such amendments, supplements, changes, modifications, or repealed provisions shall not become effective until after the study and report by the Planning Commission.

**3.13. Repeals:**

1. All Resolutions of the County inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.
2. The repeal of any of the above mentioned does not revive any other Resolutions or portions thereof repealed by said Resolutions.
3. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any Resolution repealed hereby, for any offense committed prior to repeal.



## SECTION 4. RULES AND DEFINITIONS:

### 4.01. Rules:

1. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
  - A. Words used in the present tense shall include the future tense.
  - B. Words in the singular number include the plural number and words in the plural number include the singular number.
  - C. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
  - D. The word "shall" is mandatory, the word "may" is permissive.
  - E. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
  - F. Unless otherwise specified, all distances shall be measured horizontally.
  - G. The word "County" means Box Butte County, Nebraska.
  - H. The abbreviation N/A means not applicable.
  - I. In the event that there is any conflict or inconsistency between the heading of a section, subsection or paragraph of this Resolution and the context thereof, the headings shall not be deemed to effect the scope, meaning or intent of the context.
  - J. The words "County Board" shall mean the Box Butte County, Nebraska Board of Commissioners.
  - K. The words "Planning Commission" shall mean the Planning Commission duly appointed by the County Board.
2. Any word or phrase which is defined in this section, and used within this Resolution, shall have the meaning as so defined whenever the word or phrase is used, unless the definition is expressly limited in its meaning or scope.

**4.02. Definitions:** For the purpose of this Zoning Resolution, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

1. **Accessory Structure:** A structure detached from a principal building located on the same lot and customarily incidental to that of the main building.
2. **Accessory Use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of land or buildings and located on the same lot as the principal use.
3. **Adjacent:** When used to indicate land in the immediate vicinity of a lot, means land which shares a boundary line with the lot in question or which would share a boundary line were it not for the separation caused by a street/road or any other public right-of-way.
4. **Agriculture:** The employment of the land for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and the grazing, feeding, breeding, management and sale of livestock, poultry, fur-bearing animals, or honey bees, by dairying and the sale of dairy products and use of the land for fee hunting.
5. **Alleys:** Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting a street/road.
6. **Alteration:** Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.

7. Animal Unit - See following table.

Animal Type	# Animal Units
slaughter and feeder cattle	1
cow/calf pairs	1.2
mature dairy cattle	1.4
swine weighing 55 pounds or more	.4
weaned pigs weighing 55 pounds or less	.04
sheep	.1
horses	2
chickens	.01
turkeys	.02
ducks	.2

8. Basement: That portion of a building having more than one-half of its height below finished grade and with a floor to ceiling height of not less than six and one half feet. This portion shall not be a completed structure, but shall serve as a substructure or foundation for the remainder of the building.

9. Bed and Breakfast: Overnight accommodations and meals in a dwelling unit provided to transients for compensation.

10. Billboard: A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than on the premises on which the sign is located.

11. Building: Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

12. Building Area: The area of a lot remaining after the minimum yard open space requirements of the zoning resolution have been met.

13. Building Height: The vertical dimension from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between eaves and the ridge level for gable, hip and gambrel roofs. Mechanical equipment, chimneys, spires and similar appurtenances not intended for human habitation are not subject to the height limitations contained in the District Regulations.

14. Classes of Livestock Operations: For the purposes of this Resolution, Livestock Operations shall be classified and regulated with regard to the number of animal units confined as follows:

Class I - An operation with a one-time capacity of more than three hundred (300) animal units, but less than one thousand one (1,001) animal units.

Class II - An operation with a one-time capacity of one thousand one (1,001) animal units to five thousand (5,000) animal units.

Class III - An operation with a one-time capacity of five thousand one (5,001) animal units to twenty thousand (20,000) animal units.

Class IV - An operation with a one-time capacity of twenty thousand one (20,001) or more animal units.

15. Communication Tower: Any structure used to elevate a transmitter for radio, television, telephone, or any other types of communication.

16. Comprehensive Plan: The officially adopted document intended to guide the long range development of the county.

17. Conditional Use: A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all conditions and standards for the location specified in the zoning ordinance and required by the approving agency to mitigate potential adverse impacts upon neighboring property.

18. Conditional Use Permit: A permit issued by the approving agency stating that the conditional use meets all conditions set forth in local resolutions.

19. Dairy: An establishment for the primary production and subsequent sale or distribution of milk and/or milk products.

20. Developer: The legal or beneficial owner or owners of any of the land proposed to be included in a given development, or the authorized agent therefore, including the holder of the option or contract to purchase, or other individual having an enforceable legal interest in such land.

21. Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and an use or extension of use of land.

22. District: A part, zone, or geographic area within the county within which certain uniform zoning or development regulations apply.

23. Dwelling: A building or portion thereof, designed and used for residential purposes, but not including recreational travel trailers or motor homes not used as a permanent residence.

24. Dwelling, Accessory: A dwelling located on the same lot as the principal or primary dwelling.

25. Dwelling, Non-farm: A dwelling occupied by a person or persons in which either the head of the household or the spouse of the head of household are not engaged in farming.

26. Dwelling, Single Family: A dwelling having accommodations for and occupied exclusively by one family, including code compliant mobile homes, and intended to be occupied by not more than one family, and which has not less than one bathroom. A single family dwelling includes a townhouse or condominium.

27. Dwelling, Two-Family: A dwelling on a single lot of record having accommodations for and occupied exclusively by two families, independently.

28. Dwelling, Multiple-Family: A dwelling having accommodations for and occupied exclusively by more than two families.

29. Dwelling Unit: One room or rooms including at least one single kitchen; designed for or occupied as a unit by one family, for living and cooking purposes, located in a one family or multiple-family dwelling.

30. Earth Sheltered Residence: A residence designed as a complete structure below or partially below ground level, which was not intended to serve as a substructure or foundation for a building.

31. Easement: A grant by the property owner to the public, a corporation, or persons of the use of tract of land for a specified purpose or purposes.

32. Exotic Animal: Any vertebrate animal except fishes and amphibians that is not defined herein as livestock or a household pet.

33. Farm: An area of land 10 acres or larger from which \$1,000 or more of agricultural products are produced and sold.
34. Guest House: An accessory use designed for the temporary lodging of guests in a unit not having a kitchen or kitchen appliances.
35. Home Occupation: A business, profession, service or trade conducted for gain or support entirely within a residential building or its accessory structures.
36. Hotel or Motel: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether the establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court tourist cabin, tourist court, or other similar designations.
37. Inoperable Motor Vehicle: A motor vehicle that is wrecked, dismantled, or unable to move under its own power or is impounded by a governmental agency. This does not include vehicles that are temporarily disabled.
38. Junk: Materials which will not be utilized if not collected and processed for reuse or recycling, including but not limited to: old scrap; copper; brass; iron; steel; rope; wire; glass; rags; batteries; paper trash; rubber; debris; demolition waste; abandoned mobile homes, dismantled or wrecked; untaxed, untitled or unlicensed vehicles or part thereof; and other old scrap or ferrous or nonferrous materials.
39. Kennel.: A commercial establishment in which dogs or domestic animals are housed, groomed, bred boarded, trained, or sold, all for a fee or compensation.
40. Livestock: All cattle, bison, horses, mules, burros, sheep, goats, swine, poultry, llamas, ostriches, and elk shall be considered livestock. Additionally, any other animal or fowl which are being produced primarily for use as food or food products for human consumption shall be considered livestock.
41. Livestock Operation: The feeding or holding of beef cattle, dairy cattle, horses, swine, sheep, poultry and other livestock in buildings, lots or pens, which normally are not used for growing of crops or vegetation, but does not include the holding of cattle calving operations for less than ninety days per year. Two or more livestock 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 are or system for disposal of livestock wastes.
42. Lot: A parcel of land occupied or designed to be occupied by one or more buildings, structures, or uses, together with such open areas as are required by this Resolution.
43. Lot, Area: The total horizontal area within the lot lines of a lot.
44. Lot Line, Front: The property line dividing a lot from a street/road. On a corner lot only one street/road line shall be considered as a front lot line.
45. Lot line, Rear: The line opposite the front lot line.
46. Lot Line, Side: Any lot lines other than front lines or rear lines.
47. Manufactured Housing: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec.5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.
48. Mining: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas. The term also includes quarrying, crushing, screening and other preparation customarily done at the mine site or as part of a mining activity.

49. Mobile Home Park: A site containing spaces with the required improvements and utilities that are leased for the long-term placement of manufactured houses and that may include services and facilities for the residents.
50. Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning resolution but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
51. Nonconforming Structure: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning resolution but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
52. Nonconforming Use: A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning resolution but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
53. Open Dump: A site for the disposal of solid waste which does not comply with landfill requirements found in Title 132, of the Nebraska Code.
54. Principal Use or Structure: The predominate use of land or structures as distinguished from an accessory use.
55. Recycling: The process by which recovered waste materials are transformed into new products in such a manner that the original products may lose their identity.
56. Recycling Collection Site and/or Center: A premises or building which is maintained and operated for the purpose of receiving, collecting and processing source-separated recyclable materials for resale or transfer.
57. Right-of-way: An area dedicated to the public use which provides access to adjacent properties.
58. Salvage Operation: The controlled and safe removal, collection and sale of valuable or useful waste materials at any point in the solid waste stream.
59. Screened: Construction and maintenance of fences, earth berms or the use of landscaping materials or other materials used to lessen the noise, light, or visual impacts of a land use on surrounding land uses.
60. Setback: The horizontal distance between any building and the lot line.
61. Sight Triangle: An area at a street intersection in which no buildings shall be erected or placed and not trees, bushes or shrubs shall be planted in a manner which impedes vision between a height of 2-1/2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of inter-section of the centerline of the streets, 50 feet in each direction along the centerline of the streets. At the intersection of major arterial streets, the 50-foot distance shall be increased to 100 feet for each leg of the intersection.
62. Structure: Anything constructed or erected, the use of which requires a 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/road signs.
63. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or in the dimension or configurations of the roof or exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:
- A. Attachment of new facade where structural supports are not changed.
  - B. Addition of fire escapes where structural supports are not changed.

- C. New windows or doors.
- D. Repair or replacement of non-structural members.

64. Subdivider: The owners, developers, or agents of persons or corporations affecting subdivision.
65. Subdivision: The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership, building development, or, if a new street/road is involved, any division of a parcel of land. The term includes resubdivision and , when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
66. Unincorporated Community: For the purpose of this Resolution, the unincorporated communities in Box Butte County shall be Berea and any community designated as unincorporated after the adoption of this Resolution.
67. Variance: A variance is a relaxation of the terms of this Zoning Resolution that may be granted by the Board of Adjustment.
68. Yard: That portion of the area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the District in which the lot is located.
69. Yard, Front: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the closest point of the primary building.
70. Yard, Rear: A yard extending across the full width of the lot, the depth of which is the distance between a rear lot line and the closest point of the primary building.
71. Yard, Side: A yard extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principle building.
72. Zoning Administrator(s) : The person or persons authorized and empowered by the County Board to administer the requirements of these zoning regulations.
73. Zoning Regulations: The term zoning regulations shall mean the requirements stipulated in this Resolution and any amendments to it.

## SECTION 5. "A" AGRICULTURAL DISTRICT

**5.01. Intent:** This district is intended to satisfy the basic needs of the county's farming-ranching operations. Since agriculture is one of the county's primary industries, it is vital that agricultural operations be protected from encroachments of non-agricultural uses and potential nuisance situations. Therefore, the mixture of sporadically located intense residential and other urban uses within the agricultural district is not encouraged.

Some non-agricultural uses serving both rural and urban needs are, however, frequently found to exist in rural areas. With proper design and location these uses can co-exist without detriment to agricultural interests. These uses may be permitted by special review and approval of the Planning Commission and County Commissioners.

### 5.02. Permitted Uses:

1. Accessory single family dwellings for persons customarily employed at or engaged in farming or ranching.
2. Apiaries.
3. Asphalt or concrete batch plant and borrow pits used temporarily and exclusively for the completion of a public road improvement project.
4. Bed and Breakfasts
5. Churches & cemeteries.
6. Cultivation, storage, and sale of crops, vegetables, plants, flowers, and nursery stock raised on the premises.
7. Existing Class I Livestock Operations.
8. Extraction of minerals using non-excavation (drilling) techniques.
9. Farm or ranch operations, including the storage of chemicals and other farm associated products for sole use of the farm or ranch operator.
10. Golf Courses.
11. Grazing of livestock.
12. Home Occupations with five or fewer employees and conducted in accordance with Section 11.01.
13. Mining.
14. New livestock operations with less than 300 animal units, or more than 300 animal units if not confined for more than 90 days.
15. Offices incidental to the operation of the listed permitted uses.
16. One (1) primary single-family dwelling per legal lot/parcel, existing at the time of adoption of this Resolution, located within one mile of a livestock operation.
17. One (1) primary single-family dwelling per legal lot/parcel located more than one mile from a livestock operation.
18. Public parks and public recreation facilities.
19. Public utility transmission pipes, lines and substations.
20. Recreational tourist services.
21. Schools.
22. Tourist information area.

**5.03. Conditional Uses:** The following conditional uses may be permitted in the "A" District upon approval of a permit in accordance with the requirements and procedures set forth in Section 17.

1. Agricultural Service establishments primarily engaged in performing agricultural husbandry, or horticulture services on a fee or contract basis including:
  - A. Grain and/or feed elevators
  - B. Crop dusting or spraying operations facilities (including hangers, landing strips, fertilizer storage facilities, and offices accessory to the crop dusting or spraying operation)
  - C. Farm equipment sales, repair, and installation facilities.
  - D. Veterinary clinics and hospitals and related facilities.
  - E. Grain and Feed Sales.

- F. Commercial Grain Storage and drying.
  - G. Fertilizer storage, mixing, blending, and sales.
  - H. Seed processing, storage, mixing, blending, and sales.
  - I. Sorting, grading and packing fruits and vegetables for the grower.
  - J. Animal rendering, animal waste recycling and processing facilities.
  - K. Custom meat processing.
  - L. Livestock sales barns and facilities
  - M. Forage dehydration facilities.
2. Airports and landing strips.
  3. Beet dump.
  4. Billboards (in accordance with Section 12 ).
  5. Cellular, television, or radio towers.
  6. Commercial trailer washout.
  7. Fairgrounds.
  8. New livestock operations with 300 or more animal units confined for more than 90 days.
  9. Kennels.
  10. Home Occupation with more than 5 employees.
  11. Pet Cemetery.
  12. Power generating facilities and related uses.
  13. Race Tracks.
  14. Salvage Operation, Auto - possessing a Department of Motor Vehicles operating license.
  15. Salvage Operation, Other - that can demonstrate processing and the sale of processed material is, or will, occur within the time limitation imposed as a condition of use.
  16. Sewage and wastewater treatment operations.
  17. Solid waste disposal sites and facilities.
  18. Indoor or outdoor sporting and recreation facilities, public or private, that due to the nature of the facility generally require a location separated from urban areas. Examples include rifle ranges, sport clay facilities, riding arenas, etc. *(Amended adopted July 7, 2003)*
  19. Temporary housing for the care of an elderly or special need blood relative or immediate family subject to the conditions listed below and any additional conditions as may be required by the County;

1. The structure is to be temporary in nature and must be removed when no longer occupied by the intended benefactor at the time of application, or other eligible benefactor.
2. Evidence must be [resented indicating the project will be in compliance with all water and waste water regulations of the State of Nebraska and Box Butte County.
3. The structure must be located in the rear yard and meet all yard regulations and distance separations as required in the zoning district in which it will be placed.
4. Evidence of special need must be provided by the applicant. Examples of such evidence include a letter from a doctor or official office as Office of Human Development, Health and Human Services, etc. indicating that a special need exists. *(Amended adopted November 1, 2004)*

5.04. Performance Standards

1. Area & bulk regulations.

Use Maximum Height	Minimum	Minimum	Maximum	Maximum #	Setbacks					Floor	
	Lot Size (acres)	Lot Width (ft.)	Coverage (%)	Dwelling Units	Front (ft.)	Rear (ft.)	Interior (ft.)	Side (ft.)	Side Street (ft.)	Area (sq.ft.)	(ft.)
Farm & Farm bldg.	10	-	-		-	-	-	-	-	-	-
SF Dwelling	5	70'	10	1	25	5	5	25	-	-	35
Accessory Bldg.					25	5	5	25	-	-	35

Note: A detached accessory building must be located at least ten (10) feet from the main building. 15



## 2. Permitted Accessory Uses

- a. Buildings and uses customarily incidental to the permitted and conditional uses listed in Section 5.02.
- b. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
- c. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- d. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- e. Public utility and services infrastructure.
- f. Signs subject to additional regulations in Section 12.
- g. Television, radio receiving and transmitting equipment, and satellite dishes.
- h. Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the work.
- i. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- j. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

3. Fences: Fences are not required to comply with the minimum setback and may be located on the property line.

4. Sight Triangle: All structures and landscaping shall conform to the requirements of the sight triangle as specified in Section 4.02-61.

**SECTION 6. "RE" RESIDENTIAL ESTATE DISTRICT**

**6.01. Intent:** The intent of this district is to provide the present and future residents of Box Butte County with low-density residential subdivisions in rural areas. However, no "residential zoning district" will be approved to locate within one mile of any existing Class I or higher livestock operation.

**6.02. Permitted Uses:**

1. Animals, except the number of animals shall not exceed 1.0 animal units per acre.
2. Bed and Breakfasts.
3. Home Occupations with two or fewer employees and conducted in accordance with Section 11.01.
4. One (1) single family dwelling unit per lot.
5. Orchards.
6. Public parks and recreation areas.
7. Schools.
8. Stable housing only animals owned by the residents of the property.

**6.03. Conditional Uses:** The following conditional uses may be permitted subject to approval procedures outlined in Section 17 of this Resolution:

1. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Box Butte Planning Commission and Board of County Commissioners, deems reasonably necessary for public convenience or welfare.
2. Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
3. Home Occupation with more than two employees.
4. Radio, television and microwave towers.
5. Reservoirs, wells, towers, filter beds, or water supply plants.
6. Wind-driven electric generators.
7. Temporary housing for the care of an elderly or special need blood relative or immediate family subject to the conditions listed below and any additional conditions as may be required by the County;

1. The structure is to be temporary in nature and must be removed when no longer occupied by the intended benefactor at the time of application, or other eligible benefactor.
2. Evidence must be [resented indicating the project will be in compliance with all water and waste water regulations of the State of Nebraska and Box Butte County.
3. The structure must be located in the rear yard and meet all yard regulations and distance separations as required in the zoning district in which it will be placed.
4. Evidence of special need must be provided by the applicant. Examples of such evidence include a letter from a doctor or official office as Office of Human Development, Health and Human Services, etc. indicating that a special need exists. *(Amended adopted November 1, 2004)*

**6.04. Performance Standards**

**1. Area & Bulk Regulations.**

A. Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Building Height	Building
				Front	Rear	Side	Side Street		
Separation									
1. Dwelling (SF)	5 acres	70'	1	25	25	15	25	(30')	6'
2. Accessory Bldg.				25	5	5	25	(30')	

**2. Permitted Accessory Uses.**

- a. Any structure or use clearly incidental and accessory to a use permitted in the "RE" District. 17

- b. Barns
  - c. Garages
  - d. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
  - e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
  - f. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
  - g. Public utility and services infrastructure.
  - h. Sheds
  - i. Signs subject to additional regulations in Section 12.
  - j. Silos
  - k. Television, radio receiving and transmitting equipment, and satellite dishes.
  - l. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
  - m. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
3. Fences: Fences are not required to comply with the minimum setback and may be located on the property line.
4. Sight Triangle: All structures and landscaping shall conform to the requirements of the sight triangle as specified in Section 4.02-61.

**SECTION 7. "RL" RESIDENTIAL LOW DENSITY DISTRICT**

**7.01. Intent:** The intent of this district is to serve the demand for single family housing placed upon small acreage's in a somewhat urbanized setting. However, no "residential zoning district" will be approved to located within one mile of any existing Class I or higher livestock operation.

**7.02. Permitted Uses:**

1. Bed and Breakfast.
2. Churches.
3. Home Occupations with two or fewer employees and conducted in accordance with Section 11.01.
4. One (1) single family dwelling unit per lot.
5. Public parks and public recreation areas.
6. Schools.
7. Utility transmission lines primarily serving uses within the Residential Low Density District.

**7.03. Conditional Uses:** The following conditional uses may be permitted in the RL District subject to approval procedures outlined in Section 17 of this Resolution:

1. Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
2. Home occupation with two or more employees.
3. Radio, television and microwave towers.
4. Reservoirs, wells, towers, filter beds, or water supply plants.
5. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Box Butte Planning Commission and Board of County Commissioners, deems reasonably necessary for public convenience or welfare.
6. Temporary housing for the care of an elderly or special need blood relative or immediate family subject to the conditions listed below and any additional conditions as may be required by the County;
  1. The structure is to be temporary in nature and must be removed when no longer occupied by the intended benefactor at the time of application, or other eligible benefactor.
  2. Evidence must be [resented indicating the project will be in compliance with all water and waste water regulations of the State of Nebraska and Box Butte County.
  3. The structure must be located in the rear yard and meet all yard regulations and distance separations as required in the zoning district in which it will be placed.
  4. Evidence of special need must be provided by the applicant. Examples of such evidence include a letter from a doctor or official office as Office of Human Development, Health and Human Services, etc. indicating that a special need exists. (*Amended adopted November 1, 2004*)

**7.04. Performance Standards**

**1. Area & Bulk Regulations.**

A. Use Separation	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Building Height	Building
				Front	Rear	Side	Side Street		
1. Dwelling (SF)	.8 acre	70'	1	25	25	15	25	(30')	6'
2. Accessory Bldg.				25	5	5	25	(30')	

Note: Prior to receiving a permit to construct any building requiring water and waste water disposal systems the applicant will provide evidence that the lot size is large enough to accommodate water and waste water disposal systems without negatively impacting neighboring properties.

2. Permitted Accessory Uses.
  - a. Any structure or use clearly incidental and accessory to a use allowed by right in the "RL" District
  - b. Garages
  - c. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
  - d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
  - e. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
  - f. Public utility and services infrastructure.
  - g. Sheds
  - h. Signs subject to additional regulations in Section 12.
  - i. Television, radio receiving and transmitting equipment, and satellite dishes.
  - j. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
  - k. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
3. Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:
  - a. No fence shall be constructed which will constitute a traffic hazard.
  - b. No person shall erect or maintain any fence which shall adversely affect the public health, safety and welfare.
  - c. Fences may be constructed on the property line as long as the fence complies with all street/road, utility, and other applicable easements.
4. Sight Triangle: All structures and landscaping shall conform to the requirements of the sight triangle as specified in Section 4.02-61.

**SECTION 8. "RM" RESIDENTIAL MEDIUM DENSITY DISTRICT**

**8.01. Intent:** The intent of this district is to accommodate those residents currently occupying dwelling units in existing unincorporated communities. However, no "residential zoning district" will be approved to located within one mile of any existing Class I or higher livestock operation.

**8.02. Permitted Uses:**

1. Bed and Breakfast.
2. Churches.
3. Home Occupations with two or fewer employees and conducted in accordance with Section 11.01.
4. One (1) single family dwelling unit per lot.
5. Public parks and public recreation areas.
6. Schools.
7. Utility transmission lines primarily serving uses within the Residential Medium Density District.

**8.03. Conditional Uses:** The following conditional uses may be permitted in the RM District subject to approval procedures outlined in Section 17 of this Resolution:

1. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Box Butte Planning Commission and Board of County Commissioners, deems reasonably necessary for public convenience or welfare.
2. Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
3. Home occupation with more than two employees.
4. Radio, television and microwave towers.
5. Reservoirs, wells, towers, filter beds, or water supply plants.
6. Temporary housing for the care of an elderly or special need blood relative or immediate family subject to the conditions listed below and any additional conditions as may be required by the County;

1. The structure is to be temporary in nature and must be removed when no longer occupied by the intended benefactor at the time of application, or other eligible benefactor.
2. Evidence must be presented indicating the project will be in compliance with all water and waste water regulations of the State of Nebraska and Box Butte County.
3. The structure must be located in the rear yard and meet all yard regulations and distance separations as required in the zoning district in which it will be placed.
4. Evidence of special need must be provided by the applicant. Examples of such evidence include a letter from a doctor or official office as Office of Human Development, Health and Human Services, etc. indicating that a special need exists. *(Amended adopted November 1, 2004)*

**8.04. Performance Standards**

**1. Area & Bulk Regulations.**

A. Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Building Height	Building Separation
				Front	Rear	Side	Side Street		
1. Dwelling (SF)	8,000 sq. ft.	50'	1	20	20	15	15	(30')	6'
2. Accessory Bldg.				20	5	5	15	(30')	

Note: Prior to receiving a permit to construct any building requiring water and waste water disposal systems the applicant will provide evidence the lot size is large enough to accommodate water and waste water disposal systems without negatively impacting neighboring properties.

2. Permitted Accessory Uses.

- a. Any structure or use clearly incidental and accessory to a permitted use in the "RM" District.
- b. Garages.
- c. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- e. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- f. Public utility and services infrastructure.
- g. Sheds.
- h. Signs subject to additional regulations in Section 12.
- i. Television, radio receiving and transmitting equipment, and satellite dishes.
- j. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- k. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

3. Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

- a. No fence shall be constructed which will constitute a traffic hazard.
- b. No person shall erect or maintain any fence which shall adversely affect the public health, safety and welfare.
- c. Fences may be constructed on the property line as long as the fence complies with all street/road, utility, and other applicable easements.

4. Sight Triangle: All structures and landscaping shall conform to the requirements of the sight triangle as specified in Section 4.02-61.

**SECTION 9. "C" COMMERCIAL DISTRICT**

**9.01. Intent:** The intent of this district is to provide a zone which will accommodate commercial activity serving the residents of unincorporated communities and rural residential subdivisions.

**9.02. Permitted Uses:**

1. Convenience Stores.
2. Gas Stations.
3. Offices.
4. Restaurants.
5. Stores and shops which provide personal services.
6. Stores and shops which sell retail or wholesale merchandise.

**9.03. Conditional Uses:** The following conditional uses may be permitted in the "C" District subject to approval procedures outlined in Section 17 of this Resolution:

1. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Box Butte Planning Commission and Board of County Commissioners, deems reasonably necessary for public convenience or welfare.
2. Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
3. Radio, television and microwave towers.
4. Reservoirs, wells, towers, filter beds, or water supply plants.

**9.04. Performance Standards**

**1. Area & Bulk Regulations.**

A. Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Building Height	Building Separation
				Front	Rear	Side	Side Street		
1. Dwelling (SF)	6,000 sq.ft.	50'	n/a	20	20	15	15	(30')	6'
2. Accessory Bldg.				20	5	5	15	(30')	

Note: Prior to receiving a permit to construct any building requiring water and waste water disposal systems the applicant will provide evidence the lot size is large enough to accommodate water and waste water disposal systems without negatively impacting neighboring properties.

**2. Permitted Accessory Uses.**

- a. Garages.
- b. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
- c. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- d. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- e. Public utility and services infrastructure.
- f. Television, radio receiving and transmitting equipment, and satellite dishes.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- i. Sheds.



j. Signs subject to additional regulations in Section 12.

3. Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

- a. No fence shall be constructed which will constitute a traffic hazard.
- b. No person shall erect or maintain any fence which shall adversely affect the public health, safety and welfare.
- c. Fences may be constructed on the property line as long as the fence complies with all street/road, utility, and other applicable easements.

4. Sight Triangle: All structures and landscaping shall conform to the requirements of the sight triangle as specified in Section 4.02-61.

**SECTION 10. "I" INDUSTRIAL DISTRICT**

**10.01. Intent:** The intent of this district is to provide for those activities which due to their nature require distance separation from more urbanized and/or residential land uses, or which must be located outside of urban areas due to special land volume and/or transportation access needs.

**10.02. Permitted Uses:**

1. Activities which are normally associated with a railroad operation, such as rail car repair.
2. Beet dump.
3. Commercial storage units.
4. Contractor equipment storage yard.
5. Fertilizer plant.
5. Grain elevators.
6. Grain storage facilities.
7. Light indoor manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
8. Livestock auction facilities.
9. Manufacturing or storage of bulk oil or gas.
10. Offices.
11. One dwelling unit is permitted for use exclusively by a watchman or custodian.
12. Public utility and public service uses as follows:
  - a. Telephone exchange, telephone transmission buildings and electric power plants.
  - b. Public utility storage yards.
13. Ready-mixed concrete and asphalt mix plants.
14. Sign painting and manufacturing.
15. Truck Terminal.

**10.03. Conditional Uses:** The following conditional uses may be permitted in the "I" District subject to approval procedures outlined in Section 17 of this Resolution:

1. Billboards in accordance with Section 12.
2. Commercial transmitting towers.
3. Kennels.
4. Manufacturing or fabrication establishments which are not allowed as a permitted use.
5. Salvage Operation, Auto - possessing a Department of Motor Vehicles operating license.
6. Salvage Operation, Other - that can demonstrate processing and the sale of processed material is, or will, occur within the time limitation imposed as a condition of use.

**10.04. Performance Standards**

**1. Area & Bulk Regulations.**

A. Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Building Height	Building
				Front	Rear	Side	Side Street		
Separation									
1. Principle Structure	none	none		50	20	15	25		
2. Dwelling (SF)	none	none	1 (A)	50	20	15	25	(45')	6'
3. Accessory Bldg.				50	5	15	25	(45')	6'

Note: Prior to receiving a permit to construct any building requiring water and waste water disposal systems the applicant will provide evidence the lot size is large enough to accommodate water and waste water disposal systems without negatively impacting neighboring properties.

2. Permitted Accessory Uses.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
- c. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- d. Signs subject to additional regulations Section 12.
- e. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- f. Television, radio receiving and transmitting equipment, and satellite dishes.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

3. Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

- a. No fence shall be constructed which will constitute a traffic hazard.
- b. No person shall erect or maintain any fence which shall adversely affect the public health, safety and welfare.
- c. Fences may be constructed on the property line as long as the fence complies with all street/road, utility, and other applicable easements.

4. Sight Triangle: All structures and landscaping shall conform to the requirements of the sight triangle as specified in Section 4.02-61.

## SECTION 11. SUPPLEMENTARY DISTRICT REGULATIONS

11.01. Home Occupations: Home occupations, where permitted, shall be subject to the following:

1. Restrictions and Limitations:

- A. The home occupation shall be incidental and subordinate to the principal use of the premises and not more than fifty percent (50%) of the total floor area of the dwelling unit or accessory structure in the case of a home business operated in a residential district.
- B. No outdoor storage of materials or equipment used in the home occupation shall be permitted in a residential district.
- C. No alteration of the exterior of the principal residential building shall be made which changes the character as a residence. The home occupation shall be carried on entirely within the principal residential structure or accessory building in a residential district.
- D. No equipment shall be utilized that creates a nuisance due to noise or electrical interference.
- E. Parking needs generated by the conduct of a home occupation in a residential district shall be provided off-street/road.
- F. Home businesses in the "A" zone will be limited to 5 employees in addition to the owner. Home businesses in any "R" zone will be limited to 2 employees in addition to the owner.

11.02. Temporary Uses:

1. The following temporary uses shall be permitted:

- A. Seasonal Sales: Seasonal sales of farm produce. Structures incidental to the sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used. All permanent structures must comply with the front yard requirements.

## **SECTION 12. SIGN REGULATIONS**

**12.01. Billboards:** All billboards erected after the adoption of this Resolution shall comply with the following regulations:

1. Billboards shall only be allowed as a conditional use in the A, C, and I Districts.
2. No Billboard shall be erected without a conditional use permit from the County Board. The County Commissioners shall consult the recommendation of the Planning Commission when issuing a conditional use for a billboard.
3. Any billboard that is not kept in good condition shall either be repaired or removed at owners expense.
4. The County Board may implement conditions upon a billboard to minimize the environmental or scenic impact of a billboard.

## **SECTION 13. LIVESTOCK OPERATION REGULATIONS**

**13.01. Livestock Operation Permit:** No new Class I, or higher livestock operation shall be developed without a conditional use permit from Box Butte County. Likewise, any existing livestock operation shall not be physically expanded without first obtaining a conditional use permit from Box Butte County if such expansion will result in the livestock operation changing to another Class. However, a one-time expansion of fifty (50) percent of the livestock operations current capacity, or an expansion of 2000 head, whichever is less, is permitted without a conditional use permit, provided a notification is made to the Box Butte County Planning Commission. Such notification shall contain a copy of the Nebraska DEQ document which contains the current capacity. The physical expansion is to be completed within twelve months of the notification date.

**13.02. Permit Validity.** Conditional use permits for a livestock operation shall be contingent upon receiving a permit for a waste control facility, if required, from the Nebraska Department of Environment Quality.

**13.03. Livestock Operation Development Standards:** All new or newly expanded livestock operations shall conform to the following development standards:

1. Any Class I or higher livestock operation, existing or new, desiring to expand or locate within on-half (1/2) mile of a any residential or commercial zoning district, school, or public recreation area requires a conditional use permit.
2. All livestock operations shall meet the environmental standards established by the Department of Environmental Quality.

## **SECTION 14. COMMUNICATION TOWER REGULATIONS**

**14.01. General Standards:** The following minimum standards shall apply to all communication towers when seeking a conditional use permit:

- A. The height of a communication tower shall not exceed the distance between the base of a tower and any permanent structure, utility line or road.
- B. Communication towers shall not be constructed unless evidence is demonstrated that the communication transmitter(s) in question can not be practically located on either an existing structure or an existing communication tower.
- C. Communication towers shall not contain transmitters which interfere with commercial or residential radio or television signals.
- D. All communication towers must comply with FAA regulations.

**14.02. Application Requirements:** All applications for a conditional use permit for a communication tower shall contain the following items:

- A. A vicinity map showing all permanent structures, roads, and utility lines within a two mile radius of the proposed tower.
- B. Written evidence that the communication tower meets the requirements listed in Section 14.01.

SECTION 15. RESERVED FOR FUTURE USE

## **SECTION 16. NON-CONFORMING USES**

**16.01. General:** There are three types of nonconforming uses:

1. **Nonconforming Lot of Record:** A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and the lot does not comply with the lot area or width requirements of the district in which it is located.
2. **Nonconforming Structure:** A structure that existed prior to the adoption of these regulations that does not comply with the lot coverage, height or yard requirements which are applicable to structures in the zoning district in which it is located.
3. **Nonconforming Uses:** A use of a structure or of land that lawfully existed prior to the adoption of these regulations which does not comply with the use regulations applicable in the zoning district in which it is located.

**16.02. Nonconforming Lots of Record:** The Zoning Administrator may issue a building (zoning) permit for a nonconforming lot of record provided that:

1. The 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 the size and width at that location would have been prohibited by any zoning regulations.
2. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of the lot has been prohibited by any zoning regulations.
3. The lot can meet all yard regulations for the district in which it is located.

**16.03. Nonconforming Structures:**

1. **Authority to Continue:** Any existing structure which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.
2. **Enlargement, Repair, Alterations:** Any nonconforming structure may be enlarged, maintained, repaired or remodeled, provided, however, that no enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of the structure. Notwithstanding the above, a porch which is covered by a roof which extends into a front setback area may be enclosed but not in excess of the area covered by the existing roof.
3. **Damage or Destruction:** In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its replacement value, the structure shall not be restored unless it shall then conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of fifty (50) percent or less, no repairs or restoration shall be made unless a building permit is obtained within six (6) months and restoration is actually begun one year after the date of the partial destruction and is diligently pursued to completion. All structures damaged more than fifty (50) percent shall be removed at the owner's expense within six months of having sustained damage.
4. **Moving:** No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

**16.04. Nonconforming Uses:**

1. **Authority to Continue:** Any lawfully existing use of part or all of a structure or any lawfully existing use of land which existed prior to the adoption of these regulations and does not comply with these requirements of these regulations may be continued, so long as otherwise lawful and so long as it is not specified to be terminated by these regulations.



2. Ordinary Repair and Maintenance:
  - A. Normal maintenance and incidental repair or replacement, installation or relocation of non-bearing partitions, non-bearing walls, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
  - B. 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 and who declares the structure to be unsafe and orders its restoration to a safe condition.
3. Extension: A nonconforming use shall not be extended, expanded, enlarged or increased either in land area or floor area without first having received a Conditional Use Permit.
4. 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 the use shall then conform to the regulations of district in which it is located unless first having received a Conditional Use Permit.
5. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its replacement value, the structure shall not be restored unless the structure and its use shall then conform to all regulations of the zoning district in which it is located. When the damage or destruction is fifty (50) percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of the partial destruction and is diligently pursued to completion. All structures damaged more than fifty (50) percent shall be removed at the owner's expense within six months of having sustained damage.
6. Moving: No structure that is devoted in whole or in part to a nonconforming use and no nonconforming use of land shall be moved in whole or in part for any distance whatever to any location on the same or any other lot, unless the entire structure and its use and the use of the land shall then conform to all regulations of the zoning district in which it is located after being so moved. Code Compliant mobile homes may be replaced on an existing utility hookup outside a mobile home park.
7. 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 premises may be changed to another nonconforming use, provided that the County Board, after receiving the recommendation of the Planning Commission, shall find that the proposed use is as appropriate or more appropriate to the district than the existing nonconforming use. In permitting a change, the County Board, after receiving the recommendation of the Planning Commission, may require conditions and safeguards to protect surrounding areas and properties. Once the use has changed it may no longer be returned to the original use or any other less appropriate use.
8. Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of twelve consecutive months, that use shall not be re-established or resumed, and any later use or occupancy of the land or buildings shall comply with the regulations of the zoning district in which the land or buildings are located.
9. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after the principal use shall cease or terminate unless the accessory use is permitted in the district.
10. Change of Ownership: A nonconforming use may be continued, but not increased, by a new owner of such property.

## SECTION 17. CONDITIONAL USES:

**17.01. Conditional Use Permits:** Conditional uses are those types of uses which, due to their nature, are determined to be more intense than the normal uses permitted within a given zoning district or where the product, process, mode of operation or nature of business may prove detrimental to the health, safety, welfare or property value of the immediate neighborhood and its environment. Within the various zoning districts, conditional uses that are specifically listed in the district regulations, may be permitted only after additional requirements are complied with as established within this section.

The Box Butte County Commissioners shall approve the establishment of a conditional use by granting a Conditional Use Permit. All requests for a Conditional Use Permit shall be reviewed by the Box Butte County Planning Commission. The Planning Commission recommendation shall be forwarded to, considered, and acted upon by the County Board as soon as practical, as set forth in 17.05 within this section. Such action shall be taken at a properly advertised meeting of the County Commissioners as described in Section 20 of this resolution and shall be an agenda item.

**17.02. Application requirements for a Conditional Use Permit:** An application for a Conditional Use Permit shall be in writing and signed by the owner of the lot, tract of land, building or structure for which the permit is being requested. The application, which shall consist of forms and information required by Box Butte County and which may be amended from time to time by the Box Butte County Planning Commission, shall be filed with the zoning administrator along with the appropriate filing fee. At a minimum the application form shall include the following:

1. General Information:
  - A. Name, address, and telephone number of the applicants.
  - B. Name, address, and authorization of the owner of the property proposed for the conditional use if different from above.
  - C. Legal description of the property under consideration.
  - D. Total acreage of the parcel under consideration.
  - E. Existing land use of the parcel under consideration.
  - F. Existing land uses of all the properties adjacent to said property.
  - G. Signatures of the applicant and fee owners or their authorized legal agent.
  - H. A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Box Butte County Assessor of the surface owners of the property within five hundred (500) feet of the property subject to the applicant. The source of such records shall be the records the Box Butte County Assessor.
2. A detailed description of the proposed operation and use shall be supplied including the following:
  - A. Type of use for which the application is being made.
  - B. Proximity of the proposed use to residential structures.
  - C. A statement explaining that the proposal is consistent with the Box Butte County Comprehensive Plan.
  - D. A statement which explains that the proposal is consistent with the intent of the district in which the use is located.
3. A vicinity map depicting the location of the proposed use related to roads, surrounding land uses and structures.
4. A site plan of the conditional use area depicting the location and extent of the proposed use and measures to lessen the impact of the use.

**17.03. Minimum Requirements.** A Conditional Use Permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The nature, size and scope of the conditional use and its location in relation to transportation systems will not dominate the immediate neighborhood so as to prevent development and use of the neighboring property in accordance with applicable zoning regulations.
5. Off-street parking and loading will be provided as required in this resolution.
6. Adequate utility, drainage, and other necessary facilities have been or will be provided.
7. Adequate access to roads, or entrance and exit drives, will be provided and shall be so designed to prevent traffic hazards and to minimize congestion in public streets and alleys.

**17.04. Additional Requirements:**

1. In granting a conditional use, the Planning Commission shall recommend, and the County Board may impose certain conditions, safeguards and restrictions upon the premises benefited by the conditional use which may be necessary to reduce or minimize any potential injurious effect of conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Any additional requirements set by the County Board shall be filed with the application.
2. Any expansion or enlargement of a Conditional Use shall be treated as a new use and shall require a new application under the provisions of this section.
3. Ordinary repairs and maintenance may be performed upon structures associated with a Conditional Use so long as such repairs and maintenance do not have the effect of expanding or enlarging the use.
4. If the Conditional use has not commenced within twelve months from the date of approval or is discontinued for a period of twelve consecutive months it shall be presumed inactive. Box Butte County shall initiate an administrative hearing to consider whether to grant an extension of time to commence the use or revoke the Conditional Use. If the Conditional Use is revoked, it shall be necessary to follow the procedures and requirements of this Section in order to re-establish any Conditional Use.

**17.05** The Box Butte County Commissioners shall approve the Conditional Use Permit if the applicant has met the requirements as set forth in 17.02, 17.03 and 17.04 within this section.

## SECTION 18. BOARD OF ADJUSTMENT

**18.01. Board of Adjustment Membership:** The County Board of Commissioners shall appoint five regular members and one alternate member to serve three year terms as members of the County Board of Adjustment. One member only of the board of adjustments shall be appointed by the County Board from the 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 Board of Adjustment and the subsequent appointment of another planning commission member to the Board of Adjustment. Any member of the Board of Adjustment may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

**18.02. Board of Adjustment Meetings:** The Board of Adjustment shall consult the recommendation of the Planning Commission on all planning and zoning matters. Meetings of the Board of Adjustment shall be held at such times as the Board of Adjustment may designate, or at such other times as the Chairperson, in his or her discretion, calls a meeting. Special meetings may also be held upon the call of any three (3) members of the Board of Adjustment. The Chairperson or, in the Chairperson's absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. Any resident or property owner in the County or within the area over which it exercises zoning jurisdiction shall have the right to appear before the Board of Adjustment regarding any matter in which they have a reasonable interest. The Board of Adjustment shall keep minutes of its proceedings showing the vote. Records of its examinations and other official actions shall be immediately filed in the office of the County Clerk and shall be public record. A majority of the Board of Adjustment shall constitute a quorum for the purpose of doing business.

**18.03. Duties:** The Board of Adjustment is authorized, upon the recommendation of the Planning Commission:

1. To hear and decide appeals where it alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location of soundness of structures.
2. To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any zone.
3. To authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Zoning Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation under this Resolution would result in peculiar and exceptional practical difficulties or exceptional and undue hardships upon the owner or the property. Upon an appeal relating to the property, a variance from the strict application of this Resolution may be granted to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any Resolution or resolution. In granting a variance, the Board of Adjustment may impose certain conditions, safeguards and restrictions upon the premises benefited by the variance which may be necessary to reduce or minimize any potentially injurious effect of the variance upon other property in the neighborhood. A request for a variance shall not be granted unless there is a finding by the Board of Adjustment that all of the following conditions have been met:
  - A. The strict application of the zoning regulation would produce undue hardship.
  - B. The hardship is not shared generally by other properties in the same zoning district.
  - C. The authorization of the 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.
  - D. The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
  - E. The conditions which gave rise to the request are not created by an action or actions of the property owner or applicant.

F. 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 reasonably practicable the formulation of a general regulation to be adopted as an amendment to these zoning regulations.

4. In exercising the above-mentioned powers the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. To that end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

**18.04. Applications:**

1. Procedure: The procedure for requesting a hearing before the Board of Adjustment shall be as follows:

- A. All applications for a variance to the Board of Adjustment shall be in writing and filed with the Planning Commission. If the Planning Commission provides for an application form, then that form shall be used. The application shall include the following:
  - 1. The description of the lot, tract of land, building or structure for which the variance is requested.
  - 2. The name or names of the owner or owners.
  - 3. The nature of the relief requested.
- B. After receiving the recommendation of the Planning Commission, a hearing shall be held by the Board of Adjustment within sixty (60) days of the filing of the application unless delayed by request of the applicant. Notice of the hearing shall be given as required by this Resolution.

2. Additional Requirements: In addition to the above requirements, certain applications require additional information as follows:

- A. Appeals and Interpretations:
  - 1. An application for an appeal or interpretation must be filed within fifteen (15) working days after a ruling has been made by the Board of Adjustment.
  - 2. A copy of the order, requirement, decision or determination of the Board of Adjustment which the applicant believes to be in error shall be submitted.
  - 3. A clear and accurate, written description of the proposed use, work or action in which the appeal or interpretation is involved and a statement justifying the applicant's position.
  - 4. Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.
- B. Variance:
  - 1. The applicant shall submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the conditions as set out in this Resolution.
  - 2. The applicant shall submit a sketch, in duplicate, drawn to scale and showing lot or lots included in the application; the structures existing; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board of Adjustment in consideration of the application should be included.

3. Performance: In making any decision varying or modifying any provisions of the zoning regulations, the Board of Adjustment shall impose any restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining property.

The Board of Adjustment may require cash, a letter of credit or a performance bond to guarantee the installation of required improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board of Adjustment, and shall be enforceable by or payable to the County Board in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board of Adjustment may specify a time limit for the completion of the required improvements and in the event the improvements are not completed within the specified time, the Board of Adjustment may reconsider its action and may, after reconsideration, declare the granting of the application null and void.

**18.05. Variances and Building Permits:** If the Board of Adjustment grants the application for the variance and a building permit will be necessary, the building permit shall not be issued until the statutory period for appeal from the decision of the Board of Adjustment has expired. No building permit may be issued while an application for a variance is pending before the Board of Adjustment or if the Board of Adjustment denies the application unless the Board of Adjustment's decision is reversed by a court. Once a variance is granted, the right to the variance shall expire unless the required building permit is applied for within six (6) months after the granting of the variance.

**18.06. Appeals from the Board:** Any person or persons aggrieved by any decision of the Board of Adjustment, or any officer, department or Board of the County may appeal to the District Court of Box Butte County as provided by law.

**18.07. Board of Adjustment Decisions:** When authorizing a variance, four concurring votes for the variance request are needed.

## SECTION 19. AMENDMENTS TO ZONING RESOLUTION TEXT AND MAP

### 19.01. Amendment to the Zoning Resolution Text and Map:

1. Authority: The Board of County Commissioners may, by resolution, amend, supplement, change, modify or repeal these regulations and district boundaries. No amendment, change or repeal shall be adopted by the County Board until the Planning Commission has held a public hearing and submitted its recommendations.
2. Proposal of Amendments: Only the Board of County Commissioners, the Box Butte County Planning Commission or the fee owner of a property, or a person with legal interest in a property in the unincorporated area of Box Butte County may request an amendment. However, no person may apply for an amendment within a period of six (6) months following the denial by the County Board of the same amendment.
3. Application: When the owner of the property affected initiates an amendment to the regulations or the district boundaries, and Application for Amendment shall be obtained from the Office of the County Clerk, completed, and filed with the County Clerk along with any required fees so that a public hearing can be set.
4. Ownership List: A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Box Butte County Assessor of the surface owners of the property within five hundred (500) feet of the property subject to the applicant. The source of such records shall be the records the Box Butte County Assessor.
5. Disposition of Amendment Proposals: Upon receipt of a proposed amendment from the County Board or from the property owner affected, the Planning Commission shall hold a public hearing on the proposed amendment and forward its findings and recommendations with respect to the proposed amendment to the County board.

19.02. Planning Commission Public Hearing: The Planning Commission shall have the following responsibilities when an application is submitted for an amendment:

1. Public Hearing: The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by the Planning Commission itself. The Planning Commission shall hold the public hearing within sixty (60) days from the date on which the proposed amendment is referred to, filed with or initiated.
2. Notice of Hearing: Public notice of the hearing on a proposed amendment shall include advertisement in a legal newspaper ten days prior to the hearing date and providing written notice to the chairman of any municipal or joint planning commission which has jurisdiction over land within three miles of the property affected by such action. Notice may include posting of the site in question and may include mailing notice or hearing to property owners within 500 feet of the site in question.
3. Conduct of Hearing: The hearing shall be conducted and record of the proceedings shall be preserved according to the procedures as the Planning Commission may prescribe by rule. Any interested person or party may appear and be heard in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency. A copy of the report shall be made available to the applicant and any other interested persons and shall be available for review in the office of the County Clerk at least three days before the date set for the public hearing. The Planning Commission may also require reports after the public hearing if additional information is deemed necessary. These reports shall also be made available to the applicant and any other interested persons.
4. Recommendation: The Planning Commission shall forward its recommendation in writing, and the official record and case file to the County Board within ten days after the recommendation has been made.

5. If the Planning Commission recommendation is conditional upon the applicant submitting completing certain specified items prior to the publication of the notice of public hearing by the County Board, then the ten day period shall commence upon submission of items by the applicant to the Planning Commission.

**19.03. Board of Commissioners Public Hearing:** The Board of Commissioners shall have the following responsibilities when an application is submitted for an amendment:

1. **Public Hearing:** Set a Board of Commissioners' public hearing to take place not less than fifteen (15) days and not more than forty-five (45) days after receipt of the Planning Commission recommendation.
2. **Notice of Hearing:** Public notice of the hearing on a proposed amendment shall include advertisement in a legal newspaper ten days prior to the hearing date and providing written notice to the chairman of any municipal or joint planning commission which has jurisdiction over land within three miles of the property affected by such action. Notice may include posting of the site in question and may include mailing notice or hearing to property owners within 500 feet of the site in question.
3. **Conduct of Hearing:** The hearing shall be conducted and record of the proceedings shall be preserved according to the procedures as the County Board may prescribe by rule. Any interested person or party may appear and be heard in person, by agent or by attorney. The County Board may request a report on any proposed amendment from any governmental official or agency. A copy of the report shall be made available to the applicant and any other interested persons and shall be available for review in the office of the County Clerk at least three days before the date set for the public hearing.
4. **Approved Action:** Amendments shall be approved by resolution of the County Board.

**19.04. Effective Date of Approved Amendments:** Any approved amendments to the Official Zoning Map or the Box Butte County Zoning Resolution shall be effective immediately upon approval by the Board of County Commissioners unless otherwise specified by the approving resolution of the Board of County Commissioners. The applicant shall be advised that the land must be developed in accordance with the designated zoning classification within two years of approval. Failure to complete or substantially commence development within two years may result in revocation of the amendment.

**19.05. Similar Amendments:** A proposed rezoning request for a similar classification and/or area to one already reviewed by the County Commissioners shall not be reconsidered by the County Commissioners within twelve months of the date of such County Commissioners' action. Submission by a different applicant or minor changes in boundaries shall not be adequate reason to circumvent this requirement.



## SECTION 20. ADMINISTRATION

**20.01. Administrative Procedure:** The County Board shall designate a Zoning Administrator, with the recommendation of the Planning Commission, who shall be responsible for the administration of this Resolution. The County Board shall consult the Planning Commission's recommendation prior to acting on the following powers and duties. The Zoning Administrator shall have the following powers and duties:

1. To administer, establish rules for, and enforcing the terms of these regulations.
2. To receive all applications for permits to construct, alter, repair, occupy and use or change the use of land, buildings, and structures as required by these regulations.
3. To collect fees for administration where required by these regulations.
4. To make all inspections necessary to the performance of the Administrator's duties.
5. To order work or activities stopped by written notice served on the proper person, firm or corporation when the work is being done contrary to the provisions of this Resolution or any other Resolution dealing with building construction or codes.
6. To issue building (zoning) permits, according to applicable County Resolutions and building codes.
7. To deny any permit which would allow violations of the terms of this Resolution.
8. Any other duties and responsibilities outlines in this Resolution.
9. Any other duties and responsibilities as may be deemed necessary by the Planning Commission or County Board of Commissioners.

**20.02. Permits Required:** No building or other structure shall be erected, constructed, reconstructed, moved or structurally altered without first obtaining a building permit as required by the County Resolution(s) governing building permits and codes.

**20.03. Permit Fees:** Fees shall be as established by the Box Butte County Board of Commissioners.

**20.04. Liability for Damages:** This Resolution shall not be construed to hold the County responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect of by reason of issuing a building permit as herein provided.

**20.05. Minor Variations:** When in the public interest, the zoning administrator, without publishing, posting, or mailing of notice and without public hearing, may consider and render decisions on minor variances involving slight modifications to the provisions of the Resolution, but limited to the following:

- A. Reduction of a minimum lot area and/or minimum floor area by not more than the following amounts:
  1. Maximum lot area reduction: 10%
- B. Reduction of yards and open areas by permitting portions of a building to extend into and occupy not more than ten (10) percent of the distance of a required yard.

In granting a minor variance, the zoning administrator(s) shall make a finding that the granting of this variance conforms to the intent of Section 17.

## **SECTION 21. NOTICES**

**21.01. References to Notice Requirements:** Where reference is made in this Resolution to notice being given as required by this Resolution, then the notice shall be given as provided for in section 21.02 below.

**21.02. Method of Giving Notice:** Notices required pursuant to this section shall be given as follows:

1. **Publication:** Notice of the time and place of the hearing shall be published once in a newspaper of general circulation in the County at least ten (10) days prior to the hearing.
2. **Posting:** A notice shall be posted in a conspicuous place on or near the property on which action is pending. The notice shall be not less than eighteen (18) inches in height and twenty-four (24) inches in width with white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. The posted notice shall be placed upon the premises so that it is easily visible from the street/road nearest to the premises and shall be posted at least ten (10) days prior to the date of the hearing. It shall be unlawful for anyone to remove, mutilate, destroy or change the posted notice prior to the hearing. Any person doing so shall be guilty of a misdemeanor.
3. **Mailing:** If the record title owners of any lots included in the proposed change be nonresidents of the County, then a written notice of the hearing shall be mailed by certified mail to them addressed to their last-known address at least ten (10) days prior to the hearing.

**21.03. Exceptions to Notice Requirement:** Notice by posting or mailing shall not apply if:

1. The proposed change is to apply throughout the entire area of an existing zoning district, or
2. Additional or different types of zoning districts are proposed, whether or not the additional or different districts are made applicable to areas, or parts of areas already within a zoning district of the County.

## **SECTION 22. ENFORCEMENT**

**22.01. Zoning Violations:** Box Butte County may enforce the Box Butte County Zoning Resolution through methods included in this Resolution or through other methods adopted by the Board of County Commissioners.

**22.02. Violations and Penalties:** It is unlawful to erect, construct, reconstruct, alter or repair any building or structure in violation of any provision of the Box Butte County Zoning Resolution. Any person, partnership, limited liability company, association, club, or corporation violating any provision of this Resolution is guilty of a Class III misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100), or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day such violation continues after notice of violation has been given to offender may be deemed a separate offense. Whenever a violation exists in these regulations, the County may proceed by a suit in equity to enjoin and abate the violation, in the manner provided by law. Whenever, in any action, it is established that a violation exists, the court may, together with the fine and penalty imposed, enter an order of abatement as a part of the judgment in the case.

**22.03. Enforcement Procedure:** Whenever the Box Butte County Zoning Administrator, whether through personnel knowledge or through members of the Board of Commissioners, Planning Commission or county employees, has knowledge of any violation of the Box Butte County Zoning Resolution, it shall give written notice to the violator to correct such violation within thirty (30) days after the date of such notice. Should the violator fail to correct the violation within such thirty (30) day period, the Box Butte County Board of Commissioners may request that the Box Butte County Sheriff's Department issue a citation and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. The citation and complaint shall require that the violator appear in court at a definite time and place stated therein to answer and defend the charge.

A. One (1) copy of said citation and complaint shall be served upon the violator by the Box Butte County Sheriff's Department in the manner provided by law for the service of a criminal summons. One (1) copy each shall be retained by the Sheriff's Department and the Box Butte County Planning Commission and one (1) copy shall be transmitted to the clerk of the court.

**22.04. Attorney:** It is the responsibility of the Box Butte County Attorney to enforce the provisions of this Resolution. In the event the Board of County Commissioners deems it appropriate, the Board of County Commissioners may appoint a Special Acting Attorney to perform such enforcement duties in lieu of the Box Butte County Attorney.

**22.05. Civil Action:** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used, in violation of any provision of the Box Butte County Zoning Resolution, the Box Butte County Attorney, or where the Board of Commissioners deems it appropriate, a Special Acting Attorney, in addition to the other remedies provided by law, resolution, or regulation, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use.

### **SECTION 23. MISCELLANEOUS**

**23.01. Invalidity in Part:** If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid by any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Resolution.

**23.02. Conflicting Resolution:** Where this Resolution may conflict with any other Local, State or Federal Resolution or regulation, the most restrictive Resolution shall apply.

**23.03. Effective Date:** This Resolution shall take effect and be in force from and after the date of its passage, approval and publication as required by law.

**23.04. Publication:** Publication of this Resolution shall be in pamphlet form.

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## SECTION 1. SUBDIVISION REGULATIONS

1.01. Intent: The intent of this section is to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the County, for the coordination of streets or roads within subdivisions of land with other existing or planned streets or roads, for adequate open spaces, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity.

1.02. Purpose: The purpose of these regulations is to provide for the orderly development of the County and its environs by insuring, through prescribed rules and standards functional arrangements of street layouts, open spaces, adequate community facilities and utilities; to provide for general conditions favorable for the health, safety and convenience of the community; and to provide for the continued improvement of the standard of living for the citizens by promoting new ideas and effective, efficient, and attractive community design.

1.03. Definitions. For the purposes of Section 1, a subdivision shall be defined as: The division of a lot, tract or parcel or tract of land into two or more parcels, or other divisions of land for the purpose, whether immediate or future, of ownership or building development. The definition includes resubdivision and shall relate to the process of subdividing or to the land subdivided. For the purpose of recording any separation of land, a plat of such division shall be submitted for approval in accordance with Section 1.04.

For the purposes of Section 1, a subdivider or developer shall be defined as: Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sales or lease of a subdivision.

### 1.04. Applicability:

1. Each separate principal use building within the planning area of the County shall be situated on a separate and single subdivided lot of record.
2. No subdivision of land, except those hereinafter exempted, shall be permitted within the County Planning Area unless a plat is approved in accordance with the provisions of these Regulations.
3. These Regulations shall apply not only to subdivision as herein set forth but shall also apply, insofar as payment of costs for improvement of subdivision is concerned, to those subdivisions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially.
4. The following shall be exempt from subdivision regulations:
  - A. The subdivision of burial lots in cemeteries.
  - B. The division of land into parcels of the size exempted by Nebraska State Statute.
  - C. The division of land in the "A" zoning district to be used for agricultural purposes.
  - D. The division of land into four contiguous lots or less, and in which the lots are five acres or more in size, and no new public or private roads are to be created.

1.05. Procedure: Any person, partnership, or corporation intending to subdivide land within Box Butte County's planning jurisdiction shall submit plans and plats as required by and specified by this Resolution to the Planning Commission and the County Board for review and approval. There are six steps in the subdivision process:

#### I. Pre-Application Procedure:

- A. Before filing a preliminary plat the subdivider shall consult with the Zoning Administrator for

advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographical survey map shall be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community or county facilities.

- B. The Zoning Administrator shall inform the subdivider of the requirements pertaining to the proposed subdivision as such requirements are established by these Regulations.
- C. The pre-application procedure does not require formal application, fee, or filing of plat with the Zoning Administrator.

2. Change of zone: The subdivider should apply for a change of zone as outlined in the Box Butte County Zoning resolution, if applicable.

3. Preliminary Plat:

- A. The subdivider shall submit to the zoning administrator five (5) copies of the preliminary plat and supplemental material specified with written application for conditional approval. Said complete submittal shall occur at least 21 days prior to the regular meeting of the Planning Commission at which the request will be heard.
- B. A preliminary plat shall be submitted at a scale of 1"=200' showing the following:
  - 1. Name and address of the owner, person who prepared the plat, date, north arrow, graphic scale, subdivision name, total acreage, and legal description of the proposed subdivision.
  - 2. Proof of ownership. Title insurance commitment or written opinion of a licensed Nebraska attorney.
  - 3. The location of tree clusters (need not show location of all trees)
  - 4. Lots and blocks shall be numbered consecutively. Lot dimensions shall be scaled to the nearest foot. The area of each lot shall be shown in acres except when lots are less than one acre they shall be shown in square feet.
  - 5. The location, widths, and names of proposed streets, alleys, roads, easements, parks, and other opens spaces. All streets shall be named and shall conform to the E911 numbering system.
  - 6. The layout of future streets adjacent to the subdivision shall be shown as a dashed line.
  - 7. Topographical contour lines showing elevations two (2) foot intervals (or five (5) foot intervals at 1"=200' scale).
  - 8. The location, size, and use of all existing structures and existing and proposed easements. This includes easements for water, sewer, electric, gas, and telephone lines. It also includes, but is not limited to, irrigation ditches, water mains, and fire hydrants.
  - 9. A utility service statement block shall appear on the preliminary plat map. The block shall identify each utility company, special district, or municipality intending to service the subdivision. The block shall include:
    - A. The name of the utility company.
    - B. A dated signature and statement from the representative of the utility company indicating one of the following:
      - 1. Service is available.
      - 2. Service is available subject to the following specific conditions.
      - 3. Service is not available for the subdivision.
  - 10. The location and sizes of proposed culverts, storm drains, retention or detention ponds, and other drainage provisions.
  - 11. Non-buildable flood plain areas shall be indicated.
  - 12. A brief description of soil types and permeability rates.
  - 13. A cross section of proposed streets showing the width of roadways, location and type of curb & gutter, paving and sidewalks to be installed. The subdivider shall consult the County Roads Department to determine minimum requirements.
  - 14. Names of, and relationship to, adjoining subdivisions, streets, lots, easements and

structures.

15. Location of existing lot lines, streets public utility easements, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision.
16. Zoning of surrounding land, and present and proposed zoning of subdivision.
17. Proposed easements, dedications and reservations of land.

- C. The subdivider shall indicate by letter when improvements as required will be provided. Any proposed restrictive covenants for the land shall accompany the letter.
- D. The subdivider shall provide written evidence that there are no delinquent taxes on the property.

4. Preliminary Plat Approval:

- A. At least ten days prior to the Planning Commission meeting at which the Preliminary Plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the school board of each school district which the proposed development affects, and shall notify the school board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.
- B. After review of the Preliminary Plat and negotiations with the subdivider, the Planning Commission shall reject or conditionally approve the Preliminary Plat within 40 days after the official meeting at which the Plat was considered.
- C. The action of the Planning Commission shall be noted on three copies of the Preliminary Plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy to the County Commissioners and copy to be retained by the Planning Commission.
- D. Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval or conditional approval of the submitted Plats a guide for the preparation of the Final plat, which will be subject to further consideration by the Planning Commission and County Commissioners. Any approval of the Preliminary Plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

5. Final Plat: The preliminary plat must be approved by the County Board before a final plat can be submitted. A final plat shall be submitted to the Zoning Administrator for approval within one year of the date the a preliminary plan has been approved by the County Board unless an extension of time is granted by the County Board within the one year's time. The final plat shall conform to the approved preliminary plat as approved and to the requirements of all applicable ordinances and state laws; and if desired by the Subdivider, it may constitute only that portion of the approved Preliminary Plat which he proposes to record and develop at the time; provided that such portion conforms to all requirements of these regulations. Submittal of any portion of the approved area shall be interpreted as satisfying the one (1) year requirement mentioned above. The Board may approve a modified final plat if changes reflect improvements in design. The following information shall be submitted including the original and five copies as part of a final plat application:

- A. A final plat shall be submitted with the information identified in the preliminary plat and in addition the following information:
  1. A copy of a title commitment issued by a title insurance company.
  2. A summary explaining how the developer will address any problems or concerns that were identified in the preliminary plat plan.
  3. If the applicant is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent from the appropriate public agency stating it will accept the lands to be dedicated.
  4. A water supply resource report containing written evidence that adequate water service in terms of quality, quantity, and dependability is available for the type of subdivision proposed.

5. A copy of a contract or some tangible guarantee providing for a common water supply if water is required to be supplied by a water district, municipality, or other.
6. A description of the proposed sewage disposal containing written evidence that the proposed sewage disposal is appropriate for the subdivision.
7. A list of any covenants, grants of easement, and restrictions imposed upon any land, buildings and structures within the proposed subdivision.
8. A copy of a Nebraska Department of Roads access permit if a new street intersects with a state highway.
9. A certified list of the names, addresses, and the corresponding parcel identification numbers assigned by the Box Butte County Assessor to the owners of property of the surface estate within five hundred feet (500') of the property subject to the application. The applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
10. The final plat shall contain the following certificates and seals:

A. Certificate of Dedication, Ownership, and Maintenance:

Know all persons by those present that \_\_\_\_\_ being the Owner(s), Mortgage or Lienholder of certain lands in Box Butte County, Nebraska, described as follows: Beginning \_\_\_\_\_ containing \_\_\_\_\_ acres, more or less, have by these presents laid out, platted, and subdivided the same into lots and blocks, as shown on this plat, under the name and style of and do hereby dedicate to Box Butte County, public, school district, owners and future owners of this subdivision all ways, public rights-of-ways, easements, parks and open space, and other public right-of-way and easements for purposes shown hereon.

Executed this \_\_\_ day of \_\_\_\_\_, 20\_\_

(Owner, Mortgagee, or Lienholder)

The foregoing dedication was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_

My Commission expires \_\_\_\_\_

Notary Public

Witness my hand and seal

B. Surveying Certificate:

I, \_\_\_\_\_, a registered Professional Land Surveyor in the State of Nebraska do hereby certify that the survey represented by this plat was made under my personal supervision and checking. I further certify that the survey and this plat complies with all applicable rules, regulations, and laws of the State of Nebraska.

By: \_\_\_\_\_ Date \_\_\_\_\_  
Registered Land Surveyor

C. Certificate of Approval by the County Board:

This plat is approved by the Box Butte County, Nebraska Board of Commissioners. Approval of this plat does not constitute acceptance of any dedication.

Witness my hand and the corporate seal of Box Butte County, Nebraska

this \_\_\_ day of \_\_\_\_\_, 20\_\_



Chairman, Box Butte County Board of Commissioners, Nebraska

ATTEST:

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Box Butte County Clerk

D. A certificate by the Engineer certifying that the subdivider has posted a bond or certified check which available to the County, and in sufficient amount to assure completion of all required improvements; or, certifying that all required improvements have been installed in accordance with the approval of the preliminary plat by the Planning Commission.

B. Protective covenants in form for recording.

6. Final Plat Approval: The planning commission shall approve or reject the Final Plat and have prepared a recommendation to the County Commissioners recommending approval or rejection. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or the County Commissioners shall be given the subdivider within 80 days after submission of the Final Plat Plan to the Planning Commission, unless an extension was agreed upon by the subdivider and the Planning Commission or the County Commissioners. The Final Plat and Planning Commission recommendations shall be reviewed by the County Commissioners at their next regularly scheduled meeting following Planning Commission action. (If the Commissioners' agenda for that first regularly scheduled meeting is full, the subdivision request shall then be rescheduled for their next regular meeting.)

1.06. Design Guidelines: Design and improvement considerations to be evaluated by the Planning Commission and County Board for proposed subdivisions.

1. General Guidelines:

- A. Subdivision design shall conform to standards of the Comprehensive Plan and to the County zoning regulations.
- B. Each lot in a subdivision shall abut a public street unless otherwise recommend by the Planning Commission and on exception approved by the County Commissioners.
- C. All subdivision designs shall indicate that consideration was given for economic aspects of maintenance of safe, convenient, comfortable and attractive community facilities.
- D. After the effective date of these regulations, no newly subdivided lot shall have access to an arterial road as such road is indicated in the Comprehensive Plan.

2. Streets:

- A. Right-of-way, street grade, and paving design shall be in conformance with minimum standards suggested in the Comprehensive Plan or as approved by the County Roads Superintendent.
- B. Arterial streets and collector streets shall be properly integrated with the existing and proposed system of streets and highways.
- C. No subdivision shall prevent the extension of arterial and collector streets through and beyond the subdivision in a direction away from the center of a nearby City. The subdivider may plat and design the collector streets not extended on the Comprehensive Plan subject to approval of the Planning Commission.
- D. Minor streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewer systems; and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- E. Cul-de-sac streets designed to have one end permanently closed shall not exceed 600 feet in length and shall be posted as a non-through street. The terminating end of a cul-de-sac shall have a turn-around with a minimum property line radius of 50 feet.
- F. The Planning Commission and County Commissioners may require dedicated passage (alleys)

in commercial and industrial districts for off-street loading and service access.

- G. Minor streets shall not be designed for extension beyond the subdivision shown on the Preliminary Plat submitted for approval, unless the adjoining land is land locked without road access, or for some other reason access is desired by the Planning Commission or County Commissioners.
- I. Curves in Streets -Horizontal and Vertical:
1. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
  2. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:
  3. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half (4 1/2) feet above the pavement surface, to an object four inches high on the pavement. Profiles of all streets, showing natural and finished grades, drawn to an approved scale, may be required.
3. Intersection of Streets:
- A. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
  - B. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. On local streets, the "T" intersection is generally preferable to the crossroad intersection.
  - C. Arterial Streets shall not be intersected by minor streets or alleys.
  - D. The number of intersections along community arterials or highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,000 feet.
  - E. Street jogs with center lines offset less than 150 feet shall be avoided.
  - F. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 25 feet.
4. Easements:
- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
  - B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
5. Blocks:
- A. The length, widths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control, and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential areas shall not as a general rule be less than 600 feet in length between street lines unless dictated by exceptional topography or other limiting factors of good design.
  - B. Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across the block 900 feet or more in length where deemed essential, in the opinion of the Planning Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities. Said pedestrian ways shall be dedicated to the public use unless other written agreement, deed restriction, etc., guarantees maintenance. To the extent practical subdivision design should give high priority to the

convenience and safety of the pedestrian.

- C. All utility lines for electric power and telephone service shall be placed underground except where, in the opinion of the Planning Commission, such location is infeasible or too costly. Poles for permitted overhead lines shall be placed in rear lot line easements.

6. Lots:

- A. The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and proper architectural setting for the building contemplated.
- B. Minimum lot dimensions for "Residential" type subdivisions shall conform to the requirements of the County Zoning Regulations.
- C. Where residential lots border a railroad right-of-way the depth of adjacent lots shall be increased by at least 25 feet more than the otherwise required minimum.

1.08. Required Improvements: The following subdivision improvement are required by Box Butte County:

1. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the Engineer. The monuments shall be of such material, size, and length as may be approved by the Engineer.

2. Utility and Street Improvements:

- A. Utility and Street right-of-ways shall be provided in each new subdivision in accordance with the requirements of Exhibits A and B. Standards for improvements shall be approved by the Engineer and shall be in accordance with the Comprehensive Plan.
- B. Each of the following improvements may be required in each subdivision. Actual improvements required shall be negotiated with each subdivider:
  - 1. Curb, gutter, and sidewalks.
  - 2. Street grading and paving.
  - 3. Street name signs.
  - 4. Street lights.
  - 5. Paved alleys (when platted)
  - 6. Bridges, culverts or other drainage facilities (when required)
  - 7. Complete public water system.
  - 8. Complete public sewage collection and treatment.
  - 9. Fire hydrants.
  - 10. Other improvements as may be required by the County.
- C. Subdivisions with lots all larger than one (1) acre in size may be exempted from the above mentioned curb, gutter, and sidewalk requirement if so approved by the County Commissioners. (Note Exhibit B)
- D. Subdivisions with all lots larger than five (5) acres in size may be exempted from the above mentioned curb, gutter, sidewalk, sewage system and water system requirements if so approved by the County.

1.09. Public lands and Reservations:

1. Before Final Plat approval is given to the subdivider, he shall be required to dedicate to the public use all streets, alleys, buffer strips and parks as may be required by the Planning Commission. Acceptance of these dedicated lands shall be recorded in the minutes of the County Commissioners and on the subdivision plat.

2. Open park and recreation space shall be provided in the amount defined in the Zoning Regulation. This amount varies depending on the density of the proposed project.

3. Subdividers of "Commercial" type subdivisions may be required to dedicate land for off-street parking as determined necessary by the Planning Commission.

4. Before Final Plat approval is given the subdivider, he may be required to reserve sites for schools as determined by the Planning Commission to be sufficient and in compliance with the Comprehensive Plan. Reservation of land for public acquisition shall be for a period not to exceed three years from the date the plat is officially recorded.

1.10. Operation and Maintenance: It is the stated intent of the County to primarily provide rural and county-wide services. It is not intended that the County be obligated to provide urban services, i.e. utility systems maintenance, park maintenance, local road maintenance and related services normally required in housing projects. Therefore, it will be the obligation of the subdivider to present to the County Planning Commission and County Commissioners a precise approach to handling and providing these services. Said approach may include the formation of districts, homeowners organizations or other methods to operate and provide for long term maintenance and service. Said approach shall be made binding on the subdivider in a form, agreement, or contract in a manner which is accepted by the County Attorney.

1.11. Variances:

1. The Planning Commission may recommend and the Legislative Body may grant variances from the provision of the regulations in Section 1, but only after determining:

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

2. The requirement of filing and recording a plat for subdivision shall not be waived.

3. The Planning Commission and County Commissioners may also grant reasonable variances to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development. The subdivider shall indicate where their plans vary from these regulations and shall present sufficient evidence to support their request, indicating why their request will not be detrimental to the public health, safety and welfare.

1.12. Final Plat Development Requirements: A proposed subdivision shall be developed in accordance with the approved Final Plat of the subdivision and all supporting data. These plats shall control and limit the use of the land in the subdivision as indicated on the plats.

**Language change approved for conditional use in the Agriculture, Residential Estate, Residential Low Density and Residential Medium Density zoning districts:**

Temporary housing for the care of an elderly or special need blood relative or immediate family subject to the conditions listed below and any additional conditions as may be required by the county:

1. The structure is to be temporary in nature and must be removed when no longer occupied by the intended benefactor at the time of application, or other eligible benefactor.
2. Evidence must be presented indicating the project will be in compliance with all water and waste water regulations of the State of Nebraska and Box Butte County.
3. The structure must be located in the rear yard and meet all yard regulations and distance separations as required in the zoning district in which it will be placed.
4. Evidence of special need must be provided by the applicant. Examples of such evidence include a letter from a doctor or official office such as Office of Human Development, Health & Human Services, etc. indicating that a special need exists.

Thank-You for visiting  
the Planning and  
Zoning page of:  
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