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# ZONING REGULATIONS

of

Sheridan County, Nebraska

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## **ARTICLE 1- GENERAL PROVISIONS**

### **SECTION 101- TITLE**

These regulations shall be known, referred to, and cited as the Zoning Resolution of Sheridan County, Nebraska.

### **SECTION 102 - JURISDICTION**

The provisions of this Resolution shall apply within the boundaries of Sheridan County, Nebraska, excluding the land included, now or in the future, in the corporate limits of any incorporated municipalities within or adjoining the County and any legally established planning and zoning jurisdictional areas of these municipalities, as may be defined on any Official Zoning Map of these municipalities.

### **SECTION 103 - PURPOSE**

In pursuance of and in compliance with the authority conferred to Nebraska counties by Section 23 of the Nebraska Statutes as amended, this Resolution is enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sheridan County and for implementation of the duly adopted Sheridan County Comprehensive Plan. This Resolution is also enacted to preserve and protect the customs and culture of the people of Sheridan County and the following specific purposes:

- 1) Developing both urban and non-urban areas and lessening congestion in the streets or roads and reducing the waste of excessive amounts of roads;
- 2) Securing safety from fire and other dangers and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- 3) Providing adequate light and air and preventing excessive concentration of population and excessive and wasteful scattering or population or settlement;
- 4) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
- 5) Protecting the tax base and protecting property against blight and depreciation;
- 6) Securing economy in governmental expenditures;
- 7) Fostering the state's agriculture, recreation, and other industries;
- 8) Encouraging the most appropriate use of land in the County, and;
- 9) Preserving, protecting, and enhancing historic buildings, places and districts.

## **ARTICLE 2 - APPLICATION OF REGULATIONS**

### **SECTION 201 - GENERAL**

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

### **SECTION 202 - ZONING EFFECTS EVERY BUILDING AND USE**

With the exception of the provisions of Article 7 of this Resolution regarding non-conforming uses and structures, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered except in conformity with the regulations herein specified for the zoning district in which it is located. Further, no building or structure shall hereafter be erected or altered to exceed the height or bulk, to occupy a greater percentage of lot area, to have a narrower or smaller front, side or rear setback than is herein required, or be in any other manner contrary to the provisions of this Resolution.

Non-residential farm buildings shall be subject to the requirements of this Resolution, but shall be exempt from the zoning permit requirements of this Resolution. Any farm building containing a use other than an agricultural use, as defined in Section 303.04 of this Resolution, shall be considered a non-farm building and any building located on a parcel of land, which does not qualify as a farm as defined in Section 303.32 of this Resolution, shall be considered a non-farm building and shall be subject to the requirements of this Resolution including zoning permit requirements. Waste handling facility uses, as defined in Section 303.90 of this Resolution, which may be

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associated with any farm building shall be considered a non-farm structure and / or use and shall be subject to the requirements of this Resolution including zoning permits / certificates of zoning compliance.

### **SECTION 203 - SETBACK AND LOT SIZE REDUCTION PROHIBITED**

No setback, lot or tract existing at the time of adoption of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks, lots or tracts created after the effective date of the Resolution shall meet or exceed the minimum requirements established by this Resolution.

### **SECTION 204 - PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare.

### **SECTION 205 - DISCLAIMER OF BUILDING AND OTHER CODES AND COUNTY LIABILITY**

This Resolution is a zoning regulation only and regulates only land usage. This Resolution does not in any manner whatsoever include, imply or otherwise create any type or form of building, plumbing, electrical or other code which would regulate the design and construction of any building or structure within the jurisdiction of this Resolution. Any permits or certificates issued in accordance with the requirements of this Resolution are solely for purpose of assuring compliance with the land usage regulations set forth in this Resolution for the purposes described in Section 103 of this Resolution. Sheridan County, Nebraska assumes no liability and shall not in any manner be held liable for any design or construction problem or defect in any building or structure for which a zoning permit, certificate of compliance or other form of land usage approval may have been issued nor shall Sheridan County, Nebraska assume any liability for any non-compliance with any federal, state or other code, regulation or requirement

## **ARTICLE 3 - CONSTRUCTION AND DEFINITIONS**

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### **SECTION 301- CONSTRUCTION**

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Resolution:

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

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

301.03 SHALL AND MAY: The word "shall" is mandatory, the word "may" is permissive.

301.04 GENDER: The masculine shall include the feminine and the neuter.

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

### **SECTION 302 - GENERAL TERMINOLOGY**

The word "County" shall mean the County of Sheridan, Nebraska. The words "County Board" shall mean the Sheridan County Board of Commissioners. The words "Planning Commission" shall mean the Sheridan County Planning Commission duly appointed by the Sheridan County Board of Commissioners. The words "Board of Adjustment" and Board shall mean the Sheridan County Board of Adjustment duly constituted in accordance with this Resolution. The words "Zoning Administrator" shall mean that person duly appointed by the Sheridan County Board of Commissioners to administer and enforce these zoning regulations.

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## SECTION 303 - DEFINITIONS

Words or terms not herein defined shall have their ordinary meanings in relation to the context. For the purposes of this Resolution, certain words and terms used herein are defined as follows:

- 303.01 ABUT: Any situation where a lot borders directly on another lot or is separated from an adjoining lot by a public road right-of-way which is twenty (20) feet or less in width.
- 303.02 ACCESSORY USE OF BUILDING: A building or use which is subordinate and incidental to that of the main or principal building or use on the same lot or tract.
- 303.03 AEROBIC DIGESTION PROCESS: Any process for digestion of waste in which the waste is digested using free oxygen, wherein sufficient oxygen is available to satisfy fifty percent (50%) of the daily chemical/ biological oxygen demand inflow.
- 303.04 AGRICULTURAL USE: The business and science of cultivating the soil, producing crops, truck farming, forestry, orchards, the non-commercial storage and processing of agricultural products produced on the premises, the breeding, feeding, pasturing of livestock, including the temporary confinement of livestock for birthing, weaning or backgrounding purposes and confined and intensive animal feeding uses, as defined in Section 303.23 and 303.45 and any waste handling facility, as defined in Section 303.90 of this Resolution, which may be associated with any confined or intensive animal feeding use.
- 303.05 AGRONOMIC RATES: The application of plant nutrients, from all sources, to meet, but not exceed, the estimated annual nutrient needs of the crop being produced, based upon past or projected yields, so as to avoid build-up of nutrients including, but not limited to, nitrate, chloride, ammonia and phosphorus. Determination of the agronomic rate shall include the available nutrients in the soil, the nitrogen content of any irrigation water, and the nutrient content of any waste, sludges and commercial or other fertilizers to be applied.
- 303.06 ANAEROBIC DIGESTION: Any process for digestion of waste in which the waste is digested where free oxygen is not available or where the loading of volatile solids in a lagoon exceeds more than four (4) pounds per day per one thousand (1,000) cubic feet of water in said lagoon.
- 303.07 ANIMAL UNIT: The relationship of various animals with regard to manure production based upon one thousand pounds of animals) regardless of type. For purposes of this Resolution, the following relationship with regard to manure production shall be as follows:

Type of Animal	Animal Unit(s)
Beef Animal (500 - 1,200 pounds)....	1.00
Beef or Dairy Calf (150 - 500 pounds)._ .....	0.50
Young Dairy Stock (500 - 1,000 pounds).	0.75
Replacement Heifers. ....	1.00
Dairy Cow .....	1.40
Horse .....	2.00
Swine (55 pounds or heavier).....	0.40
Swine (less than 55 pounds).....	0.04
Swine (sow and litter) .....	0.50
Sow or Boar.....	0.40
Sheep .....	0.10
Chicken .....	0.01
Turkey .....	0.02
Ostrich.	0.40

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- 303.08 ANIMAL WASTE: Any animal excrement, animal carcass, feed waste, animal waste water, or other waste associated with the care and feeding of animals.
- 303.09 ANIMAL WASTE WATER: Any liquid, including rainfall, which comes into contact with any animal excrement, manure, litter, bedding, or other raw material or intermediate or final matter or product used in or resulting from the production of animals or from products directly or indirectly used in any Waste Handling Facility Use, as defined in Section 303.90 of this Resolution, or any spillage or overflow from animal watering systems when such spillage or overflow is allowed to mix with manure, or any liquid used in washing, cleaning, or flushing pens, barns, or manure pits, or any liquid used in washing or spraying to clean animals, or any liquid used for dust control in a confined or intensive animal feeding use.
- 303.10 BASEMENT: A building space wholly or partially underground and having more than one-half (1/2) of its height, measured from its floor to the top of its average wall height, below the average elevation of the finished grade of the soil around said space.
- 303.11 BED AND BREAKFAST, BOARDING OR LODGING HOUSE: a building, other than a hotel or motel, where for compensation and by arrangement for definite periods, meals and / or lodging are provided for customers.
- 303.12 BUILDABLE AREA: The portion of a lot, parcel or tract of land remaining after *the* front, *side* and rear setbacks, as herein defined, have been provided.
- 303.13 BUILDING: A structure having a roof or having a roof and walls used or intended to be used for sheltering of persons, animals or property. When divided or separated by other than common walls, each portion or section of a building shall be considered a separate building. (Refer to Section 303.33, Farm Building and Section 303.63, Non-Farm Building.)
- 303.14 BUILDING HEIGHT: The vertical distance, measured from the average ground level at the front of a building or structure to the highest point of the building roof excluding chimneys, antennas or other similar appurtenances or the highest point of a structure.
- 303.15 CAMPGROUND: Any premises where two (2) or more camping units are parked or placed for camping purposes, or any premises used to set apart for supplying camping space for two (2) or more camping units for camping purposes to the public. Campground shall include any buildings, structures, vehicles or enclosures used or intended to be used wholly or in part for the accommodation of campers.
- 303.16 CAMPING UNIT: Any vehicle, trailer, tent or other movable shelter used for camping purposes.
- 303.17 CERTIFICATE OF ZONING COMPLIANCE / CERTIFICATE OF OCCUPANCY: A written certificate issued by the zoning administrator, stating that the premises has been inspected after erection, construction, reconstruction, alteration or moving of a building or structure or after a change in the use of land stating that the premises complies in all respects with the requirements of this Resolution and may be occupied for the use declared.
- 303.18 COMMERCIAL USE: A use, other than an agricultural use, where products are grown or purchased for sale or resale for profit or where services are sold or provided for profit.



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- 303.19 COMPATIBLE USE: A land use of one type that is suitable for direct association or location near a use of a different type because of its consistency with the Intent statement of the zoning district in which said uses are located, because of similar or comparable buildings and use activities, and because neither use will diminish the use, value and enjoyment of the other.
- 303.10 COMPREHENSIVE PLAN: The plan or series of plans for the future development of the County, recommended by the Planning Commission and adopted by the County Board of Commissioners.
- 303.21 CONDITIONAL USE: A land use that would not be generally compatible with other permitted land uses in a zoning district, but which if controlled as to number, area, location, relation to surrounding uses or other attribute, could become compatible with such permitted land uses and would promote the public health, safety, convenience and general welfare.
- 303.22 CONDITIONAL USE PERMIT: A written permit issued by the Zoning Administrator upon authorization of a conditional use under the terms of this Resolution by the County Board of Commissioners. Such permit shall give permission to the applicant to develop the specified conditional use and shall specify the conditions of approval of such use as established by the County Board of Commissioner.
- 303.23 CONFINED ANIMAL FEEDING USE: The raising, feeding or management of more than three hundred (300) animal units at any one time in roofed buildings or structures which may be open sided or totally enclosed and which may have hard surfaced, slatted or other type of surfaced floor, and / or on hard surfaced, non-earthen, outdoor pens or lots used for confinement of such animals. Any waste handling facilities, as defined in Section 303.90 of this Resolution, associated with such confined animal feeding use shall be considered a separate waste handling facility use. Confinement of an unrestricted number of ruminant animals for birthing, weaning or backgrounding purposes for less than two hundred ten (210) days in any calendar year in lots or pens normally used for crop production or vegetation shall not be considered a confined animal feeding use. The determination of the number of animal units in any such use shall be based upon the number of animal units set forth in a permit issued by the Nebraska Department of Environmental Quality or its successor or, in the event a permit is not required, such determination shall be by written declaration of the owner of such use of the one-time capacity of such use to the County. In the event of any dispute over the number of animal units, such determination shall be by actual counting of the number of animal unit capacity by the Zoning Administrator or other duly appointed official at the time of such dispute. For purposes of this Resolution, confined animal feeding uses shall be classified and regulated with regard the number of animals confined and the potential for ground or surface water contamination or other environmental degradation, the potential for odor production and other negative impacts on or other incompatibilities with abutting and neighboring properties as follows:
- Class I - A confined animal feeding use 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 - A confined animal feeding use with a one time capacity of one thousand and one (1,000 to five thousand (5,000) animal units.
- Class IQ - A confined animal feeding use with a one time capacity of five thousand and one (5,001) to twenty thousand (20,000) animal units.
- Class IV - A confined animal feeding use with a one time capacity of twenty thousand and one (20,001) or more animal units.

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- 303.24 DWELLING: Any building or portion thereof other than a hotel, motel, bed and breakfast, group home or other building used for short term occupancy by human beings which is designed and / or used for living purposes on an on-going basis.
- 303.25 DWELLING, MULTI-FAMILY: A dwelling unit having independent living accommodations for three (3) or more families.
- 303.26 DWELLING, SINGLE-FAMILY: A dwelling unit having independent accommodations for one (1) family.
- 303.27 DWELLING, TWO-FAMILY (DUPLEX): A dwelling unit having independent accommodations for two (2) families.
- 303.28 DWELLING UNIT: One room or combination of rooms which constitute a separate and independent housekeeping establishment containing independent cooking, sleeping and restroom facilities.
- 303.29 EASEMENT: A right or privilege granted by the owner of a defined parcel of land for the use of such defined parcel of land for a specific purpose or purposes by the public, another person, corporation or other legal entity.
- 303.30 FACULTATIVE DIGESTION (LAGOON): Any process for digestion of waste in a lagoon which is accomplished through limiting the amount of volatile solids to not more than four (4) pounds per day per one thousand (1,000) cubic feet of water in said lagoon and said lagoon is operated to maintain this volatile solids loading limitation.
- 303.31 FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons, excluding servants, who may not be related, living together in a single dwelling unit.
- 303.32 FARM: A crop production, livestock production or other similar enterprise containing twenty (20) acres or more of land from which one thousand dollars (\$1,000) or more of farm products are produced each year.
- 303.33 FARM BUILDING: Any non-residential building located on a farm, as defined in Section 303.32, which is utilized for agricultural purposes, provided that when the use or consequences of the agricultural use conducted in such building exit from the building onto, across or under the land, whether underneath the building or adjoining thereto or onto or into some other structure such use, if not an agricultural use, shall not be considered part of such building and shall be subject to the requirements and limitations of this Resolution.
- 303.34 FLOOD PLAIN: Those lands within the zoning jurisdiction of Sheridan County which are subject to a one percent (1%) or greater chance of flooding in any given year. Determination of flood plains shall be based on historical high water marks and interpolation of such high water marks by the Natural Resource District or other agency capable of determining such flood plains until such time as flood insurance rate maps (FIRM) are produced and provided by the Federal Flood Insurance Administration, after which such flood hazards maps shall be utilized.
- 303.35 FLOOR: A level or story in a building.
- 303.36 FLOOR AREA: The sum of the gross horizontal areas of the one or several floors of all buildings or portions thereof, on the lot or tract

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- 303.37 **FRONTAGE (LOT):** The length of the real property abutting one (1) side of a road right-of way, measured along the dividing line between said real property and the road right-of-way.
- 303.38 **GROUP DAY CARE CENTER / NURSERY SCHOOL:** An establishment other than public, private non-religious or parochial school, which provides day care, play groups, nursery school or education for five (5) or more unrelated children.
- 303.39 **GROUP HOME:** A facility, licensed or approved by the State of Nebraska or other appropriate agency, in which more than two (2) persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care, for: 1) adaptation to living with, or rehabilitation from, disabilities; 2) adaptation to living with, or rehabilitation from, emotional or mental disorders, or mental retardation; 3) rehabilitation from the effects of drug or alcohol abuse; or 4) supervision while under a program of alternatives to imprisonment, including, but not limited to pre-release, work release and probationary programs.
- 303.40 **HOME BASED BUSINESS:** See Section 303.41, Home Occupation\_
- 303.41 **HOME OCCUPATION:** An occupation or business enterprise conducted in a dwelling unit or accessory building by members of the family occupying the dwelling unit, established in accordance with standards and restrictions set forth in this Resolution.
- 303.42 **IMPACT EASEMENT:** An easement or deed restriction, recorded in the office of the Sheridan County, Nebraska Registrar of Deeds, which runs with the land, which is granted to the owner of an industrial use, confined or intensive animal feeding use, or other *use* for the period of time that such use shall exist, by the owners of adjoining or neighboring real property in which it is mutually agreed that the grantor shall hold the grantee harmless from odor, smoke dust or other legal impacts associated with such use on the grantor's property when such use is operated in accordance with the terms of such easement.
- 303.43 **INCOMPATIBLE USE:** A land use of one type that is unsuitable for direct association or location near or abutting a land use of a different type because of its inconsistency with the Intent statement of the zoning district in which such uses are located, because of major differences in building types, building mast, building height and use activities, and because such use would diminish the use, value and enjoyment of the other.
- 303.44 **INDUSTRIAL USE:** A land use involving the manufacture of one or more products on the premises.
- 303.45 **INTENSIVE ANIMAL FEEDING USE:** The feeding of more than three hundred (300) animal units at any one time in partial or total earthen pens or lots which axe or used for confinement of animals where manure is or may be in contact with the earth. Confinement of an unrestricted number of ruminant animals for birthing, weaning or backgrounding purposes for less than two hundred ten (210) days per calendar year in lots or pens normally used for crop production or vegetation shall not be considered an intensive animal feeding use. The determination of the number of animal units in any such use shall be based upon the number of animal units set forth in a permit issued by the Nebraska Department of Environmental Quality or its successor or, in the event a permit is not required, such determination shall be by written declaration of the onetime capacity of such use to the County. In the event of any dispute over the number of animal units, such determination shall be by actual counting of the number of animal unit capacity by the Zoning Administrator or other duly appointed official at the time of such dispute. For purposes of this Resolution, intensive animal feeding *uses* shall be classified and regulated with regard to the number of animal units confined as follows:

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Class I - An intensive animal feeding use 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 intensive animal feeding use with a one time capacity of one thousand and one (1,001) to five thousand (5,000) animal units.

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

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

303.46 JUNK YARD: See Salvage Yard.

303.47 LANDFILL: A waste disposal site employing an engineered method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting and applying cover material over all exposed waste designed in accordance with the requirements of the Nebraska Department of Environmental Quality and licensed by said Department

303.48 LOT (ZONING): A piece, parcel or plot of land under single ownership or control, not divided by any public street or road, but having frontage on a public street or road which is occupied or intended to be occupied by one principal building and its accessory buildings or structures. A lot may consist of a single lot record, a portion of a lot of record, a combination or complete lots or record, a combination of complete lots or record and portions of lots of record, or portions of lots of record.

303.49 LOT AREA: The total horizontal area of a lot, excluding all street or alley rights-of-way.

303.50 LOT, CORNER: A lot which has frontage on two (2) or more streets or roads at the intersection of said streets or roads.

303.51 LOT DEPTH: The average horizontal distance between the front and rear lot lines of any lot

303.52 LOT OF RECORD: A lot which is part of a subdivision plat or lot, plot or parcel described by metes and bounds recorded in the office of the Registrar of Deeds of Sheridan County, Nebraska at the time of adoption of this Resolution.

303.53 LOT WIDTH: The horizontal distance between the side lot lines, measured at a right angle from one side lot line at the minimum front setback distance set forth in the various zoning districts specified in this Resolution.

303.54 MANUFACTURED HOME: A factory-built structure which is to be used for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F. R.. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto and which complies with the following minimum standards:

1. a minimum floor area of nine hundred (900) square feet,
2. a minimum exterior width of eighteen (18) feet,
3. a minimum roof pitch of two and one-half ( $2\frac{1}{2}$ ) inches of rise per each twelve (12) inches of horizontal run,

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4. exterior material shall be of a color, material, and scale comparable with existing residential site-built, single-family construction,
  5. a non-reflective roof of material which is or simulates asphalt or wood shingles, tile or rock,
  6. all wheels, axles, transporting lights and removable towing apparatus have been removed
  7. is placed on and permanently attached to a foundation of the same construction as required for site-built homes,
  8. is permanently connected to public utilities in the same manner required for site-built homes.

303.55 **MOBILE HOME:** A detached dwelling unit which was originally designed for long term human habitation and which was constructed and fabricated into a complete unit at a factory and capable of being transported to a location for use on its own chassis and wheels, identified by model number and serial number by its manufacturer, and designed primarily for placement on a non-permanent foundation when used for residential purposes, but not including any structure which meets the definition of Manufactured Home or Modular Home, as herein defined\_

303.56 **MOBILE HOME LOT:** A lot or parcel of land for the placement of one (1) mobile home.

303.57 **MOBILE HOME PARK:** Any parcel of land area under single ownership and control upon which sites for parking of two (2) or more mobile homes connected to utilities and used by persons for living or sleeping purposes are provided by lease, rent or free of charge.

303.58 **MOBILE HOME SUBDIVISION:** A parcel of land which has been or is intended to be subdivided into two (2) or more lots for sale to persons to place a mobile home on said lot.

303.59 **MODULAR HOME:** A manufactured housing unit, as defined in Section 71-1557 of the Nebraska Revised Statutes 1943, which bears the seal of the Nebraska Department of Health or its successor.

303.60 **NON-CONFORMING LOT OF RECORD:** A lawfully existing lot in existence at the date of adoption of this Resolution, which does not comply with the minimum lot area, width and other lot standards established in the various zoning districts created by this Resolution.

303.61 **NON-CONFORMING STRUCTURE:** A lawfully erected structure in existence at the date of adoption of this Resolution which does not comply with the lot coverage, height, setback requirements or other standards applicable to new structures in the zoning district in which said structure is located.

303.62 **NON-CONFORMING USE:** A lawfully established use of land in existence at the date of adoption of this Resolution which does not comply with the regulations of this Resolution.

303.63 **NON-FARM BUILDING:** Any building, except a non-residential building located on a farm which is utilized for agricultural purposes. A building located on a farm which is not utilized for agricultural purposes shall be considered a non-farm building.

303.64 **ODOR:** That characteristic of a substance which makes it offensive to the human sense of smell as determined by the majority of any three (3) or more persons where such persons shall include the Zoning Administrator, a representative of the use being investigated for odor and one or more neutral persons agreed upon by the Zoning Administrator and the representative of the use being investigated for odor.

303.65 **PERMANENT FOUNDATION:** The substructure of a structure to which the structure is permanently attached which provides a permanent support for said structure around its entire perimeter and at points within its perimeter where needed.

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- 303.66 **PARKING SPACE, OFF-STREET:** An area, open or closed, which is sufficient in size to permit the parking of one (1) or more vehicles, together with a driveway connecting said parking area to a street or road to permit ingress and egress by said vehicle.
- 303.67 **PREMISES:** The land area containing a land use which is contiguous with and under the same ownership as the land use.
- 303.68 **PREVAILING WINDS:** Prevailing winds in Sheridan County are from the north, and northwest in winter months and south in summer months. Prevailing wind directions, using magnetic north as determined through use of a common compass, are defined as:
- North - from forty-five degrees west of north to forty-five degrees east of north  
South - from forty-five degrees west of south to forty-five degrees east of south  
East - from forty-five degrees east of north to forty-five degrees east of south  
West - from forty-five degrees west of north to forty-five degrees west of south
- 303.69 **PRINCIPAL BUILDING:** A building in which the principal use on the lot is situated.
- 303.70 **PRIVATE ROADWAY:** A privately owned, open, unoccupied space other than a public road or privately owned road by use, reserved as the principal means of access to abutting property.
- 303.71 **PUBLIC USE AREA:** An area of land or water, whether publicly or privately owned, which is designed for and use by ten (10) or more unrelated persons on at least a quarterly basis for recreation, education, communication, worship, meetings or other legal purpose, including public parks, public water areas, public game refuges, fish hatcheries, publicly or privately owned meeting halls, historic sites and similar areas, provided that a public use area shall not be construed to include any rights-of-way for streets or roadways, hiking trails or privately owned land used for hunting and/or fishing.
- 303.72 **QUARTER SECTION:** That portion of a square section of land, as defined by the definitions and requirements of the Survey of Public Lands of the United States, which has approximately equal dimensions on all four (4) sides, has two (2) intersecting sides which coincide with two (2) intersecting section lines and contains approximately one-fourth (1/4) of the land area contained within a square section of land.
- 303.73 **RECREATIONAL VEHICLE:** A temporary dwelling for travel, recreation and vacation use including travel trailers, camping trailers, pickup campers, motor coaches, camp cars, tent trailers, boats or any other vehicular portable structure.
- 303.74 **RESIDENTIAL USE:** A dwelling unit located on a lot, parcel or tract of land.
- 303.75 **ROAD / ROADWAY:** A public right-of-way set aside for public travel which affords the principal means of access to abutting property.
- 303.76 **ROAD CENTERLINE:** A line extending down the center of a road or street right-of-way, as established by official survey.
- 303.77 **ROADSIDE STAND:** A structure or portion thereof used for the shelter, display and sale of craft and similar items, fruit, vegetables and other agricultural crops produced on the premises.

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303.78 SALVAGE YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, inoperable appliances, inoperable motor vehicles, machinery or parts thereof, or other used materials are bought, sold, exchanged, stored, baled or cleaned, excluding pawn shops, used appliance or furniture sales or operable used vehicle sales establishments.

303.79 SECTION OF LAND: A division or parcel of land on the government survey, comprising one (1) square mile of land encompassing six hundred forty (640) acres more or less. Each "township" (six miles square) is divided by straight lines into thirty six (36) sections, and these are again divided into half sections and quarter sections.

303.80 SETBACK: A horizontal distance, as prescribed in the various zoning districts established in this Resolution, from the centerline of the roadway on which the lot has frontage and the side or rear lot line of any lot in which a building may not be constructed. Setbacks are further defined as follows:

- A. SETBACK, FRONT: An open space extending across the entire width of a lot between the centerline of the road on which the lot has frontage and the nearest point of a building. A corner lot has two (2) front setbacks.
- B. SETBACK, REAR: An open space extending across the entire width of the lot between the rear lot line and the nearest point of a building.
- C. SETBACK, SIDE: An open-space extending along the side lot line from the front setback to the rear setback and lying between the side lot line and the nearest point of a building.
- D. SETBACK, TRANSITIONAL: An open space applicable when a non-residential zoning district abuts or is adjacent across a road from a residentially zoned area.

303.81 SIGN: Any identification, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface or parcel of land which directs attention to an object, product, place, activity, business, person, service or interest.

303.82 SOLID MANURE: Waste produced by living cattle, dairy cattle, sheep and other ruminants and horses which contains not less than twelve percent (12%) solids by weight and waste produced by living swine, poultry or other non-ruminant animals which contain not less than twenty five percent (25%) solids by weight.

303.83 SOLID WASTE: Any garbage, refuse, discarded material including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, residential or other use, but excluding any animal waste, animal waste water or any waste from a waste handling facility, as defined in Section 303.90 of this Resolution.

303.84 STORY: That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if more than four (4) feet of said basement is above the average finished grade of the adjoining ground.

303.85 STREET: See Section 303.75, ROAD / ROADWAY.

303.86 STRUCTURE: Anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on the ground.

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303.87 STRUCTURAL ALTERATIONS: Any change in the supporting members of a structure, such as bearing walls, partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

303.88 USE: The purpose or activity for which land and buildings thereon is designed, arranged, intended, or for which it is occupied or maintained.

303.89 VARIANCE: A relaxation of the height, lot area, size of structure or buildings or size of yards and open space terms of this Resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the owner, a literal enforcement of the requirements of this Resolution would result in unnecessary and undue hardship.

303.90 WASTE HANDLING FACILITY: Any and all structures, combination of structures, underfloor pits, holding ponds, debris basins, diversion terraces, liquid manure storage pits, lagoons, above ground pipelines, irrigation devices, or appurtenance thereto, apparatus, equipment, or mechanism, whether on the same or different premises than the industrial, commercial or other type of use, including any confined and intensive animal feeding use generating waste, used to hold, store, process, digest, transport, distribute, control or otherwise dispose of waste materials, other than solid waste as defined in Section 303.83 of this Resolution. Any facilities, apparatus, or mechanism used to ventilate, exhaust, process or treat hazardous gases, odor, dust, smoke or other waste product emanating from any building or structure, including any farm building, that occurs as a consequence of the use of that building or structure shall be considered part of a waste handling facility use. Waste handling facilities shall be categorized with regard to the types of such facilities and the methods of operation of such facilities as they relate to the potential for odor production, environmental degradation and compatibility with abutting and neighboring land uses as follows:

Category A (aerobic): A waste handling facility *use in* which:

1. all waste is collected, processed or digested utilizing aerobic digestion facilities and processes, including aerobic lagoons, and/or aerobic composting and in which there is surface application of solid manure and / surface application or injection of liquid manure, liquid waste or waste water onto / into the soil on crop or other land, and
2. dust, hazardous gases, odor or other air contaminants emitted from any building or facility are collected and processed to minimize air contamination, and
3. dust, hazardous gases, or other air contaminants emitted from any open-sided buildings or open pens are controlled in a reasonable manner in order to minimize blowing of dust and odor onto abutting and neighboring properties.

Category ANC (covered anaerobic): A waste handling facility in which:

1. all waste is collected and digested utilizing anaerobic digestion facilities and processes including anaerobic lagoons and holding basins, pits or above ground tanks, which are covered and the gases generated by the digestion of said waste are collected and treated to avoid explosion, fire hazards and the generation of odor, and in which there is surface application of solid manure or injection of liquid (non-solid) manure into the soil on crop or other land, and
2. dust, hazardous gases, odor, or other air contaminants emitted from any building or facility are collected and processed to minimize air contamination, and



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3. dust, hazardous gases, odor or other air contaminants emitted from any open-sided buildings or open pens are controlled in a reasonable manner in order to minimize blowing of dust and odor onto abutting and neighboring properties.

Category FAC (facultative): A waste handling facility in which:

- I. all or part of the waste produced is collected and digested utilizing anaerobic digestion lagoon(s) and processes designed to allow an introduction of not more than four (4) pounds of volatile solids per day per one thousand (1,000) cubic feet of lagoon capacity and such lagoon(s) shall be operated and maintained to insure such capacity is available at all times and operated to minimize removal of top-water to reduce odor production, and there is surface application of solid manure and / surface application or injection of liquid manure, liquid waste or waste water onto / into the soil on crop or other land, and
2. dust, hazardous gases, odor, or other air contaminants emitted from any building or facility are not collected and processed to minimize air contamination, but simply exhausted into the air, and
3. dust, hazardous gases, odor or other air contaminants emitted from any open-sided buildings or open pens are not controlled in a reasonable manner and do not minimize blowing of dust and odor onto abutting and neighboring properties\_

Category AN (anaerobic): A waste handling facility in which:

1. all or part of the waste produced is collected and digested utilizing anaerobic digestion facilities and processes, including uncovered anaerobic holding ponds or pits, anaerobic lagoons, sludge or settling basins, anaerobic stockpiling of waste as a solid and there is application of liquid (non-solid) manure and waste on the surface of crop or other land, and
2. dust, hazardous gases, odor, or other air contaminants emitted from any building or facility are not collected and processed to minimize air contamination, but simply exhausted into the air, and
3. dust, hazardous gases, odor or other air contaminants emitted from any open-sided buildings or open pens are not controlled in a reasonable manner and do not minimize blowing of dust and odor onto abutting and neighboring properties.

303.91 YARD / SETBACK: Open space on a lot unoccupied and unobstructed by any buildings or structure or portion thereof, except for fences, retaining walls, posts and other customary yard accessories.

303.92 YARD, FRONT: A yard extending across the entire width of the lot between the front lot line and the nearest point of a building. For purposes of determining yard requirements for corner and through lots, all sides of a lot abutting a street shall be considered a front yard and shall comply with the requirements thereof.

303.93 YARD, REAR A yard extending across the entire width of the lot between the rear lot line and the nearest part of a building or non-minor structure.

303.94 YARD, SIDE: On single frontage lots, a yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of a building on non-minor structure. On through lots, a yard extending along the side lot line from front yard to front yard and lying between the side lot lines and the nearest part of the building or non-minor

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structure. On corner lots, a yard extending along the side lot line from the front yard to the opposite side lot line lying between the side lot line and the nearest part of a building or non-minor structure.

303.95 YARD, SPECIAL: A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" or "rear yard" clearly applies. In such cases, the Zoning Administrator shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the zoning district, determining which shall apply by the relationship of the portion of the lot on which the yard is to be located to the adjoining lot or lots with due regard to the orientation and location of buildings, structures and buildable areas thereon.

303.96 ZONING ADMINISTRATOR: The person duly designated by the Sheridan County Board of Commissioners to administer and enforce the regulations established under this Resolution

303.97 ZONING DISTRICT: One of several sets of zoning regulations designed for a particular class of land uses which established uniform regulations governing the use, building and structure height, area, size, intensity of use and other standards of land use within unincorporated area of the County.

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## **ARTICLE 4 - ESTABLISHMENT AND DESIGNATION OF DISTRICTS**

### **SECTION 401 - PLANNING COMMISSION RECOMMENDATIONS**

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

### **SECTION 402 - DISTRICTS CREATED**

For the purposes of this Resolution, the following zoning districts for Sheridan County, Nebraska, as named and described in Article 5 of this Resolution, are created:

AG - G	General Agricultural District
AG - R	River Corridor Agricultural District
AG - T	Transitional Agricultural District
WPO	Wellhead Protection Overlay District

### **SECTION 403 - OFFICIAL ZONING MAP**

The County is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map shall be identified by the signature of the Chairperson of the County Board of Commissioners and attested by the County Clerk under the following words: This is to certify that this is the Official Zoning Map of Sheridan County, Nebraska referred to in Section 403 of Resolution No.     of the County of Sheridan, Nebraska" together with the date of the adoption of this Resolution. The signed copy of the Official Zoning Map shall be maintained in the office of the County Clerk for the use and benefit of the public.

### **SECTION 404 - OFFICIAL ZONING MAP CHANGES**

404.01 CHANGES ON OFFICIAL ZONING MAP: If, in accordance with the provisions of this Resolution, changes are made in the zoning district boundaries or other explanatory matter portrayed on the Official Zoning Map, such changes shall *be* promptly entered on said Official Zoning Map after amendment of same has been approved by the County Board together with an entry on the Official Zoning Map as follows: "On (date), by official action of the County Board of Commissioners, the following change(s) was / were made in the Official Zoning Map: (brief description of the change)", which entry shall be signed by the Chairperson of the County Board of Commissioners and attested by the County Clerk. No changes to this Resolution which involve matter portrayed on the Official Zoning Map shall become effective until after such change and entry on such Official Zoning Map have been made.

404.02 CHANGES IN CONFORMITY WITH PROCEDURES: No change of any nature shall be made in the Official Zoning Map or matter shown thereon except *in* conformity with the procedures set forth in this Resolution.

404.03 PENALTIES FOR UNAUTHORIZED CHANGES: Any unauthorized change of any kind by any person or persons shall considered a violation of this Resolution and punishable in accordance with this Resolution and applicable law.

404.04 FINAL AUTHORITY OF OFFICIAL ZONING MAP: Regardless of the existence of purported copies of the Official Zoning map which may from time to time by made or published, the Official Zoning Map, which shall be located in the office of the Sheridan County Zoning Administrator, shall be the final authority as to the current zoning status of land within Sheridan County, Nebraska.

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## SECTION 405 - OFFICIAL ZONING MAP REPLACEMENT

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the County Board of Commissioners may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The *new* Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof. Each new Official Zoning Map shall be identified by the signature of the chairperson of the County Board of Commissioners and attested by the County Clerk under the following words: This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date of adoption of original map) as part of Resolution No. (number of original adoption resolution) of the Sheridan County, Nebraska Board of County Commissioners." Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof shall be preserved together with all available records pertaining to its adoption and amendment.

## SECTION 406 - RULES FOR INTERPRETATION / INTERPOLATION OF DISTRICT BOUNDARIES

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

- 406.01 Boundaries indicated as approximately following the centerlines of roads, streets, or highways shall be construed to follow such centerlines.
- 406.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines and boundaries indicated as approximately following the corporate limit boundaries of any municipality shall be construed to follow such corporate limit boundaries\_
- 406.03 Boundaries indicated as following railroad lines shall be construed to follow a line midway between the tracks of the main railroad track.
- 406.04 Boundaries indicated as following shore lines of rivers, streams, canals, lakes, ponds or other bodies of water shall be construed to follow such shore line and in the event of change in the shore line shall be construed as moving with the shore line Boundaries indicated as following the centerline of rivers, streams, canals, lakes, ponds or other bodies of water shall be construed to follow such centerline.
- 406.05 Boundaries indicated as parallel to or extensions of features indicated in Items 01 through 04 immediately above shall be so construed.
- 406.05 Distances not specified set forth on the Official Zoning Map shall be determined by measurement according to the scale of the map.
- 406.07 Where a district boundary line divides a lot which was under single ownership and control at the date of adoption of this Resolution, the Board of Zoning Adjustment may, upon application, permit the extension of either zoning district for either portion of the lot into the remaining portion of the lot.
- 406.08 In circumstances not covered by Items 01 through 07 immediately above or where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries to best accomplish the objectives of the Intent statements of the zoning districts involved.

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**SECTION 407 - ANNEXATION RULE**

Annexation of land to any incorporated municipality shall remove such land from the jurisdiction of this Resolution and any legal extension of any zoning jurisdictional area boundary by any incorporated municipality shall remove such land from the jurisdiction of this Resolution.

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## **ARTICLE 5 - ZONING DISTRICTS**

### **SECTION 501 AG - G GENERAL AGRICULTURAL DISTRICT**

501.01 INTENT: The intent of this district is to promote and facilitate agricultural crop production, livestock production, which is in balance with the natural environment, and other and new forms of agricultural production which are compatible with existing agricultural uses and the local environment.

The intent of this district is also to encourage soil and water conservation, to prevent contamination of the natural environment within the County and to preserve and protect land best suited for agricultural uses by preventing or regulating the introduction, encroachment and location of non-farm or ranch residential uses, commercial uses, industrial uses and other non-agricultural uses which would be or could become incompatible with the agricultural character and the occasional generation of dust, odors, noise and other similar events produced by the agricultural uses permitted within this district, and by regulating uses, including confined and intensive animal feeding uses, which could result in contamination of the air, soils and water, or which could negatively impact the use, value and enjoyment of property, or which could be inconsistent with the purposes of this Resolution, as herein set forth, or which could be negatively impact the culture and way of life in Sheridan County.

501.02 OUTRIGHT ALLOWABLE PRINCIPAL USES AND STRUCTURES: The following uses and structures shall be allowable uses outright. Such uses and structures shall comply with the minimum lot area, setback and other requirements of this Resolution, but such uses and structures shall not require a written zoning permit or certificate of zoning compliance:

1. Agricultural uses, as defined in Section 303.04 of this Resolution, including any farm buildings, as defined in Section 303.33 of this Resolution, but excluding any dwelling unit(s) whether or not associated with an agricultural use and excluding confined and intensive animal feeding uses, as defined in Sections 303.23 and 303.45 of this Resolution.
2. Grain and produce storage including non-commercial storage warehouses and plant seed sales and storage facilities.
3. Irrigation facilities, including wells, center pivots, re-use pits, well houses and related structures, flood control and erosion control facilities. (Irrigation facilities used as part of a waste handling facility shall be subject to the setback restrictions for such uses, as specified in Section 501.03 and 501.05 of this Resolution.)
4. Forestry, tree farms and plant nurseries.
5. Signs, including permanent on-site and outdoor advertising signs, provided the number of such permanent on-site signs shall not exceed three (3) per premises and that permanent outdoor advertising signs shall be located no closer than one-eighth (1/8) mile to any other on-site or outdoor advertising sign. Temporary signs, including but not limited to farm / ranch identification signs, crop seed and similar signs, signs, yard sale, real estate for sale or lease signs, political campaign signs, and traffic safety and road number signs installed by governmental entities shall be exempt from regulation. (*All permanent signs along federal and state highways are subject to the permit requirements of the Nebraska Department of Roads*).
6. Day care and child care uses, when conducted in a residential dwelling unit by the occupants of such residential dwelling unit.

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### 501.03 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses, but shall require the issuance of a zoning permit and / or certificate of zoning compliance:

1. Expansion of any confined or intensive animal feeding use and associated waste handling facilities, existing as of the effective date of this Resolution, when such existing confined or intensive animal feeding use or associated waste handling facility is located less than the minimum setback distances from any existing church, school, public use area or dwelling unit not of the same ownership and on the same premises with such use, provided such expansion shall comply with all of the following limitations:
  - A. Such expansion will not decrease the distance from the confined or intensive animal feeding use and any church, school, public use area or dwelling unit not of the same ownership and not on the same premises with such use to which the animal feeding use is less than the minimum prescribed separation distances specified in Table 501.05 of this Resolution nor shall such expansion in any other direction result in a separation distance to any other church, school, public use area or dwelling unit not of the same ownership and not on the same premises with such use being less than that specified in said Table 501.05 of this Resolution. In the event one (1) or more impact easement(s), as defined in Section 303.42 of this Resolution, is granted to the owner of the confined or intensive animal feeding use, any dwelling unit on the premises for which said impact easement is granted shall not be considered when determining compliance with the minimum separation distances specified in Table 501.05. For purposes of this regulation, a dwelling unit not of the same ownership and on the same premises as the confined or intensive animal feeding use shall be interpreted to mean that such dwelling is an occupied or habitable dwelling and, if vacant and not habitable, would not require more cost than its present assessed valuation to make such dwelling habitable.
  - B. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in the confined or intensive feeding of more than fifty (50) percent more animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a conditional use for expansion in excess of this limitation is authorized as a conditional use by the County Board of Commissioners in accordance with the procedures and requirements for conditional use authorization set forth in Article 10 of this Resolution.
  - C. Such expansion shall not occur in any area subject to flooding on a one hundred (100) year basis or in any wetland area.
  - D. If such expansion results in such use being required to obtain a new permit from the Nebraska Department of Environmental Quality, introduction of additional animals shall be prohibited until such permit required to be issued by the Nebraska Department of Environmental Quality or other applicable or successor agency shall have been issued and such use shall be operated at all times in a manner consistent with the requirements of any such required permit and any applicable restrictions of this Resolution.
  - E. Exceptions to the above stated minimum distance requirements may be approved by conditional use where special types of confined or intensive feeding uses, special types of waste handling facilities and provisions for odor control, special provisions for dust control, topography, prevailing winds, or other factor or combination of factors exist and it is determined by the Board of Commissioners that reduction of this minimum spacing distance will not interfere with the value, use and enjoyment of adjoining and neighboring properties.



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2. Expansion of any confined or intensive animal feeding use and associated waste handling facilities, existing as of the effective date of this Resolution, when such existing confined or intensive animal feeding use **or** associated waste handling facility **is** located in excess of the than the minimum setback distances from any existing church, school, public use area or dwelling unit not of the same ownership and on the same premises with such use, as prescribed in Table 501.05 for the class of use and type of waste handling facility, provided such expansion shall comply with all of the following limitations:
    - A. Such expansion will not decrease the distance from the confined or intensive animal feeding use and any church, school, public use area or dwelling unit not of the same ownership and not on the same premises with such use to which the animal feeding use to less than the minimum prescribed separation distances specified in Table 501.05 of this Resolution. In the event one (1) or more impact easement(s), as defined in Section 303.42 of this Resolution, is granted to the owner of the confined or intensive animal feeding *use*, any dwelling unit on the premises for which said impact easement is granted shall not be considered when determining compliance with the minimum separation distances specified in Table 501.05. For purposes of this regulation, a dwelling unit not of the same ownership and on the same premises as the confined or intensive animal feeding use shall be interpreted to mean that such dwelling is an occupied or habitable dwelling and, if vacant and not habitable, would not require more cost than its present assessed valuation to make such dwelling habitable.
    - B. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in the confined or intensive feeding of more than fifty (50) percent more animal units than the one-time capacity of the use which existed as of the effective date of *this* Resolution. Any expansion beyond this limitation is prohibited unless a conditional use for expansion in excess of this limitation is authorized as a conditional use by the County Board of Commissioners in accordance with the procedures and requirements for conditional use authorization set forth in Article 10 of this Resolution.
    - C. Such expansion shall not occur in any area subject to flooding on a one hundred (100) year basis or in any wetland area.
    - D. If such expansion results in such use being required to obtain a new permit from the Nebraska Department of Environmental Quality, introduction of additional animals shall be prohibited until such permit required to be issued by the Nebraska Department of Environmental Quality or other applicable or successor agency shall have been issued and such *use* shall be operated at all times in a manner consistent with the requirements of any such required permit and any applicable restrictions of this Resolution.
    - E. Exceptions to the above stated minimum distance requirements may be approved by conditional *use* where special types of confined or intensive feeding uses, special types of waste handling facilities and provisions for odor control, special provisions for dust control, topography, prevailing winds, or other factor or combination of factors exist and it is determined by the Board of Commissioners that reduction of this minimum spacing distance will not interfere with the value, use and enjoyment of adjoining and neighboring properties.
  3. Commercial grain and produce storage including commercial storage warehouses or elevators and plant seed sales and storage facilities.
  4. Public, parochial, private non-religious schools.

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5. Road maintenance equipment sheds, fire stations, public utility substations and utility distribution systems and similar structures and uses.
  6. Churches, cemeteries and related uses.
  7. Fish hatcheries, wildlife management areas, game farms and commercial hunting and fishing where such hunting and fishing does not involve development of lodges or other buildings devoted solely to the support of such hunting and fishing activities, provided that if such uses qualify as a Public Use Area, as defined in Section 303.71 of this Resolution, such uses shall comply with minimum separation distances from existing confined or intensive animal feeding uses as set forth in Table 501.05 of this Resolution. Temporary housing of hunters and fishermen and temporary hunting or fishing shelters shall be permitted.
  8. Radio, television, microwave and other types of erected towers, provided such towers comply with any applicable airport hazard restrictions and provided such tower is set back from the right-of-way line of any public roadway or from any neighboring church, school, public use area or dwelling unit by a distance equal to or exceeding the height of such tower.
  9. Child care and day care uses, when conducted in a building other than an occupied residential dwelling unit.
  10. Single-Family dwellings, including manufactured housing and mobile homes, provided such dwellings comply with all of the following conditions.
    - A. Such dwellings, if not on the same lot with and of the same ownership as any existing confined or intensive animal feeding use, as defined in Sections 303.23 and 303.45 of this Resolution, shall be separated from such use by the same distances as is specified in Table 501.05 of this Resolution for the various classes of confined and intensive animal feeding uses and types of waste handling facilities, unless the developer of such dwelling shall grant an impact easement, as defined in Section 303.42 of this Resolution, to the owner of the confined or intensive animal feeding use, in which case any lesser distance shall be permitted. Such distance shall be measured from the nearest point of the area used or approved under this Resolution for a confined or intensive animal feeding use, including any location where raw or partially digested liquid or slurry waste is applied to the surface of the land, to a said church, school, public use area or dwelling unit not of the same ownership and not on the same premises as the confined or intensive animal feeding use. Application of solid manure, as defined in Section 303.82 of this Resolution, to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be considered part of the confined or intensive animal feeding use and shall not be required to meet the minimum separation distance herein specified.
    - B. Such dwelling shall be located on a lot with an area of not less than two (2) acres, as set for in Section 501.07 of this Resolution and a minimum lot width as set forth in Section 501.08 of this Resolution, provided that a larger lot may be required if the regulations Title 124 of the Nebraska Department of Environmental Quality or its successor with regard to proper sizing and location of a septic tank and tile field or lagoon sewage disposal system, and further provided that the total number of dwellings per quarter section of land shall not exceed four (4) unless a conditional *use* for a residential subdivision has been authorized by the County Board of Commissioners in accordance with the procedures and requirements of this Resolution.

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- C. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a roadway classified by the Sheridan County Board of Commissioners as a minimum maintenance road or other unimproved roadway, provided that if such dwelling is located on a minimum maintenance road or other unimproved roadway, Sheridan County shall not construct or improve such roadways and, with the exception of existing minimum maintenance roads, shall not be committed to accepting such roadway as a publicly maintained County road even if such roadway is improved to County road standards by the owner(s) of such roadway.
  - D. Residential dwellings existing on the same premises and under the same ownership as a confined or intensive animal feeding use, as defined in Sections 303.23 and 303.45 of this Resolution, as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such confined or intensive animal feeding use and shall not be subdivided or otherwise sold off as a separate parcel unless the confined or intensive animal feeding use *has* been abandoned. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such confined or intensive animal feeding use as set forth in Table 501.05 of this Resolution.

#### **501.04 PERMITTED ACCESSORY USES AND STRUCTURES:**

The following uses and structures shall be permitted as accessory to the permitted principal uses and structures:

- 1. Accessory uses, buildings and structures normally and commonly appurtenant to the permitted principal uses and structures. Such uses, buildings or structures, if not a farm building, shall require the issuance of a zoning permit and *I* or certificate of zoning compliance. Accessory farm buildings shall not need a zoning permit, but shall be required to meet all applicable setback requirements of this Resolution.
- 2. Home occupations and home based businesses, in accordance with Section 608 of this Resolution. When established and operated in accordance with the requirements of said Section 608, issuance of a zoning permit or certificate of zoning compliance shall not be required
- 3. Roadside stands for the temporary sale of produce grown or crafts produced on the premises. No zoning permit shall be required.

**501.05 CONDITIONAL USES:** After the provisions of this Resolution relating to conditional uses have been fulfilled, the Board of Commissioners may, in accordance with the procedures and requirements of Article 10 of this Resolution, permit the following as conditional uses in the AG -G, Agricultural District:

- 1. New confined and intensive animal feeding uses, as defined and classified in Sections 303.23 and 303.45 of this Resolution, and waste handling facility uses, as defined in Section 303.90 of this Resolution, provided such animal feeding uses shall meet or exceed the requirements set forth below and any waste handling facility use shall meet or exceed the separation distances set forth in Table 501.05 WM:MUM SEPARATION DISTANCES FROM ABUTTING AND NEIGHBORING USES for the class of the confined or intensive animal feeding use and the type of waste handling facility use:
  - A. Each confined or intensive animal feeding use shall submit a plan for the proper and timely disposal of dead animals. Such plan shall comply with any requirements of law or regulations of the State of Nebraska and shall be subject to the approval of the County

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Board of Commissioners who may establish additional requirements regarding the proper and timely disposal of dead animals. The proposed use of a separate entity or company to collect and dispose of dead animals shall require written verification of the availability of and commitment to provide such services by the separate entity or company and written notice to the County immediately upon the cessation of such services by said entity or company and an indication of how dead animal disposal will occur in a timely manner.

- B. For all categories of waste handling facility uses, regardless of size or type, all run-off, control ponds and basins, methods of waste disposal and related waste handling facilities and operational activities shall be engineered and developed to minimize air and ground and surface water pollution and shall be constructed and operated in accordance with the requirements established by the County Board of Commissioners, who may request review and recommendations by the applicable Natural Resource District, the Natural Resources Conservation Service, the Nebraska Department of Environmental Quality, their successor agencies, geologists, soil scientists, agronomist, biological engineers, civil engineers and any other entity with environmental protection expertise and shall have a permit from the Nebraska Department of Environmental Quality if a permit is so required by said Department.
- C. Any waste handling facility use which proposes to dispose of any waste through application of said waste on crop or other land shall indicate that the owners of such waste handling facility use shall have, either through ownership or lease of suitable terms, an adequate amount of such land to permit application of such waste based on the nutrient needs of the crops to be produced and avoid any build-up of nutrients or chemicals which can damage the production capacity of the land, result in runoff of such waste or chemicals into abutting property or into any stream or drainageway or in any way contaminate the environment. The County Board of Commissioners, in authorizing any waste handling facility use, may utilize recommendations of the Natural Resources Conservation Service, the Cooperative Extension Service and any other crop production experts in determining the maximum amount of waste to be placed on each acre of land to be used for such purposes, the timing of such waste placements, and the total amount of land necessary to distribute all waste, and shall establish such maximum per acre application limits and such minimum total land area, as conditions of such authorization. A specific condition of application of land application of waste shall be that no liquid waste shall be applied to any land when the soils are water saturated or frozen. The County Board of Commissioners may require the owner / operator of such waste handling facility use to conduct, or allow to be conducted by a third party at the owner's / operator's expense, soil sampling and testing for build up of nutrients on all locations where waste is to be placed and may require the submission of the results of such soil sampling and testing to the County Board of Commissioners.
- D. All locations which are used by any authorized waste handling facility *use* for stockpiling or composting of waste shall be subject to authorization by the County Board of Commissioners as part of the authorization of any waste handling facility use and such authorization may include the establishment of maximum amounts of waste which may be stockpiled, the methods and operation of any waste composting facility, and facilities to collect and properly digest or dispose of any waste contaminated runoff from any waste stockpiling or composting site.
- E. Any waste handling facility use shall be located only in areas of the County which are not subject to flooding on a one hundred (100) year basis, and only in areas where it is determined by the County Board of Commissioners that the geology, soil permeability, depth to water table, drainage patterns and other natural environment characteristics

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will minimize the potential for surface and ground water contamination. In making a determination regarding the appropriateness of the site, the County Board of Commissioners may utilize the advice and recommendations of the Natural Resource District, the Natural Resources Conservation Service, geologist and any other entities with applicable environmental protection expertise. Where it is determined that the geology, soil permeability, depth to water table, drainage patterns or other environmental characteristic would present a reasonable potential for contamination of groundwater through leakage from a lagoon or waste holding pond, the County Board of Commissioners may require the *use* of above ground waste storage tanks.

- F. Each waste handling facility use shall be engineered, constructed and operated utilizing best management practices to minimize odor, dust, flies, vermin and other problems and hazards to avoid environmental contamination and / or negative impacts on adjoining and neighboring properties.
- G. Any waste handling animal feeding use shall generally be located only in areas of the County where the impact(s) on the public infrastructure and services, particularly roads and bridges, will not result in an undue cost burden to the taxpayers of the County in providing such infrastructure and services. In making a determination regarding the appropriateness of the site, if the County Board of Commissioners determine that the anticipated impacts will unduly impact the present level of services, road maintenance or bridge capacities and maintenance, the Board may require financial participation by the owner of the animal feeding use in the maintenance of said infrastructure.
- H. Where any Federal and/or State of Nebraska permit for facilities associated with a waste handling facility use is required, such permit(s) shall be approved by the appropriate Federal or State agency and all facilities required by such Federal or State agency and all facilities and safeguards required by the County Board of Commissioners shall be in place and operable prior to the generation of waste or in the case of confined or intensive animal feeding uses, prior to the introduction of any animals to the premises.
- I. The owner / operator of any confined or intensive animal feeding use or associated waste handling facility use authorized by the County Board of Commissioners shall agree to permit access to the waste handling facilities to allow inspection of the premises by the Zoning Administrator or other person(s) designated by the County Board of Commissioners to assure compliance with all conditions established by the County Board of Commissioners in authorizing such use within forty eight (48) hours of notification of a proposed inspection. Such inspections shall be conducted on a complaint basis only and shall first be investigated by the Zoning Administrator or other person(s) designated by the Board of Commissioners who shall document compliance or lack of compliance with all conditions of use established by the County Board of Commissioners in authorizing such use. In making such inspections, the Zoning Administrator or other authorized person(s) shall follow all bio-hazard procedures required by the owner/operator of the use being inspected. Such inspections shall be considered a general function of the Zoning Administrator and the cost of such inspection of such complaints shall be considered an administrative expense of the County and shall not be assessed against the owner(s) of a confined or intensive animal feeding use or associated waste handling facility use.

Upon a finding by the Zoning Administrator that a confined or intensive animal feeding use or associated waste handling facility use is not in compliance with the approved conditions of use, he/she shall report same to the County Board of Commissioners and shall notify the owner / operator of the confined or intensive animal feeding use or waste handling facility use involved, in writing, that the use is in violation of the approved

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conditions of use and shall state the specific violation(s) of such conditions. The owner/ operator of such use shall have thirty (30) calendar days to correct such violation. If the violation is not corrected within such time period, as verified through additional inspection(s) by the Zoning Administrator, the Zoning Administrator shall initiate any and all actions authorized under this Resolution to require compliance with the conditions of *use* approved by the County Board of Commissioners, including the possible requirements of reducing the waste produced by reduction in the activities generating such waste or in the case of confined or intensive animal feeding uses, reducing the number of animal units on the premises or removal of all animals until such violation(s) have been corrected.

A condition of authorization of any waste handling facility use shall be that the owner(s) / operator of each such use authorized under this Resolution shall agree to comply with any written order of the County Board of Commissioners, up to and including reduction in the activities generating such waste or in the case of confined or intensive animal feeding uses, reduction in the number of animals being feed at the location, to correct any lack of compliance with any conditions of the original or subsequent conditional use authorization detected in any on-site inspection within Thirty (30) calendar days of the date of the written order for compliance issued by the Zoning Administrator. In the event the owner / operator of a waste handling facility use involved in the inspection can present reasonable cause to the County Board of Commissioners that additional time to comply with any order of the Zoning Administrator is needed, the County Board of Commissioners may authorize an extension of time up to, but not exceeding Sixty (60) calendar days. Failure to comply with the order for compliance within the time specified shall result in a further order to cease all activities which result in the generation of waste or in the case of confined or intensive animal feeding uses, the removal of all animals from the premises until such time as compliance with these regulations can be achieved.

The provisions for inspections of confined or intensive animal feeding uses or associated waste handling facilities shall apply to such uses which were in existence as of the effective date of this Resolution only to the extent of determining compliance with the limitations on unauthorized expansion of such facilities, but the provisions for inspections and compliance shall fully apply to any confined or intensive animal feeding use and associated waste handling facility uses which were in existence as of the effective date of this Resolution, if any such use has been expanded in its capacity beyond that which existed as of the effective date of this in accordance with the requirements of this Resolution.

- J. In authorizing any confined or intensive *animal* feeding use and associated waste handling facility use, the County Board of Commissioners may attach any additional requirement or condition of design or operation of such use, which may be in excess of any requirement or condition of the Nebraska Department of Environmental Quality or the United States Department of Environmental Protection, which will minimize the potential for environmental degradation and/or negative impacts on adjoining and neighboring properties, provided such requirement or condition is based upon scientific fact, which may include recommendations by the Natural Resource District, the Natural Resources Conservation Service, geologists, biological engineers, civil engineers and any other entities with applicable environmental protection expertise and not here say, unfounded public remonstrance or other reason not based on reasonable finding or fact.
- K. Exceptions to the minimum separation distance requirements set forth in Table 501.05 of this Resolution may be approved as part of granting of a conditional use where special types of waste handling facility uses, special provisions for odor control, special

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provisions for dust control, topography, prevailing winds, or other factor or combination of other factors exist and it is determined by the County Board of Commissioners that reduction of this minimum spacing distance will not unreasonably interfere with the value, use and enjoyment of adjoining and neighboring properties.

- L. Any conditional *use* application for a confined or intensive animal feeding use and associated waste handling facility use which is determined by the County Board of Commissioners to be in compliance with all requirements of this Section and for which there is agreement by the owner of such proposed use to comply with any additional requirement or condition established by the Board of Commissioners, as set forth in Subsection J immediately above, shall be authorized by the County Board of Commissioners.
2. Surface application of liquid waste from a confined or intensive animal feeding uses or other commercial, industrial, public or semi-public uses located outside the boundaries of Sheridan County, Nebraska, on land within the County, shall require that the site(s) of such application comply with the separation distances from *a* church, school, public use area or dwelling unit not of the same ownership and not on the same premises as set forth in Table 501.05 of this Resolution for the class of animal feeding or other use and category or waste handling facility, except surface application of solid manure as defined in Section 303.82 of this Resolution, or injection of liquid manure into the soil shall not be required to meet said minimum separation distance requirements.
  3. General welding and agricultural equipment repair businesses, automobile repair and body shop businesses and other commercial business and industrial us"s determined by the Board of Commissioners to be reasonably compatible with *the* surrounding land uses with regard to traffic generation, noise, odors, dust, vibrations and potential air, soil or water pollution or explosion or other hazards.
  4. Livestock auction barns and yards.
  5. Crop dusting businesses and related aircraft landing strips and airport&
  6. Commercial fuel and fertilizer bulk plants, provided such uses are located at least 1/2 mile from any neighboring school, church, public *use* area or dwelling unit.
  7. Solid waste landfills, recycling facilities and transfer stations when in compliance with all requirements established by the Board of Commissioners in granting a conditional use and in compliance with all requirements of the Nebraska Department of Environmental Quality.
  8. Salvage (junk) yards, provided such uses arc separated from any existing dwelling unit, church, school or cemetery by a distance of not less than one-half (1/2) mile.
  9. Public and private recreational uses and commercial recreational enterprises, including parks, playgrounds, campgrounds, riding stables, game lodges, canoe outfitters, rental cabins, camp stores, public or commercial river access sites and other similar uses including bed and breakfast operations and motels.
  10. Mineral extraction and sand and gravel extraction facilities and operations.
  11. Public service facilities not allowable *as* permitted principal uses in Section 501.03 of this Resolution.
  12. Residential subdivisions in excess of four (4) lots per quarter section.

13. Other uses and structures determined by the Board of Commissioners to be comparable with the above stated conditional uses and consistent with the Intent statement of this zoning district.

**TABLE 501.05**  
**MINIMUM SEPARATION DISTANCES FROM ABUTTING AND NEIGHBORING USES**  
 CONFINED and INTENSIVE ANIMAL FEEDING USES by Class

WASTE HANDLING FACILITY USES by Category:

<u>Class of Animal Feeding Use and Category of Waste Handling Facility</u>	<u>Minimum Distance to Church, School, Public Use Area or Neighboring Dwelling Unit*</u>	
	<u>North / South</u>	<u>East / West</u>
<b><u>Class I Confined Animal Feeding Use:</u></b>		
Waste Handling Facility Use:		
Category A (Aerobic).....	1/2 mile .....	1/3 mile
Category FAC (Facultative) .....	3/4 mile .....	1/2 mile
Category ANC (Anaerobic Covered) .....	1/2 mile .....	1/3 mile
Category AN (Anaerobic) .....	1 mile.....	3/4 mile
<b><u>Class II Confined Animal Feeding Use:</u></b>		
Waste Handling Facility Use:		
Category A (Aerobic).....	3/4 mile .....	1/2 mile
Category FAC (Facultative) .....	1 mile.....	3/4 mile
Category ANC (Anaerobic Covered) .....	3/4 mile .....	1/2 mile
Category AN (Anaerobic) .....	1 1/4 miles.....	1 mile
<b><u>Class III Confined Animal Feeding Use:</u></b>		
Waste Handling Facility Use:		
Category A (Aerobic).....	1 mile .....	3/4 mile
Category FAC (Facultative) .....	1 1/4 miles.....	1 mile
Category ANC (Anaerobic Covered) .....	1 mile.....	3/4 mile
Category AN (Anaerobic) .....	1 1/2 miles.....	1 mile
<b><u>Class IV Confined Animal Feeding Use:</u></b>		
Waste Handling Facility Use:		
Category A (Aerobic).....	1 1/4 miles.....	1 mile
Category FAC (Facultative) .....	1 1/2 miles.....	1 mile
Category ANC (Anaerobic Covered) .....	1 1/4 miles.....	1 mile
Category AN (Anaerobic) .....	2 miles.....	1 1/2 miles
<b><u>Intensive Animal Feeding Use:</u></b>		
Class of Use / Anaerobic Waste Handling Facility:**		
Class I .....	1/2 mile .....	1/3 mile
Class II .....	1 mile.....	1/2 mile
Class III .....	1 1/2 miles .....	3/4 mile
Class IV .....	4 miles .....	1 mile
<b><u>Municipal Waste Handling Facility Use:</u></b>		
Aerobic Lagoon or other Aerobic Facility.....	1/4 mile .....	1/4 mile

Footnotes:

\* Measurement of this distance shall be from the point of the waste handling facility associated with a confined animal feeding use nearest to a church, school, public use area or dwelling not on the same premises and not of the same ownership as the waste handling facility to the nearest point of such dwelling, church, public use area or school, provided that if one or more impact easement(s), as defined in Section 303.42 of this Resolution, shall have been granted to the owner of the confined animal feeding use, in which case any residence(s) associated with the land on which any such easement has been granted shall not be included in the minimum distance measurements herein specified. A dwelling unit not of the same ownership and on the same premises as the waste handling facility use shall be interpreted to mean that such dwelling is an occupied or habitable dwelling and, if vacant and not habitable, would not require more cost than its present assessed valuation to make such dwelling habitable.

\*\* By definition of waste handling facility, Section 303.90 of this Resolution, Intensive Animal Feeding Uses are considered Anaerobic Waste Handling Facilities.



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**501.06 PROHIBITED USES AND STRUCTURES:** All other uses and structures, which are not allowed in this District as allowable, permitted, accessory or conditional uses, shall be prohibited.

**501.07 MINIMUM LOT AREA REQUIREMENTS:** The following shall be the minimum lot area requirements for uses located within this district:

1. The minimum lot area for a single-family dwelling unit, manufactured home or mobile home shall be two (2) acres, provided that a larger lot area may be required by the standards and regulations of Title 124 of the Nebraska Department of Environmental Quality or its successor agency with regard to proper sizing and location of septic tank and tile field or lagoon sewage disposal systems.

The minimum lot area for uses identified as conditional uses in this District, other than residential dwelling units in residential subdivisions, shall be the lot area appropriate for such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall be less than two (2) acres in area.

**501.08 MINIMUM LOT WIDTH AND FRONTAGE:** The following shall be the minimum lot width and frontage requirements for uses located within this district:

1. The minimum lot width shall be one hundred fifty (150) feet and the minimum lot frontage shall be sixty six (66) feet, except that the minimum lot width and frontage for uses identified as conditional uses in this district shall be the lot width and frontage appropriate to such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall have a width less than one hundred fifty (150) feet and a minimum frontage less than sixty six (66) feet.

**501.09 MINIMUM SETBACK REQUIREMENTS:** The following shall be the minimum yard requirements for uses located within this district:

1. Front Setback - Fifty eight (58) feet (measured from the centerline of any County road)  
- Twenty five (25) feet (measured from the right-of-way line of any state or federal highway)
2. Side Setback - Ten (10) feet
3. Rear Setback -Ten (10) feet

**501.10 MAXIMUM HEIGHT:** No limitation, except for buildings designed for human habitation which shall be a height limitation of Forty (40) feet.

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## **SECTION 502 AG - R RIVER CORRIDOR AGRICULTURAL DISTRICT**

**502.01 INTENT:** The intent of this district is to protect the environmentally sensitive lands along the rivers in the County, to preserve the scenic quality of the river corridors by restricting the types agricultural and other uses which can be occur in the corridors, and to allow the development of non-agricultural land uses which are compatible with maintaining the water quality and scenic quality of the river corridors and which are compatible with the agricultural uses permitted in the corridor areas.

**501.02 OUTRIGHT ALLOWABLE PRINCIPAL USES AND STRUCTURES:** The following uses and structures shall be allowable uses outright. Such uses and structures shall comply with the minimum lot area, setback and other requirements of this Resolution, but such uses and structures shall not require a written zoning permit or certificate of zoning compliance:

1. Agricultural uses, as defined in Section 303.04 of this Resolution, including any farm buildings, as defined in Section 303.33 of this Resolution, but excluding any dwelling unit(s) whether or not associated with an agricultural use and excluding confined and intensive animal feeding uses, as defined in Sections 303.23 and 303.45 of this Resolution.
2. Grain and produce storage including non-commercial storage warehouses and plant seed sales and storage facilities.
3. irrigation facilities, including wells, center pivots, re-use pits, well houses and related structures, flood control and erosion control facilities. (Irrigation facilities used as part of a waste handling facility shall be subject to the setback restrictions for such uses, as specified in Section 501.03 and 501.05 of this Resolution.)
4. Forestry, tree farms and plant nurseries.
5. Signs, including permanent on-site and outdoor advertising signs, provided the number of such permanent on-site signs shall not exceed three (3) per premises and that permanent outdoor advertising signs shall be located no closer than one-eighth (1/8) mile to any other on-site or outdoor advertising sign\_ Temporary signs, including but not limited to farm / ranch identification signs, crop seed and similar signs, signs, yard sale, real estate for sale or lease signs, political campaign signs, and traffic safety and road number signs installed by governmental entities shall be exempt from regulation. (*All permanent signs along federal and state highways are subject to the permit requirements of the Nebraska Department of Roads*).
6. Day care and child care uses, when conducted in a residential dwelling unit by the occupants of such residential dwelling unit.

**502.03 PERMITTED PRINCIPAL USES AND STRUCTURES:** The following uses and structures shall be permitted uses, but shall require the issuance of a zoning permit and / or certificate of zoning compliance:

1. Expansion of any confined or intensive animal feeding use and associated waste handling facilities, existing as of the effective date of this Resolution, when such existing confined or intensive animal feeding use or associated waste handling facility is located less than or in excess of the minimum setback distances from any existing church, school, public use area or dwelling unit not of the same ownership and on the same premises with such use, as prescribed in Table 501.05 for the class of use and type of waste handling facility, or when such existing use is located within this zoning district, provided such expansion shall comply with all of the following limitations:

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- A. Such expansion will not decrease the distance from the confined or intensive animal feeding use and any church, school, public use area or dwelling unit not of the same ownership and not on the same premises with such use to which the animal feeding use is less than the minimum prescribed separation distances specified in Table 501.05 of this Resolution nor shall such expansion in any other direction result in a separation distance to any other church, school, public use area or dwelling unit not of the same ownership and not on the same premises with such use being less than that specified in said Table 501.05 of this Resolution. In the event one (1) or more impact easement(s), as defined in Section 303.42 of this Resolution, is granted to the owner of the confined or intensive animal feeding use, any dwelling unit on the premises for which said impact easement is granted shall not be considered when determining compliance with the minimum separation distances specified in Table 501.05. For purposes of this regulation, a dwelling unit not of the same ownership and on the same premises as the confined or intensive animal feeding use shall be interpreted to mean that *such* dwelling is an occupied or habitable dwelling and, if vacant and not habitable, would not require more cost than its present assessed valuation to make such dwelling habitable.
  - B. Such expansion will not decrease the distance from the confined or intensive animal feeding use to the river which the use is located near.
  - C. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in the confined or intensive feeding of more than fifty (50) percent more animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a conditional use for expansion in excess of this limitation is authorized as a conditional use by the County Board of Commissioners in accordance with the procedures and requirements for conditional use authorization set forth in Article 10 of this Resolution.
  - D. If such expansion results in such use being required to obtain a new permit from the Nebraska Department of Environmental Quality, introduction of additional animals shall be prohibited until such permit required to be issued by the Nebraska Department of Environmental Quality or other applicable or successor agency shall have been issued and such use shall be operated at all times in a manner consistent with the requirements of any such required permit and any applicable restrictions of this Resolution.
  - E. Exceptions to the above stated minimum distance requirements may be approved by conditional use where special types of confined or intensive feeding uses, special types of waste handling facilities and provisions for odor control, special provisions for dust control, topography, prevailing winds, or other factor or combination of factors exist and it is determined by the Board of Commissioners that reduction of this minimum spacing distance will not interfere with the value, use and enjoyment of adjoining and neighboring properties.
- 2\_ Non-commercial grain and produce storage and plant seed sales and storage facilities, but, excluding commercial grain storage or grain elevators.
  - 3. Public, parochial, private non-religious schools,
  - 4. Road maintenance equipment sheds, fire stations, public utility substations and utility distribution systems **and similar** structures and uses.
  - 5. Churches, cemeteries and related uses.

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6. Fish hatcheries, wildlife management areas, game farms and commercial hunting and fishing where such hunting and fishing does not involve development of lodges or other buildings devoted solely to the support of such hunting and fishing activities, provided that if such uses qualify as a Public Use Area, as defined in Section 303.71 of this Resolution, such *uses* shall comply with minimum separation distances from existing confined or intensive animal feeding uses as set forth in Table 501.05 of this Resolution. Temporary housing of hunters and fishermen and temporary hunting or fishing shelters shall be permitted.
  7. Radio, television, microwave and other types of erected towers, provided such towers comply with any applicable airport hazard 'ebb \_ ictions and provided such tower is set back from the right-of-way line of any public roadway or from any neighboring church, school, public use area or dwelling unit by a distance equal to or exceeding the height of such tower.
  8. Child care and day care uses, when not conducted within an occupied residential dwelling unit.
  9. Single-Family dwellings, including manufactured housing and mobile homes as provided such dwellings comply with all of the following conditions.
    - A. Such dwellings, if not on the same lot with and of the same ownership as any existing confined or intensive animal feeding use, as defined in Sections 303.23 and 303.45 of this Resolution, shall *be* separated from such use by the same distances as is specified in Table 501.05 of this Resolution for the various classes of confined and intensive animal feeding uses and types of waste handling facilities, unless the developer of such dwelling shall grant an impact easement, as defined in Section 303.42 of this Resolution, to the owner of the confined or intensive animal feeding use, in which case any lesser distance shall be permitted. Such distance shall be measured from the nearest point of the area used or approved under this Resolution for a confined or intensive animal feeding use, including any location where raw or partially digested liquid or slurry waste is applied to the surface of the land, to a said church, school, public use area or dwelling unit not of the same ownership and not on the same premises as the confined or intensive animal feeding use. Application of solid manure, as defined in Section 303.82 of this Resolution, to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be considered part of the confined or intensive animal feeding use and shall not be required to meet the minimum separation distance herein specified.
    - B. Such dwelling shall be located on a lot with an area of not less than two (2) acres, as set for in Section 501.07 of this Resolution and a minimum lot width as set forth in Section 501.08 of this Resolution, provided that a larger lot may be required if the regulations Title 124 of the Nebraska Department of Environmental Quality or its successor with regard to proper sizing and location of a septic tank and tile field or lagoon sewage disposal system, and further provided that the total number of dwellings per quarter section of land shall not exceed four (4) unless a conditional use for a residential subdivision has been authorized by the County Board of Commissioners in accordance with the procedures and requirements of this Resolution.
    - C. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a roadway classified by the Sheridan County Board of Commissioners as a minimum maintenance road or other unimproved roadway, provided that if such dwelling is located on a minimum maintenance road or other unimproved roadway, Sheridan County shall not construct or improve such roadways and, with the exception of existing minimum maintenance roads, shall not be

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committed to accepting such roadway as a publicly maintained County road even if such roadway is improved to County road standards by the owner(s) of such roadway.

D. Residential dwellings existing on the same premises and under the same ownership as a confined or intensive animal feeding use, as defined in Sections 303.23 and 303.45 of this Resolution, as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such confined or intensive animal feeding use and shall not be subdivided or otherwise sold off as a separate parcel unless the confined or intensive animal feeding use has been abandoned. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such confined or intensive animal feeding use as set forth in Table 501.05 of this Resolution\_

**502.03 PERMITTED ACCESSORY USES AND STRUCTURES:** The following uses and structures shall be permitted as accessory to the permitted principal uses and structures:

1. Accessory uses, buildings and structures normally and commonly appurtenant to the permitted principal uses and structures. Such uses, buildings or structures, if not a farm building, shall require the issuance of a zoning permit and / or certificate of zoning compliance. Accessory farm buildings shall not need a zoning permit, but shall be required to meet all applicable setback requirements of this Resolution.
2. Home occupations and home based businesses, in accordance with Section 608 of this Resolution. When established and operated in accordance with the requirements of said Section 608, issuance of a zoning permit or certificate of zoning compliance shall not be required.
3. Roadside stands for the temporary sale of produce grown or crafts produced on the premises. No zoning permit shall be required.

**502.05 CONDITIONAL USES:** After the provisions of this Resolution relating to conditional uses have been fulfilled, the Board of Commissioners may, in accordance with the procedures and requirements of Article 10 of this Resolution, permit the following as conditional uses in the AG - R., River Corridor Agricultural District:

1. General welding and agricultural equipment repair businesses and other commercial business and industrial uses, determined by the Board of Commissioners to be reasonably compatible with the surrounding land uses with regard to traffic generation, noise, odors, dust, vibrations and potential air, soil or water pollution or explosion or other hazard.
2. Public and private recreational uses and commercial recreational enterprises, including parks, playgrounds, campgrounds, riding stables, game lodges, canoe outfitters, rental cabins, camp stores, public or commercial river access sites and other similar uses including bed and breakfast operations and motels.
3. Public service facilities not allowable as permitted principal uses in Section 502.03 of this Resolution.
4. Mineral extraction and sand and gravel extraction facilities and operations.
5. Residential subdivisions in excess of four (4) lots per quarter section\_

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6. Other uses and structures determined by the Board of Commissioners to be comparable with the above conditional uses and consistent with the Intent statement of this zoning district.

502.06 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not permitted in this district either as a permitted use, accessory use or conditional use is prohibited. This prohibition shall specifically include all classes of confined or intensive animal feeding uses as defined in Sections 303.23 and 303.45 of this Resolution.

502.07 MINIMUM LOT AREA REQUIREMENTS: The following shall be the minimum lot area requirements for uses located within this district:

1. The minimum lot area for a single-family dwelling unit, manufactured home or mobile home shall be two (2) acres, provided that a larger lot area may be required by the standards and regulations of Title 124 of the Nebraska Department of Environmental Quality or its successor agency with regard to proper sizing and location of septic tank and tile field or lagoon sewage disposal systems.
2. The minimum lot area for uses identified as conditional uses **in** this District, other than residential in residential subdivisions, shall be the lot area appropriate for such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall be less than two (2) acres in area.

502.08 MINIMUM LOT WIDTH AND FRONTAGE: The following shall be the minimum lot width and frontage requirements for uses located within this district:

The minimum lot width shall be one hundred fifty (150) feet and the minimum lot frontage shall be sixty six (66) feet, except that the minimum lot width and frontage for uses identified as conditional uses in this district shall be the lot width and frontage appropriate to such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall have a width less than one hundred fifty (150) feet and a minimum frontage less than sixty six (66) feet.

502.09 MINIMUM SETBACK REQUIREMENTS: The following shall be the minimum yard requirements for uses located within this district:

1. Front Setback - Fifty eight (58) feet (measured from the centerline of any County road)  
- Twenty five (25) feet (measured from the right-of-way line of any state or federal highway)
2. Side Setback - Ten (10) feet
3. Rear Setback - Ten (10) feet

502.10 MAXIMUM HEIGHT: No limitation, except for buildings designed for human habitation which shall be a height limitation of Forty (40) feet

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**503.01 INTENT:** The intent of this district is to preserve land for and encourage residential, commercial and industrial developments in a compatible relationship to each other and the agricultural uses around the incorporated municipalities in the County and provide protection of these urban areas from encroachment of incompatible land uses while allowing agricultural uses which will not negatively impact non-agricultural uses in the zoning district or these urban areas around which this zoning district is applied.

**503.02 OUTRIGHT ALLOWABLE PRINCIPAL USES AND STRUCTURES:** The following uses and structures shall be allowable uses outright. Such uses and structures shall comply with the minimum lot area, setback and other requirements of this Resolution, but such uses and structures shall not require a written zoning permit or certificate of zoning compliance:

1. Agricultural uses, as defined in Section 303.04 of this Resolution, including any farm buildings, as defined in Section 303.33 of this Resolution, but excluding any dwelling unit(s) whether or not associated with an agricultural use and excluding confined and intensive animal feeding uses, as defined in Sections 303.23 and 303.45 of this Resolution.
2. Grain and produce storage including non-commercial storage warehouses and plant seed sales and storage facilities.
3. Irrigation facilities, including wells, center pivots, re-use pits, well houses and related structures, flood control and erosion control facilities. (Irrigation facilities used as part of a waste handling facility shall be subject to the setback restrictions for such uses, as specified in Section 501.03 and 501.05 of this Resolution.)
4. Forestry, tree farms and plant nurseries.
5. Signs, including permanent on-site and outdoor advertising signs, provided the number of such permanent on-site signs shall not exceed three (3) per premises and that permanent outdoor advertising signs shall be located no closer than one-eighth (1/8) mile to any other on-site or outdoor advertising sign. Temporary signs, including but not limited to farm / ranch identification signs, crop seed and similar signs, signs, yard sale, real estate for sale or tease signs, political campaign signs, and traffic safety and road number signs installed by governmental entities shall be exempt from regulation. (*All permanent signs along federal and state highways are subject to the permit requirements of the Nebraska Department of Roads*).
6. Day care and child care uses, when conducted in a residential dwelling unit by the occupants of such residential dwelling unit.

**503.03 PERMITTED PRINCIPAL LAND USES AND STRUCTURES:** The following uses and Structures shall be permitted uses, but shall require the issuance of a zoning permit and / or certificate of zoning compliance:

1. Public, parochial, private non-religious, schools.
2. Road maintenance equipment sheds, fire stations, public utility substations and utility distribution systems and similar structures and uses.
3. Churches, cemeteries and related uses.

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4. Fish hatcheries, wildlife management areas, game farms and commercial hunting and fishing where such hunting and fishing does not involve development of lodges or other buildings devoted solely to the support of such hunting and fishing activities, provided that if such *uses* qualify as a Public Use Area, as defined in Section 303.71 of this Resolution, such uses shall comply with minimum separation distances from existing confined or intensive animal feeding uses *as* set forth in Table 501.05 of this Resolution. Temporary housing of hunters and fishermen and temporary hunting or fishing shelters shall be permitted.
  5. Radio, television, microwave and other types of erected towers, provided such towers comply with any applicable airport hazard restrictions and provided such tower is set back from the right-of-way line of any public roadway or from any neighboring church, school, public use area or dwelling unit by a distance equal to or exceeding the height of such tower.
  6. Child care and day care uses, when conducted in a building other than an occupied residential dwelling unit. -
  7. Single-Family dwellings, including manufactured housing and mobile homes as provided such dwellings comply with all of the following conditions.
    - A. Such dwellings, if not on the same lot with and of the same ownership as any existing confined or intensive animal feeding use, as defined in Sections 303.23 and 303.45 of this Resolution, shall be separated from such use by *the* same distances as is specified in Table 501.05 of this Resolution for the various classes of confined and intensive animal feeding uses, unless the developer of such dwelling shall grant an impact easement(s), as defined in Section 303.42 of this Resolution, to the owner of the confined or intensive animal feeding use, in which case any lesser distance shall be permitted. Such distance shall *be* measured from the nearest point of the area used or approved under this Resolution for a confined or intensive animal feeding use, including any location where raw or partially digested liquid or slurry waste is applied to the surface of the land, to a said church, school, public use area or dwelling unit not of the same ownership and not on the same premises as the confined or intensive animal feeding use. Application of solid manure, as defined in Section 303.82 of this Resolution, to the surface of the land, the surface application of composted waste or the injection of liquid or slurry waste into the soil shall not be considered part of the confined or intensive animal feeding use and shall not be required to meet the minimum separation distance herein specified.
    - B. Such dwelling shall be located on a lot with an area of not less than two (2) acres, if a septic tank and tile field sewage disposal system is used, or not less than ten thousand (10,000) square feet, if a public or semi-public sanitary sewer is to be used, and such lot shall have a minimum lot width as set forth in Section 501.07 of this Resolution, provided that a larger lot may be required if the regulations of the Nebraska Department of Environmental Quality or its successor with regard to proper sizing and location of a septic tank and tile field or lagoon sewage disposal system.
    - C. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a roadway classified by the Sheridan County Board of Commissioners as a minimum maintenance road or other unimproved roadway, provided that if such dwelling is located on a minimum maintenance road or other unimproved roadway, Sheridan County shall not construct or improve such roadways and, with the exception of existing minimum maintenance roads, shall not be committed to accepting such roadway as a publicly maintained County road even if such roadway is improved to County road standards by the owner(s) of such roadway.

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D. Residential dwellings existing on the same premises and under the same ownership as a confined or intensive animal feeding use, as defined in Sections 303.23 and 303.45 of this Resolution, as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such confined or intensive animal feeding use and shall not be subdivided or otherwise sold off as a separate parcel unless the confined or intensive animal feeding use has been abandoned. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such confined or intensive animal feeding use as set forth in Table 501.05 of this Resolution.

503.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following uses and structures shall be permitted as accessory to the permitted principal *uses* and structures:

1. Accessory uses, buildings and structures normally and commonly appurtenant to the permitted principal uses and structures. Such uses, buildings or structures, if not a farm building, shall require the issuance of a zoning permit and / or certificate of zoning compliance. Accessory farm buildings shall not need a zoning permit, but shall be required to meet all applicable setback requirements of this Resolution.
2. Home occupations and home based businesses, in accordance with Section 608 of this Resolution. When established and operated in accordance with the requirements of said Section 608, issuance of a zoning permit or certificate of zoning compliance shall not be required.
3. Roadside stands for the temporary sale of produce grown or crafts produced on the premises. No zoning permit shall be required.

503.04 CONDITIONAL USES: After the provisions of this Resolution relating to conditional uses have been fulfilled, the Board of Commissioners may, in accordance with the procedures and requirements of Article 10 of this Resolution, permit the following as conditional uses in the AG - T Transitional Agricultural District:

1. Two-family and multi-family dwellings, provided such higher density residential uses are located near municipalities where the development of higher density uses can be adequately served by roadways, water, sewer, as well as law enforcement, fire protection and other public services, as determined by the Board of Commissioners.
2. Public and private recreational uses and commercial recreational enterprises, including parks, playgrounds, campgrounds, riding stables, game lodges, canoe outfitters, rental cabins, camp stores, public or commercial river access sites and other similar uses, including bed and breakfast operations and motels.
3. Public service facilities not allowable as permitted principal uses in Section 503.03 of this Resolution.
4. Mineral extraction and sand and gravel extraction facilities and operations.
5. Nursing home facilities, and group homes
6. Commercial and industrial uses, determined by the Board of Commissioners to be compatible with adjoining land uses.

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7. Other uses and structures determined by the Board of Commissioners to be comparable with the above stated conditional uses and consistent with the Intent statement of this zoning district.

503.05 PROHIBITED USES AND STRUCTURES: All other *uses* and structures which are not specifically allowed in this District as permitted uses and consistent with the Intent statement of this zoning district. This prohibition shall specifically include all types of confined or intensive animal feeding, as defined in Sections 303.23 and 303.45 of this Resolution, as any associated waste handling facility uses.

503.06 MINIMUM LOT AREA REQUIREMENTS: The following shall be the minimum lot area requirements for uses located within this district

1. The minimum lot area for a single-family dwelling unit, manufactured home or mobile home shall be two (2) acres, if a septic tank and tile field sewage disposal system is used, or not less than ten thousand (10,000) square feet, if a public or semi-public sanitary sewer is to be used, provided that a larger lot may be required if the regulations of Title 124 of the Nebraska Department of Environmental Quality or its successor with regard to proper sizing and location of a septic tank and tile field or lagoon sewage disposal system.
2. The minimum lot area for uses identified as conditional uses in this District, other than residential dwelling units in residential subdivisions, shall be the lot area appropriate for such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall be less than ten thousand (10,000) square feet in area.

503.07 MINIMUM LOT WIDTH AND FRONTAGE: The following shall be the minimum lot width and frontage requirements for uses located within this district:

1. The minimum lot width shall be sixty (60) feet and the minimum lot frontage shall be fifty (50) feet, except that the minimum lot width and frontage for uses identified as conditional uses in this district shall be the lot width and frontage appropriate to such use, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall have a width less than sixty (60) feet and a minimum frontage less than fifty (50) feet.

503.08 MINIMUM SETBACK REQUIREMENTS: The following shall be the minimum yard requirements for *uses* located within this district:

1. Front Setback - Fifty eight (58) feet (measured from the centerline of any County road)  
- Twenty five (25) feet (measured from the right-of-way line of any state or federal highway)
2. Side Setback - Ten (10) feet
3. Rear Setback - Ten (10) feet

503.09 MAXIMUM HEIGHT: No limitation, except that the maximum height for any building designed for human habitation shall be forty (40) feet.

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**504.01 INTENT:** The intent of this district is to overlay any of the primary zoning districts herein established and described in Sections 501, 502 and 503 of this Resolution in order to assist municipalities and other public water supply systems, as defined in Title 179, Nebraska Department of Health, Chapter 2, within or adjoining Sheridan County, which may operate water wells in or near the County in providing protection from contamination of such wells through regulation of land uses which have the potential for contamination of the groundwater source(s) from which said wells derive water. The intent of this district is also to protect existing and future agricultural uses, which are in balance with the natural environment, which are compatible with existing agricultural uses and which will not present unacceptable potential for contamination of the public water supply system wells, from over-regulation by said municipalities or public water supply systems with regard to wellhead protection\_

**504.02 PREREQUISITE REQUIREMENTS FOR APPLICATION OF THIS DISTRICT:** Prior to the application of this overlay district to any lands in Sheridan County, the municipality or public water supply system, which maintains and operates water supply wells within or adjoining the County for which the wellhead protection areas include lands within Sheridan County, shall make application to the Sheridan County Planning Commission and Sheridan County Board of Commissioners seeking application of this district **to** specified lands **within the County. Prior** to making such application and prior to approval of any application of this overlay district to any lands within the County, the municipality or other public water supply system making such application shall have first complied with all other requirements of the Wellhead Protection Area Act (Neb. Rev. Stat. 46-1501 through 45-1509 and the additional requirements listed as follows:

1. Delineation of the wellhead protection area(s) based upon a twenty (20) year time of travel recharge zone, as defined by the Nebraska Department of Environmental Quality.
2. Approval of such wellhead protection area(s) by the Nebraska Department of Environmental Quality. (Refer to limitation in Section 504.03 herein.).
3. Completion and mapping of an inventory of potential contamination sources within the wellhead protection area(s), including identification of abandoned wells.
4. Formulation of emergency / contingency / long-range plans in the event of disruption of the supply of water from wells in the wellhead protection area(s).
5. Formulation and implementation of an on-going public involvement / education program to permit public comment in the establishment of a wellhead protection program and a plan to provide public information regarding the program and voluntary cooperation with the same.
6. Development of a program to install and maintain Wellhead Protection Area signs on roadways around the wellhead protection area(s).
7. The municipality or other public water supply system shall execute an interlocal agreement with Sheridan County for the administration of the regulations within the land areas to be included in this Wellhead Protection Overlay District. In such agreement, the municipality or other public water supply system shall agree to accept the wellhead protection regulations set forth in this overlay district, agree to pay to the County any fees negotiated between such entity and the County for the administration of these regulations in those land areas under the County's zoning jurisdiction, agree to pay all legal costs associated with any legal challenge to the requirements of this overlay district, and agree to hold the County harmless from any liability related to the requirements of this district, except for proper administration

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and enforcement of the requirements of this district by the County, together with other terms and conditions which are acceptable to the parties involved in any such interlocal agreement.

**504.03 LIMITATION ON APPLICATION OF THIS OVERLAY DISTRICT:** This district may only be applied to lands within wellhead protection areas based upon a twenty (20) year time of travel recharge zone, as defined by the Nebraska Department of Environmental Quality. In the event the boundaries of any such wellhead protection area(s) do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such areas shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries\_

**504.04 AMENDMENT OF THE OFFICIAL COUNTY ZONING MAP:** Whenever the requirements of Section 504.02 of this Resolution have been complied with, and the County Planning Commission and County Board of Commissioners have conducted public hearings regarding application of this overlay zoning district in accordance with Article 11 of this Resolution and the County Board of Commissioners has acted to approve the application of a wellhead protection overlay district, the boundaries of such wellhead protection area (overlay zoning district), defined in accordance with Section 504.03 above, shall be indicated on the Sheridan County Official Zoning Map and such map shall be signed in accordance with the requirements of Section 1104 of this Resolution.

**503.05 ALLOWABLE, PERMITTED AND ACCESSORY USES AND STRUCTURES:** Any use or structure indicated as an allowable use, permitted use or accessory use in the primary zoning district(s) on which this wellhead protection overlay district is overlain, shall be **allowed or** permitted in accordance with the zoning permit requirements set forth in. such primary zoning district(s), except when specifically prohibited in Section 504.07 of this Resolution and except when an otherwise allowable, permitted or accessory use is listed as a conditional use in Section 503.08 of this Resolution. All such allowable, permitted and accessory uses **dual** comply with the additional wellhead protection restrictions set forth in Section 504.08 of this Resolution.

**504.06 CONDITIONAL USES:** Any use listed as a conditional use in the primary zoning district(s) on which this wellhead protection overlay district is overlain, except the uses specifically prohibited in Section 504.07 of this Resolution, may be authorized as a conditional use in accordance with the requirements and procedures specified in Article 10 of this Resolution, provided the authorization of any conditional use shall require compliance with all wellhead protection area restrictions set forth in Section 504.08 of this Resolution.

**504.07 PROHIBITED USES AND STRUCTURES:** Uses and structures, which are prohibited in the primary zoning district(s) on which this district is overlain, shall be prohibited and, regardless of whether prohibited in the primary zoning district(s), the following uses and structures shall be specifically prohibited on any land area on which this wellhead protection overlay district is applied:

- A. Confined or intensive animal feeding uses and associated waste handling facility uses,
- B. Landfills and refuse recycling centers.

**504.08 WELLHEAD PROTECTION AREA RESTRICTIONS:** The following restrictions shall apply to all uses within any land areas on which this Wellhead Protection Overlay District is applied:

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- A. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or in association with another land use, shall comply with the rules and regulations of Titles 126 and 159, administered by the Nebraska Department of Environmental Quality or other responsible agency or department. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or other land area, in excess of one thousand one hundred (1,100) gallons shall be prohibited, except when a conditional uses for a commercial or industrial uses is authorized. In any such authorization, a condition of approval shall be compliance with the rules and regulations of such Titles 126 and 129.
  - B. Fuel storage associated with any irrigation well engine shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30 and with Title 126, administered by the Nebraska Department of Environmental Quality, in the event of a fuel release.
  - C. Fuel storage, except when associated with a commercial or industrial use authorized as a conditional use (Item A above) and except for any fuel storage associated with any irrigation well engines (Item 2 above) shall not be permitted within one thousand (1,000) feet of any well protected under this wellhead protection overlay district.
  - D. Storage of fertilizers, herbicides, pesticides and other materials, determined by the United States Environmental Protection Agency to be hazardous materials, shall *be* prohibited, except when a conditional use for such use is authorized and such authorization includes a condition that all such uses shall comply with the applicable rules and regulations of Title 118, 121, 126, 128, 159 and 198, administered by the Nebraska Department of Environmental Quality and other agencies.
  - E. No septic tank, the field or other on-site sewage disposal system, associated with any residential, commercial, industrial or other type of land use, shall be located within one thousand (1,000) feet of any well protected under this wellhead protection overlay district, provided that if a lot of record, as defined in Section 303.52 of this Resolution, exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one septic tank and tile field or other on-site sewage disposal system may be established, provided such tank, tile field or other system complies with the requirements of Title 124 of the Nebraska Department of Environmental Quality.
  - F. Domestic, irrigation and any other water wells shall not be located closer than one thousand (1,000) feet of any well protected under this wellhead protection overlay district, provided that if a lot of record, as defined in Section 303.52 of this Resolution, exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one (1) well may be established, provided such well shall be constructed in accordance with the rules and requirements of Title 178.
  - G. Any application of fertilizers, pesticides, or herbicides to the land or crops through an irrigation system (chemigation) shall comply with the rules and requirements of Title 195.
  - H. If any land area contained within a wellhead protection overlay zoning district is also part of a special protection area or ground water management area, established under the Groundwater Management Protection Act, all uses within such areas, including agricultural uses, shall comply with the action plan and best management practices established for such areas by the local Natural Resource District(s).



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504.09 MINIMUM LOT AREA REQUIREMENTS: The minimum lot area for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

504.09 MINIMUM LOT WIDTH AND FRONTAGE REQUIREMENTS: The minimum lot width and frontage for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

504.10 MINIMUM SETBACK REQUIREMENTS: The minimum setback for all regulated structures and buildings in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain, provided that the minimum setback requirements from protected wells, as set forth in Section 504.08 of this Resolution, shall also be complied with.

504.11 HEIGHT RESTRICTIONS: The maximum height of any building or structure shall be as set forth in the primary zoning district on which this district is overlain.

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## **ARTICLE 6 - SUPPLEMENTAL DISTRICT REGULATIONS**

### **SECTION 601 APPLICATION**

The supplemental regulations set forth in this Article qualify and supplement all zoning district regulations and are declared to be part of this Resolution and applicable to all uses and structures in all zoning districts.

### **SECTION 602 SETBACK REQUIREMENTS**

Minimum building setbacks shall be required along all public roadways as set forth in the district regulations. An open space abutting a roadway shall be deemed a front setback for purposes of determining setback depth requirements. Setbacks equal to or exceeding the minimum setback requirements of each district shall be provided with the following qualifications:

602.01 Any setback so placed or oriented that none of the specific setback definitions contained in this Resolution are applicable shall necessitate a determination by the Zoning Administrator of a suitable setback dimension which will be consistent with the intent of the setback requirements within the applicable zoning district.

602.02 No structure shall project into a required front, side or rear setback. All parts of a structure shall be in compliance with the required setbacks including any eave, cornice, overhang, awning, balcony, or bay window, projection of belt courses, sills, lintels, chimneys and other similar ornamental or architectural features, but excluding unenclosed uncovered steps, entrance platforms, ramps, terraces or landings which are at or below grade level.

### **SECTION 603 FENCES AND WALLS**

Nothing in this Resolution shall be deemed to prohibit the erection and maintenance of any fence in connection with agricultural uses or any retaining wall in association with any use in any zoning district and any ornamental fence, wall or structural screen fence shall be permitted in any yard. Nothing in this Resolution shall be deemed to prohibit the installation of living screens consisting of trees, shrubs or other plant material.

### **SECTION 604 SETBACK EXEMPTIONS**

Such appurtenant features as sidewalks, walkways, driveways, curbs, *drainage* and erosion control installations, mail boxes, lamp posts, bird baths, and similar installations are permitted accessory uses on any lot.

### **SECTION 605 DIVISION OF LOTS**

After any portion of a lot has been developed under the provisions of this Resolution, such lot may be divided into smaller lots only if each resulting lot and any buildings thereon comply in all respects to all regulations of the zoning district in which said lot is located.

### **SECTION 606 CONVERSIONS OF USE**

Any use of land which is converted to another use shall comply in all respects with the requirements of this Resolution.

### **SECTION 607 ACCESSORY USES**

Accessory uses shall be permitted as specified in all zoning districts in accordance with the following provisions:

607.01 Any accessory use shall be incidental to, subordinate to and commonly associated with the primary use of the lot.

607.02 Any accessory use shall be operated and maintained under the same ownership and control and on the same lot as the primary use of the lot

607.03 Any accessory use shall be clearly subordinate to the primary use of the lot in height, area, bulk and extent.

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607.04 Any accessory use shall be permitted only after the erection and operation of a primary use of the lot

**SECTION 608 HOME OCCUPATIONS AND HOME BASED BUSINESSES**

A home occupation or home based business, conducted in compliance with the following restrictions, shall be allowed with a zoning permit or certificate of zoning compliance to accompany residential (agricultural or non-agricultural) use:

608.01 The home occupation shall be owned by the occupants of the dwelling unit or accessory building and conducted within the dwelling unit or accessory building by a member or members of the occupants of the dwelling unit and not more than three (3) additional employees who reside other than in said dwelling unit.

608.02 The home occupation is clearly subordinate to the residential / agricultural use of the lot and does not change the residential / agricultural character of the lot nor infringe upon the right of neighboring owners to enjoy their property.

608.03 Any business or industrial use not meeting the limitations of this Section shall be considered a commercial or industrial use and shall be subject to conditional use authorization in *accordance* with the requirements and procedures of this Resolution.

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## **ARTICLE 7 - NON-CONFORMING USES**

### **SECTION 701 INTENT**

Within the zoning districts established by this Resolution or future amendments to such districts, there exist 1) lots, 2) buildings or structures, 3) uses of land and buildings or structures, and 4) characteristics of use which were lawful prior to the adoption or future amendment of this Resolution, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that, with the exception of existing residential structures, non-conformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other buildings, structures or uses prohibited in the zoning district in which such non-conformities are located, except as specifically authorized in this Resolution.

### **SECTION 702 LIMITATIONS ON EXPANSION**

Non-conforming buildings, structures and uses are declared by this Resolution to be incompatible with the intent of the zoning districts and the permitted uses in the zoning districts. A non-conforming use of a building or structure, a non-conforming use of land, or a non-conforming use of a building or structure and land in combination, except existing residential structures, shall not be extended or enlarged after adoption of this Resolution or amendment thereto, except as specifically authorized in this Resolution.

### **SECTION 703 HARDSHIP**

To avoid any undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building or structure for which actual construction has been lawfully initiated prior to the effective date of the Resolution or amendment thereto where actual construction activity has been carried on diligently. Actual construction is defined to be the placing of substantial construction materials, other than earth, in a permanent position and fastened in a permanent manner. "Carried on diligently" shall be defined to mean that construction has been on-going except through the winter months, defined as being November 1 through April 1 of the following year.

### **SECTION 704 EXCEPTIONS**

Notwithstanding other requirements of this Section, a lawfully established residential use rendered non-conforming by adoption of this Resolution or amendment thereto, may be enlarged, altered, or reconstructed, subject to the following restrictions:

704.01 Such residential use shall comply with Section 705 of this Resolution.

704.02 This provision shall not be construed to include more than one use on a lot and shall be applicable so long as such use remains otherwise lawful.

Further, in accordance with the Sections 501.03 and 502.03 of this Resolution, lawfully established confined or intensive animal feeding uses rendered non-conforming by these regulations may be expanded, but only in accordance with the restrictions set forth in said Sections 501.03 and 502.03 of this Resolution.

### **SECTION 705 NON-CONFORMING LOTS OF RECORD**

In any zoning district, primary and customary accessory buildings of the type permitted in each zoning district may be erected on any single lot of record after the effective date of this Resolution or amendment thereto notwithstanding limitations imposed by this Resolution or amendment thereto subject to the following conditions:

705.01 Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are applicable to the zoning district in which such lot is located, provided that erection of any building or structure shall comply with all setback (yard) requirements of the zoning district in which said lot is located. Variance of said minimum setback requirements shall be obtained only through action of the Board of Adjustment.

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705.02 If two (2) or more lots or combination of lots and portions of lots with continuous frontage in the same ownership are of record on the effective date of this Resolution or amendment thereto and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in any manner which diminishes compliance with the minimum lot width and area requirements of the zoning district in which said parcel is located nor shall any division of any parcel be made which creates a lot with width or area which is less than the requirements set forth in the zoning district in which said parcel is located.

705.03 Where a lawfully established undeveloped lot, tract or parcel less than twenty (20) acres in area was in existence and under separate ownership as of the effective date of this Resolution and the entirety of such lot, tract or parcel lies within the minimum separation distances from an existing confined or intensive animal feeding use or waste handling facility, as set forth in Table 501.05 of this Resolution, one (1) residential dwelling may be established on said lot, tract or parcel notwithstanding other requirements of this Resolution.

705.04 Where a lawfully established undeveloped lot, tract or parcel twenty (20) acres or more in area was in existence and under separate ownership as of the effective date of this Resolution and the entirety of such lot, tract or parcel lies within the minimum separation distances from an existing confined or intensive animal feeding use or waste handling facility, as set forth in Section Table 501.05 of this Resolution, such lot, tract or parcel shall be considered a farm and may be farmed, but no residential dwelling may be established on said lot, tract or parcel notwithstanding other requirements of this Resolution.

705.05 Where a lawfully established undeveloped lot, tract or parcel twenty (20) acres or more in area was in existence and under separate ownership as of the effective date of this Resolution and a portion of such lot, tract or parcel lies within the minimum separation distances from an existing confined or intensive animal feeding use or waste handling facility, as set forth in Table 501.05 of this Resolution, one (1) residential dwelling may be established on said lot, tract or parcel notwithstanding other requirements of this Resolution, provided that such residential dwelling is located on that portion of said lot, tract or parcel which is beyond the minimum separation distances set forth in said in Table 501.05 of this Resolution.

#### **SECTION 706 NON-CONFORMING USES OF LAND**

Where on the effective date of this Resolution or amendment thereto, a lawful use of land exists which would not be permitted under the requirements of this Resolution or amendment thereto and where such use involves no buildings or structures with a replacement cost exceeding two hundred fifty dollars (\$250), the use may be continued so long as it remains otherwise lawful in accordance with the following conditions.

706.01 If any such non-conforming use of land *ceases* for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform with the requirements of this Resolution or amendments thereto.

706.02 No additional building or structure not conforming to the use restrictions and other regulations of the Resolution or amendment thereto shall be erected in connection with such non-conforming use.

706.03 No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel of land on which it is located that has not been used in connection with such non-conforming use.

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706.04 No such non-conforming use shall be enlarged or expanded to occupy a greater area of the lot or parcel of land on which it is located than was used in association with such use on the effective date of this Resolution or amendment thereto.

## **SECTION 707 NON-CONFORMING USES OF BUILDINGS I STRUCTURES AND LAND IN COMBINATION**

If a lawful use involving individual buildings or structures and land in combinations, exists at the effective date of this Resolution or amendment thereto that would not be permitted in the zoning district in which said non-conforming use of building or structures and land in combination is located, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

707.01 With the exceptions set forth in Section 704 of this Resolution, no existing building or structure devoted to a use not permitted in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use permitted in the zoning district as a permitted use, an accessory use or a conditional use.

707.02 With the exceptions set forth in Section 704 of this Resolution, any non-conforming use may be extended throughout any parts of a building or structure which were arranged or designed for such use as of the effective date of this Resolution or amendment thereto, but no such *use* shall be extended to occupy any land outside such building or structure which was not in use as of the effective date of this Resolution or amendment thereto.

707.03 If no structural alterations are made, any non-conforming use of a building or structure and land in combination, may through authorization of a conditional use in accordance with the procedures and requirements of this Resolution, be changed to another non-conforming use provided that the County Board of Commissioners, in authorizing said conditional use, shall find that the proposed use is equally appropriate or more appropriate to the intent of the zoning district than is the existing use. In authorizing such conditional use, the Board of Commissioners may set conditions for such proposed use to assure that such use will remain appropriate for location in the zoning district.

707.04 Any building or structure or building or structure and land in combination , in or on which a non-conforming uses is superseded by a permitted use shall thereafter conform to the requirements of this Resolution and the non-conforming use shall not thereafter be resumed.

707.05 When a non-conforming use of a building or structure or building or structure and land in combination is discontinued or abandoned for twelve (12) consecutive months, except when governmental action impedes access to the premises, the building(s), structures) and land shall not thereafter be used for any use that is not in compliance with this Resolution or amendment thereto. In the event a confined or intensive animal feeding *use*, as defined in this Resolution, is discontinued or abandoned for a period of twelve (12) consecutive months, such use may be re-established within the confines of the area in which the previous feeding operation was conducted, but such *use* shall be considered permanently abandoned and shall not be reestablished if its use is discontinued for a period of thirty six (36) consecutive months or longer.

707.06 Where non-conforming use status applies to a building or structure, a building or structure and land in combination, which is involuntary removed or destroyed of the structure shall not eliminate the non-conforming status of the land if said building or structure is rebuilt or replaced. Such replacement shall allowed, but no such use shall be extended to occupy any land outside such building or structure which was not in use as of the effective date of this Resolution or amendment thereto.

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#### **SECTION 708 REPAIRS AND MAINTENANCE**

Maintenance and ordinary repairs, replacement of walls or members, fixtures, heating and cooling equipment, wiring or plumbing within any non-conforming building or structure may be performed notwithstanding any other requirements of this Resolution or amendment thereto.

#### **SECTION 709 USES UNDER CONDITIONAL USE**

A use authorized as a conditional use under the terms of this Resolution shall not be *deemed* a non-conforming use, except where such *use* is not in compliance with any conditions of use established in the granting of such conditional use by the Board of Commissioners, provided however, that a change of one non-conforming use to another non-conforming use, authorized by conditional use, shall remain a non-conforming use.



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## **ARTICLE 8 - ADMINISTRATION AND ENFORCEMENT**

### **SECTION 801 ORGANIZATION**

The administration and enforcement of this Resolution is hereby vested in the Sheridan County Planning Commission, the Sheridan County Board of Adjustment, the Sheridan County Board of Commissioners, the Zoning Administrator designated by the Board of Commissioners, the Sheridan County Attorney and such other persons as may be designated by the Board of Commissioners.

### **SECTION 802 AUTHORITIES**

#### **Planning Commission:**

With regard to the proper administration and enforcement of this Resolution, the Sheridan County Planning Commission shall have the following authorities:

- 802.01 Hear and recommend action by the Board of Commissioners regarding all applications for amendments to the text of this Resolution and / or changes (rezoning) to the Sheridan County Official Zoning Map.
- 802.02 Hear and recommend action by the Board of Commissioners regarding all applications for conditional uses, as set forth in this Resolution.
- 802.03 Prescribe uniform rules of procedure pertaining to applications, public hearings and issuance of permits.
- 802.04 Periodically review the effectiveness of this Resolution and initiate amendments or make recommendations in conjunction therewith.
- 802.05 Invoke any authorized remedy for the enforcement of this Resolution.

#### **Board of Adjustment:**

With regard to proper administration and enforcement of this Resolution, the Sheridan County Board of Adjustment shall have the following authorities:

- 802.06 Hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator when such order, requirement, decision, or determination is appealed by the person(s) affected by such order, requirement, decision or determination.
- 802.07 Hear and authorize specific appeals at variance with the requirements of this Resolution that would not be contrary to the public interest, where owing to special conditions demonstrated and after written findings of legitimate hardship, as defined and specified in Section 907.03 of this Resolution, a literal enforcement of the provisions of this Resolution would result in a legitimate and unnecessary hardship and not merely an inconvenience.
- 802.08 Hear and decide appeals regarding interpretation of zoning district boundaries, as indicated on the Official Zoning Map, in accordance with the requirements and limitations of this Resolution.
- 802.09 Prescribe uniform rules of procedure pertaining to investigations, findings of fact, applications, appeals and public hearings.
- 802.10 Invoke any legal remedy for the enforcement of this Resolution including full power to order discontinuance of any use and stays or work (stop work orders) on any premises in violation of the requirements of this Resolution.

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**Board of Commissioners:**

With regard to proper administration and enforcement of this Resolution, the Sheridan County Board of Commissioners shall have the following authorities:

- 802.11 Hear and decide conditional *use* applications upon which it is required to act under the terms of this Resolution, after recommendation from the Planning Commission.
- 802.12 Consider and adopt amendments to the text of this Resolution and / or changes (rezonings) to the Sheridan County Official Zoning Map, after review and recommendation by the Planning Commission.
- 802.13 Consider and adopt a schedule of permit and application fees for administration of this Resolution, after review and recommendation by the Planning Commission.
- 802.14 Provide for the proper and constant enforcement of this Resolution through appointment of a Zoning Administrator and sufficient budget to enable the Planning Commission, the Board of Adjustment, the Board of Commissioners, the Zoning Administrator, the County Attorney and any other persons designated by the Board of Commissioners to carry out the responsibilities assigned to them by adoption of this Resolution.

**Zoning Administrator:**

With regard to proper administration and enforcement of this Resolution, the Sheridan County Zoning Administrator shall have the following authorities:

- 802.15 Make available to the public application forms for amendments to this Resolution and / or Official Zoning Map, for appeals to the Board of Adjustment, and conditional use requests to the Board of Commissioners and to issue zoning permits and certificates of zoning compliance (occupancy permits) as required by the Resolution and to maintain records of all such applications and permits issued.
- 802.16 Conduct inspections of buildings, structures, premises and the uses of land to determine compliance with the terms of this Resolution and report said findings and violations to the Planning Commission, Board of Adjustment and / or Board of Commissioners for the purpose of ordering of compliance with the requirements of this Resolution.
- 802.17 Provide interpretation of the text of this Resolution and the Official Zoning Map when necessary and such other technical and clerical assistance as the public, the Planning Commission, Board of Adjustment and Board of Commissioners may require.
- 802.18 Maintain and provide information to the public regarding the requirements of this Resolution and provide for the timely publishing of legal notices and other notifications relative to administration of this Resolution as prescribed by law.
- 802.19 Maintain permanent and current records with regard to this Resolution, including but not limited to all maps, amendments, zoning permits, certificates of zoning compliance, variances, appeals, conditional uses and applications thereof together with all records of meetings and public hearings pertaining to this Resolution.

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## **SECTION 803 RESPONSIBILITIES**

The following shall be the responsibilities of the various entities involved in the proper administration and enforcement of this Resolution:

803.01 It is the intent of this Resolution that all questions of interpretation and enforcement regarding this Resolution shall first be presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from a decision of the Zoning Administrator and that recourse from the decisions of the Board of Adjustment shall be to the courts, as prescribed by law.

803.02 It is further the intent of this Resolution that the duties of the Board of Commissioners relative to this Resolution shall be limited to those specified in Section 802.11 through 802.14 of this Resolution and shall not include the hearing and deciding questions of interpretation and enforcement that may arise. The procedure of deciding such questions shall be as stated in this Resolution.

803.03 If the Zoning Administrator shall find that any of the provisions of this Resolution are being violated, he / she shall notify the person(s) responsible for such violation in writing, indicating the nature of the violation and ordering the action or actions necessary to correct and eliminate such violation. The Zoning Administrator shall have the full authority to order discontinuance of prohibited or unauthorized uses of land, buildings or structures, removal of prohibited or unauthorized buildings or structures or prohibited or unauthorized additions thereto, discontinuance of any work being done in violation of the requirements of the Resolution, and the taking of any other legal action necessary to ensure compliance with or prevent violation of the provisions of this Resolution.

803.04 The Zoning Administrator, operating through the County or other designated Attorney, shall have express authority to initiate and carry out any and all legal actions appropriate and necessary to enforce the provisions of this Resolution and any orders of the Board of Adjustment, without further authorization by the Board of Commissioners. Adoption of this provision by the Sheridan County Board of Commissioners is expressly intended to authorize the Zoning Administrator and County or other designated Attorney to initiate and carry out all legal actions appropriate and necessary to enforce the provisions of this Resolution that is or may be applicable under the laws of the State of Nebraska.

## **SECTION 804 ZONING PERMITS REQUIRED**

No building or other structure shall be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved, or structurally altered without a zoning permit therefore, first being issued by the Zoning Administrator, provided that:

- A. Non-residential farm buildings shall be not require a zoning permit, but shall comply with the requirements of the applicable zoning district;
- B. A farm building housing a commercial, industrial or other non-agricultural use shall not be considered a farm building and shall be subject to these zoning permit and/or certificate of zoning certificate requirements;
- C. Waste handling facility uses, as defined in Section 303.90 of this Resolution, which may be associated with a farm building shall be considered a separate non-farm structure and shall be subject to these zoning permit requirements.
- D. A building housing an agricultural use, as defined in Section 303.04 of this Resolution, which is located on a lot, plot or parcel of land which does not meet the definition of a farm, as defined in Section 303.33 of this Resolution, shall be considered a non-farm building and shall be subject to these zoning permit requirements.
- E. Governmental entities shall be required to obtain building permits for buildings and other land uses, but shall not be required to obtain zoning permits for the construction, repair, and/or erection of road signs, traffic

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signs, bridges, culverts and other structures upon and within the public road rights-of-way or easements of record.

## **SECTION 805 APPLICATION FOR A ZONING PERMIT**

**The** following requirements shall apply to all requests for a zoning permit:

- 805.01 All applications for a zoning permit shall be made on forms prescribed for such application by the Board of Commissioners and shall have incorporated into said forms a place for drawing of a plot plan showing the actual dimensions and shape of the lot to be built upon, the sizes and locations of all existing and proposed parking areas, water supply and sewage disposal facility locations, and such other information as may be pertinent to said application.
- 805.02 The application shall include, the name(s), address(es) and telephone number(s) of the applicant and such other information as may be lawfully required by the Zoning Administrator, including existing and proposed uses of land, buildings and structures, existing or proposed building or structure alterations, the number of families, housekeeping units on the premises, conditions existing on the premises, provisions for water supply, sewage disposal and erosion control, soil conditions and permeability and such other information as may be necessary to determine conformance with the requirements of the Resolution and enforcement thereof.
- 805.03 Upon receipt of a complete zoning permit application and receipt of any applicable application fee, the Zoning Administrator shall make two (2) copies of the zoning permit application and return one (1) copy to the applicant after he / she has marked the copy of the permit as approved or disapproved and attested to same by his / her dated signature. If a zoning permit application is denied, the Zoning Administrator shall state the reason(s) for such denial in writing and attach the same to the applicant's copy of the application. The Zoning Administrator shall mark the original of the zoning permit application as approved or disapproved in the same manner as the copy and shall maintain said original together with written reason(s) for denial of said application in the permanent files of the County\_
- 805.04 When the Zoning Administrator approves a zoning permit for erection of any building or structure or erection of any addition to or alteration thereof, he / she shall issue one (1) copy of such approved zoning permit to the Sheridan County Assessor.
- 805.05 Zoning permits issued on the basis of plot plans and information presented by the applicant and approved by the Zoning Administrator shall authorize only the use, arrangement and construction set forth in such plot plan and permit and no other use, arrangement or construction. If the Zoning Administrator determines that the use, arrangement or construction developed under any approved permit is not proceeding according to the approved permit and applicable regulations or conditions, the Zoning Administrator shall revoke said permit and issue a written stop work order and require that such use, arrangement or construction be brought into conformance with the approved permit\_

## **SECTION 806 LIMITATION OF ISSUANCE OF ZONING PERMIT**

Notwithstanding of provisions of this Resolution, in the event a conditional use application has been duly filed with the zoning administrator and the use and/or location of such use proposed in said conditional use application would, due to setback or other requirements of this Resolution, restrict or otherwise prohibit the issuance of a zoning permit for another use on any neighboring property, a zoning permit for any use on neighboring property which would be restricted or prohibited by the authorization of said conditional use shall not be issued by the Zoning Administrator until the application for conditional use has been decided by the County Board of Commissioners in accordance with the requirements of this Resolution. In the event such conditional use is authorized, a zoning permit for a use which would be restricted or prohibited on neighboring property shall be

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issued only in conformance with the resulting restriction(s) or shall not be issued if the requested use would then be prohibited.

#### **SECTION 807 EXPIRATION OF ZONING PERMIT**

If the work described in any approved zoning permit has not been initiated with ninety (90) calendar days of the date of approval of such permit or if work described in any approved permit has not been completed within two (2) years of the date of approval of such permit, the said permit shall expire and be canceled by the Zoning Administrator and written notice of such cancellation shall be provided to the person(s) affected together with written notice that further work, as described in the canceled permit is prohibited, unless the applicant can qualify for a new zoning permit.

#### **SECTION 808 CERTIFICATES OF ZONING COMPLIANCE FOR NEW USE OR CHANGE OF USE**

The following requirements shall apply to the issuance of all certificates of zoning compliance (occupancy permits):

807.01 It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises or both or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use until a Certificate of Zoning Compliance shall have been issued therefore by the Zoning Administrator

807.02 No Certificate of Zoning Compliance shall be issued by the Zoning Administrator except in conformity with all provisions of this Resolution unless the Zoning Administrator shall receive written authorization from the Board of Zoning Adjustment in the form of an administrative appeal review or approved variance or a written authorization from the Board of Commissioners in the form of an approved conditional use, as provided for in this Resolution.

807.03 Zoning permits issued on the basis of plot plans and information presented by the applicant and approved by the Zoning Administrator shall authorize only the *use*, arrangement and construction set forth in such approved plot plans and permit and no other use, arrangement or construction developed under any approved permit is not according to the approved zoning permit and applicable regulations or conditions, the Zoning Administrator shall not issue a Certificate of Zoning Compliance, but shall instead inform the applicant in writing of the violations and specify the actions necessary to bring such use, arrangement or construction into compliance with the approved zoning permit.

807.04 A Certificate of Zoning Compliance, once issued, shall remain in effect so long as the use of the land, buildings and structures is used in accordance with said Certificate.

#### **SECTION 809 FAILURE TO OBTAIN ZONING PERMIT/CERTIFICATE OF ZONING COMPLIANCE**

Failure to obtain required Zoning Permits and Certificates of Zoning Compliance or failure to comply with the plans and application information under which such permits or certificates were issued shall be a violation of this Resolution and be punishable as provided in Section 1202 of this Resolution.

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## ARTICLE 9 - BOARD OF ADJUSTMENT

### SECTION 901 ESTABLISHMENT AND PROCEDURE

A Board of Adjustment is hereby created and shall be known as the Sheridan County Board of Adjustment. The Board of Adjustment shall be appointed by the Board of Commissioners and shall consist of five (5) members, plus one (1) additional member designated as an alternate member who shall attend meetings and serve only when one of the regular members is unable to attend for any reason. One (1) member of the Board of Adjustment shall be appointed from the membership of the Sheridan County Planning Commission by the Board of Commissioners and the loss of membership on the Planning Commission shall also result in the immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commission member to the Board of Adjustment by the Board of Commissioners. No member of the Board of Commissioners shall be a member of the Board of Adjustment.

### SECTION 902 TERMS OF OFFICE

The members appointed to the Board of Adjustment shall be appointed for a term of three (3) years and be removable for cause by the Board of Commissioners upon written charges and after public hearing to consider and decide on such charges. Vacancies shall be filled by appointment for the unexpired terms of member whose term becomes vacant.

### SECTION 903 ELECTION OF OFFICERS

The Board of Adjustment shall annually elect one (1) of its members as Chairperson and another as Vice Chairperson, who shall act as Chairperson in the elected Chairperson's absence. Each member shall serve until a successor has been selected.

### SECTION 904 SECRETARY OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall annually elect one (1) of its members as Secretary / Treasurer or shall appoint the Zoning Administrator to serve as Secretary / Treasurer to the Board of Adjustment.

### SECTION 905 RECORDS OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall adopt bylaws and rules of procedure in accordance with the provisions of this Resolution necessary to conduct its affairs. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as a majority of the Board shall determine. The Chairperson, or in his / her absence the Vice Chairperson may administer oaths and compel attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep written minutes of its proceedings, indicating evidence presented, findings of fact made by the Board, decisions of the Board, the attendance of members, and the vote of each member upon each question. Records of all actions of the Board shall be kept in the office of the County Clerk and shall be open to public inspection.

### SECTION 906 QUORUM AND VOTING

A quorum for the Board of Adjustment shall be three (3) members. Action by the Board on any question other than an appeal from the decision of the Zoning Administrator or a variance application shall require a concurring vote of three (3) members of the Board. **Action by the Board on an appeal to overturn a decision of the Zoning Administrator or for approval or denial of a variance application shall require the concurring vote of four (4) members.**

### SECTION 907 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and ONLY the following powers:

- 907.01 Administrative Review: To hear and decide appeals where it is alleged by the appellant that there is an error in order, requirement, decision or refusal made by the Zoning Administrator or official based on or made in the enforcement of this Resolution or any regulation relating to the location of structures.

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907.02 Zoning Map Interpretation: To hear and decide, in accordance with the provisions of this Resolution, requests for interpretation of Official Zoning Map of the County.

907.03 Variances: To hear applications for and authorize, in specific cases, a variance from the specific terms of this Resolution which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship, and provided that the spirit of this Resolution shall be observed, public safety and welfare secured and substantial justice done. A variance shall not be granted by the Board of Adjustment unless and until the Board shall have made written findings that all of the following conditions exist or have been met:

1. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this Resolution, or by reason of exceptional topography conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of particular requirements of this Resolution would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship on the owner of such property, the Board of Adjustment, upon an appeal relating to such property, shall have the power to authorize a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Resolution, but no variance shall be authorized by the Board of Adjustment unless the Board finds that:
  - A. The strict application of the regulations would produce undue hardship;
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  - C. The authorization of such variance shall not be of substantial detriment to adjacent properties and the character of the district will not be changed by the granting of such variance;
  - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of the owner's convenience, profit or caprice.
2. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this Resolution.

907.04 Requirement for Written Application and Conditions: A variance from the terms of this Resolution shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted to the Zoning Administrator on an application form prescribed by the Board of Adjustment and payment of an applicable fee and such application shall demonstrate that special conditions and circumstances exist which are peculiar to the land, building or structure involved and that said special conditions and circumstances are not applicable to other lands, building, or structures in the same zoning district and vicinity, that the literal enforcement of the provisions of this Resolution would deprive the applicant, and that granting of the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, buildings or structures in the same zoning district and vicinity.

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907.05 Effect of Non-Conformance: Non-conformance use of lands, buildings or structures in the same zoning district and vicinity and permitted or non-conforming use of lands, buildings or structures in other zoning districts shall not be considered grounds for a determination that the applicant would be deprived of rights enjoyed by other properties and shall not be grounds for granting a variance.

907.06 Findings of the Board of Adjustment on Variances: Prior to taking any action to authorize or deny a variance application, the Board of Adjustment shall:

1. Make a finding that the application for a variance is complete and in compliance with the requirements of this Resolution. Such finding shall be recorded in the minutes of the Board;
2. Make findings that the particular reasons set forth in the application for a variance justify the granting of the variance in accordance with the limitations for granting such variance as described in Section 907.03 of this Resolution and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structures involved and such findings shall be recorded in the minutes of the Board;
3. Make a finding that the granting of the variance will be in harmony with the purpose and intent of the Resolution and will not be injurious to adjacent lands or otherwise detrimental to the public welfare. Such finding shall be recorded in the minutes of the Board.

907.08 Conditions of Approval Imposed: In authorizing any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards *in* conformity with this Resolution to assure continued acceptability of variance. Violations of such conditions or safeguards when made part of written terms under which the variance is authorized shall be deemed a violation of this Resolution and punishable as set forth in Section 1202 of this Resolution and any other applicable laws. In addition, the Board of Adjustment shall attach a condition to any variance authorized by the Board that such authorization shall be acted upon by the applicant within one (1) year from the date of authorization of such variance and that if such authorized variance has not been acted upon by the applicant within this time limitation such authorization shall automatically be revoked.

907.08 Use Variances: Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible in the zoning district involved or grant a variance for any use expressly or by implication prohibited by terms of this Resolution in the zoning district involved.

## **SECTION 908 PUBLIC HEARINGS**

Prior to acting on any powers granted to it under this Resolution, the Board of Adjustment shall give public notice of a public hearing. Such notice shall be published in the legal newspaper of general circulation in the County one (1) time at least ten (10) calendar days prior to such public hearing and such notice shall fix the date, time, place and subject of the public hearing. In addition, a copy of such notice shall also be given to the Chairperson of any municipal, county or any joint planning commission, having jurisdiction over land within three (3) miles of the property effected by the petition or in the absence of a planning commission, In the absence of a planning commission, such notice shall be given to the clerks of units of local governments having jurisdiction over land within three (3) miles of the property affected by such action. A copy of such notice shall be mailed to the applicant and, in addition, a copy of said notice shall be mailed by first class mail to all property owners of record who own property adjacent to the property effected by such action at least ten (10) days prior to the date of such public hearing. Any party may appear in person or be represented by an agent or attorney at the public hearing and be heard.



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## **SECTION 909 BOARD HAS POWERS OF ADMINISTRATIVE OFFICIAL ON APPEALS**

In exercising the above mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partially, or modify the order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the administrative official from whom the appeal is taken. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variance under this Resolution.

## **SECTION 910 APPEALS**

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the County, may present to the district court for the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within fifteen (15) days after the filing of the decision in the office of the Board of Adjustment. Upon the filing of such a petition a summons shall be issued and be served upon the Board of Adjustment together with a copy of the petition, and return of service shall be made within four (4) days after the issuance of the summons. Within ten (10) days after the return day of the summons, the County Board shall file an answer to the petition which shall admit or deny the substantial averments of the petition and matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition. At the expiration of the time for filing the answer, the court shall proceed to hear and determine the cause without delay and shall render judgment according to law. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, upon application, on notice to the Board and on due cause shown, grant a restraining order. Any appeal from such judgment of the district court shall be prosecuted in accordance with the general laws of the State regulating appeals in actions at law.

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## ARTICLE 10 - CONDITIONAL USES

### SECTION 1001 GENERAL POWERS

The Sheridan County Board of Commissioners may grant conditional uses to property owners for the use of their property in conformance and compliance with the limitations and procedures set forth herein. Granting of a conditional use shall only allow property owners to put their property to a conditional use if such *use* is listed among those uses specifically identified in the zoning district in which the subject property is located as a conditional use. The power to grant conditional uses shall be the exclusive authority of the Board of Commissioners and the Board of Commissioners has formally adopted and shall comply with the following standards and procedures:

### SECTION 1002 APPLICATION REQUIREMENTS

A written application and site plan for a conditional use shall be initiated by a property owner or authorized agent of such owner(s) and shall *be* submitted to the Zoning Administrator on forms prescribed by the Board of Commissioners. Said application shall be signed by the applicant or the applicant's authorized agent and the applicant shall pay any applicable application fee. Such application shall indicate the Section of this Resolution under which the conditional use is being sought and, at a minimum, shall indicate the following:

- 1002.01 A legal description of the property on which the proposed conditional use is requested, including the specific size and dimension of the area on which the proposed conditional use would be located if less than the total property owned by the applicant.;
- 1002.02 The size and locations of all existing and proposed buildings and structures;
- 1002.03 A detailed description of the use proposed and the activities involved in such use;
- 1002.04 The location(s) of access to public roadway(s);
- 1002.05 The type and locations of easements affecting the property;
- 1002.06 A description of the provisions made for adequate water supply, sewage disposal, public utilities and erosion control;
- 1002.07 The extent and location of parking, loading and refuse disposal and collection facilities;
- 1002.08 The locations of residential dwellings and other non-agricultural land uses within two (2) miles of the property in question;
- 1002.09 An indication of surface water drainage onto, through and off of the subject property which would occur after development of the proposed conditional use;
- 1002.10 For industrial uses, and confined or intensive animal feeding uses, a description of how the use or uses proposed will address the compatibility issues of traffic generation, noise, odor, dust, radiation or potential air, water or soil pollution or explosion hazards; (For confined and intensive animal feeding uses, refer to requirements in Section 501.05 of the Sheridan County Zoning Resolution.)
- 1002.11 Any areas on the property subject to flooding or considered to be a wetland.

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### **SECTION 1003 REFERRAL TO PLANNING COMMISSION**

Prior to consideration of a conditional use application, the Board of Commissioners shall refer a conditional use application to the Sheridan County Planning Commission for review, research and recommendation.

### **SECTION 1004 PLANNING COMMISSION PUBLIC NOTICE**

Prior to consideration of a conditional use application by the Planning Commission, shall give public notice of a public hearing. Such notice shall be published in the legal newspaper of general circulation in the County one (1) time at least ten (10) calendar days prior to such public hearing and such notice shall fix the date, time, place and subject of the public hearing. In addition, a copy of such notice shall also be given to the Chairperson of any municipal, county or any joint planning commission, having jurisdiction over land within three (3) miles of the property effected by the petition. In the absence of a planning commission, such notice shall be given to the clerks of units of local governments having jurisdiction over land within three (3) miles of the property affected by such action. A copy of such notice shall be mailed to the applicant and, in addition, a copy of said notice shall be mailed by first class mail to all property owners of record who own property adjacent to the property effected by such action at least ten (10) days prior to the date of such public hearing. Any party may appear in person or be represented by an agent or attorney at the public hearing and be heard.

### **SECTION 1005 PUBLIC HEARING, CONSIDERATION AND PROCEDURES**

At public hearing, the Planning Commission, shall hear the applicant's petition and all comments by the public in attendance and shall review the conditional use request in accordance with the requirements set forth in Section 1008 of this Resolution. The Planning Commission, after review and research of the application, shall act to recommend approval or disapproval the application, provided that if the Commission recommends approval of such application it shall specify conditions and limitations which it recommends to assure compliance with the requirements set forth in Section 1008 of this Resolution. If the Commission recommends disapproves an application, it shall state the reason(s) for such disapproval. The recommendations of the Planning Commission, together with recommended conditions of approval or recommended reasons for disapproval shall immediately be forwarded in writing by the Zoning Administrator to the County Board of Commissioners for it consideration and the Zoning Administrator shall provide the same written statement to the applicant within seven (7) calendar days of the date of action by the Planning Commission.

### **SECTION 1006 COUNTY BOARD OF COMMISSIONERS PUBLIC NOTICE**

Prior to consideration of a conditional use application, the Board of Commissioners shall give public notice of a public hearing. Such notice shall be published in the legal newspaper of general circulation in the County one (1) time at least ten (10) calendar days prior to such public hearing and such notice shall fix the date, time, place and subject of the public hearing. In addition, a copy of such notice shall also be given to the Chairperson of any municipal, county or any joint planning commission, having jurisdiction over land within three (3) miles of the property affected by the petition. In the absence of a planning commission, such notice shall be given to the clerks of units of local governments having jurisdiction over land within three (3) miles of the property affected by such action. A copy of such notice shall be mailed to the applicant and, in addition, a copy of said notice shall be mailed by first class mail to all property owners of record who own property adjacent to the property effected by such action at least ten (10) days prior to the date of such public hearing. Any party may appear in person or be represented by an agent or attorney at the public hearing and be heard.

### **SECTION 1007 PUBLIC HEARING, CONSIDERATION AND PROCEDURES**

At public hearing, the Board of Commissioners, shall hear the applicant's petition, shall review and consider the recommendations of the Planning Commission and all comments by the public in attendance and shall review the conditional request in accordance with the requirements set forth in Section 1008 of this Resolution. The Board of Commissioners shall act to approve or disapprove the request, provided that if the Board approves such request it shall specify conditions and limitations to assure compliance with the requirements set forth in Section 1008 of this Resolution. Upon approval of a conditional use, notice of the approval, including all conditions of approval shall be mailed to the applicant within seven (7) calendar days of the date of such approval. If the Board disapproves a request, it shall state the reason(s) for such disapproval and shall provide a written statement specifying the reason(s) for the disapproval to the applicant within seven (7) calendar days of the date of such disapproval.

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## **SECTION 1008 REQUIREMENTS GOVERNING REVIEW AND APPROVAL OF CONDITIONAL USES**

In reviewing any conditional use application, the Planning Commission and Board of Commissioners shall consider all aspects of the proposed use including, at a minimum, those aspects of use listed below to determine the acceptability of the proposed use and its location. At the option of the Planning Commission and/or the Board of Commissioners, the Planning Commission and/or Board of Commissioners may request technical support from any public or private agency or entity in the review of any conditional use application. Such technical support may take any form including, but not limited to technical data and advice, comments or recommendations. In authorizing any conditional use, the Board of Commissioners shall attach specific conditions, requirements or limitations regarding each aspect of use listed below to assure continued acceptability of the conditional use. Such conditions shall be made either by reference to a site plan for the proposed use or by attaching specific written statements. At a minimum, the aspects of acceptability include:

- 1008.01 Both ingress and egress to the property and conditional use thereon and the existing and proposed buildings and structures thereon is appropriate with particular reference to automobile and truck safety, traffic flow, site distance, roadway and bridge capacities, convenience and access in case of fire or catastrophe;
- 1008.02 Off-street parking, including spaces for handicapped persons, is *adequate* for the use proposed and will not create any safety hazards relative to public roadways;
- 1008.03 Refuse disposal or manure collection and disposal facilities and operations and other service facilities are appropriate relative to location, capacity and safety;
- 1008.04 Water supply, sewage disposal facilities or manure collection, storage, treatment and land application methods are appropriate relative to size, capacity, topography, soil conditions, water table, flood hazard, location, surface water drainage and, where applicable, are located at least an acceptable distance from the ordinary high water mark of any river, stream or water course to avoid any potential surface water contamination;
- 1008.05 The number, location, size and use of buildings and structures proposed is appropriate relative to the size of the site and protection of adjoining properties and scenic views.
- 1008.06 Front, side and rear setbacks meet or exceed the minimum setback requirements of the zoning district in which the conditional use is located.
- 1008.07 Provisions to avoid development within any area subject to flooding and / or to avoid modification of any wetlands.
- 1008.08 For proposed industrial uses and confined or intensive animal feeding uses, the types of operations to be conducted on the site will not result in inappropriate levels of traffic, noise, dust, odor, or undue potentials for air, water pollution or explosion hazards.

## **SECTION 1009 CONDITIONS, SAFEGUARDS AND LIMITATIONS OF USE**

In consideration of any conditional use application, the Board of Commissioners may prescribe any additional conditions, safeguards or limitations appropriate to assure the compatibility of the conditional use with adjacent lands, with the intent of the zoning district in which such use is to be located, and with the spirit of this Resolution.

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## **SECTION 1010 EXPIRATION OF CONDITIONAL USE AUTHORIZATIONS**

Development of any authorized conditional use shall be commenced within one (1) year of the date of approval of such conditional use by the Board of Commissioners and development of said authorized conditional use shall be completed within two (2) years from the date of approval of such conditional use by the Board of Commissioners or such authorization is automatically revoked. Development or completion of any conditional use authorization that has been so revoked shall be permitted only after reapplication and approval of such conditional use application by the Board of Commissioners, in the manner herein described.

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## **ARTICLE 11 - AMENDMENTS**

### **SECTION 1101 AUTHORITY**

The County Board of Commissioners may from time to time amend, supplement, modify the zoning district boundaries on the Official Zoning Map or repeal the regulations contained in this Resolution, provided no such amendment, supplement, modification, change of boundaries or repeal shall become effective until such proposed modification shall have been submitted to the Planning Commission for recommendation and report and after public notice has been provided and public hearing have been held by both the Planning Commission and Board of Commissioners. A proposal for modification or repeal may be initiated by the Planning Commission, the Board of Commissioners or upon application of any owner of property under the jurisdiction of this Resolution. A filing *fee*, as established by the County Board of Commissioners shall be paid for each application to modify this Resolution prior to action on such application by the Planning Commission and Board of Commissioners, provided that such fee shall be waived where the proposed modifications is initiated by the Planning Commission or the Board of Commissioners.

### **SECTION 1102 PUBLIC NOTICE AND PUBLIC HEARINGS**

Prior to consideration of amending, supplementing, changing, modifying or repealing of all or part of this Resolution, notice of public hearings by the Planning Commission and Board of Commissioners shall each be provided as follows:

1102.01 Such notice shall be published in the legal newspaper of general circulation in the County one (1) time at least ten (10) calendar days prior to such public hearing and such notice shall fix the date, time, place and subject of the public hearing. In addition, a copy of such notice shall also be given to the Chairperson of any municipal, county or any joint planning commission, having jurisdiction over land within three (3) miles of the property effected by the petition. In the absence of a planning commission, such notice shall be given to the clerks of units of local governments having jurisdiction over land within three (3) miles of the property affected by such action. Any party may appear in person or be represented by an agent or attorney at the public hearing and be heard

1102.02 If such proposed modification is not a general revision of an existing provision of this Resolution and will affect only a specific property, the public notice shall include the general location and a legal description of such specific property and, in addition, notice of the public hearing(s) shall be mailed by first class mail to the applicant and the owners of record of real estate that is located adjacent to or immediately across a road from the property affected by such modification at least ten (10) calendar days prior to such public hearings.

1102.03 The provisions of this Section regarding notification by first class mail shall not apply to:

1. A proposed modification of this Resolution where such modification will apply throughout the County or throughout an existing zoning district;
2. Additional or different types of zoning districts are proposed, whether or not such additional or different zoning districts are made applicable to areas or parts of areas already within a zoning district of the County;
3. In these instances only the publication of public notice in the newspaper, and notice to other planning commissions having jurisdiction over lands within three (3) miles of lands which will be effected by such modification and notification of local units of government, as set forth in Section 1102 above, shall be required.

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## **SECTION 1103 AMENDMENT CONSIDERATION AND ADOPTION**

1103.01 Planning Commission: The procedure for the consideration and adoption of any proposed amendment to this Resolution shall be in like manner as that required for consideration and adoption of this Resolution. For action on amendments to the text of this Resolution or the zoning district boundaries indicated on the Official Zoning Map, a quorum of the Planning Commission must be present at the required public hearing to approve or disapprove a proposed amendment action on any proposed amendment shall require an affirmative vote of a majority of all members of the Commission. The Commission's action on any proposed amendment shall constitute a recommendation of approval or disapproval to the Board of Commissioners.

1103.02 Board of Commissioners: After public notice and public hearing as described above, may act to agree or disagree with said Planning Commission recommendation and shall act to approve or disapprove said amendment. Passage of a motion to adopt a resolution approving an amendment or passage of motion to disapprove an amendment, regardless of the recommendation of the Planning Commission shall require a simple majority vote of the Board of Commissioners, except for the provisions set forth in Section 1105 of this Resolution.

## **SECTION 1104 AMENDING OFFICIAL ZONING MAP**

Should any amendment adopted by resolution of the Board of Commissioners serve to modify the location of zoning district boundaries as set forth on the Sheridan County Official Zoning Map, the Board of Commissioners shall cause the Official Zoning Map to immediately be modified to reflect the adopted amendment and such change shall be witnessed by the signature of the Chairperson of the Board of Commissioners. Adoption of any resolution to amend the Official Zoning Map shall become effective only after such amendment is reflected on such Official Zoning Map and such change has been witnessed by the signature of the Chairperson of the County Board of Commissioners and attested to by the County Clerk.

## **SECTION 1105 PROTESTS**

Regardless of whether or not the Planning Commission approves or disapproves a proposed amendment, if a protest against any amendment, signed by the owners of twenty percent (20%) or more of the area of lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, is filed, such amendment shall not become effective except by the favorable vote of two-thirds majority of the County Board of Commissioners.

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## **ARTICLE 12 - COMPLAINTS, VIOLATIONS, REMEDIES AND PENALTIES**

### **SECTION 1201 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating the cause and basis of the complaint, shall be filed with the Zoning Administrator. The Zoning Administrator shall properly record receipt of such complaint, immediately investigate the complaint and take appropriate action thereon in accordance with the regulations and requirements of this Resolution.

### **SECTION 1202 PENALTIES FOR VIOLATION**

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with approval of variance and conditional uses, shall constitute a misdemeanor. Any person, partnership, limited liability company, association, club, or corporation violating this Resolution or fails to comply with any of its requirements or conditions and safeguards established in connection with approvals of variances and conditional uses shall be guilty of Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition to other remedies, the County Board or other proper local authority of the County, as well as any owner(s) of property within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance, business or use in or about the premises. Any taxpayer or taxpayers in the County may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by such sections or in resolutions adopted pursuant to such sections of this Resolution. Nothing contained herein shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation of this Resolution.\_

### **SECTION 1203 REMEDIES**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, moved, converted or maintained, or any building, structure or land is used in violation of this Resolution or the conditions and safeguards established in connection with approval of any variance or conditional use, the Zoning Administrator, County Attorney or other duly appointed official shall institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, movement, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

## **ARTICLE 13 - SCHEDULE OF FEES**

### **SECTION 1301 AUTHORITY**

The County Board of Commissioners shall establish a schedule of fees for Zoning Permits, Certificates of Zoning Compliance, Appeals, Rezoning Applications, Conditional Use Applications, Variance Applications and other matters pertaining to the effective administration of this Resolution. The schedule of fees shall be posted in the office of the Zoning Administrator and County Clerk at all times. Said schedule of fees may be altered or amended from time to time by action of the Board of Commissioners.

### **SECTION 1302 NON-PAYMENT OF FEES**

Until all applicable fees have been paid in full by the applicant, no action shall be taken on any application or permit.



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## **ARTICLE 14 - LEGAL STATUS PROVISIONS**

### **SECTION 1401 SEPARABILITY**

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

### **SECTION 1402 PURPOSE OF CATCH HEADS**

The catch head titles appearing in connection with the Articles and Sections contained within this Resolution are inserted simply for convenience to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing and interpreting the terms and provisions of this Resolution.

### **SECTION 1403 REPEAL OF CONFLICTING RESOLUTIONS**

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

### **SECTION 1404 EFFECTIVE DATE**

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

# ZONING PERMIT APPLICATION

Sheridan County, Nebraska

**This portion to be filled out completely by Applicant.**

1. The undersigned hereby applies for a permit for: (check one)

New Construction

Alteration/Enlargement

House / Building Moving

Double-Wide Manu. Home

Single-Wide Mobile Home

Conversion of Use

2. Legal description of property to be affected by the activity proposed:

3. Proposed use of building to be affected by the activity proposed:

4. Size of building / addition: X

5. Estimated cost /value: \$ \_\_\_\_\_

6. Height in feet to top of roof:

7. On the back of *this* application form, sketch a site plan of the activity proposed which indicates all of the following:

1. Location and size of the proposed building(s) / addition
2. The location of all roads adjoining this property and the distance(s) from the centerline of any road(s) to the point of the proposed building location closest to said road(s)
3. The distance from any buildings to property line(s) of property under different ownership ( 'if less than 300 feet) and the distance to any confined or intensive livestock feeding use (if less than 4 miles)
4. The location of other buildings within 300 feet of the building / addition proposed in this application and the distance between these buildings and the proposed building / addition
5. The location of any water well and sewage disposal system proposed to serve the building / addition proposed and the distance between the well and the septic tank and tile field or other sewage disposal system. *(may require compliance with Nebraska Department of Environmental Quality Title 124 regulations)*
6. The location of any river, stream or intermittent stream within 300 feet of the proposed building / addition and the distance to *the* proposed building / addition
7. The location of the drive which will serve the building / addition
8. If the proposed use is a commercial, industrial or public use, indicate the number and location of all parking spaces, the location of loading areas and the proposed type, location, height and size of any signs to be placed on the premises. REQUIREMENTS:

*1. Application for a zoning permit must be filed at least 48 hours prior to action on permit by Zoning Administrator.*

*2. Activity proposed in any approved zoning permit must be initiated within 90 days of the date of approval of such permit and completed within 2 years.*

*3. Applicant shall be solely responsible for compliance with any other applicable state or other laws, regulations, codes or permits.*

I hereby certify that I have the legal authority to file this application, that I have completed and examined this application and know the same to be true and correct. I further certify that all provisions of law and other regulations governing the use proposed in this application will be complied with, whether or not specified in this application and I will hold the County harmless from any and all liability that may result as a result of the above proposed construction or activity. I further certify that I am aware that Sheridan County has not adopted any type or form of building or other code which would regulate the design and construction of any building or structure and Sheridan County assumes no liability and shall not in any manner be held liable for any design or construction problem or defect in any building or structure for which a zoning permit, certificate of compliance or other form of land usage approval may be issued.

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Mailing Address of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date of Application

\_\_\_\_\_  
Telephone No.

**Sketch Site Plan here:**

**This Section to be completed by Zoning Administrator.**

**APPLICATION NO.**\_\_\_\_\_, 20\_\_

**ZONING PERMIT NO.**\_\_\_\_\_, 20\_\_

1. Building complies with:  
Setback requirements form road(s) and Property lines \_\_YES \_\_ NO  
Height limitations \_\_YES \_\_ NO      Airport Safety limitations \_\_YES \_\_NO
2. Building/use requires installation of new septic tank and tile field \_\_YES \_\_NO  
If yes, does septic tank and tile field require approval of NDEQ? \_\_YES \_\_NO  
If yes, has NDEQ approved the proposed septic tank and tile field? \_\_YES \_\_NO
3. Is building located in 100 year flood plan hazard area? \_\_YES \_\_NO  
If yes, is ground floor of the building elevated above 100 year flood elevation by at least One (1) foot \_\_YES \_\_NO
4. Building / Addition / Use requires Conditional Use approval \_\_YES \_\_NO  
If yes, Conditional Use approval has been given and application complies with all conditions of approval set forth in the Conditional Use approval \_\_YES \_\_NO
5. If a variance was request *and authorized*, the building /addition complies with conditions of such variance \_\_YES \_\_NO
6. If proposed building / use is for commercial or industrial or public use, minimum provisions for parking, loading areas and signs will be complied with \_\_YES \_\_NO
7. If proposed use requires authorization or permits or approval from the State of Nebraska such have been approved.  
\_\_YES \_\_NO
8. Application Fee in amount of \$\_\_\_\_\_paid by applicant.
9. Application is:        \_\_APPROVED    \_\_DISAPPROVED                  Reason(s) disapproval:\_\_\_\_\_

Date of Approval / Disapproval: \_\_\_\_\_, 20\_\_\_\_

Signature of Zoning Administrator

# APPLICATION FOR CONDITIONAL USE

Sheridan County, Nebraska

## **This portion to be filled out completely by Applicant**

1. Under the provisions of Article 10 of the Sheridan County, Nebraska Zoning Regulations, the undersigned hereby applies for approval of a Conditional Use to establish the following use:\_\_\_\_\_

\_\_\_\_\_

on the following real estate (*provide legal description of real estate to be affected by this application*):

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
2. Provide a site plan (*a scaled sketch on the reverse side of this form or attach a scaled drawing*) which describes the use proposed which includes ALL of the following information:

- a. The size, capacity, and location of all existing and proposed buildings and structures involved in the proposed conditional use and the distances of such buildings from the centerlines of any adjoining road, property lines and the distance between buildings,
- b. The location(s) of access(s) (*driveways*) to public roadways,
- c. The types and locations of any easements affecting the property,
- d. The location and type of water supply and sewage disposal facilities, (*check compliance with NDEO Title 124 regulations*)
- e. The number and location of parking spaces for customers or the public,
- f. The location and loading areas,
- g. The type and location of refuse collection and storage facilities,
- h. The locations of residential dwellings and other non-agricultural land uses within four (4) miles of the property to be affected by the proposed conditional use,
- i. An indication of proposed surface water drainage onto, through and off of the affected property,
- j. The type, size, and location of all signs associated with such proposed use,
- k. Any areas of the property that are subject to flooding or considered to be a wetland,

3. For conditional use applications which propose the development of industrial uses, attach information which will address aspects of the use which may affect the County and / or neighboring property including: traffic generation, odor, dust, smoke, explosive hazards, and any water contamination potentials.
4. For proposed confined animal feeding uses or expansion thereof, attach appropriate information to address the requirements as specified in Section 501.04 of the Sheridan County zoning regulations.
5. For proposed intensive animal feeding uses of expansion thereof, attach appropriate information to address the requirements as specified in Section 501.04 of the Sheridan County zoning regulations.
6. **I hereby certify that I have the legal authority to file this application, that I have examined this application and know the same to be true and correct I further certify that all provisions of law and other regulations governing the type of construction and use proposed in this application will be complied with, whether or not specified in this application.**

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Mailing Address of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date of Application

\_\_\_\_\_  
Telephone No. of Applicant

**Sketch scaled Site Plan here (or attach scaled drawing(s)):**

**This Section to be completed by the Zoning Administrator**

1. Application No. \_\_\_\_\_, 20\_\_\_\_ 2. Date application received: \_\_\_\_\_, 20\_\_\_\_ 3. Application fee of \$\_\_\_\_\_ paid

4. Legal advertisement of Planning Commission public hearing published and other notices mailed on \_\_\_\_\_, 20\_\_\_\_

5. If applicable, permit for use has been issued by Nebraska Department of Environmental Quality or other applicable agency  
\_\_\_\_ YES \_\_\_\_ NO

6. Planning Commission public hearing conducted on \_\_\_\_\_, 20\_\_\_\_

7. Recommendation to Board of Commissioners on conditional use application:

\_\_\_\_ Approval

Recommended conditions of approval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_ Disapproval

Reason(s) for recommending disapproval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Legal advertisement of Board of Commissioners public hearing published and other notices mailed on \_\_\_\_\_, 20\_\_\_\_

9. Board of Commissioners public hearing conducted on \_\_\_\_\_, 20\_\_\_\_

Decision of Board of Commissioners on conditional use application:

\_\_\_\_ Approval

Conditions of approval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_ Disapproval

Reason(s) for recommending disapproval: \_\_\_\_\_

\_\_\_\_\_

10. Notice of decision of Board of Commissioners mailed to Applicant on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Zoning Administrator

# APPLICATION FOR A VARIANCE TO THE REQUIREMENTS OF ZONING REGULATIONS

Sheridan County, Nebraska

**This portion to be filled out completely by Applicant** \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_
2. Address of Applicant: \_\_\_\_\_
3. Telephone No.: \_\_\_\_\_
4. Legal Description of real estate for which variance is requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Variance requested (*in addition to this written request, provide a sketch of the buildings, setbacks, etc. involved in this request on the back of this form*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Explain why the strict application of the zoning regulations would produce an undue hardship: (*a hardship must relate To peculiar characteristic(s) or situation of the property (land and not the convenience of the owner / applicant)*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Explain why such hardship is not shared generally by other properties in the same zoning district and in the same vicinity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Explain why the granting of the requested variance will not be of substantial detriment to adjacent property:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. I hereby certify that I have the legal authority to file this application, that I have completed and examined this Application and know the same to be true and correct.

\_\_\_\_\_  
Signature of Applicant

**Sketch scaled Site Plan here (or attach scaled drawing(s):**

This Section to be completed by Zoning Administrator\_\_\_\_\_.

1. Variance Case No. \_\_\_\_\_, 20\_\_\_\_ 2. Fee of \$ \_\_\_\_\_ paid 3. Date application received \_\_\_\_\_, 20\_\_\_\_

4. Existing zoning of property affected by Variance Application:  
\_\_\_\_ AG-G General Agricultural \_\_\_\_ AG-R River Corridor Agricultural \_\_\_\_ AG-T Transitional Agricultural

5. Reason building permit / certificate of zoning compliance denied (*Cite applicable section(s) of zoning regulations:*

\_\_\_\_\_  
\_\_\_\_\_

6. Legal notice of Board of Adjustment public hearing published on \_\_\_\_\_, 20\_\_\_\_

7. Board of Adjustment public hearing conducted on \_\_\_\_\_, 20\_\_\_\_

8. Action by Board of Adjustment

\_\_\_\_ Hardship(s) found by Board of Adjustment (limited to those in Zoning Regulations):  
(*attach original VARIANCE HARDSHIP FINDING and ACTION RECORD*)

\_\_\_\_ Approval (*refer to VARIANCE HARDSHIP FINDING AND ACTION RECORD*)

\_\_\_\_ Conditions of Approval (*refer to VARIANCE HARDSHIP FINDING AND ACTION RECORD*)

\_\_\_\_ Disapprove (*refer to VARIANCE HARDSHIP FINDING AND ACTION RECORD*)

9. Notice of Decision of County Board of Adjustment (*copy of VARIANCE HARDSHIP FINDING AND ACTION RECORD*) mailed to Applicant on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Zoning Administrator

# SCHEDULE OF ZONING REGULATION FEES

Sheridan County, Nebraska

Fees state here may not be current

Zoning Permit.....	\$25
Application for rezoning or amendment to zoning regulations text.....	\$50
Application for conditional use.....	\$50
Filing of appeal to decision of Zoning Administrator.....	\$25
Application for a variance.....	\$50