

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, July 13, 2026
5:15 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the June 8, 2026 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Review and discuss the City of McCook's proposed Zoning Regulations, more specifically Article 30 Sign Regulations, Article 22 Solar Energy Provisions, and Article 23 Wind Energy Conversion Systems.

Adjournment.

CITY MANAGER'S REPORT
JULY 13, 2026 PLANNING COMMISSION MEETING

ITEM: **1.**

RECOMMENDATION:

Approve the minutes of the June 8, 2026 regular McCook Planning Commission meeting.

BACKGROUND:

Receive and approve the minutes.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

July 8, 2026

McCook Planning Commission
June 8, 2026
5:15 P.M.

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Chair Chad Lyons; Vice Chair Tammie Hilker; Commissioners Camy Bradley (arrived 5:20 P.M.), Kelly Hammerlun, Jamie Mockry, Kurt Vosburg, Bobby Gaulke.

Absent: Commissioners Matt Davidson, Jesse Stevens.

City Officials present: City Manager Nate Schneider, Assistant City Manager Tera Koetter, City Attorney Nate Mustion, City Clerk Lea Ann Doak, Building Official Barry Mooney.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 5, 2026, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Lyons announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the May 11, 2026 regular Planning Commission meeting.

Motion to approve the minutes of the May 11, 2026 regular Planning Commission meeting. This motion, made by Chad Lyons and seconded by Jamie Mockry, passed.

Camy Bradley: ABSENT, Matt Davidson: ABSENT, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, Jamie Mockry: YEA, Jesse Stevens: ABSENT, Kurt Vosburg: YEA

YEA: 6, NAY: 0, ABSENT: 3

2. Public Hearings and Regular Agenda.

2.A. Review and discuss the proposed Article 24 of the zoning update, specifically Signs in Article 22.

Discussion was held regarding the proposed sign regulations. Review included the city's of Beatrice, Lexington, Nebraska City, Wayne, and Gering sign regulations. Commissioner suggested changes will be incorporated into Article 24 and will be brought back at the July 13 meeting for review.

City Attorney Mustion presented information, as requested by the Commission at the May 11 meeting, regarding adult oriented businesses zoning regulations in other communities, specifically signs, posters, etc. both inside and outside of the establishments.

Adjournment.

With no further business, Chair Lyons declared the Planning Commission meeting adjourned at 6:38 P.M.

Lea Ann Doak, City Clerk-Treasurer
Recording Secretary

CITY MANAGER'S REPORT
JULY 13, 2026 PLANNING COMMISSION MEETING

ITEM: 2.A. Discussion – Regarding the review of the City of McCook's proposed Zoning Regulations more specifically Article 30 Sign Regulations, Article 22 Solar Energy Provisions and Article 23 Wind Energy Conversion Systems.

BACKGROUND:

City staff has been continuing the review of the proposed Zoning Regulations. The review items to discuss are Sign Regulations, Solar Energy Provisions and Wind Energy Conversion Systems. The Sign Regulations have several revisions which are listed as follows:

Section 2101. Purpose – deleted B, C and D

Section 2102. Definitions – deleted Building Marker; Commercial Sign; Complying Sign; Conspicuity; Contrast; Copy; Copy Area; Decorative Sign; Dissolve/Appear; Electric Sign; Event Sign; Façade; Fade/Appear; Fascia Sign; Historic Marker; Internally Illuminated Sign; Legibility; Menu Board Sign; Mural; Organization; Painted Wall Sign; Pennant; Permanent Sign; Poster; Primary Copy; Projection; Readability; Secondary Copy; Signage; Signature Building; Visibility

Section 2103. In General – deleted paragraphs 1. and 2.

Section 2104. Prohibited and Exempt Signs – deleted A. 2 thru 5; deleted A. 6b; added B. 5. Graphic art painted or applied to building walls; revised B. 8; deleted all of C.

Section 2105. Sign Standards – deleted T.

Section 2106. Classification and Design Elements of Signs – deleted 1. and 2. at end of first paragraph; deleted A. 5; revised C. 1 from one (1) ground sign to two (2) ground signs; added G. 4; revised H. 2 from twelve (12) inches to eighteen (18) inches

Section 2108. Permitting – deleted F, G and H

Section 2110. Variances – deleted entire section

Section 2111. Maintenance and Safety – deleted all information after first sentence

Section 2113. Indemnification – deleted entire section

Section 2114. Violations - deleted entire section

Section 2115. Severability - deleted entire section

District Regulations – revised and added two (2) tables

FISCAL

IMPACT: None.

APPROVALS:

Barry Mooney, Building Inspector

July 9, 2026

Lea Ann Doak, City Clerk

July 9, 2026



Tera Koetter, Assistant City Manager

July 9, 2026



Nate Schneider, City Manager

July 9, 2026

ARTICLE 30

SIGN REGULATIONS

Article 30 - Sign Regulations.

Section 3001. Purpose.

The regulation of signs within the City of McCook and its extraterritorial jurisdiction (ETJ) is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

- A. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards;
- B. Promote public safety and general welfare by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury.

Section 3002. Definitions.

Abandoned Sign: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces.

Advertising Sign: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, or to which it is affixed (off-premise sign).

Animated Sign: A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

Attached Sign: A sign which is structurally connected to a building or depends upon that building for support.

Awning, Canopy and Marquee Sign: A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by this article. No such sign shall project above, below, or beyond the physical dimensions of the awning, canopy or marquee, and a minimum of eight (8) feet of clearance shall be provided above grade.

Banner Sign: An on-site sign on which advertising copy, logos, symbols or emblems may be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or a special event and which is constructed of fabric or any non-rigid material with no fully enclosed framework; and designed to be attached securely at each end or corner of the banner to a wall, canopy, or fence.

Billboard Sign: An outdoor sign that advertises goods, products, or services that are not sold or offered on the property where the sign is located, and is either single faced or double face.

Blade Sign: A portable, stand-alone sign comprised of light fabric that moves with the wind and is supported by a pole structure and a base.

Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located, and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of persons, events or activities appearing or occurring at the institution. Such signs may also present a greeting or similar message.

Business Sign: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or an entertainment offered, on the premises where the sign is located or to which it is affixed.

Changeable-Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

Channel Letter: A fabricated or formed three (3)-dimensional letter that may accommodate a light source.

Cone of Vision: The area that is clearly visible to a driver, generally described as a "fan-shaped envelope" preceding the driver which allows the driver to safely see and observe moving objects and persons in front of and to the immediate left and right of the driver.

Construction Sign: A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.

Detached Sign: A sign which is self-supporting and structurally independent from any building.

Development Sign: A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also designate the future occupant or use of the development.

Directional Sign: A sign designed to provide direction to pedestrian and vehicular traffic.

Double-Faced Sign: A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.

Electronic Message Centers (EMCs): A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Flag Sign: Signs which are emblazoned on a flag and are intended to be displayed in a free-flowing manner.

Flashing Sign: A sign which contains an intermittent or flashing, pulsating, blinking or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

Freestanding Sign: A sign supported by structures or supports that are anchored in the ground and that are independent from any building or other structure.

Ground and Monument Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property.

Height of Sign: The distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its support; except that if the property was lower than the adjacent roadway, then the height of the sign is to be calculated from the street grade at a 90 degree angle from the sign.

Identification Sign: A sign having the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.

Inflatable Sign: A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable or similar method.

Luminance: An objective measurement of the brightness of illumination including illumination emitted by an electronic sign, measured in candles per square foot (cd/sq. ft).

Marquee Sign: A permanent roofed structure attached to and supported by a building.

Mobile Sign: A sign that is not permanently affixed to the ground or a building and is designed or constructed to be easily moved from one (1) location to another, including signs mounted upon or designed to be mounted or affixed to the sides or rear of a trailer or motorized chassis, even if the sign has had its wheels removed.

Moving Sign: A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.

Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Nameplate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.

Non-conforming Sign: A sign that was legally erected and maintained but does not currently comply with sign restrictions because such restrictions were enacted after the sign was originally permitted and installed.

Numeric Display Sign: On-premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.

Off-Premise Sign: An outdoor sign, whose message directs attention to a specific business, product, service, entertainment event or activity, or other commercial or noncommercial activity, or non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also known as a third-party sign, billboard, or outdoor advertising.

On-Premise Sign: A sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Pole Sign: A sign that is mounted on a freestanding pole, the bottom edge of which sign is eight (8) feet or more above ground level.

Political Campaign Sign: A sign which does not advertise products, goods, businesses or services and which either endorses by name a specific registered candidate for elective office or expresses a position in relation to a ballot question.

Portable Sign: See also Mobile Sign.

Projecting Sign: A building mounted sign with the faces of the sign projecting twelve (12) inches or more from and generally perpendicular to the building fascia.

Public Sign: A sign necessary or convenient for the direction, information or safety of the public.

Pylon Sign: A freestanding sign, other than a pole sign, permanently fixed to the ground by shafts, posts or other supports wrapped with an aesthetic veneer, but not having the appearance of a solid base.

Real Estate Sign: A temporary sign advertising the real property upon which the sign is located for rent, for lease, or for sale and providing the name and location of the owner or his/her agent.

Roof Sign: A sign erected, constructed and maintained wholly upon or projecting above any portion of the roof of a building and having the roof as the principal means of support, and which does not project more than twelve (12) inches beyond the face of the building. A mansard shall be considered part of the wall of the building.

Rotating Sign: Sign faces or portions of a sign face which mechanically revolves around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights which convey an appearance of rotation.

Scroll: A mode of message transition on an Electronic Message Center where the message appears to move vertically across the display surface.

Sidewalk Sign: A portable, stand-alone sign comprised of panel(s) or face(s) that act as a frame or stand on a base.

Sign: Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and uses for communicating a message or attracting attention.

Snipe Sign: A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Temporary Sign: Any sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated; are made of materials of relatively low durability; are intended to be removed or replaced within a period of three (3) months or less; or are portable.

Transition: A visual effect used on an Electronic Message Center to allow one (1) message to disappear while it is simultaneously being replaced by another.

Wall Sign: A building-mounted sign which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than twelve (12) inches from such surface (See fascia sign).

Window Sign: A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Section 3003. In General.

On and Off-Site Signs (such as Billboards or directional signs) on Federal Aid Primary Highways.

The erection or maintenance of any advertising sign, display or device beyond the Corporate Limits but within the Extraterritorial Jurisdiction of the City of McCook, which is visible to the traveled way of the National System of Interstate and Defense Highways, and the system of federal-aid primary roads of the State of Nebraska as defined by the Nebraska Department of Transportation (NDOT), is hereby prohibited unless in compliance with the regulations set forth in Rules and Regulations Relating to the Control of Advertising in areas adjacent to Federal Aid Primary Highways, as amended, adopted and published by the Nebraska Department of Transportation. Primary Highways within the zoning jurisdiction of the City of McCook are Highways 6/34 and 83.

Section 3004. Prohibited and Exempt Signs.

A. The following signs shall be prohibited pursuant to the terms of these Sign Regulations:

1. Abandoned or Obsolete signs.
2. Off-premise advertising signs except for:
 - a. Multi-tenant signs in the I-2 district.
3. Off-premise signs located on public property except when signs are used for public purposes and approved by NDOT.
4. Roof signs.
5. Off-premise signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying that sign.
6. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
7. Snipe signs or signs attached to trees, telephone poles, streetlights, or placed on any public property or public right-of-way.

B. The following signs shall be exempt from the provisions of these Sign Regulations and construction will be permitted without a permit:

1. Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the signs does not exceed the requirements of such law, order, rule or regulation.
2. Community banners or light pole signs.
3. Flags of a government or of a political, civic, philanthropic, educational or religious organization displayed on private property.
4. Garage sales on private or public property and For Sale/For Rent signs on private property.
5. Graphic art painted or applied to building walls.
6. Holiday or special events signs.
7. Integral signs for churches or temples, or names of buildings, date of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
8. Memorial signs and tablets displayed on private property.
9. Political campaign signs shall not exceed eight (8) square feet in R-1, R-2, R-3 and R-4 Districts and twenty-four (24) square feet in C-1, C-2 and C-3 Districts. Campaign signs are allowed on private property with the consent of the property owner, but are prohibited on public property, including the rights-of-way.

Such signs shall be set back at least five (5) feet from any street right-of-way line. Political campaign signs may be placed on private property no earlier than sixty (60) days prior to the election for which the sign is applicable and must be removed no later than seven (7) days following the election. City personnel may remove and dispose of any sign placed on public property or within the rights-of-way.

10. Public signs or notices.
11. Scoreboards in athletic stadiums.
12. Sign face changes of legally conforming signs.
13. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
14. Small signs, not exceeding five (5) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and the like.

15. Window signs identifying a business, product or service offered on the premises that is affixed to the interior of the window of a shop or store front and not covering over thirty-three (33%) percent of the total window area on a single wall.
16. Off-site farm-ranch directional signs may be permitted outside the roadway right-of-way, provided that:
 - (a) Such signs may not exceed ten (10) square feet in area;
 - (b) No such sign or combination of signs may exceed ten (10) feet in length or height;
 - (c) Such signs will show as a maximum only the name of the farm or ranch, the owner, and the direction and distance thereto.

Section 3005. Sign Standards.

- A. The maximum area for such signs shall comply with the District Regulations which includes border and trim, but excluding ornamental base or apron and other structural members;
- B. None of the provisions of these regulations shall prevent the erection of a double-faced back to back, side-by-side or V-type construction with a maximum of two (2) displays per facing with the maximum area of the District Regulations allowed for each facing and such sign structure shall be considered as one (1) sign;
- C. Such signs facing in the same direction along Federal Aid Primary Highways within the corporate limits of the City of McCook shall be spaced not less than fifty (50) feet apart, and no such sign shall be permitted within twenty (20) feet of the nearest edge of the right-of-way of an intersecting road, street or highway;
- D. Such signs facing the same direction along the Federal Aid Primary Highways outside the corporate limits and within the extraterritorial jurisdiction of the City of McCook shall be spaced not less than two hundred fifty (250) feet apart, and no such sign shall be permitted within one hundred (100) feet of the nearest edge of the right-of-way of an intersecting road, street or highway.
- E. Such signs may be illuminated, provided that:
 1. Signs which contain, include, or are illuminated by any flashing, intermittent, moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or that display animation that will not interfere with the drivers operation of a motor vehicle;
 2. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the Federal Aid Primary Highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited;
 3. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device or signal;

4. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state and local governmental agencies.
- F. The gross surface area of a sign shall be the sum of all surface areas of all sign faces, that for signs designed as double-faced signs, with both faces parallel and the distance between the faces does not exceed two (2) feet, then only one (1) face of the sign shall be considered in determining the gross surface area. When two (2) or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum allowable for the district regulations. For computing the area of any wall sign which consists of letters, numbers and symbols mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all the letters, numbers or symbols.
- G. Sign height shall be measured from ground level at the base of or below the sign to the top element of the sign.
- H. All signs must conform to the regulations and design standards of the current adopted building code of the City of McCook.
- I. Illuminated signs shall be shaded wherever necessary to avoid direct casting of light upon property located in any residential district or upon any public street or park. Any illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible from such residential district shall be illuminated only during business hours or between the hours of 7:00 a.m. and 10:00 p.m.
- J. Signs with flashing, pulsating or moving lights or lights which create the illusion of movement shall be prohibited in all districts except as outlined in subsection (E) above. A sign whereon the current time and/or temperature is indicated by intermittent lighting is permitted in all districts except residential districts. Electronic Message Centers (EMC's) signs are permitted in all districts except residential. Signs with moving parts, revolving beacons, strobe lights or signs which emit an audible sound shall not be permitted in any district.
- K. In the C-1, C-2, C-3, I-1 and I-2 zoned districts, flashing, moving, or animated signs shall be permitted only upon the proof of compliance with these regulations, providing it is first determined that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that direct rays of the sign will not be directed into any residential district.
- L. No sign shall block any required access way or window.
- M. No sign shall be attached to a tree or utility pole whether on public or private property.
- N. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage.
- O. No metal sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air, whether such wires or conductors are insulated or otherwise protected.

- P. No sign shall be maintained at any location where by reason of its position, size, shape or color it may obstruct, impair, obscure, interfere with the view of , or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
- Q. No sign shall be in any vision triangle formed by the intersection of any two (2) intersecting streets, except signs mounted ten (10) feet or more above the ground whose supports do not constitute an obstruction.
- R. No sign shall be erected or maintained on any corner lot within twenty (20) feet of the property line corner which may interfere with traffic visibility across the corner; nor shall any sign be permitted within twenty (20) feet of any railroad crossing.
- S. No sign shall be permitted to be located on public property in any district except informational or identifying signs constructed by a political subdivision or authorized agent.
- T. Any time a sign is removed from its structural support, except for the purposes of maintenance, repair, replacement, repainting or cleaning, or due to an act of God, the structural support shall be removed within one hundred eighty (180) days, provided further, that if a sign removed for the purposes of maintenance, repair, replacement, repainting or cleaning, or due to an act of God, if not reinstalled within one (1) year of the removal, then the structural support shall be removed within one hundred eighty (180) days.

Section 3006. Classification and Design Elements of Permanent Signs.

Permanent signs include but are not limited to the following types of signs: wall signs, roof signs, projecting signs, ground and pole signs, multi-tenant signs, awning signs, electronic message centers, and monument signs are all controlled by the following:

A. Awning Signs

- 1. An organization which inhabits a structure with accessible street frontage shall be permitted to erect one (1) awning sign.
- 2. Awnings shall not extend above the eave or parapet of the building façade and shall be a minimum of eight (8) feet above the sidewalk or grade, whichever is higher. Awnings shall not extend over any area utilized by motor vehicles.
- 3. Awning signs may be illuminated.
- 4. The size of the awning shall be determined by applicable zoning regulations.

B. Electronic Message Centers (EMCs)

- 1. Such displays may include messages that are static, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.
- 2. All types of electronic message centers shall be permitted in areas designated for commercial and industrial activities.
- 3. All electronic message centers shall be equipped with automatic dimming capabilities.
- 4. No more than one (1) electronic message center sign is permitted per property.

5. No electronic message center sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.

C. Freestanding Ground (Pole or Pylon) Signs

1. Two (2) ground (pole or pylon) signs are permitted for each structure with accessible street frontage. If more than one (1) business is located in the same structure, each business is allowed two (2) ground (pole or pylon) signs.
2. Ground (pole or pylon) signs are permitted in lieu of projecting signs.
3. Ground (pole or pylon) signs may be internally or externally illuminated.
4. Ground (pole or pylon) signs must maintain a vertical clearance of ten (10) feet from the ground.

D. Freestanding Multi-Tenant Signs

1. One (1) multi-tenant commercial sign shall be permitted per business complex.
2. A minimum separation of fifty (50) feet shall be maintained between all other pole signs and multi-tenant commercial signs.
3. Multi-tenant commercial signs shall be located within the business complex for which they advertise and only tenants of that business complex may advertise on the sign. Any business advertising on a multi-tenant commercial sign may have one (1) pole sign on its property located within the associated business complex.
4. The maximum area expressed in square feet for a sign shall be calculated by multiplying the frontage of the sign by two (2).
5. Organizations advertising on a multi-tenant sign may erect a second (2nd) sign on the premises with the exception of a pole sign.

E. Monument Signs

1. Signs located outside the "cone of vision" are only permitted by the application for and grant of a variance.

F. Numeric Display Signs

1. Numeric signs shall be set back a minimum of two (2) feet from any right-of-way line.
2. Numeric signs may be illuminated.

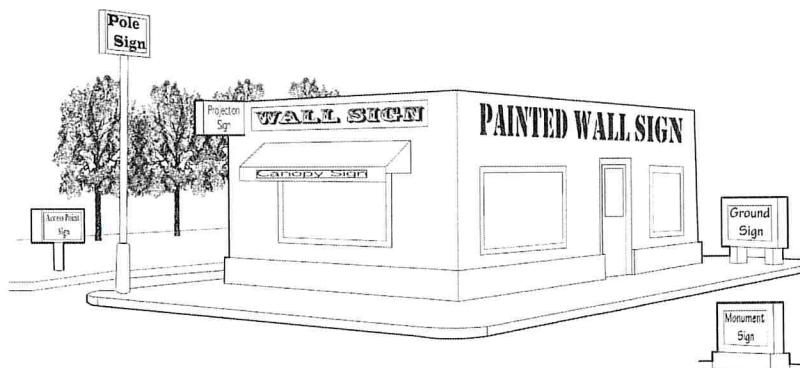
G. Projecting Signs

1. One (1) projecting sign shall be permitted for each structure with accessible street frontage in lieu of a ground sign.
2. Projecting signs may be illuminated. Those projecting over a parkway must be internally illuminated.
3. Projecting signs must have a minimum clearance of ten (10) feet from the bottom of the sign to the grade below.

4. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.

H. Wall Signs

1. A permit shall be obtained to erect multiple wall signs on each wall facing a street or public right-of-way. The total area of all wall signs on such a wall shall occupy no more than twenty five (25%) percent of the total wall area.
2. A wall sign shall not extend more than eighteen (18) inches from the wall to which it is attached.
3. A wall sign must be parallel to the wall to which it is attached.
4. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
5. A wall sign may not extend beyond its building's roof line.
6. Wall signs may be internally or externally illuminated.



Section 3007. Temporary Signs.

Temporary signs including political signs, garage sale signs, real estate signs, construction signs, and grand opening signs, are all controlled by the following:

A. *Banner Signs.* Banner Signs, where permitted, are subject to the following regulations.

1. Banner Signs may be an on-premise sign and must comply with all applicable building codes.
2. Banner Signs shall be attached to a street facing, vertical façade. No Banner Sign shall be attached to a roof.
3. Banner Signs which are larger than thirty-two (32) square feet are allowed on a temporary basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.

B. *Blade Signs*. Blade Signs, where permitted, are subject to the following regulations.

1. Blade Signs are restricted to on-premise signage, and may be placed within the required depth of landscaping with one (1) Blade Sign allowed per fifty (50) feet of street frontage with a maximum of five (5) per premise. Lots with less than fifty (50) feet of street frontage are allowed one (1) Blade Sign.
2. Any Blade Sign must be anchored into the ground or secured in a portable based design for such function.
3. For safety purposes, any Blade Sign must be setback a minimum of fifteen (15) feet from any overhead utilities and outside of the sight triangle as defined in Article 21, Sec. 2102.
4. No Blade Sign shall be wider than three and one half (3 ½) feet, at the widest point. No Blade Sign shall have a height higher than eighteen (18) feet. The height of a Blade Sign is measured from grade and includes the full length of the supporting pole.

C. *Flag Signs*. Flag Signs, where permitted, are subject to the following regulations.

1. Flag Signs, when fully extended, shall not extend into the public right-of-way.

D. *Handheld Signs*. Handheld Signs, where permitted, are subject to the following supplemental regulations.

1. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
2. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.
3. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
4. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.

E. *Inflatable Signs/Air-Activated Graphics*. Inflatable Signs or Air-Activated Graphics, where permitted, are subject to the following regulations.

1. Inflatable Signs and Air-Activated Graphics are restricted to on-premise and must comply with all applicable building codes.
2. For safety purposes, any Inflatable Sign or Air-Activated Graphic must be fastened to the ground or a structure so that it cannot shift more than three (3) feet, horizontally, under any condition.
3. The minimum setback for any Inflatable Sign or Air-Activated Graphic is equal to or greater than the height of the sign, from all property lines and overhead utility lines and shall remain outside of any sight triangle as defined in Article 21, Sec. 2102.
4. Maximum Height: Twenty-five (25) feet.

5. Only one (1) Inflatable Sign or Air-Activated Graphic shall be allowed on a premise at any time.
 6. Inflatable Signs and Air-Activated Graphics are allowed on a temporary-basis of no more than ten (10) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
- F. *Portable Message Center Sign.* Portable Message Center Signs, where permitted, are subject to the following supplemental regulations.
1. Portable Message Center Signs are restricted to on-premise advertisement and must comply with all applicable building codes and shall be anchored securely to the ground.
 2. No Portable Message Center Sign shall exceed six (6) feet in height.
 3. No Portable Message Center Sign shall be larger than thirty-two (32) square feet.
 4. Only one (1) Portable Message Center Sign shall be allowed on a premise at any time.
 5. Portable Message Center Signs are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
- G. *Sidewalk Signs.* Sidewalk Signs, where permitted, are subject to the following regulations.
1. Sidewalk Signs are allowed in the right-of-way on sidewalk pavement, provided a minimum of six (6) feet of clearance remains for clear passage of pedestrians.
 2. No Sidewalk Sign shall exceed three (3) feet in height.
 3. No Sidewalk Sign shall exceed six (6) square feet per side or three (3) feet in width.
 4. Only one (1) Sidewalk Sign is allowed per business, service, activity, or event.
 5. Sidewalk Signs shall not obstruct pedestrian or handicap accessibility to buildings, emergency exits, or parking spaces.
 6. Sidewalk Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
 7. No illumination is allowed for Sidewalk Signs.
- H. *Window Signs.* Window Signs, where permitted, are subject to the following regulations.
1. No Window Sign may exceed fifty percent (50%) of window area coverage for any single window.
- I. Temporary signs may be displayed without obtaining a sign permit for a period not to exceed sixty (60) days within any six (6) month period. After the sixty (60) day period, the owner must obtain a permanent sign permit to display the sign any further within the same six (6) month period.

- J. Temporary signs not already subject to setback regulations shall be setback at least three (3) feet from the public right-of-way and comply with all the applicable regulations pertaining to size set forth in these Sign Regulations.
- K. The number of temporary signs shall not exceed five (5) at any given period of time.
- L. The following signs shall comply with all the requirements of this article and the applicable district regulations:
1. Advertising signs for special public events sponsored by governmental, philanthropic, and nonprofit organizations, subject to the following provisions:
 - (a) Signs will only be permitted fifteen (15) days in advance of the event and must be removed within forty-eight (48) hours after the close of the event.
- M. Mobile signs may be permitted upon issuance of a sign permit and when in compliance with all the other requirements of this article, the applicable district regulations, and of the following provisions:
1. Only one (1) mobile sign shall be allowed on a zoning lot.
 2. Mobile signs shall not be placed within twenty-five (25) feet of an existing pole sign or ground sign, within fifty (50) feet of another mobile sign or within the clear vision triangle of any street or driveway.
 3. Mobile signs shall be of rigid construction and anchored or weighted to prevent movement or overturning by wind.
 4. Electrical lines shall not lie on the ground where vehicular or pedestrian traffic is permitted. Use of aboveground extension cords is prohibited. All wiring shall comply with the State of Nebraska electrical code.
 5. Use of red, yellow, or green external lighting shall be prohibited. Any light shall be constant in intensity or color at all times.
 6. No offensive, adult-oriented or abusive language.



Section 3008. Permitting.

- A. Applicants who wish to erect new on-premise permanent signs or those seeking to significantly modify (exceeds costs of fifty (50%) percent or more than the replacement cost of the original sign) existing signs must obtain a sign permit from the City of McCook prior to the installation/modification of the signs.
- B. Upon submission of the written application, the City of McCook shall have twenty (20) business days to review the application for a sign permit.
- C. A permit shall be issued on or before the end of the twenty (20) business day review period if the application for a new sign or renewal complies with the regulations contained in these Sign Regulations.
- D. If the City of McCook does not issue a determination within the twenty (20) business day period, the sign permit is deemed approved.
- E. An application for a sign permit may be denied by the City of McCook within the twenty (20) business day review period if the application fails to comply with the standards contained in these regulations. The City of McCook shall inform the applicant of the reasons for denying the application for sign permit by certified mail, email or phone.
- F. The application fee for each sign permit sought is available from the City Clerk within the Fee Schedule for City services.
- G. These permits shall not expire providing that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (i.e., repairs that cost more than fifty (50%) percent of the replacement cost of the damaged sign), the organization must apply for a new sign permit.

Section 3009. Method of Measurement.

A. Sign Area.

1. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support of service of the sign, or architectural elements of the building.
2. The area of double-faced signs is calculated on the largest face only.
3. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.
4. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.

B. Height.

The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.

C. Setback.

The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

Section 3010. Maintenance and Safety.

All signs, including non-complying, non-conforming and abandoned signs, must be maintained in a condition which is safe and appears as originally permitted.

Section 3011. Non-complying and Non-conforming Signs.

- A. *When deemed non-conforming; exception.* All existing signs which are not specifically permitted or which do not comply with all the provisions of these regulations for the zoning district in which they are located as of the adoption of these regulations, shall be considered non-conforming signs. Provided, however, theatre marquee signs in existence on the adoption of these regulations, and located in the C-1 zoning district shall be deemed lawfully conforming signs, except for requirements pertaining to safety, structural integrity, and maintenance.
- B. *Repairs and damage.* Non-conforming signs may not, after the adoption of these regulations, be enlarged, structurally altered or extended unless such sign shall be made to comply with all the provisions of these regulations, except that normal repairs and repainting of non conforming signs are permitted. When a permanent non-conforming sign is destroyed or damaged by any means to the extent of fifty (50%) percent or more of its present-day replacement value, it shall not thereafter be restored unless such sign shall be made to conform to all the provisions of these regulations.
- C. *Removal of non-conforming signs.* Any sign that does not conform to the sign regulations for the zoning district in which it is located shall be removed.

Section 3012. Abandoned Signs.

Any sign which no longer advertises a bona fide business conducted, product sold, or service provided shall be deemed to be abandoned and shall be removed at the expense of the owner. Sign panels shall be removed within one (1) year of the vacation of the premises or discontinuance of the advertised activity. Sign frames and poles shall be removed within one (1) year of vacation

of the premises or discontinuance of the advertised activity unless new sign panels are installed advertising a bona fide activity. The installation of new sign panels on the same sign frame and pole shall not require the issuance of a new sign permit. If, however, a new permit shall be required then the sign shall comply with the provisions of this article.

Section 3013. A-1 District.

The following sign regulations shall apply in the A-1 district:

1. Number of signs permitted: One (1) per zoning lot provided that advertising signs shall not be permitted within two hundred fifty (250) feet of a residence.
2. Illumination: Illumination of signs is prohibited, except that bulletin board, real estate and construction signs may be indirectly illuminated with incandescent or fluorescent light.

Section 3014. A-2, R-1, R-2, R-3, R-4, FW, P and PD Districts.

The following sign regulations shall apply in the A-2, R-1, R-2, R-3, R-4, FW, P and PD districts:

1. Number of signs permitted:
 - (a) Ground sign: one (1) per zoning lot.
 - (b) Wall signs: one (1) per zoning lot.
2. Illumination: No sign shall be illuminated, except that identification, bulletin board, construction and real estate signs may be internally or externally illuminated, provided that no direct light shall be cast upon any residential property. In addition, churches, schools, nursing homes, rehabilitation centers, assisted living facilities, governmental facilities, YMCAs and parks and recreational facilities and athletic fields may have one (1) freestanding electronic changeable copy identification or bulletin board sign subject to the following limitations:
 - (a) The electronic message center portion of the sign may not exceed fifty (50%) percent of the total sign area.
 - (b) The sign must set back at least six (6) feet from the front property line and must be set perpendicular to the adjoining public street, provided that signs on corner lots may be set at a forty-five (45) degree angle at street intersections.
 - (c) The sign may not exceed a height of twenty-five (25) feet.
 - (d) All electronic message center signs must be equipped with a photocell dimmer or some other automatic dimmer control and allowed to operate between 7:00 a.m. and 10:00 p.m.
 - (e) No minimum hold time or interval of change shall be required.
 - (f) Text and moving pictorial images shall be permitted; however, no sign shall have blinking, flashing or fluttering lights or any other illuminating device that changes the intensity, brightness or color of the sign background.

Section 3015. I-1 and I-2 Districts

The following sign regulations shall apply in the I-1 and I-2 districts:

1. Number of signs permitted: Two (2) per business.
2. Maximum height: Measured from ground level at the supports or from the base of the sign in the case of wall signs.
 - (a) Canopy signs: Twelve (12) feet, minimum eight (8) feet above ground.
 - (b) Projecting signs: Top of building, minimum ten (10) feet above ground.
3. Required setback: Six (6) feet from the property line and in no case shall a sign project over public property.

Section 3016. C-1, C-2 and C-3 Districts

The following sign regulations shall apply in the C-1, C-2 and C-3 districts:

1. Number of signs permitted: Two (2) per business.
2. Maximum height: Measured from ground level at the supports or from the base of the sign in the case of wall signs.
 - (a) Canopy signs: Twelve (12) feet, minimum eight (8) feet above ground.
 - (b) Projecting signs: Top of building, minimum ten (10) feet above ground.
3. Required setback: Six (6) feet from the property line and in no case shall a sign project over public property.

Section 3018. Permitted Signs by Type and Zoning District.

Sign Type	A-1	A-2	R-1 R-3 R-4	P	PD	I-1 I-2	C-1 C-2 C-3
Awning	P	P	N	P	P	P	P
Billboard	P	N	N	N	N	N	N
Bulletin Board	P	P	P	P	P	P	P
Canopy	P	N	N	N	N	P	P
Directional	--	--	--	--	--	--	--
Electronic Message Centers (EMCs)	P	N	N	N	N	P	P
Freestanding Ground (Pole or Pylon)	P	N	N	N	N	P	P
Freestanding Multi-Tenant	P	N	N	N	N	P	P
Ground/Monument	P	P	P	P	P	P	P
Identification	P	P	P	P	P	P	P
Marquee	--	--	--	--	--	--	--
Nameplate	P	P	P	P	P	P	P
Numeric Display	P	N	N	N	N	P	P
Projecting	P	N	N	N	N	P	P
Wall	P	P	P	P	P	P	P
Miscellaneous							
Flashing	--	--	--	--	--	--	--
Illuminated	N	N	N	N	N	P	P
Temporary							
Banner	P	N	N	N	N	P	P
Blade	P	N	N	N	N	P	P
Construction	P	P	P	P	P	P	P
Flag	P	P	P	P	P	P	P
Handheld	P	N	N	N	N	P	P
Inflatable	P	N	N	N	N	P	P
Mobile/Portable	P	N	N	N	N	P	P
Portable Message Center	P	N	N	N	N	P	P
Real Estate	P	P	P	P	P	P	P
Sidewalk	P	N	N	N	N	P	P
Window	P	N	N	N	N	P	P
P: Permitted N: Not Permitted							

Section 3019. Signs - Miscellaneous.

	A-1	A-2	R-1 R-3 R-4	P	PD	I-1 I-2	C-1 C-2 C-3
Number of signs permitted	1	1	1	1	1	2	2
Maximum gross surface area (sq. ft.)							
Advertising	150					150	150
Billboard	300						
Bulletin board	32	32	32	32	32	40	40
Canopy						80	80
Construction	48	48	48	48	48	48	48
Identification	32	32	32	32	32	32	32
Nameplate	32	32	32	32	32	32	32
Projecting						150	80
Real Estate*	8	8	8	8	8	8	8
Maximum height (ft.)							
Advertising	32					32	32
Billboard	32						
Bulleting board	8	8	8	8	8	8	8
Canopy						12	12
Construction	15	10	10	10	10	15	15
Identification	8	8	8	8	8	15	15
Projecting						10	10
Real Estate	4	4	4	4	4	4	4
Required setback (ft.)	6**	6	6	6	6	6	6

* One (1) sign not more than forty-eight (48) square feet in the area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such signs shall be removed at the end of three (3) years or when seventy-five (75%) percent of the lots in the subdivision have been sold, which occurs sooner.

** Except that any sign which exceeds two hundred (200) square feet in gross surface area shall maintain a ten (10) foot setback and in no case shall a sign project over public property.

ARTICLE 23

WIND ENERGY CONVERSION SYSTEMS

Article 23 - Wind Energy Conversion Systems

Section 2301. Small and Commercial Wind Energy Conversion Systems.

Intent: To balance the need for clean, renewable energy resources with the protection of the health, safety, and welfare of the residents of McCook, Nebraska, finds these regulations are necessary to ensure that all wind energy conversion systems (CWECS) are appropriately designed, sited, and installed.

Section 2302. Types of Wind Energy Systems.

- A. **Small Wind Energy Conversion System (SWECS)** - A wind energy conversion consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and is intended to primarily reduce on site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power for site use, except that when a parcel on which the system is installed also received electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be sold back to the utility company.
- B. **Commercial Wind Energy Conversion System (CWECS)** - A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, whose main purpose is to supply electricity to off-site customers. A wind energy conversion system equal to or greater than 100 kW in total name plate generating capacity.

Section 2303. Definitions.

Aggregate Project. Those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual wind energy conversion systems (WECS) within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

Commercial WECS. A wind energy conversion system of equal to or greater than one hundred (100) kW in total nameplate generating capacity.

Connector line. Any power conductor that carries electrical power from one (1) or more wind turbines to the point of interconnection with the distribution system.

Daytime hours. From sunrise to sunset.

Fall Zone. The area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure.

Feeder lines. Any power line that carries electrical power from one (1) or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of the interconnection shall be the substation serving the WECS.

Hub Height. The height between the ground level at the base of the tower and the top of the tower, exclusive of the rotor blades.

Meteorological Tower. A tower which is erected primarily to measure wind speed and direction plus other data relevant to siting a wind energy conversion system. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Transportation or other similar applications to monitor weather conditions.

Nighttime hours. From sunset to sunrise.

Property line. The boundary line of the area over which the entity applying for a wind energy conversion system permit has legal control for the purpose of installing, maintaining and operating a wind energy conversion system.

Rotor Diameter. The diameter of the circle created by the outer most point of the rotor blades.

Shadow flicker. Alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects such as the window of a dwelling.

Small wind energy conversion system (SWECS). A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power.

Structurally Mounted System. A small wind energy system that mounted on a building including residential dwellings.

Substations. Any electrical facility utilized to convert electricity produced by a Wind Energy Conversion System for interconnection with high voltage transmission lines.

Total Height. The highest point, above ground level, reached by a rotor tip or any other part of the wind energy conversion system.

Tower. The vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.

Tower Height. The height above grade of the first fixed portion or stub portion of the tower, excluding the wind turbine itself.

Transmission Line. The electrical power lines that are High Voltage Transmission Lines carrying electricity over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Vertical axis wind turbine (also VAWT). One (1) or more mechanical devices, such as wind turbines, with multiple caged blades, which are designed and used to convert the kinetic energy of wind into a usable form of energy. The turbine rotates on a vertical axis. The VAWT includes all parts of the system except the tower and transmission equipment.

Wind Energy Conversion System (WECS). An electrical generating facility comprised of one (1) or more wind turbines and accessory facilities, including but not limited to: power lines,

transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy, which may be used on-site or distributed into the electrical grid.

Wind Turbines. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

Section 2304. Small Wind Energy Conversion System - (SWECS).

A. Permitted use: Small wind energy conversion systems shall be permitted, as an accessory use within any district as long as certain requirements as set forth below shall be met:

1. Tower height:

- a. For all residential or residentially zoned properties tower height shall be limited to thirty five (35) feet or the maximum height for a structure in that district; tower must meet required setbacks.
- b. For non-residential or non-residentially zoned properties between twenty thousand (20,000) square feet and one (1) acre, tower height shall be limited to thirty-five (35) feet or the maximum height for a structure in that district; tower must meet required setbacks.
- c. For non-residential or non-residentially zoned properties greater than one (1) acre in size, there is a fifty-five (55) foot height limit and the tower must meet required setbacks.
- d. Wind energy facilities shall be sited in a manner that minimizes shadow flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

2. Noise:

- a. Small wind energy systems shall not exceed sixty-five (65) dBA during daytime hours and fifty-five (55) dBA during nighttime hours, as measured at the closest neighboring inhabited dwelling unit.
- b. The noise level may be exceeded during short-term events such as utility outages and/or severe windstorms (wind speeds of greater than fifty (50) miles per hour).

3. Approved wind turbines:

- a. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small certification program recognized by the American Wind Energy Association.
- b. Wind turbines shall not be modified from manufacturer's specifications or design/build in any manner.

4. Compliance with building and zoning codes:

- a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings along with proof of insurance which is the responsibility of the applicant to provide and maintain.
- b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska as well as the National Electric Code and certified by a licensed professional engineer shall also be submitted.
- c. Turbines and towers shall be of tubular design and if painted or coated, shall be of a non-reflective white, grey, or other neutral color and shall not be used to display advertising.
- d. All electrical wires associated with a small wind energy system other than the wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- e. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight (8) feet of the ground that is readily accessible to the public.
- f. Small wind system specifications including manufacturer and model; rotor diameter, tower height, tower type (freestanding or guyed).
- g. Documentation to establish that the tower has sufficient structural integrity for the proposed use at the proposed location.

5. Compliance with FAA regulations:

- a. Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports in the Airport Hazard Overlay District.
- b. No small wind energy system shall be installed until evidence has been given to the governing body of the City of McCook has been informed of the applicant's intent to install a SWECS if it is located within the designated hazard district.
- c. SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA).

6. Utility notification:

- a. No small wind energy system shall be installed until evidence has been given that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- b. Off-grid systems shall be exempt from this requirement.

7. Decommissioning:

- a. Small wind energy systems shall be considered discontinued or decommissioned after one (1) year without energy production. All small WECS and accessory facilities, including the base and footing shall be completely removed within one hundred eighty (180) days of the discontinuation of use.

B. Setbacks:

1. No part of the wind system structure, including guy-wire anchors, may extend closer than ten (10) feet to the property lines of the installation site; tower must meet required underlying setbacks.
2. All towers for SWECS shall adhere to the setbacks established below to minimize the impacts of noise, ice fling and blade throw:

Required Setbacks for SWECS Towers:

- a. Property Lines 1.5 times the total height.
- b. Road Rights-of-way* 1.5 times the total height.
- c. Other Rights-of-Way 1.5 times the total height.

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

C. Special Exception and structures:

After the provisions of [Article 33](#), Div. 2 of this ordinance relating to special exceptions have been met the following conditions may be allowed as special exception:

1. Towers in excess of thirty-five (35) feet in height in residential zoned and non-residentially zoned districts with lots between twenty thousand (20,000) square feet and one (1) acre provided all required setbacks and other requirements can be met.
2. Towers in excess of fifty-five (55) feet in height in non-residentially zoned areas provided all required setbacks and other requirements can be met.
3. Rooftop and tower systems supported in part or wholly by a residential, commercial or accessory building shall be of vertical axis wind turbine design only. All buildings must be evaluated for the stress and loads developed by a VAWT and certified by a Nebraska State licensed engineer and filed with the building permit application.

Section 2305. Commercial Wind Energy Conversion System -- (CWECS).

A. Permitted use:

All commercial wind energy systems shall be a special exception within the A-1 District. The following requirements and information shall be met and supplied:

1. Name(s) of project applicant.

2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout shall include the following:
 - a. The location of property lines, wind turbines, feeder lines, and all related accessory structures. It shall also include distances, elevations, acreage, contours with appropriate intervals for site evaluation and be drawn to scale;
 - b. Location and dimensions of all existing structures and uses on property within three hundred (300) feet of the system;
 - c. Height of any structures over thirty-five (35) feet within a five hundred (500) foot radius on site or offsite of the proposed CWECS;
 - d. Location of any overhead utility lines on the property;
 - e. Access roads;
 - f. Provide a copy of the Easement Deed from the Red Willow County Register of Deeds Office for each property involved in the CWECS;
 - g. Provide a map illustrating all transmission lines connecting to the Substation.
6. Certification by a registered engineer that:
 - a. There is a substantial need for the proposed use or CWECS, one hundred (100) kW or greater;
 - b. All applicable local, state, and federal building, structural and electrical codes have been followed;
 - c. The site is feasible for a CWECS; the CWECS can be successfully operated in the climate conditions found in Red Willow County;
 - d. The rotor and over speed control have been designed for the proposed use on the proposed site;
 - e. The design and safety of the proposed tower to withstand winds of one hundred fifteen (115) miles per hour;
 - f. If the wind turbine were to fall, no building or structure, existing or potential, would be damaged.
7. Documentation of land ownership or legal control of the property.

8. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks where actual WECS will be considered.
9. A USGS topographical map; or map with similar data, of the property and surrounding area, including any other wind energy conversion system, within two (2) miles of the proposed wind energy conversion system not owned by the applicant.
10. Location of migratory waterfowl flyways, wetlands, wildlife preserve, scenic, and natural areas within two thousand six hundred forty (2,640) feet of the proposed wind energy conversion system.
11. An acoustical analysis that certifies that the noise requirements within this regulation can be met.
12. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan.
13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agencies and that the governing body of the City of McCook has been notified of the project.
14. Evidence that there will be no interference with any commercial and/or public safety communication towers.
15. Decommissioning Plan as required by Section 2308.

B. Special safety and design standards:

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

1. Clearance of rotor blades or airfoils must maintain a minimum of twelve (12) feet of clearance between their lowest point and the ground.
2. All CWECS shall have a sign or signs posted on the tower, transformer and substation warning of high voltage. Additional signs shall be posted on the tower base or perimeter fencing with emergency contact information.
3. All wind turbines which are a part of a CWECS, shall be installed with a tubular, monopole type tower.
4. Consideration will be given to painted aviation warnings on all towers less than two hundred (200) feet.
5. All wind turbines and towers that are part of a CWECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
6. Lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.

7. Feeder Lines to all communications and connector lines associated with the project distribution system, installed as part of WECS shall be buried. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle.
8. No CWECS shall exceed sixty (60) dBA at the nearest structure or use occupied by humans.
9. Wind energy facilities shall be sited in a manner that minimizes shadow flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.
10. The applicant shall not cause interference with power quality of area utility feeder circuits and shall not introduce noise to the connected electric distribution system. WECS shall not cause interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves or television signals. The applicant shall notify all electric utilities and communication tower operators within five (5) miles of the proposed WECS location upon application for permits.
11. The developer shall present evidence the project meets the environmental permitting requirements of all applicable state and federal agencies if such permits are required.
12. The applicant shall be responsible for soil erosion, sediment control, and storm water runoff. The plan shall address what types of erosion control measures will be used during each phase of the project. It shall identify plans for:
 - a. Grading;
 - b. Construction and drainage of access roads and turbine pads;
 - c. Design features to control dust;
 - d. Design features to maintain downstream water quality;
 - e. Re-vegetation to ensure slope stability;
 - f. Restoring the site after temporary project activities;
 - g. Disposal or storage of excavated materials;
 - h. Protecting exposed soil;
 - i. Stabilizing restored material and removal of silt fences or barriers when the area is stabilized;
 - j. Maintenance of erosion controls throughout the life of the project.

C. Setbacks:

All towers shall adhere to the setbacks established below, to minimize the impacts of noise, ice fling and blade throw:

Required Setbacks for WECS Towers:

- a. Property Lines - 150' from property lines, however, the setback may be less when two (2) adjoining property owners are within the aggregate project.
- b. Road Rights-of-way* - One-half the rotor diameter.
- c. Neighboring dwelling units - 1,000 feet.
- d. Other structures and cemeteries adjacent to the applicant's sites - One-half the rotor diameter.

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

Section 2306. Construction and Operations.

- A. All public roads to be used for the purpose of transporting CWECS, substation parts, cement or equipment for construction, operation, or maintenance of the CWECS shall be identified and applicable weight and size permits from the impacted road authority(ies) shall be obtained prior to construction.

A pre-construction survey must be conducted with the appropriate jurisdictions to determine existing road conditions. Those included are Applicant(s); Land Owner(s); CWECS Owner(s); Township Representative(s), Nebraska Department of Transportation (NDOT) and/or Zoning Administrator. The survey shall include photographs and a written agreement to document the conditions of the public roads and facilities. All expenses of the survey shall be the Applicant's responsibility.

- B. The CWECS owner shall be responsible for immediate repair of damage to public roads and drainage systems stemming from construction, operation, or maintenance of the CWECS.
- C. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.

Section 2307. Safety Measures.

- A. Each CWECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
- B. The governing body of the City of McCook upon recommendation from the Planning Commission shall determine the height, color, and type of fencing, if needed, for the CWECS installation. CWECS shall include no sign or advertising of any kind, except for one (1) sign not to exceed two (2) square feet posted at the base of the tower, electrical equipment, entrances. The sign shall contain the following information:
 - 1. Warning - high voltage
 - 2. Manufacture's name
 - 3. Operator's name
 - 4. Emergency phone number
 - 5. Emergency shutdown procedures

- C. Each CWECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electric Code.
- D. Any CWECS facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within fifteen (15) feet of the ground. Where the tower is capable of being climbed, a locked, protective fence at least six (6) feet high shall enclose the tower.
- E. The CWECS operator shall maintain a current insurance policy which will cover liability, installation, operation, and any possible damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility. amount of said policy shall be established as a condition of approval. The CWECS shall warranted against any system failures reasonably expected in severe weather operation conditions.

Section 2308. Discontinuation and Decommissioning.

- A. CWECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City of McCook Zoning Administrator outlining the steps and schedule for returning the CWECS to service. All CWECS and facilities shall be removed four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. This period may be extended by the Zoning Administrator following a written request by an agent of the owner of the CWECS.
- B. Each CWECS shall have a decommissioning plan outlining the anticipated means and costs of removing CWECS at the end of the serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning.
- C. At the end of the aggregated project's useful life, the entire site shall be restored in accordance with the requirements of this condition within eighteen (18) months.

1. Additions, alterations, and improvements. There shall be no addition to the existing building without planning commission review and approval. Any other alterations or improvements to the structure shall comply with all applicable regulations of the residential zoning district in which it is located, and with the adopted city building codes.
2. Retail sales. There shall be no retail sales to the general public as a principal use on the premises.
3. Manufacturing. There shall be no manufacturing allowed on the premises.

F. *Traffic Management.*

1. Traffic control. Ingress, egress, and traffic circulation on the site shall be designed to minimize the impacts on neighboring residential properties. Designated off-street parking may be required. Proposals for receipt of deliveries by truck shall be evaluated to determine the safety of the truck parking and unloading area, its compatibility with adjacent residential uses and the impact of its location on the free flow of traffic on the public street.
2. Off-street parking. See Section 2203 of these regulations for off-street parking space requirements.
3. Reduced number of spaces. In the event that the required parking cannot be met on the site of the church, school, hospital or multi-family structure, the planning commission may approve on-street or other public parking to meet part of the total required spaces or may approve off site parking within a reasonable distance of the site, subject to submission of evidence of a long-term lease agreement with the landowner.

Article 22.

DIVISION 2. SOLAR ENERGY PROVISIONS

Section 2128. Applicability.

No solar panel, neighborhood solar or solar farm shall be installed or constructed within the zoning jurisdiction of the City of McCook unless a special exception, if applicable, and a building permit have been issued. All solar units shall be constructed in conformance with the building, and fire codes adopted by the City of McCook. For those devices that include plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in these regulations.

Section 2129. Definitions.

Accessory solar energy systems. Include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

Concentrated solar power. A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: parabolic trough, solar power tower, enclosed trough, fresnel reflectors and dish stirling.

Development. Any plat, subdivision, or planned unit development created under the City of McCook subdivision and zoning regulations.

Electric utility. The public electric utility providing retail service to a given area.

Net excess generation. On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period;

Net metering. Net metering means a system of metering electricity in which a local distribution utility:

1. Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and
2. Compensates the customer-generator for net excess generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period.

Solar access. The ability to receive sunlight across real property for any solar energy device.

Solar access easement. A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

Solar conversion system (SCS). An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

Solar conversion system, commercial. A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

Solar conversion system, ground-mounted. Any SCS which is directly supported and attached to the ground.



Example of a Solar Conversion System, Ground-Mounted

Solar conversion system, individual. An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

Solar conversion system, neighborhood. A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

Solar conversion system, structure-mounted. Any SCS which is directly connected to and supported by a building.



Example of a Solar Conversion System, Structure-Mounted

Solar skyspace. The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

1. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to

all positions of the sun between 9:00 a.m. and 3:00 p.m. local apparent time from September 22 through March 22 of each year.

2. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between 8:00 a.m. and 4:00 p.m. local apparent time from March 23 through September 21 of each year.

Solar oriented subdivision. A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

Section 2130. General Provisions Applying to ISCS, NSCS, and/or CSCS.

The following provisions shall apply, typically, to two (2) or more of the different solar conversion systems in this section:

1. For commercial and neighborhood SCS: Applicant shall provide evidence that the project meets commonly-accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
2. For all SCS's: Applicant shall comply with specific requirements of the McCook Fire Department or the Rural Fire Department.
3. Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner, free of weeds and in conformance with International Property Maintenance Code as adopted by the City of McCook based upon the ground cover decided.
4. Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upon by the City of McCook, the electric utility, and the owner/developer.
5. Repowering: If any SCS is no longer operating for purposes of repowering, replacement, or maintenance, decommissioning provisions will not apply for up to six (6) months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six (6) months will be considered abandoned and decommissioning provisions will apply.
6. Repowering does not require a new special use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
7. Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
8. All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
9. SCS may be installed in the floodway fringe given that all components are installed a minimum of one (1) foot above base flood elevation and subject to written authorization

of the Floodplain Administrator.

10. No SCS shall be constructed in the identified floodway.
11. Concentrated solar power (CSP) systems are prohibited within the City of McCook and the extraterritorial jurisdiction (ETJ) boundary.
12. Solar hot water heating systems are exempt from these provisions.
13. Financial assurances shall be in place as part of the decommissioning plan.
14. The following spatial parameters act to guide solar developments in regard to size (megawatts) and land required (acres):

Megawatts	Acres
1 MW	5-10
2 MW	10-20
20 MW	100-200
100 MW	500-1,000
200 MW	1,000-2,000

Section 2131. Individual Solar Conversion Systems.

- A. *General requirements for ISCS:* ISCS's shall conform to the required front, side and rear lot setback requirements except as provided herein:
 1. An SCS which is attached to an integral part of the principal building shall meet the building and fire codes adopted by the City of McCook and accessibility.
 2. A ground-mounted ISCS may be located only in the required rear yard provided it does not exceed eight (8) feet in height, maintains a forty (40) foot setback to all lot lines, and adheres to a three hundred (300) foot setback from an existing dwelling.
 3. No ground-mounted ISCS shall be located in the required side yard or front yard.
 4. All ground-mounted ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted ISCS is in place and operational.
 5. The applicant for any ISCS shall provide evidence that they have a working net metering agreement with the electric utility.
- B. *Structural requirements:* The physical structure and connections to existing structures shall conform to the building and fire codes adopted by the City of McCook.
- C. *Plot plan:* The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- D. *Preexisting solar panels:* Notwithstanding noncompliance with the requirements of this

section, a solar panel erected prior to the adoption of these regulations, pursuant to a building permit issued by the City of McCook, may continue to be utilized so long as it is maintained in operational condition.

E. *Decommissioning:*

1. Whenever an ISCS ceases operation on a property, it shall be required to report this to the City of McCook Zoning Administrator and the electric utility.
2. Whenever, a ground-mounted ISCS is no longer operating, the property owner shall have six (6) months to completely remove the structure and wiring. The location of the ISCS shall be returned to a usable state based upon the surrounding property.

Section 2132. Neighborhood Solar Conversion Systems.

A. *General requirements for NSCS:* NSCS's shall meet the following requirements:

1. An NSCS shall be set on its own lot within the neighborhood/development;
2. The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development;
3. No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a net metering agreement;
4. The developer shall provide the City of McCook with all solar easements established; however, the City of McCook shall not be responsible for enforcing said easements;
5. All solar easements shall be enforced by an established Home Owners Association for the development/neighborhood;
6. A ground-mounted NSCS shall be protected from unauthorized access with fencing and/or bollards, unless the Planning Commission and City Council deem, as part of the conditions, it is not necessary;
7. All connections to the uses within the neighborhood shall be made underground;
8. An access agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of an emergency;
9. A net metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity; and
10. All ground-mounted NSCS's shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted NSCS is in place and operational.

B. *Structural requirements:* The physical structure and connections to existing structures shall conform to the building and fire codes adopted by the City of McCook.

C. *Solar oriented subdivision/plot plan:*

1. Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed. Specific developments/ neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.
2. The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
3. The developer shall install all underground wiring as prescribed by the electric utility.
4. All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.
5. The developer shall provide the City of McCook with as-builts of the wiring locations within the subdivision.

D. *Decommissioning:*

1. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of McCook may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

Section 2133. Commercial Solar Conversion Systems.

A. *Applicability:* The purpose of this subsection is to provide standards for fixed panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, the City of McCook finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in urbanized, nonurbanized, or low-density areas with other uses.

B. *Site development standards:*

1. Lot coverage for accessory structures: No more than one (1%) percent of the gross site area shall be occupied by enclosed buildings and structures.
2. Setbacks: A forty (40) foot setback shall be in place for all property lines and three (300)

foot setback measured from existing dwellings.

3. Height: The average height of ground mounted solar panel arrays shall not exceed eight (8) feet.
4. Landscaping buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
5. Stormwater management: Fixed panel solar arrays shall be considered pervious and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious surfaces, parking areas and buildings on the site.
6. A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required.
7. Signage shall conform to the City of McCook Sign Regulations.
8. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
9. Fencing: Due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing a minimum of six (6) feet and a maximum of eight (8) feet in height provided the fencing material is predominantly open.
10. All State and Federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

C. Districts:

1. Structure-Mounted Solar Conversion System.
 - (a) Permitted in all zoning districts.
2. Ground-Mounted Solar Conversion System.
 - (a) Permitted in the A-1, A-2, I-1 and I-2 districts.
3. Solar Conversion System, Neighborhood.
 - (a) Permitted in the A-1 and A-2 districts.
 - (b) Special Exception approved in the I-1, I-2, R-1, R-2, R-3, R-4, C-1, C-2, C-3 and C-4 districts.
4. Solar Conversion System, Commercial.

(a) Special Exception approved in the A-1, A-2, I-1 and I-2 districts.

(b) Not allowed in any Residential and/or Commercial districts.

D. *Submittal requirements:* All plans shall contain the following:

1. These requirements shall apply to both the special exception and building permit;
2. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines;
3. The plot plan shall include any roads, electric lines and/or overhead utility lines;
4. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant power district;
5. A copy of the interconnection agreement with the local electric utility;
6. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant;
7. Structural engineering analysis for a solar panel, array and its foundation, as applicable;
8. Manufacturer's recommended installations, if any; and
9. Documentation of land ownership and/or legal authority to construct on the property;
10. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of McCook reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

E. *Compliance with other regulations:*

1. Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State of Nebraska's electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines; and
2. This subsection does not waive any requirements of any state or Federal codes, electrical codes or other technical codes as applicable.

F. *Discontinuation:* A CSCS shall be considered abandoned after one (1) year without energy production. The solar equipment owner shall remove all SCS equipment and appurtenances within ninety (90) days of abandonment.