

ARTICLE 12: A-1 AGRICULTURAL - PRIMARY DISTRICT

The A-1 Agricultural District regulations are intended to provide for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses; to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization; to provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable; to provide for the location and govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses which are named as permitted or conditional uses in this district and are appropriate to other property in the area. The nature of the A-1 District and the uses allowed outright or by conditional use precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 District regulations afford such services, amenities and protection to residential; uses located therein.

Section 1. Permitted Principal Uses.

The following principal uses are permitted in the Agriculture A-1 District.

- 1.1 Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
 - A. All use of farm chemicals, including application of pesticides and herbicides, shall be governed by State Agencies and applicants using restricted-use pesticides shall be required to be certified as required by law.
 - B. Agricultural operations having up to three hundred (300) animal units are considered a farm and are permitted by right provided other requirements in this district are met and submission of a no-fee livestock, registration permit to the Zoning Administrator.
 - C. Mobile homes are permitted only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one (1) year permit which must be renewed annually and which shall be subject to the conditions of the permit.
- 1.3 Utility substation, pumping station, water reservoir and telephone exchange.
- 1.4 Fire Station.
- 1.5 Public parks and recreation areas, playgrounds, community centers, forest and conservation areas, private non-commercial recreation areas including country clubs, swimming pool and golf courses but not including commercial miniature golf, golf driving ranges, motorized cart tracks.
- 1.6 Private kennels and facilities, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
- 1.7 Roadside stands offering agricultural products for sale on the premises.
- 1.8 Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept are no closer than 100 feet from the property line.
- 1.9 Stockpiling of animal waste manure shall be maintained in an area at least thirteen hundred and twenty (1,320) feet or one-quarter mile from any neighboring residence. Stockpiling of animal manure shall be maintained in a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

Section 2. Conditional Uses.

- 2.1 Bed and breakfast residence subject to the following conditions in addition to those imposed by the Planning Commission:
- A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
 - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
 - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- 2.2 Privately owned parks, playgrounds, golf courses, dude ranches, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges. All uses requiring buildings or structures shall conform to the floodplain regulations.
- 2.3 **Single-family dwellings on less than one hundred sixty (160) acres, provided the following minimum conditions are met:**
- A. **Minimum acres equal five (5) acres**
 - B. The maximum dwelling density, both existing and new dwellings, is no more than two (2) dwelling units per ¼ Section. The lot split shall designate from which ¼ Section the lot is being removed.
 - C. **Any residential type dwellings, provided the intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a Conditional Use Permit. Such tracts which include those that have a lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Conditional Use Permit shall include the cost of improving the road by the applicant in accordance with the Nebraska Department of Roads, as a condition of the permit.**
 - D. All drives shall be arranged to provide adequate sight lines per State of Nebraska Department of Roads standards and approved by the County Highway Superintendent.
 - E. All lots shall meet standards for well and septic systems as established by the Nebraska Departments of Health and Human Services and Environmental Quality.
- 2.4 Privately owned cabins and seasonal dwellings subject to the flood plain regulations and subdivision regulations.
- 2.5 Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary District Regulations. **2019 UPDATE**

- 2.6 Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
- 2.7 Radio and television towers and transmitters.
- 2.8 Airports.
- 2.9 Cemetery.
- 2.10 Community sewage disposal facilities.
- 2.11 Church, seminary and convent.
- 2.12 Public and parochial school; college.
- 2.13 Hospital, sanitarium, nursing home, and retirement home.
- 2.14 Sanitary landfill siting or expansion conducted in a manner and method approved by the County Board of Commissioners, provided said landfill is not closer than one thousand (1,000) feet to a municipal well and/or one mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution.
- 2.15 Lawn and Garden Nurseries.
- 2.16 Seed and feed sales, machine repair shop, livestock equipment construction and sales, as a primary occupation in conjunction with an agricultural operation and be operated on the premises.
- 2.17 Commercial Kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
- 2.18 The spreading, stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
- 2.19 The application of livestock manure through a center pivot or similar device shall require a conditional use permit.
- 2.20 The application of livestock manure in Boone County by operations located outside the County shall require a conditional use permit.
- 2.21 Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Boone County Comprehensive Plan.

The following minimum sanitation and odor practices, and those imposed by the Planning Commission and/or County Board of Commissioners in considering the health, safety, and general welfare of the public, including such items as property values, dust, lighting, disposal of waste and dead livestock. The Conditional Use Permit, if approved, shall be approved after public notice has been given and public hearing conducted as required by law and contingent upon the approval of a Livestock Waste Control Permit if required under Title 130 under the Nebraska Department of Environmental Quality (DEQ).

- A. Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include 301-1,000 animal units; 1,001-2,500 animal units; 2,501-5,000 animal units; 5,001-7,500 animal units; 7,501-10,000 animal units; and 10,001+ animal units. LFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

NOTE: Agricultural Operations of 300 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit, see Section 1.1,B hereof.

All existing LFOs that have been granted a conditional use permit may expand within their designated level, as outlined below and in Table 1, without applying for another conditional use permit. All new LFOs and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:

- (1) LFO having 301 to 1,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 2,640 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 1,320 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (2) LFO having 1,001 to 2,500 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 5,280 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 2,640 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (3) LFO having 2,501 to 5,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 7,920 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 3,960 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (4) LFO having 5,001 to 7,500 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 10,560 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 5,280 feet from any non-farm residence or other residence not on the owners' property or other LFO.
- (5) LFO having 7,501 to 10,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 11,880 feet from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 6,600 feet from any non-farm residence or other residence not on the owners' property or other LFO.

- (6) LFO having more than 10,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 11,880 feet plus 0.5 feet per A.U. over 10,000 A.U. from any non-farm residence or other residence not on the owners' property or other LFO.
 - (b) Open lot operations shall locate at least 6,600 plus 0.25 feet per A.U. over 10,000 A.U. from any non-farm residence or other residence not on the owners' property or other LFO.
 - (7) The distance requirements for levels (1) through (6) may be decreased or waived by a conditional use permit and waiver signed by all of the property owners of non-farm residences or other residence not on the owner's property within the distances specified, as well as any other conditions deemed necessary and proper at the time of approval. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Boone County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described hereof.
 - (8) LFOs having up to 1,000 animal units shall locate at least 2,640 feet from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, A-3 District, PU District, R-1 District and/or R-M District. LFOs having more than a 1,000 animal units shall locate at a distance as specified by ECH or Open Lots in Section 2.21, A (2-4) from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, A-3 District, PU District, R-1 District and/or R-M District.
 - (9) The separation distances required ECH and Open Lots, within the Valentine Soil Association, Elsmere-Wann-Loup Association, Thurman-Hord-Loretto Association, shall be maintained regardless of LFO size. The required separation distances of the larger LFO shall be the determining distance between the facilities. This requirement shall not fall under the waiver process.
- B. Conditional Use Permits recommended by the Planning Commission and approved County Board of Commissioners shall be based upon a proposed site plan and conditions or requirements pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (DEQ) or any other applicable State Agency. The applicant shall file a copy of his/her Operation and Maintenance Plan and Manure Management Plan as filed with the DEQ with the Zoning Administrator, and shall also file a copy of all approved DEQ plans and permits with the Zoning Administrator within thirty (30) days after they are issued by the DEQ.
- C. An annual manure management plan shall be submitted to the Zoning Administrator which shall follow the "best possible management practices" in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
- D. If stockpiling of animal waste is part of the manure management plan, the waste shall be maintained in an area at least ¼ mile from a platted residential area and at the respective distance from a neighbors' dwelling as outlined in Section 2.21, A(1-5) of this Article.
- E. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

- F. In no event shall any manure storage unit or system be constructed in a Flood Plain (as delineated on the Federal Emergency Management Agency's Flood Plain map as adopted by Boone County) or where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in a designated Floodway and flooded areas of standing water shall be prohibited.

TABLE 1: LFO SPACING AND DISTANCE (**Distances given in miles**)

The separation distance between LFOs shall be the distance of the larger facility within the Valentine Soil Association, Elsmere-Wann-Loup Association, Thurman-Hord-Loretto Association. In addition, the overlapping of separation circles within the Valentine Soil Association, Elsmere-Wann-Loup Association, Thurman-Hord-Loretto Association shall not be allowed.

Size of Proposed LFO in Animal Units.		Non-farm, Other Residence, or other LFO - miles (feet)
301-1,000	ECH	$\frac{1}{2}$ (2,640)
	OPEN	$\frac{1}{4}$ (1,320)
1,001-2,500	ECH	1 (5,280)
	OPEN	$\frac{1}{2}$ (2,640)
2,501-5,000	ECH	1 $\frac{1}{2}$ (7,920)
	OPEN	$\frac{3}{4}$ (3,960)
5,001 – 7,500	ECH	2 (10,560)
	OPEN	1 (5,280)
7,501 – 10,000	ECH	2 $\frac{1}{4}$ (11,880)
	OPEN	1 $\frac{1}{4}$ (6,600)
10,000+	ECH	2 $\frac{1}{4}$ (11,880) + 0.5 feet per A.U. over 10,000
	OPEN	1 $\frac{1}{4}$ (6,600) + 0.25 feet per A.U. over 10,000

ECH = Environmentally Controlled Housing Operations

OPEN = Open Lot Operations

Section 3. Accessory Uses.

The following accessory buildings and uses are permitted in the A-1 District.

- 3.1 Buildings and uses customarily incidental to the permitted and conditional uses.
- 3.2 Home occupation.
- 3.3 Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Section 4. Lot Requirements and Intensity of Use.

The minimum lot requirements shall be as follows:

- 4.1 Minimum Lot Area and density:
 - A. **A Five (5) sequential acre minimum for any parcel split which shall require a Conditional Use Permit including the right-of-way with the plat or lot split certificate and survey designating from which quarter (1/4) Section tract the parcel is being removed. 2019 UPDATE**

- A. Agricultural Operations having 300 A.U. or less that exceed density levels as defined in these Regulations shall be classified as an LFO of 301-1,000 A.U. and shall require a Conditional Use Permit as subject to in Section 2.21 of this Article.
 - B. New or expanded Agricultural Operations having 100 to 300 animal units or less shall locate no closer than at the following distances:
 - (1) ECH operations shall locate 1,320 feet from a non-farm residence or other residence not on the owners' property.
 - (2) Open Lot Operations shall locate 1,320 feet from a non-farm residence or other residence not on the owners' property.
- 5.2 New non-Farm residences shall be located no less than at the following distances and those shown in Table 2, Non-farm Residence Spacing and Distance, from an existing agricultural operation having between 50 and 300 animal units and an LFO based upon the type of operation.
- A. New non-farm residences shall locate at least 5,280 feet from an ECH operation having between 100 and 300 animal units, at least 5,280 feet from an ECH operation having 301-1000 animal units, at least 7,920 feet from an ECH operation having 1001-5000 animal units, at least 13,200 feet from an ECH operation having 5001-10,000 animal units, and at least 15,840 feet from an ECH operation having more than 10,000 animal units.
 - B. New non-farm residences shall locate at least 5,280 feet from an Open Lot Operation having between 100 and 300 animal units, at least 5,280 feet from an Open Lot Operation having 301-1000 animal units, at least 6,600 feet from an Open Lot Operation having 1001-5000 animal units, at least 9,240 feet from an Open Lot Operation having 5001-10,000 animal units, and at least 11,880 feet from an Open Lot Operation having more than 10,000 animal units.

TABLE 2 NON-FARM RESIDENCE SPACING AND DISTANCE (Distances given in miles)

	SIZE OF EXISTING AGRICULTURAL OPERATION AND LFO IN A.U.									
	100-300		301-1000		1001-5000		5001-10,000		10,000+	
	ECH	OPEN	ECH	OPEN	ECH	OPEN	ECH	OPEN	ECH	OPEN
New Non-farm Residence	1	1	1	1	1 ½	1 ¼	2 ½	1 ¾	3	2 ¼

ECH = Environmentally Controlled Housing Operations

OPEN = Open Lot Operations

ARTICLE 13: A-2 AGRICULTURAL - SECONDARY DISTRICT 2019 UPDATE

The intent of the Agricultural - General District shall be to recognize the use of agricultural land for purposes of farming and other agricultural practices and to allow for increased development where conditions prove favorable while protecting water quality and minimizing flood hazards.

Section 1. Permitted Principal Uses.

The following principal uses are permitted in the Agriculture A-2 District.

- 1.1 Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
 - A. All use of farm chemicals, including application of pesticides and herbicides, shall be governed by State Agencies and applicants using restricted-use pesticides shall be required to be certified as required by law.
 - B. Agricultural operations having up to three hundred (300) animal units are considered a farm and are permitted by right provided other requirements in this

- B. Mobile homes shall not be permitted except on agricultural operations of twenty (20) acres or greater.
 - C. Seasonal dwellings - Three (3) acres excluding road R.O.W.
 - D. All other permitted and special uses - No minimum except for setbacks and sanitation requirements, or as designated in a Conditional Use Permit.
- 4.2 Exemptions:
- A. More than one (1) dwelling or mobile home may be permitted on an agricultural operation provided the residence is an accessory use to an agricultural operation and under the same ownership as the existing dwelling(s) or mobile home(s).
 - B. Existing Farmsteads with single-family dwellings at the time of adoption of these Regulations may be located on lots of less than twenty (20) acres by conditional use provided that the lot is a lot of record or, is subdivided from a ¼ Section tract, as defined within these Regulations, the lot is platted in accordance with the Subdivision Regulations, and that the lot complies with all of the following conditions:
 - (1) The lot created shall not be less than three (3) acres in area, excluding road R.O.W.
 - (2) The lot has legal access to an improved street or county road.
 - (3) The lot contains soil suitable for a septic system or sanitation requirements outlined in these regulations.
 - (4) Should the lot be located within two ¼ Sections tracts, the plat or lot split certificate shall designate from which ¼ Section the lot is being removed.
- 4.3 Minimum Lot Widths, Setbacks, Yards, and Height of Buildings.
- A. Minimum lot widths shall be as follows:

Single Family Dwellings	200 feet
Seasonal Family Dwellings	100 feet
Other Permitted Uses.....	200 feet
 - B. Minimum front yards shall be as follows:

Single Family Dwellings	30 feet
Seasonal Family Dwellings	20 feet
Other Permitted Uses.....	30 feet
 - C. Minimum side and rear yards shall be as follows:

Single Family Dwellings	Side/15 feet, Rear/25 feet
Seasonal Family Dwellings	Side/15 feet, Rear/20 feet
Other Permitted Uses.....	Side/15 feet, Rear/25 feet
 - D. Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the existing visual center of the road centerline when such yards are contiguous to a County road or state highway, excluding the site triangles of intersections and except as provided for herein.
 - E. Maximum height for structures intended for human occupancy shall be thirty-five (35) feet; all others are not restricted.

Section 5. Supplementary Regulations.

- 5.1 All new and existing livestock feeding operations and farms with livestock of 300 animal units or less shall require a no-fee livestock registration permit. In addition, all new or expanded Livestock Feeding Operations of over 300 animal units shall require a Conditional Use Permit as subject to in Section 2.21 of this Article.

district are met and submission of a no-fee livestock registration permit to the Zoning Administrator.

- C. Mobile homes are permitted only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one (1) year permit which must be renewed annually and which shall be subject to the conditions of the permit.

1.2 **Any residential type dwellings, provided the intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road, unless by a Conditional Use Permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Conditional Use Permit shall include the cost of improving the road by the applicant in accordance with the Nebraska Department of Roads, as a condition of the permit.**

1.3 Utility substation, pumping station, water reservoir and telephone exchange.

1.4 Fire Station.

1.5 Public parks and recreation areas, playgrounds, community centers, forest and conservation areas, private non-commercial recreation areas including country clubs, swimming pool and golf courses but not including commercial miniature golf, golf driving ranges, motorized cart tracks.

1.6 Private kennels and facilities, provided that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.

1.7 Roadside stands offering agricultural products for sale on the premises.

1.8 Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept are no closer than 100 feet from the property line.

1.9 Stockpiling of animal waste manure shall be maintained in an area at least thirteen hundred and twenty (1,320) feet or one-quarter mile from any neighboring residence. Stockpiling of animal manure shall be maintained in a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

1.10 **Single-family dwellings will have no less than Three (3) sequential acres.**

1.11 **The maximum dwelling density, both existing and new dwellings, is no more than Four (4) dwelling units per One Quarter (1/4) Section. The Plan or Lot Split shall designate from which Quarter (1/4) Section the lot is being removed.**

1.12 **All driveways shall be adjacent to an improved county road or state highway.**

1.13 **All drives shall be arranged to provide adequate sight lines per State of Nebraska Department of Roads Standards and approved by the County Highway Superintendent.**

1.14 **All lots shall meet standards for well and septic systems as established by the Nebraska Department of Health and Human Services and Environmental Quality.**

Section 2. Conditional Uses.

2.1 Bed and breakfast residence subject to the following conditions in addition to those imposed by the Commission:

- A. The bed and breakfast residence shall be within a conforming single-family dwelling.

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- B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
 - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
 - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- 2.2 Privately owned parks, playgrounds, golf courses, dude ranches, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges. All uses requiring buildings or structures shall conform to the floodplain regulations.
- 2.3 Single-family dwellings on less than ten (10) acres, provided the following minimum conditions are met:
- A. Minimum acres equal three (3) acres
 - B. The maximum dwelling density, both existing and new dwellings, is no more than four (4) dwelling units per ¼ Section. The lot shall be in a rectangular shape and the plat or lot split shall designate from which ¼ Section the lot is being removed.
 - C. All driveways shall be adjacent to an improved county/state road or highway.
 - D. All drives shall be arranged to provide adequate sight lines per State of Nebraska Department of Roads standards and approved by the County Highway Superintendent.
 - E. All lots shall meet standards for well and septic systems as established by the Nebraska Departments of Health and Human Services and Environmental Quality.
- 2.4 Privately owned cabins and seasonal dwellings subject to the flood plain regulations and subdivision regulations.
- 2.5 Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary District Regulations.
- 2.6 Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums
- 2.7 Radio and television towers and transmitters.
- 2.8 Airports.
- 2.9 Cemetery.
- 2.10 Community sewage disposal facilities.
- 2.11 Church, seminary and convent.
- 2.12 Public and parochial school; college.
- 2.13 Hospital, sanitarium, nursing home, and retirement home.
- 2.14 Sanitary landfill siting or expansion conducted in a manner and method approved by the Board of County Commissioners, provided said landfill is not closer than one thousand (1,000) feet to a municipal well and/or one mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution.
- 2.15 Lawn and Garden Nurseries.
- 2.16 Seed and feed sales, machine repair shop, livestock equipment construction and sales, as a primary occupation in conjunction with an agricultural operation and be operated on the premises.
- 2.17 Commercial Kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided

that all buildings and facilities be at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.

- 2.18 The spreading, stockpiling or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
- 2.19 The application of livestock manure in Boone County by operations located outside the County shall require a conditional use permit.
- 2.20 The application of livestock manure through a center pivot or similar device shall require a conditional use permit.
- 2.21 Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Boone County Comprehensive Plan.

The following minimum sanitation and odor practices, and those imposed by the Planning Commission and/or County Board of Commissioners in considering the health, safety, and general welfare of the public, including such items as property values, dust, lighting, disposal of waste and dead livestock. The Conditional Use Permit shall be approved after public notice has been given and public hearing conducted as required by law.

- A. Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include 301-1,000 animal units; 1,001-5,000 animal units; 5,001-10,000 animal units; and 10,001+ animal units. LFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

NOTE: Agricultural Operations of 300 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit, see Section 1.1,B hereof.

All existing LFOs that have been granted a conditional use permit may expand within their designated level, as outlined below and in Table 1, Article 12, without applying for another conditional use permit. All new LFOs and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:

- (1) LFO having 301 to 1,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 2,640 feet from any non-farm residence or other residence not on the owners' property.
 - (b) Open lot operations shall locate at least 1,320 feet from any non-farm residence or other residence not on the owners' property.
- (2) LFO having 1,001 to 5,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 5,280 feet from any non-farm residence or other residence not on the owners' property.
 - (b) Open lot operations shall locate at least 2,640 feet from any non-farm residence or other residence not on the owners' property.

- (3) LFO having 5,001 to 10,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 10,560 feet from any non-farm residence or other residence not on the owners' property.
 - (b) Open lot operations shall locate at least 5,280 feet from any non-farm residence or other residence not on the owners' property.
 - (4) LFO having more than 10,000 animal units shall locate the following distances:
 - (a) ECH operations shall locate at least 13,200 feet from any non-farm residence or other residence not on the owners' property.
 - (b) Open lot operations shall locate at least 7,920 feet from any non-farm residence or other residence not on the owners' property.
 - (5) The distance requirements for levels (1) through (4) may be decreased or waived by a conditional use permit and waiver signed by all of the property owners of non-farm residences or other residence not on the owner's property within the distances specified, as well as any other conditions deemed necessary and proper at the time of approval. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Boone County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described hereof.
 - (6) LFOs having up to 1,000 animal units shall locate at least 2,640 feet from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, A-3 District, PU District, R-1 District and/or R-M District. LFOs having more than a 1,000 animal units shall locate at a distance as specified by ECH or Open Lots in Section 2.21, A (2-4) from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, A-3 District, PU District, R-1 District and/or R-M District.
- B. Conditional Use Permits recommended by the Planning Commission and approved by the County Board of Commissioners shall be based upon a proposed site plan and conditions or requirements pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (DEQ) or any other applicable State Agency. The applicant shall file a copy of his/her Operation and Maintenance Plan and Manure Management Plan as filed with the DEQ with the Zoning Administrator, and shall also file a copy of all approved DEQ plans and permits with the Zoning Administrator within thirty (30) days after they are issued by the DEQ.
 - C. An annual manure management plan shall be submitted to the Zoning Administrator which shall follow the "best possible management practice" in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
 - D. If stockpiling of animal waste is part of the manure management plan, the waste shall be maintained in an area at least $\frac{1}{4}$ mile from a platted residential area and at the respective distance from a neighbors' dwelling as outlined in Section 2.21, A(1-5) of this Article.
 - E. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
 - F. In no event shall any manure storage unit or system be constructed in a Flood Plain (as delineated on the Federal Emergency Management Agency's Flood Plain map as adopted by Boone County) or where the bottom of the unit or system is either in contact with or

below the existing water table where the unit or system is to be constructed. Application of manure in a designated Floodway and flooded areas of standing water shall be prohibited.

Section 3. Accessory Uses.

The following accessory buildings and uses are permitted in the A-2 District.

- 3.1 Buildings and uses customarily incidental to the permitted and conditional uses.
- 3.2 Home occupation.
- 3.3 Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

Section 4. Lot Requirements and Intensity of Use.

2019 UPDATE

The height and minimum lot requirements shall be as follows:

4.1 Minimum Lot Area:

- A. Single family dwellings – **Three (3) sequential acres including road right-of-way and at a density of no more the Four (4) existing or new acreage or farmsteads per One-Quarter (1/4) Section, except as herein exempted or on non-conforming lots of record**
 - o **Should the lot be located within Two (2) One-Quarter (1/4) Sections, the Plat or Lot Split Certificate shall designate from which One-Quarter (1/4) Section tract the lot is being removed.**
- B. Mobile homes shall not be permitted except on agricultural operations of twenty (20) acres or greater.
- C. **Seasonal dwellings – Three (3) sequential acres including road right-of-way.**
- D. All other permitted and special uses - No minimum except for setbacks and sanitation requirements, or as designated in a Conditional Use Permit.

4.2 Exemptions:

- A. More than one (1) dwelling or mobile home may be permitted on an agricultural operation provided the residence is an accessory use to an agricultural operation and under the same ownership as the existing dwelling(s) or mobile home(s).
- B. **Existing Farmsteads with single-family dwellings at the time of adoption of these regulations may be located on lots of:**
 - (1) **The lot created shall not be less than Three (3) sequential acres including right-of-way.**
 - (2) The lot has legal access to an improved street or county road.
 - (3) The lot contains soil suitable for a septic system or sanitation requirements outlined in these regulations.
 - (4) Should the lot be located within two ¼ Sections tracts, the plat or lot split certificate shall designate from which ¼ Section the lot is being removed.

4.3 Minimum Lot Widths, Set Backs, Yards, and Height of Buildings.

- A. Minimum lot widths shall be as follows:
 - Single Family Dwellings 200 feet
 - Seasonal Family Dwellings..... 100 feet
 - Other Permitted Uses 200 feet
- B. Minimum front yards shall be as follows:
 - Single Family Dwellings 30 feet
 - Seasonal Family Dwellings..... 20 feet

- Other Permitted Uses30 feet
- C. Minimum side and rear yards shall be as follows:
 Single Family Dwellings Side/15 feet, Rear/25 feet
 Seasonal Family Dwellings..... Side/15 feet, Rear/20 feet
 Other Permitted Uses Side/15 feet, Rear/25 feet
- D. Minimum required front, side and rear yard setbacks for all uses or structures shall be no less than sixty-three (63) feet from the existing visual center of the road centerline when such yards are contiguous to a County road or state highway, excluding the site triangles of intersections and except as provided for herein.
- E. Maximum height for structures intended for human occupancy shall be thirty-five (35) feet; all others are not restricted.

Section 5. Supplementary Regulations.

- 5.1 All new and existing livestock feeding operations and farms with livestock of 300 animal units or less shall require a no-fee livestock registration permit. In addition, all new or expanded Livestock Feeding Operations of over 300 animal units shall require a Conditional Use Permit as subject to in Section 2.21 of this Article.
- A. Agricultural Operations having 300 A.U. or less that exceed density levels as defined in these Regulations shall be classified as an LFO of 301-1,000 A.U. and shall require a Conditional Use Permit as subject to in Section 2.21 of this Article.
- B. New or expanded Agricultural Operations having 100 to 300 animal units or less shall locate no closer than at the following distances:
- (1) ECH operations shall locate 1,320 feet from a non-farm residence or other residence not on the owners' property.
 - (2) Open Lot Operations shall locate 1,320 feet from a non-farm residence or other residence not on the owners' property.
- 5.2 New non-Farm residences shall be located no less than at the following distances and those shown in Table 3, Non-farm Residence Spacing and Distance, from an existing an agricultural operation having between 50 and 300 animal units and an LFO based upon the type of operation.
- A. New non-farm residences shall locate at least 3,960 feet from an ECH operation having between 100 and 300 animal units, at least 3,960 feet from an ECH operation having 301-1000 animal units, at least 6,600 feet from an ECH operation having 1001-5000 animal units, at least 11,880 feet from an ECH operation having 5001-10,000 animal units, and at least 14,520 feet from an ECH operation having more than 10,000 animal units.
- B. New non-farm residences shall locate at least 3,960 feet from an Open Lot Operation having between 100 and 300 animal units, at least 3,960 feet from an Open Lot Operation having 301-1000 animal units, at least 5,280 feet from an Open Lot Operation having 1001-5000 animal units, at least 7,920 feet from an Open Lot Operation having 5001-10,000 animal units, and at least 10,560 feet from an Open Lot Operation having more than 10,000 animal units.

TABLE 3: NON-FARM RESIDENCE SPACING AND DISTANCE(Distances given in miles)

	SIZE OF EXISTING AGRICULTURAL OPERATION AND LFO IN A.U.									
	100-300		301-1000		1001-5000		5001-10,000		10,000+	
	ECH	OPEN	ECH	OPEN	ECH	OPEN	ECH	OPEN	ECH	OPEN
New Non-farm Residence	3/4	3/4	¾	3/4	1 1/4	1	2 1/4	1 1/2	2 3/4	2

ECH = Environmentally Controlled Housing Operations

OPEN = Open Lot Operations