

## ARTICLE 5

### ZONING DISTRICTS

#### 5.1 AG-1 AGRICULTURE DISTRICT

5.11 INTENT: This District is designated for general agriculture use and is intended to preserve and protect agriculture production from encroachment by incompatible uses.

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

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/ operations as defined in Section 3.50.
2. Bulk grain and produce storage, excluding commercial warehouses; and
3. Irrigation, flood, erosion and sediment control projects.

5.13 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 8; and
3. Roadside stands for the temporary sale of produce.

5.14 PERMITTED CONDITIONAL USES AND STRUCTURES: The following shall be permitted upon a determination of compliance with the conditions stated below and approved as such by the Gage County Zoning Administrator:

1. Expansion of existing or development of new livestock confinement facilities/operations of a capacity of 300 to 749 Animal Units. Proposed facilities/operations, as defined in Section 3.50, shall be in accordance with Section 6.4;
2. Non-farm single family, ranch and farm dwellings and two (2) additional farm/ranch single dwelling units for the purpose of housing relatives or permanent agriculture workers.
  - A. Any dwelling placed within the minimum distance requirement of a livestock confinement facility shall be by special permit.

- B. Minimum lot size of single family dwellings shall be three (3) acres. Only four (4) single family dwellings are permitted for each legal quarter-section. A legal quarter-section shall constitute 160 acres. For any application involving a non-standard quarter-section, the Zoning Administrator shall take into consideration the actual acreage of the quarter-section in question
- C. All single family dwellings other than seasonal use dwellings, shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

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

- 1. Airports and heliports including crop dusting strips;
- 2. Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills; gravel plants and asphalt or concrete batch plants;
- 3. Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair;
- 4. Broadcast towers and stations and wind generation systems, including Amateur Radio or land mobile communication towers when in conformance with the following:
  - A. Towers, including wind generation towers, shall be located a minimum distance of twice the height of the tower from adjacent dwellings or structures other than those associated with the tower facility.
  - B. Towers shall be minimum distance from any street, county road or federal highway of equal to or greater than the height of the tower measured from the right-of-way line.
  - C. Towers shall have direct frontage on, or direct access to, an improved street, county or township road (not including dirt or minimum maintenance roads).
  - D. Towers must comply with the regulations of the Federal Aviation Administration (FAA).
- 5. Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems;

6. Churches, place of worship and cemeteries;
7. Public and private recreational uses, including parks and playgrounds, golf courses, campgrounds and riding stables;
8. Auction/sale barns and yards;
9. Greenhouses and garden centers;
10. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
11. Salvage or junk yards in accordance with Section 6.3;
12. Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries;
13. Pre-school and child care centers;
14. Private elementary and high schools;
15. Expansion of existing or development of new livestock confinement facilities/operations of a capacity equal to, or in excess of seven hundred and fifty (750) animal units and expansion or development within the minimum distance requirements of a cemetery. Proposed facilities/operations, as defined in Section 3.50, shall be in accordance with Section 6.4;
16. Veterinary facilities;
17. Dog breeding establishments and kennels;
18. Manufacturing, Commercial and/or Industrial operations;
19. Hospitals, penal institutions and sanitariums;
20. Nursing and care homes;
21. Public and private, including non-profit, charitable institutions;
22. Recreational motel-lodging;
23. Bed and Breakfast establishments;
24. Disposal of paunch animal waste; and
25. Dwellings within the minimum distance requirement of a livestock confinement facility.

5.16 **PROHIBITED USES AND STRUCTURES:** All other uses and structures which are not specially permitted or nor permissible as special uses shall be prohibited from the AG-1 Agriculture District.

5.17 MINIMUM LOT REQUIREMENTS: All improved area or uses, other than seasonal use residential buildings and general farming, ranching, pasturing, etc, shall have direct frontage on, or private access to, an improved street, county or township road

- A. Any subdivision of land which results in at least one but not more than three lots or parcels which are three (3) to ten (10) acres in size may be approved by the Gage County Administrator, as stated in Section 7.15 of the Gage County Subdivision Regulations. All other requirements of the Gage County Zoning Regulations must be complied with and each application for such a subdivision shall be accompanied by a survey clearly showing the location and dimensions of the lots or parcels to be created. The creation of the lots or parcels shall be recorded with the Register of Deeds.

5.18 MINIMUM YARD REQUIREMENTS

- 1. No structure shall be placed within the high water mark of waterways in designated district, as identified by the Flood Insurance Rate Map (FIRM) dated May 1, 1990 as Special Flood Hazard Areas unless the base or footings to such structure are at least one (1) foot above such high water mark.

2. Yard Requirements:

Front Yard: There shall be a minimum front yard of not less than a depth of seventy-five (75) feet measured from the center line of the county road in conformance with Section 8.7.

Rear Yard: No limitations; unless abutting a R Residential District then the minimum rear yard shall be fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be seventy-five (75) feet.

Side Yard: No limitations; unless abutting a R Residential District then the minimum side yard shall be ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall seventy-five (75) feet.

5.19 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.20 PARKING REQUIREMENTS: See Article 7.

5.21 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Articles 8.7.

## 5.2 AG-2 TRANSITIONAL AGRICULTURAL DISTRICT

5.21 INTENT: This district is intended to provide for higher density agricultural development including provisions for non-farm single family dwellings, rural subdivisions and commercial and industrial uses where appropriate. Generally, these areas are adjacent highway corridors or areas suitable for concentrations of rural subdivision within reasonable proximity of hard surfaced roads.

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

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.50.
2. Bulk grain and produce storage, excluding commercial warehouses; and
3. Irrigation, flood, erosion and sediment control projects.

5.23 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 8; and
3. Roadside stands for the temporary sale of produce.

5.24 PERMITTED CONDITIONAL USES AND STRUCTURES: The following shall be permitted upon a determination of compliance with the conditions stated below and approved as such by the Gage County Zoning Administrator:

1. Expansion of existing or development of new livestock confinement facilities/operations of a capacity of three hundred (300) to five hundred ninety nine (599) Animal Units. Proposed facilities/operations, as defined in Section 3.50, shall be in accordance with Section 6.4;
2. Non-farm single family, ranch and farm dwellings and two (2) additional farm/ranch single dwelling units for the purpose of housing relatives or permanent agriculture workers.
  - A. Any dwelling placed within the minimum distance requirement of a livestock confinement facility shall be by special permit.
  - B. Minimum lot size of single family dwellings shall be three (3) acres. Only five (5) single family dwellings are permitted for each legal quarter-section. A legal quarter-section shall constitute 160 acres. For any application involving a non-standard quarter-section, the Zoning Administrator shall take into consideration the actual acreage of the quarter-section in question.
  - C. All single family dwellings other than seasonal use dwellings, shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

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

1. Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair;
2. Sewage treatment plants for primary and secondary treatment;
3. Broadcast towers and stations and wind generation systems, including Amateur Radio or land mobile communication towers when in conformance with the following:
  - A. Towers, including wind generation towers, shall be located a minimum distance of twice the height of the tower from adjacent dwellings or structures other than those associated with the tower facility.
  - B. Towers shall be minimum distance from any street, county road or federal highway of equal to or greater than the height of the tower measured from the right-of-way line.
  - C. Towers shall have direct frontage on, or direct access to, an improved street, county or township road (not including dirt or minimum maintenance roads).
  - D. Towers must comply with the regulations of the Federal Aviation Administration (FAA).
4. Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems;
5. Churches, places of worship and cemeteries;
6. Public and private recreational uses, including parks and playgrounds, golf courses, campgrounds and riding stables;
7. Greenhouses and garden centers;
8. Pre-school and child care centers;
9. Private elementary and high schools;
10. Expansion of existing or development of new livestock confinement facilities/operations of a capacity equal to, or in excess of six hundred (600) animal units and expansion or development within the minimum distance requirements of a cemetery. Proposed facilities/operations, as defined in

- Section 3.50, shall be in accordance with Section 6.4;
- 11 Veterinary facilities;
  - 12 Manufacturing, Commercial and/or Industrial operations;
  - 13 Nursing and care homes;
  - 14 Public and private, including non-profit, charitable institutions;
  - 15 Recreational motel-lodging;
  - 16 Bed and Breakfast establishments;
  17. Rural subdivisions shall constitute one (1) dwelling per quarter section with individual parcels less than three (3) acres in accordance with the Nebraska Department of Environmental Quality - Title 124 and Department of Health and Human Services Regulations and/or with a shared or “community” drinking water and/or sanitary sewer system, then the minimum lot area of individual parcels may be reduced to one (1) acre; and
  18. Dwellings within the minimum distance requirement of a livestock confinement facility.

5.26 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or nor permissible as special uses shall be prohibited from the AG-2 Transitional Agriculture District.

5.27 MINIMUM LOT REQUIREMENTS: All improved area or uses, other than seasonal use residential buildings and general farming, ranching, pasturing, etc, shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

- A. Any subdivision of land which results in at least one but not more than three lots or parcels which are three (3) to ten (10) acres in size may be approved by the Gage County Zoning Administrator, as stated in Section 7.15 of the Gage County Subdivision Regulations. All other requirements of the Gage County Zoning Regulations must be complied with and each application for such a subdivision shall be accompanied by a survey clearly showing the location and dimensions of the lots or parcels to be created. The creation of the lots or parcels shall be recorded with the Register of Deeds.

5.28 MINIMUM YARD REQUIREMENTS

1. No structure shall be placed within the high water mark of waterways in designated district, as identified by the Flood Insurance Rate Map (FIRM) dated 05/01/1990 as Special Flood Hazard Areas unless the base or footings to such structure are at least one (1) foot above such high water mark.

2. Yard Requirements:

Front Yard: There shall be a minimum front yard of not less than a depth of seventy-five (75) feet measured from the center line of the county road in conformance with Section 8.7.

Rear Yard: No limitations; unless abutting a R Residential District then the minimum rear yard shall be fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be seventy-five (75) feet.

Side Yard: No limitations; unless abutting a R Residential District then the minimum side yard shall be ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be seventy-five (75) feet.

5.29 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.210 PARKING REQUIREMENTS: See Article 7.

5.211 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Articles 8.7.



### **5.3 AG-3 AGRICULTURAL CONSERVATION DISTRICT**

5.31 INTENT: This District is intended for those areas which, because of limiting environmental characteristics such as scenic status, excessive slope, soils conditions, high water table, designated floodplains or other factors, require the regulation of development in keeping with the conditions imposed by the natural environment.

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

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.50.
2. Irrigation, flood, erosion and sediment control projects.

5.33 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.
2. Home occupations in accordance with Article 8; and
3. Roadside stands for temporary sale of produce.

5.34 PERMITTED CONDITIONAL USES AND STRUCTURES: The following shall be permitted upon a determination of compliance with the conditions stated below and approved as such by the Gage County Zoning Administrator:

1. Expansion of existing or development of new livestock confinement facilities/operations of a capacity of three hundred (300) to five hundred ninety-nine (599) Animal Units. Proposed facilities/operations, as defined in Section 3.50, shall be in accordance with Section 6.4;
2. Non-farm single family, ranch and farm dwellings and two (2) additional farm/ranch single dwelling units for the purpose of housing relatives or permanent agriculture workers in conformance with the following conditions:
  - A. Any dwelling placed within the minimum distance requirement of a livestock confinement facility shall be by special permit.
  - B. Minimum lot size of single family dwellings shall be three (3) acres. Only two (2) single family dwellings are permitted for each legal quarter-section. A legal quarter-section shall constitute 160 acres. For any application involving a non-standard quarter-section, the Zoning

Administrator shall take into consideration the actual acreage of the quarter-section in question.

- C. All single family dwellings other than seasonal use dwellings, shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

5.35 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AG-3 Agricultural Conservation District if a special permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Sewage disposal and water systems;
2. Public and private uses including parks, playgrounds, golf courses, recreation uses, riding stables, public utilities, and utility distribution system;
3. Bed and breakfast establishments;
4. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and quarries;
5. Expansion of existing or development of new livestock confinement facilities/operations of a capacity equal to, or in excess of six hundred (600) animal units and expansion or development within the minimum distance requirements of a cemetery. Proposed facilities/operations, as defined in Section 3.50, shall be in accordance with Section 6.4; and
6. Dwellings within the minimum distance requirement of a livestock confinement facility.

5.36 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or not permissible as special uses shall be prohibited from the AG-3 Agricultural Conservation District.

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

5.38 MINIMUM LOT REQUIREMENTS: All improved area or uses, other than seasonal use residential buildings and general farming, ranching, pasturing, etc, shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

- A. Any subdivision of land which results in at least one but not more than three lots or parcels which are three (3) to ten (10) acres in size may be approved by the Gage County Zoning Administrator, as stated in section 7.15 of the Gage County Subdivision Regulations. All other requirements of the Gage County Zoning Regulations must be complied with and each application for such a subdivision shall be accompanied by a survey clearly showing the

location and dimensions of the lots or parcels to be created. The creation of the lots or parcels shall be recorded with the Register of Deeds.

5.39 MINIMUM YARD REQUIREMENTS:

1. No structure shall be placed within the high water mark of waterways in designated district, as identified by the Flood Insurance Rate Map (FIRM) dated 05/01/1990 as Special Flood Hazard Areas unless the base or footings to such structure are at least one (1) foot above such high water mark.

2. Yard requirements are as follows:

Front Yard: There shall be a minimum front yard of not less than a depth of seventy-five (75) feet measured from the center line in conformance with Section 8.7.

Rear Yard: No limitations; unless abutting a R Residential District then the minimum rear yard shall be fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be seventy-five (75) feet.

Side Yard: No limitations; unless abutting a R Residential District then the minimum side yard shall be ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be seventy-five (75) feet.

5.310 MAXIMUM HEIGHT: Thirty-five (35) feet; however, nonresidential uses shall have no height limitations except in conformance with local Airport Zoning Regulations.

5.311 PARKING REQUIREMENTS: See Article 7.

5.312 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Articles 8.7.

## **5.4 AG-4 URBAN RESERVE DISTRICT**

5.41 INTENT: This District is intended to provide for low-density, acreage residential development in selected areas in close proximity to the communities of Gage County, or in rural areas with reasonable access to major rural roads. Generally, these Districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.

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

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations as defined in Section 3.50.
2. Irrigation, flood erosion and sediment control projects;

5.43 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures;
2. Home occupations in conformance with Article 8.2; and
3. Roadside stands for sale of agricultural produce.

5.44 PERMITTED CONDITIONAL USES AND STRUCTURES: The following shall be permitted upon a determination of compliance with the conditions stated below and approved as such by the Gage County Zoning Administrator:

1. Non-farm single family, ranch and farm dwellings and two (2) additional farm/ranch single dwelling units for the purpose of housing relatives or permanent agriculture workers in conformance with the following conditions:
  - A. Any dwelling placed within the minimum distance requirement of a livestock confinement facility shall be by special permit.
  - B. Minimum lot size of single family dwellings shall be three (3) acres.
  - C. All single family dwellings other than seasonal use dwellings, shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

5.45 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AG-4 Urban Reserve District if a special permit for such use has been obtained in accordance with Article 6 of these Regulations:

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
2. Expansion of existing or development of new livestock confinement facilities/operations of a capacity equal to, or in excess of three hundred (300) animal units and expansion or development within the minimum distance requirements of a cemetery. Proposed facilities/operations, as defined in Section 3.50, shall be in accordance with Section 6.4;
3. Churches, places of worship, and cemeteries.
4. Pre-school and child care centers;
5. Public and/or private schools;
6. Radio and television towers and transmitters;
7. Public and private recreational uses, including parks and playgrounds, golf courses, campgrounds and riding stables;
8. Public Uses: Including fire stations, public utilities and utility distribution systems;
9. Wind generating systems;
10. Dog breeding establishments and kennels;
11. Public and private, including non-profit charitable institutions;
12. Greenhouses and nurseries;
13. Animal clinics, animal hospitals and veterinarian services;
14. Mobile home parks;
15. Rural subdivisions shall constitute one (1) dwelling per quarter section with individual parcels less than three (3) acres in accordance with the Nebraska Department of Environmental Quality - Title 124 and Department of Health and Human Services Regulations and/or with a shared or "community" drinking water and/or sanitary sewer system, then the minimum lot area of individual parcels may be reduced to one (1) acre; and
16. Dwelling within the minimum distance requirement of a Livestock Confinement Facility;
17. Wholesale and/or Retail Business;
18. Manufacturing, Commercial and/or Industrial operations.

5.46 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from AG-4 Urban Reserve District.

5.47 MINIMUM LOT REQUIREMENTS: All improved area or uses, other than seasonal use residential buildings and general farming, ranching, pasturing, etc, shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

- A. Any subdivision of land which results in at least one but not more than three lots or parcels which are three (3) to ten (10) acres in size may be approved by the Gage County Zoning Administrator, as stated in Section 7.16 of the Gage County Subdivision Regulations. All other requirements of the Gage County Zoning Regulations must be complied with and each application for such a subdivision shall be accompanied by a survey clearly showing location and dimensions of the lots or parcels to be created. The creation of the lots or parcels shall be recorded with the Register of Deeds.

5.48 MINIMUM YARD REQUIREMENTS:

- 1. No structure shall be placed within the high water mark of waterways in designated district, as identified by the Flood Insurance Rate Map (FIRM) dated 05/01/1990 as Special Flood Hazard Areas unless the base or footings to such structure are at least one (1) foot above such high water mark.

- 2. Yard requirements:

Front Yard: There shall be a minimum front yard of not less than a depth of seventy-five (75) feet measured from the road center line in conformance of Sections 8.7.

Rear Yard: There shall be a minimum rear yard of fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be seventy-five (75) feet.

Side Yard: There shall be a minimum side yard of ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be seventy-five (75) feet.

5.49 MAXIMUM HEIGHT: Thirty-five (35 feet); however, non-residential structures shall have no height limitations except in conformance with the local Airport Zoning Regulations.

5.410 PARKING REGULATIONS: Parking shall be in conformance with the provisions of Article 7 of these regulations.

5.411 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Articles 8.7.

**5.5 R RESIDENTIAL DISTRICT**

5.51 INTENT: This District is intended for use in un-incorporated communities to provide for low density residential uses consisting of single family and two-family detached dwelling units and accessory structures.

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

1. Single family dwellings;
2. Manufactured homes which comply with the provisions of Article 8;
3. Mobile homes;
4. Two-family dwellings;
5. Nursery, primary and secondary education;
6. Public parks, buildings and grounds;
7. Child care homes;
8. Public uses: Including but not limited to public parks, playgrounds, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems; and
9. Places of worship such as churches and synagogues.

5.53 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2; and
2. Accessory uses and structures normally appurtenant to permitted uses and structures.

5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purpose in the R Residential District if a special permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Medical clinics;
2. Mortuaries;
3. Child care center;
4. Museum and art galleries;
5. Nursing homes;
6. Public and private golf courses;
7. Retirement homes;
8. Bed and breakfast homes; and
9. Mobile home parks.

5.55 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R Residential District.

5.56 MINIMUM LOT REQUIREMENTS: All improved area or uses shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

- A. Any subdivision of land which results in at least one but not more than three lots or parcels which are ten (10) acres or less in size may be approved by the Gage County Zoning Administrator, as stated in Section 7.16 of the Gage County Subdivision Regulations. All other requirements of the Gage County Zoning Regulations must be complied with and each application for such a subdivision shall be accompanied by a survey clearly showing the location and dimensions of the lots or parcels to be created. The creation of the lots or parcels shall be recorded with the Register of Deeds.

5.57 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>
Single Family Dwelling	7,000	50'	25'	7'	20'	35'*
Two Family Dwelling	3,750 per family	25' per family	25'	7', 0' of party wall	20'	35'*
Other Permitted Uses	10,000	75'	25'	7'	20'	35'*

\* Unless more regulated by state or federal authorities

- 2. All approved uses utilizing individual sanitary septic systems must adhere to the requirements of the State of Nebraska Department of Environmental quality Title 124 provisions and provide copy of approved permit to the Gage County Zoning Administrator prior to issuance of a zoning/building permit.
- 3. There shall be a required front yard setback of twenty-five (25) feet on each street side of a corner lot;
- 4. Building on corner lots shall provide front yard setbacks of twenty-five (25) feet on both street frontages; and designate remaining yards as one rear and one side yard;
- 5. Building and structures shall not exceed two and one half stories in height; and
- 6. The side yard setback between individual units of two-family dwellings may be reduced to zero, if a one (1) hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

5.58 PARKING REGULATIONS: Parking within the R Residential District shall be in conformance with the provisions of Article 7 of this Regulation.



5.59 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Articles 8.7.

## 5.6 C COMMERCIAL DISTRICT

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

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

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

5.63 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.

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

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

5.65 SCREENING REQUIREMENTS:

1. Where a site adjoins the R Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height may be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.66 PROHIBITED USES: All other uses and structures which are not specifically permitted or permissible as special uses shall be prohibited from the C Commercial District.

5.67 MINIMUM LOT REQUIREMENTS: All improved area or uses shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

- A. Any subdivision of land which results in at least one but not more than three lots or parcels which are ten (10) acres or less in size may be approved by the Gage County Zoning Administrator, as stated in Section 7.16 of the Gage County Subdivision Regulations. All other requirements of the Gage County Zoning Regulations must be complied with and each application for such a subdivision shall be accompanied by a survey clearly showing the locations and dimensions of the lots or parcels to be created. The creation of the lots or parcels shall be recorded with the Register of Deeds.

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

1. General Requirements:

Permitted Uses	<u>Lot Area</u> (Sq. Ft.)	<u>Lot</u> <u>Width</u>	<u>Required Front</u> <u>Yard</u>	<u>Required</u> <u>Side Yard</u>	<u>Required</u> <u>Rear Yard</u>	<u>Height</u>
	7,500	50'	90'*	7', 15'	20'	35'***
				when abutting a residential property		

\* Measured from the center line of the road.

\*\* Unless more regulated by state or federal authorities.

5.69 **PARKING REGULATIONS:** Parking within the C Commercial District shall be in conformance with the provisions of Article 7 of these Regulations.

5.610 **FENCES, WALLS, HEDGES AND SHELTER BELTS:** See Articles 8.7.

## **5.7 I INDUSTRIAL DISTRICT**

5.71 **INTENT:** This District is designed to provide for a wide range of light industrial and related uses.

### **5.72 PERMITTED PRINCIPAL USES AND STRUCTURES:**

1. Animal hospitals;
2. Automobile sales and services;
3. Automotive wash facilities;
4. Bottling works;
5. Building material sales and ready-mix concrete plants;
6. Carpenter, cabinet, plumbing or sheet metal shops;
7. Carpet and rug cleaning and repair services;
8. Disinfecting and exterminating services;
9. Dry cleaning, laundering and dyeing services;
10. Dyeing and finishing of textiles;
11. Educational and scientific research services;
12. Electrical sales and services;
13. Equipment rental and leasing services;
14. Farm machinery and equipment - retail;
15. Farm supplies - retail;
16. Feeds, grains and hay - retail;
17. Food lockers and storage services;
18. Freight forwarding services;
19. Furniture repair and reupholster services;
20. Fur trading services;
21. Garden centers and nurseries;
22. Gas utility maintenance yard;
23. Manufacturing operation;
24. Landscape sales and services;
25. Mobile and modular home sales and manufacturing;
26. Newspaper publishing plants and commercial printing;
27. Photoengraving;
28. Photo finishing services;
29. Public utility and public service uses;

30. Radios, televisions, phonographs, recorders, tape players and other similar devices repair services;
31. Service stations;
32. Stores or shops for the sale of industry goods at retail;
33. Telephone services;
34. Transportation warehousing;
35. Truck wash services;
36. Veterinarian services;
37. Warehousing and storage except for products of a highly explosive, combustible or volatile nature;
38. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature; and
39. Mini-warehouse

5.73 PERMITTED ACCESSORY USES: Accessory uses and structures normally appurtenant to permitted uses and structures.

5.74 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the I Industrial District if a special permit for such use has been obtained in accordance with Article 6 of this Regulation.

1. Salvage or junk yard in accordance with Section 6.3;
2. Recycling center;
3. Mineral extraction, which shall include the following:  
oil wells, sand and gravel extraction and strip mine operations and quarries; and
4. Airport.

5.75 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the I Industrial District.

5.76 MINIMUM LOT REQUIREMENTS: All improved area or uses shall have direct frontage on, or private access to, an improved street, county or township road (not including dirt or minimum maintenance roads).

- A. Any subdivision of land which results in at least one but not more than three lots or parcels which are ten (10) acres or less in size may be approved by the Gage County Zoning Administrator, as stated in Section 7.16 of the Gage County Subdivision Regulations. All other requirements of the Gage County Zoning Regulations must be complied with and each application for such a subdivision shall be accompanied by a survey clearly showing the location and dimensions of the lots or parcels to be created. The creation of the lots or parcels shall be recorded with the Register of Deeds.

5.77 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>
Permitted Uses	None	100'	90'*	0', 15' when abutting a residential property	15'	None**

\* Measured from the center line of the road.

\*\* Unless more regulated by state or federal authorities.

5.78 PARKING REGULATIONS: Parking within the I Industrial District shall be in conformance with the provisions of Article 7 of this Regulation.

5.79 FENCES, WALLS, HEDGES AND SHELTER BELTS: See Articles 8.7.

**5.8 AHP AIRPORT HAZARD PROTECTION DISTRICT (OVERLAY)**

5.81 INTENT: This Overlay District is intended to provide for the safe operation of aircraft into and out of the Beatrice Municipal Airport, located in Sections 16, 21, and 28, Township 4 North, Range 6 East of the 6<sup>th</sup> P.M., Gage County, Nebraska.

5.82 LOCATION, BOUNDARIES, ZONES, AND HEIGHT RESTRICTIONS: The areas located within the Gage County zoning jurisdiction set forth in Article 1.2 hereof and further located within the Airport Hazard Area as described in this Article 5.82 are hereby zoned as follows:

A. Airport Hazard Area Description: The Airport Hazard Area consists of the Operation Zone, Approach Zones, Turning Zone, and Transition Zone for the Beatrice Municipal Airport as described in this subsection.

B. Zone Descriptions:

1. Operation Zone: The Operation Zone is longitudinally on each runway.

a) Length: The Operation Zone begins and ends two hundred (200) feet beyond the ends of each runway.

b) Width: The Operation Zone shall be one thousand (1,000) feet in width, with the center being the centerline of the runway.

c) Height Limit: The height limit of the Operation Zones shall be the same as the height of the finished grade of the runway or surface of the ground.

2. Approach Zones: The Approach Zones extend from the end of the Operation Zone, and are centered along the extended runway centerline.
  - a) Length and Width: The Approach Zones for each runway shall extend fifty thousand (50,000) feet beyond the end of each Operation Zone, measured along the extended runway centerline. The Approach Zone shall be one thousand (1,000) feet wide at the end nearest the runway and expand uniformly at the rate of thirty (30) feet in width for each one hundred (100) feet in length to the outer boundary of the Approach Zone.
  - b) Height Limit: The height limit for each Approach Zone shall commence at the elevation of the Operation Zone and rise outward throughout the length of the Approach Zone at the continuous rate of one (1) foot vertically for every fifty (50) feet horizontally (1:50).
3. Transition Zone: The Transition Zone begins at the edges of the Operation Zone and the Approach Zones, and extends outward at right angles to the runway centerlines. The height limit for the Transition Zone shall begin at the height of the outer limit of the adjacent zone, and shall extend outward, rising one (1) foot in height for every seven (7) feet in horizontal distance. The Transition Zone ends when it reaches a height of one hundred fifty (150) feet above the elevation of the Operation Zone.
4. Turning Zone: The Turning Zone encompasses all of the area within three (3) miles of the Beatrice Municipal Airport boundary line, except that area within any of the other zones. The Turning Zone has a height limit of one hundred fifty (150) feet.

5.83 HEIGHT RESTRICTIONS: No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired, or established, nor shall any tree or other object of natural growth be allowed to grow above the height limits described in Article 5.82 hereof.

5.84 LOCATION SKETCH AND OFFICIAL ZONING MAP: Pursuant to Section 4.3, the boundaries of the Airport Hazard Protection District shall be indicated on the Official Zoning Map that accompanies and is hereby made a part

of these regulations. A copy of the Official Zoning Map shall at all times be on file in the office of the Gage County Clerk.

5.85 PERMITTED REQUIRED: It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish, any building, transmission line, pole, tower, chimney, wires, or any other structure or appurtenance within the Airport Hazard Area without first obtaining a zoning permit from the Zoning Administrator. This Section shall not apply to any non-residential structure thirty five (35) feet in height or less.

5.86 NON-CONFORMING STRUCTURES: Within the Airport Hazard Area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow to a height above the heights permitted by Article 5.8 if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of sixty (60) percent or more of their original condition, or abandoned for a period of twelve (12) months or more. Transmission lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the Airport Hazard Area.

## **5.9 WHP WELLHEAD PROTECTION DISTRICT (OVERLAY)**

5.91 INTENT: The Wellhead Protection Overlay District is intended to assist municipalities that maintain and operate public water wells in the County, which serve municipalities within or adjoining Gage County. In addition, this overlay district assists rural water districts maintaining and operating semi-public water wells in the County that serve rural areas and municipalities within Gage County, as well as neighboring counties. In order to provide protection for such wells, and to maintain the health, safety and general welfare of Gage County residents, the regulation of land uses having the potential for contamination of groundwater source(s) is necessary within a specified boundary area surrounding said wells.

5.92 PREREQUISTE REQUIREMENTS FOR APPLICATION OF THIS DISTRICT: Prior to the application of this district to any lands in Gage County, the municipality or rural water district which maintains and operates water supply wells within the County shall make application to the County seeking application of this district to specified lands within the County. Prior to making such application and approval of any application of this district to any lands within the County by the County Board, the municipality or rural water district making such application shall have first complied with all other requirements of the Wellhead

Protection Act (Neb. Rev. Stat. §§46-1501 through 46-1509). These requirements include, but are not limited to the following:

Delineation of the Wellhead Protection Area based upon a twenty (20) year time of travel recharge zone,

Approval of such Wellhead Protection Area by the Nebraska Department of Environmental Quality,

Completion and mapping of an inventory of potential contamination sources within the Wellhead Protection Area,

Formulation of emergency / contingency / long-range plans in the event of disruption of supply of water from the wells in the Wellhead Protection Area,

Formulation of and ability to implement an on-going Public Involvement/Education Program to permit public comment in the establishment of the Wellhead Protection Program and to provide information to the public regarding the program and voluntary cooperation with said program,

Development of a program to install and maintain Wellhead Protection Area signs on roadways around the Wellhead Protection Area,

Willingness to execute an inter-local agreement with Gage County for the administration and enforcement of the regulations of this Wellhead Protection District; willingness to accept the regulations set forth in this District; willingness to pay any administrative fees to the County to which the parties involved agree; willingness to provide legal council to address any legal question or legal challenge to the Wellhead Protection District regulations, together with other terms and conditions which are acceptable to the parties involved in such agreement.

Willingness to participate in the Special Use Permit process pursuant to Section 5.99.

5.93 **LIMITATION ON APPLICATION OF THIS DISTRICT:** This district may be applied only to Wellhead Protection Areas officially approved by the Nebraska Department of Environmental Quality. In the event the boundaries of any such officially approved Wellhead Protection Areas do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or



quarter-quarter section lines, the boundaries of such area shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-field determination of such boundaries.

5.94 AMENDMENT OF OFFICIAL ZONING MAP: Whenever the requirements of Section 5.92 of this Article have been complied with and the County Board has approved the application of this overlay zoning district on land within the County, in accordance with the procedures for amendment of the Official Zoning Map set forth in this resolution, the boundaries of such overlay district shall be indicated on said Official Zoning Map.

5.95 ALLOWABLE USES AND STRUCTURES: Any use or structure indicated as an allowable use, a permitted use, a conditional use, or an accessory use in the primary zoning district to which this overlay district is applied shall be allowed or permitted in accordance with the zoning requirements of the primary zoning district, except when specifically prohibited by Section 5.97 of this Article, and provided all such uses further comply with the additional wellhead protection restrictions set forth in Section 5.98 of this Article.

5.96 MINIMUM LOT REQUIREMENTS: The minimum lot requirements as set forth on the primary zoning district shall apply within this overlay district, according to the location of each primary zoning district. Such requirements include lot area, lot width and frontage, setback requirements, and height restrictions.

5.97 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not permitted in the underlying district either as a permitted use, accessory use or conditional use are prohibited. Furthermore, the following uses and/or structures shall be specifically prohibited:

1. The expansion of existing or development of new livestock confinement facilities/operations of more than 299 animal units without a Special Use Permit pursuant to Section 5.99.
2. Landfills and other types of waste handling facilities.
3. Commercial or industrial uses which utilize or generate any materials determined by the United States Department of Environmental Protection as hazardous materials, including commercial or industrial uses which store petroleum products,

agricultural chemicals, anhydrous ammonia or other fertilizers in excess of fifty (50) gallons.

4. Domestic, irrigation and any other water wells closer than one-thousand (1,000) feet to the water wells being protected in this Wellhead Protection District.

**5.98 WELLHEAD PROTECTION RESTRICTIONS:** The following restrictions shall apply to uses within any area of land on which this overlay district is applied:

The expansion of existing or development of new livestock confinement facilities/operations of 299 animal units or less shall conform to the requirements of Section 6.4.

On farm storage of gasoline or diesel fuel in excess of one-thousand one-hundred (1,100) gallons per aboveground storage tank or five hundred (500) gallons per underground storage tank shall be prohibited.

Fuel storage associated with irrigation well motors shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30.

No fuel storage, except when associated with Item 3 (above) shall be permitted within one-thousand (1,000) feet of any water well protected under this overlay district.

No septic tank or tile field associated with any residential, commercial, industrial, or other type of use shall be permitted within one-thousand (1,000) feet of any water well protected under this overlay district.

Domestic, irrigation and any other water well shall not be located closer than one-thousand (1,000) feet to any water well protected under this overlay district.

All storage tanks permitted by Section 5.98 shall be operated safely and maintained in an operable and serviceable condition.

**5.99 SPECIAL USE PERMITS:** A building or premises may be used for the expansion of existing or development of new livestock confinement facilities/operations of 300 animal units or more in the WHP Wellhead Protection District if a Special Use Permit for such use has been obtained pursuant to the following provisions:

1. Compliance With Article 6: The Special Use Permit provisions of Article 6, Sections 6.1, 6.2, and 6.4 must be complied with.
2. Municipal Review: The municipality receiving the benefit of the WHP Wellhead Protection District shall be notified by the Gage County Zoning Administrator of any application for a Special Use Permit within their respective wellhead protection area with a request for their recommendations to be submitted to the Planning Commission. The Planning Commission shall not take final action on the application prior to receiving recommendations from such municipality. If no recommendation is received within ten (10) business days, the application shall be deemed approved by such municipality. Such municipality shall also be present at and participate in the discussion on the application at Public Hearings before the Planning Commission and County Board.

5.910 PERMITS AND INSPECTIONS: All storage tanks permitted by Section 5.98(2) with a capacity of at least three hundred (300) gallons shall receive a Storage Tank Permit before being placed into service. There shall be no fee for said permit, which shall be acquired from the Zoning Administrator. The Zoning Administrator, County Emergency Manager, or their designee shall inspect all storage tanks located within a Wellhead Protection District that have a capacity of at least three hundred (300) gallons no less than once every two (2) years for compliance with the provisions of this Article.