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## ARTICLE 2 APPLICATION OF REGULATIONS (BEGINNING ON PAGE 1)

**SECTION 201 GENERAL APPLICATION:** The regulations set forth in this Resolution shall be minimum requirements and, within each zoning district, shall be uniformly applied to each class or kind of structure, building or use, except as hereinafter provided.

**SECTION 202 ZONING AFFECTS EVERY BUILDING AND USE:** With the exception of the provisions of Article 7 of this Resolution regarding non-conforming uses and structures, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered except in conformity with the regulations specified in this Resolution. Further, no building or structure shall hereafter be erected, constructed, reconstructed, enlarged, moved or altered to exceed the height or bulk, to occupy a greater percentage of land area, to have a narrower or smaller front, side or rear setback than is herein required, or be in any manner contrary to the requirements of this Resolution, provided that:

1. Non-residential farm buildings, as defined in Section 303.34 of this Resolution, shall be subject to the requirements of this Resolution, but shall be exempt from the zoning permit requirements of this Resolution, but shall require a certificate of zoning compliance;
2. Any farm building containing a use other than an agricultural use, as defined in Section 303.04 of this Resolution, shall be considered a non-farm building and shall be subject to the zoning permit requirements of this Resolution;
3. Any farm building located on a lot, tract or parcel of land, which does not qualify as a farm, as defined in Section 303.33 of this Resolution, shall be considered a non-farm building and shall be subject to all applicable requirements of this Resolution, including zoning permit requirements; ~~and~~
4. Any waste handling facility, as defined in Section 303.94 of this Resolution, which may be associated with a farm building shall be considered a non-farm structure and/or use and shall be subject to all applicable requirements of this Resolution, including zoning permit requirements; and
5. Except as specifically set forth herein in relation to oil storage and lease tanks and other such accessory buildings, oil and gas production (being subject to the jurisdiction of the Nebraska Oil & Gas Conservation Commission) shall not be subject to the requirements of this Resolution.

## ARTICLE 3 CONSTRUCTION AND DEFINITIONS (BEGINNING ON PAGE 2)

### SECTION 302

**303.12 BUILDING:** A structure having a roof or having a roof and walls used or intended to be used for sheltering of persons, animals or property. When divided or separated by other than common walls, each portion or section of a building shall be considered a separate building. (*Refer to Section 303.34, Farm Building and Section 303.63, Non-Farm Building.*)

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

**303.84 SETBACK (YARD):** A horizontal distance, as prescribed in the various zoning districts

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established in this Resolution, from the centerline of the roadway or the right-of-way line of the roadway on which the lot has frontage and the side or rear lot line of any lot in which a building may not be constructed. Setbacks are further defined as follows:

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

**303.98 OIL AND GAS PRODUCTION:** The drilling, development, production and abandonment of oil and gas as defined by the Nebraska Oil & Gas Conservation Commission. (NEB. REV. STAT. §57-903).

“Oil” shall mean crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas, other than gas produced in association with oil and commonly known as casing-head gas.

“Gas” shall mean all natural gas and all other fluid hydrocarbons not defined as oil.

**303.99 OIL STORAGE AND LEASE TANKS:** The structure(s) used for the temporary storage of oil, including the leak containment reservoirs as required by the Nebraska Oil & Gas Conservation Commission.

## **ARTICLE 5            ZONING DISTRICTS (BEGINNING ON PAGE 19)**

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

#### **501.03    OUTRIGHT ALLOWABLE PRINCIPAL USES AND STRUCTURES**

The following uses and structures shall be allowable uses outright without requiring a zoning permit or certificate of zoning compliance provided such uses and structures shall comply with the minimum lot area, setback, separation distance and other applicable requirements of this Resolution: *(Refer to Section 202 of this Resolution)*

- 1. Agricultural uses, as defined in Section 303.04 of this Resolution, including any farm buildings, as defined in Section 303.34 of this Resolution, but excluding any residential dwelling unit(s), whether or not associated with an agricultural use, excluding confined and intensive animal feeding uses, as defined in Sections 303.24 and 303.45 of this Resolution and excluding any associated waste handling facilities.
- 2. Non-commercial grain, hay and produce storage facilities including non-commercial storage warehouses and plant seed sales and storage facilities.
- 3. Irrigation facilities, including wells, center pivots, re-use pits, well houses and related structures and flood and erosion control structures, subject to the limitations and requirements of Section 611 of this Resolution. (Sites where there is surface application of liquid animal

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waste shall comply with the limitations set forth in Subsection 11, Paragraph D immediately below)

4. Forestry, tree farming and plant nurseries, and vineyards with or without facilities for wine making or tasting.
5. Signs, including permanent on-site business signs and outdoor advertising signs (billboards) not oriented to any State or Federal highway.
6. Day care and child care uses.
7. Road maintenance equipment storage sheds, fire stations, public utility substations and utility distribution systems and similar structures and uses.
8. Churches, synagogues and other houses of worship.
9. Cemeteries.
10. Land application of:
  - A. fully composted animal waste, as defined in Section 303.07 of this Resolution, to the surface of the land at agronomic rates in compliance with the requirements of the Nebraska Department of Environmental Quality,
  - B. solid manure, as defined in Section 303.86 of this Resolution, to the surface of the land at rates at agronomic rates in compliance with the requirements of the Nebraska Department of Environmental Quality when there is no stockpiling of such manure on any premises where such manure is to be applied,
  - C. liquid or slurry animal waste injected into the soil at rates at agronomic rates in compliance with the requirements of the Nebraska Department of Environmental Quality.
  - C. liquid animal waste applied to the surface of the land at agronomic rates in compliance with the requirements of the Nebraska Department of Environmental Quality, provided that when a dwelling unit not of the same ownership as the land on which such waste is to be applied or a church or school is located within one-fourth (1/4) mile to the north or one-eighth (1/8) mile to the south, east or west, as defined in the definition of "Prevailing Winds" in Section 303.70 of this Resolution, the total time such application occurs shall not exceed 360 hours in a calendar year per site, unless an impact easement or an annual permission statement has been granted in writing from the owner(s) or unless the generator of the waste can document that no other options exist with regard to alternative sites or timing with which the generator of the waste can comply with the discharge requirements established by the Nebraska Department of Environmental Quality, in which case, the Zoning Administrator may approve a permit for such additional time for application to the subject site as is estimated to be required to comply with the discharge requirements of the Nebraska Department of Environmental Quality
11. Stockpiling of animal waste or manure or municipal sewage or other sludge on any parcel of land where such waste is to be applied to the land contained within such parcel, provided such stockpiling shall meet all of the following conditions:
  - A. The amount of solid manure stockpiled on any parcel shall not exceed the amount of waste which can be applied on such parcel at agronomic rates in compliance with the requirements of the Nebraska Department of Environmental Quality for a calendar year.

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- B. Any manure or sludge stockpile shall be located at least one-fourth (1/4) mile from the nearest wall of any church, school or residential dwelling unit not of the same ownership as the parcel on which the stockpile is to be placed or to the nearest boundary of any public use area unless the owner of such church, school or residential dwelling shall grant permission in writing for a stockpile to be located at a closer distance.

**501.04 PERMITTED PRINCIPAL USES AND STRUCTURES**

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

Permitted uses beginning with Airports on page 23 are misnumbered

13. Oil storage and lease tank(s) which shall be located at least one-fourth (1/4) mile from the nearest wall of any church, school or residential dwelling unit not of the same ownership as the parcel on which the said oil storage and lease tank(s) is to be placed or to the nearest boundary of any public use area unless the owner of such church, school or residential dwelling shall grant permission in writing for the same to be located at a closer distance.

**501.10 MINIMUM BUILDING SETBACK REQUIREMENTS:** The following shall be the minimum ~~yard~~ Setback Requirements for uses located within this district:

2. Buildings:

- A. Front Setback - Fifty eight (58) feet, measured from the centerline of a County Road, provided that for lots which front on a Federal or State highway the front setback shall be twenty five (25) feet from the right-of-way line of such highway.

For a grain bin or building used for grain storage which requires filling by use of a portable auger, elevator or conveyor or requires overhead probing of stored grain, the minimum setback from any existing primary voltage electric power distribution line owned and maintained by a public utility shall be equal to the height of the highest filling or probing opening on such bin or building plus eighteen (18) feet or the distance prescribed in Section 234 of the latest published edition of the National Electrical Safety Code, whichever is greater.

For any new oil storage and lease tank (ie, built or otherwise installed on or after August 8, 2023), the minimum setback shall be fifty (50) feet, measured from the centerline of the nearest county road, and not less than 85 feet from the center point of an intersection of two county roads. For any oil storage and lease tank already in existence before August 8, 2023, said minimum setback may be reduced so long as sufficient area is provided to allow for the transfer of oil or other substance(s) into or from vehicles, including semi-truck tractor combinations, without said vehicle(s) being parked or otherwise stopped, even partially and/or temporarily, upon the maintained and traveled surface of a county road, and the owner/operator of said existing oil storage and lease tank(s) shall obtain a zoning permit for said existing oil storage and lease tank(s) by September 15, 2024.

- B. Side Setback - Ten (10) feet

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C. Rear Setback - Ten (10) feet

**ARTICLE 8            ADMINISTRATION AND ENFORCEMENT (BEGINNING ON  
PAGE 73)**

**SECTION 804    ZONING PERMITS REQUIRED:** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered without a zoning permit / certificate of zoning compliance first being issued by the Zoning Administrator, provided:

7. Oil storage and lease tanks, as defined in Section 303.99 of this Resolution, shall be subject to all applicable requirements of this Resolution, including zoning permit requirements.