

ARTICLE 5
"AGR" AGRICULTURAL RESIDENTIAL DISTRICT

This district is intended to provide for a vigorous agricultural industry combined with low-density, acreage residential development in selected areas, villages or existing rural non-farm activities within reasonable reach of fire protection, relatively close to paved roads, and in areas of the County where ownership of land is already in small parcels.

5.001. Scope of Regulations. The regulations set forth in this chapter or elsewhere in this resolution when referred to in this chapter, are the district regulations in the "AGR" Agricultural Residential District.

5.003. Permitted Uses. A building or premises shall be permitted to be used for the following purposes in the "AGR" Agricultural Residential District:

- a) Agriculture, except confined feeding facilities for livestock or poultry;
- b) Stables and riding academies;
- c) Public Uses: including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; schools, publicly owned or operated airports, heliports and public utility distribution systems;
- d) Churches;
- e) Single-family dwellings more than 1,320' from property line of a publicly owned lake property of over 30 acres in size; (Resolution No. 5428, January 22, 1997)
- f) Airports. (Resolution No. 5367, August 26, 1996)
- g) Cable and fiber optic communication distribution systems (Approved Resolution No. R-01-21, April 4, 2001)
- h) Wind energy conversion systems (WECS) (Resolution No. R-08-0090, October 15, 2008)

5.005. Permitted Conditional Uses. A building or premises may be used for the following purposes in the "AGR" Agricultural Residential District in conformance with the conditions prescribed herein:

- a) Cemeteries, including mausoleums:
 - 1) Mausoleums shall be located at least two hundred (200) feet from every street line and adjoining property line;
 - 2) Any cemetery established after the effective date of this title shall contain an area of twenty (20) acres or more;
- b) Pet cemeteries: Minimum area shall be five (5) acres;
- c) Roadside stands for the temporary or seasonal sale of produce:
 - 1) Such roadside stands shall be permitted in a required yard; however, no roadside stand shall be permitted in a right-of-way, nor closer than thirty (30) feet to the edge of a traveled roadway;
 - 2) Such roadside stands shall not be operated for more than one hundred eighty (180) days in any one year;
- d) Group homes:
 - 1) Group homes shall comply with all parking, sign, height and area regulations of the district and all provisions of the County Building Code;

2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half (½) mile;

3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska;

e) Wind energy conversions systems (WECS) over the district height, provided they meet the following conditions: (Resolution No. R-09-0008, February 24, 2009)

1) The distance from all lot lines to any tower support base of the WECS shall be equal to the height of the tower plus the rotor radius. The Planning Commission may grant a reduction in the setback distance through appeal when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety and general welfare. (Resolution No. R-11-0023, March 29, 2011; Resolution No. R-08-0090, October 15, 2008)

2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor. The Planning Commission may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS. (Resolution No. R-11-0023, March 29, 2011)

3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

4) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then-current service regulations applicable to WECS. (Resolution R-08-0090, Approved October 15, 2008; Resolution No. 3744A, October 5, 1982)

f) Mobile homes:

1) The mobile home has:

I. No less than an eight hundred (800) square foot floor area, excluding garages;

II. No less than an eighteen (18) foot exterior width;

III. A three (3) inch in twelve (12) inch pitched roof or steeper;

IV. A non-reflective exterior siding material which is or simulates wood, stucco or masonry;

V. A non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock;

VI. Permanent connections to permanently located utilities complying with plumbing codes and electrical codes;

VII. A certificate stating the construction complies with the Federal Department of Housing and Urban Development's mobile home construction and safety standards.

2) The mobile home's longest exterior dimension is less than three (3) times the most narrow exterior dimension.

3) The towing bar and hitch, wheels and tires, and axles are removed.

4) The mobile home's exterior siding extends to the ground and is supported to withstand wind loads as set forth in the building code or the foundation forms a complete enclosure under the exterior walls. The space beneath the mobile home shall be properly ventilated.

5) The mobile home is securely and permanently attached to a permanent foundation complying with the building code.

6) The mobile home's placement is inspected and complies with this resolution before the mobile home is occupied. (Resolution No. 3777, January 18, 1983)

(g) Domestic Shelter:

1) Parking shall be one space for every four residents based on the maximum occupancy allowed by the lot area and two spaces for every three employees on the largest shifts.

2) The maximum number of residents occupying such a facility shall not exceed one person per 3,000 square feet of lot area.

3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile. (Resolution No. 5407, November 19, 1996)

5.007. Permitted Special Usage. A building or premise may be used for the following purpose in the "AGR" Agricultural Residential District if a special permit for such use has been obtained in conformance with the requirements of Article 13:

a) Private schools;

b) Recreational facilities;

c) Dwellings for members of religious orders;

d) Broadcast towers;

e) Campgrounds;

f) Veterinary facilities;

g) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;

h) Garden centers;

i) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;

j) Except as provided in Section 17.031, church steeples, towers and ornamental spires which exceed the maximum district height; (Resolution No. 5408, November 19, 1996)

k) Community unit plans shall be permitted in conformance with the provisions of Article 14;

l) Expansion of non-conforming use;

m) Historic preservation;

n) Dog breeding establishments and kennels;

o) Trailer, Mobile Home Court; (Resolution No. 3777, January 18, 1983)

p) A mobile home on an individual lot subject to the following conditions;

1) The lot meets all the height and area regulations of this district except the Planning Commission may increase the yard areas; (Resolution No. R-11-0023, March 29, 2011)

2) The mobile home is securely and permanently attached to a permanent foundation complying with the building code;

3) The towing bar and hitch, wheels and tires, and axles are removed.

q) Airfields; (Resolution No. 5367, August 26, 1996)

r) Parking lot; (Resolution No. 4928, October 27, 1992)

s) Commercial agricultural airfields; (Resolution No. 5367, August 26, 1996)

t) Family airfields; (Resolution No. 5367, August 26, 1996)

u) Heliports; (Resolution No. 5367, August 26, 1996)

v) Dwellings within 1,320' of the property line of a publicly owned lake property of more than 30 acres in size. (Resolution No. 5428, January 22, 1997)

5.009. Accessory Uses. Accessory uses permitted in the "AGR" Agricultural Residential District are accessory buildings and uses customarily incidental to any of the permitted uses in the district.

5.011. Parking Regulations. Whenever a structure is erected, converted or structurally altered for a dwelling, there shall be provided accessible parking space on the lot to accommodate one (1) automobile for each dwelling unit.

5.013. Sign Regulations. Signs within the "AGR" Agricultural Residential District shall be regulated in conformance with the provisions of Article 16.

5.015. Height and Area Regulations. The height and minimum lot requirements within the "AGR" Agricultural Residential District shall be as follows:

a) General requirements:

	Min. Lot Area	Avg. Lot Width	Min. Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Max. Height
All Permitted Uses:	3 acres	220'	175'	50 [*]	15'	Lesser of 50' or 20% of depth	30'

* The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard, need not exceed a total of 80'. The required front yard may be reduced, where necessary, to reach this total.

** For lots abutting cul-de-sacs, this requirement may be met by providing a frontage of 175 feet measured at the required front yard setback line. (Resolution No. 4452, January 17, 1989; prior Resolution No. 3639, October 6, 1981)

b) There shall be a required front yard on each street side of a double frontage lot;

c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on October 9, 1979, need not be reduced below thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards;

d) Where a lot of record on October 9, 1979, has a width of one hundred (100) feet or less, the required side yard may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five (5) feet;

e) If a lot or tract of land has less area or width, or both less area and width than herein required, and its boundary lines along their entire length abut lands under other ownership on October 9, 1979, and have not since been changed, such parcel may be used for:

1) Agriculture, except confined feeding facilities for livestock or poultry;

2) Public use including but not limited to public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools, and public utilities and utility distribution systems;

3) Churches;

4) A single-family dwelling (Resolution No. 3644, November 10, 1981)

f) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to the side or rear lot line.