

ARTICLE 4
"AG" AGRICULTURAL DISTRICT

This district is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.

4.001. Scope of regulations. The regulations set forth in this chapter or elsewhere in this resolution when referred to in the chapter, are the district regulations in the "AG" Agricultural District.

4.003 Permitted Uses.

- a) Agriculture, except commercial feedlots;
- b) Breeding, raising, management and sale of fur-bearing animals and the produce thereof;
- c) Dog breeding establishments and kennels;
- d) Stables and riding academies;
- e) Public uses: Including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; schools; publicly owned or operated airports; and public utilities and utility distribution systems; excluding governmental landfill operations. (Approved Resolution No. 5367, August 26, 1996)
- f) Single family dwellings;
- g) Churches.
- h) Cable and fiber optic communication distribution systems (Resolution No. R-01-21, April 4, 2001)
- i) Wind energy conversion systems (WECS) (Resolution No. R-08-0090, October 15, 2008)

4.005 Permitted Conditional Uses A building or premises may be used for the following purpose in the "AG" Agricultural 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 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) Any public building or premises of any department of a governmental agency not included in Section 4.003(e) above;
- 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 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 mile;
 - 3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

e) Public uses: including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; public elementary and high schools; airports; and public utilities and utility distribution systems; excluding governmental landfill operations. (Resolution No. 4147, January 21, 1986)

f) Wind energy conversion systems (WECS), over the district height, provided they meet the following conditions: (Resolution R-08-0008, 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 radii. The County Board may grant a reduction in the setback 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 distance 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)

g) 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)
- h) Family Airfield, under the following conditions;
- 1) The approach must provide a 150 feet clear height over any residential zoned area, 100 feet over any agriculture residential zoned area and safe and reasonable clearances over utility lines, poles, towers and appurtenances, which may be located in the path of any runway.
 - 2) A minimum effective length of the runway shall be 300 feet if paved and 500' if turfed.
 - 3) The paved runway shall be 25 feet or more in width, and the turfed runway shall be at least 50 feet wide. There shall be a primary surface (unobstructed area) along the full length of the turfed runway. All structures beyond the primary surface and the approach slope shall clear a 7:1 transitional or lateral slope as measured from the outside edge of the primary surface or approach slope.
 - 4) The approach surface to each end of each paved runway or turfed runway extends outward along the runway centerline and shall be unobstructed along a 10:1 vertical slope for a horizontal distance of 500 feet. The approach slope shall begin at the turfed runway threshold or at a properly marked displaced threshold. The width of the approach slope shall be 50 feet at the beginning and widen out to 150 feet at a distance of 500 from the beginning. The surface area beneath the approach zone shall be controlled by ownership, fee title or easement.
 - 5) The runway centerline extended shall not cross any existing building within 1/4 mile of the end of the runway.
 - 6) The runway shall be set back 50' from all lot lines.
 - 7) Runway lighting shall be limited to 45 watts in power. No more than 36" above grade and producing no more than ½ foot candle of illumination at the property line.
 - 8) A "bubble" of clearance of 200' over and around all buildings shall be maintained.
 - 9) Flight operations shall be prohibited from 10 PM to 5 AM.
 - 10) Abutting property/families may use the same runway provided there are no more than four (4) properties, each of which has at least 150' of frontage on the runway. (Resolution No. 5367, August 26, 1996)
- i) 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 shall not be less than one mile. (Resolution No. 5407, November 19, 1996)
- j) Farm Winery:
- 1) No farm winery shall manufacture wine in excess of fifty thousand gallons per year;
 - 2) A farm winery must produce a minimum of fifteen percent of product from fruit or other agricultural products harvested from the premises following five years business;

- 3) Wines produced at the farm winery may be sold on site at wholesale and retail and/or at off premise sites holding the appropriate license;
- 4) Wine samples and/or consumption on the licensed premises is permitted in reasonable amounts;
- 5) A farm winery may sell retail items as an accessory to wine sales through tasting or wine sales room. Retail space shall not exceed two thousand square feet;
- 6) A farm winery may only serve food prepared off site by a Health Department licensed establishment in association with sampling and/or consumption of wine. A farm winery may not act in the capacity of a retail food establishment. (Resolution No. 5437, February 18, 1997)

k) Any use that the Lancaster County Board of Commissioners has approved by granting an amusement license for such use. Said conditional use is permitted on a premises for no more than one event per calendar year. (Resolution No. R-05-0058, Mary 25, 2005).

4.007 Permitted Special Uses. A building or premises may be used for the following purposes in the "AG" Agricultural 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) Radio and television towers and stations, and television production facilities; (Resolution No. 3958, August 21, 1984)
- e) Campgrounds;
- f) Veterinary facilities;
- g) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;
- h) Sale barns;
- i) Garden centers;
- j) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- k) 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)
- l) Expansion of non-conforming use;
- m) Historic Preservation;
- n) Pet cemeteries; minimum area shall be five (5) acres;
- o) Trailer, Mobile Home Courts; (Resolution No. 3777, January 18, 1983)
- p) Outdoor theaters;
- q) Clubs and semi-public buildings; (Resolution No. 3569, March 10, 1981)
- r) Nursing homes; (Resolution No. 3569, March 10, 1981)
- s) Non-commercial distillation and storage of fuel and fuel products produced in whole or in part from agricultural products raised within the County; (Resolution No. 3501, July 29, 1980)
- t) 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 codes;
 - 3) The towing bar and hitch, wheels and tires, and axles are removed. (Resolution No. 3777, January 18, 1985)

- u) Governmental landfill; (Resolution No. 4147, January 21, 1986)
- v) Heritage center; (Resolution No. 4277, April 28, 1987)
- w) Airfield; (Resolution No. 5367, August 26, 1996)
- x) Storage of agricultural conservation construction equipment; (Resolution No. 5367, August 26, 1996)
- y) Parking lots; (Resolution No. 4928, October 27, 1992)
- z) Commercial agricultural airfields; (Resolution No. 5367, August 26, 1996)
- aa) Heliports. (Resolution No. 5367, August 26, 1996)
- bb) Race track, drag strip or motor sport facility (Resolution No. R-07-0061, July 24, 2007)
- cc) Expanded home occupations (Resolution No. R-09-0076, September 29, 2009)
- dd) Commercial Wind Energy Conversion Systems/Turbines (Resolution No. R-11-0022, March 29, 2011)
- ee) Market Garden; (Resolution No. R-12-0023, March 20, 2012)
- ff) Commercial Composting Operation (Resolution No. R-14-0007, Jan. 28, 2014)

4.009 A building or premises may be used for the following purposes in those parts of the "AG" Agricultural District designated "Agricultural" on the Future County Land Use Map (Figure 17) all of the Lincoln-City Lancaster County Comprehensive Plan (which for this purpose only is hereby incorporated herein by reference) if a special permit for such use has been obtained in conformance with the requirements of Article 13.

- a) Commercial feedlot;
- b) Community unit plans shall be permitted in conformance with the provisions of Article 14. Any community unit plan in the said "Agricultural" area shall contain a minimum of seventy five (75) acres. (Resolution No. 5238, June 20, 1995)

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

4.013. Parking Regulations. No parking is required except that one (1) space per 50 square feet of the largest meeting hall shall be provided at churches and schools.

4.015. Sign Regulations. Signs within the "AG" Agricultural District shall be regulated in conformance with the provisions in Article 16.

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

a) General requirements:	Min.	Avg.		Req'd	Req'd	Req'd	
	Lot	Lot	Min	Front	Side	Rear	Max
	<u>Area</u>	<u>Width</u>	<u>Frontage</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Height</u>
All Permitted Uses	20	550'	550'	50'*	60'	100'	35'
	acres						

1) Required Yards:

- i. In no event need the sum of the distance from the centerline of the abutting road to the street line, and the required front yard exceed a total of 80'. The required front yard of any such property exceeding the 80' sum may be reduced accordingly. (Resolution No. R-12-0058, July 24, 2012; Resolution No. 3740, August 31, 1982)
- ii. There shall be a required front yard on each street side of a double frontage lot; (Resolution No. R-12-0058, July 24, 2012)
- iii. 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 the effective date of this title 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; (Resolution No. R-12-0058, July 24, 2012)
- iv. Where a buildable lot on the effective date of this Resolution has an average width of 550 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 fifteen (15) feet; (Resolution No. R-12-0058, July 24, 2012; Resolution No. 4130, December 3, 1985)
- v. Where a buildable lot on the effective of this Resolution has a depth of not more than three hundred (300) feet, there shall be a required rear yard having a depth of not less than fifty (50) feet or twenty percent (20%) of the depth of the lot, whichever is smaller; (Resolution No. R-12-0058, July 24, 2012)
- vi. In the case of AG Preservation lots there shall be a setback equal to the front yard setback of the district measured from the lot line bordering the public access easement along the shared driveway and along any other public or private roadway. This is to accommodate a future conversion of the shared driveway to a public or private roadway; (Resolution No. R-12-0058, July 24, 2012)
- vii. Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of 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: (Resolution No. R-12-0058, July 24, 2012)
 1. in the required rear yard, but such accessory buildings shall not be nearer than two (2) feet to the side or rear lot line; such accessory buildings located in the required rear yard shall not occupy more than thirty percent (30%) of the required rear yard, and; (Resolution No. R-12-0058, July 24, 2012)
 2. not nearer than a distance equal to ten percent (10%) of the average lot width from the side lot line. Resolution No. 3740, August 31, 1983) (Resolution No. R-12-0058, July 24, 2012)

2) Minimum Lot Area

i. For purposes of determining minimum lot area, abutting County section line and one-half section line road right-of-way is included in the total area. (Resolution No. R-12-0058, July 24, 2012; Resolution No. R-00-16, February 22, 2000)

ii. AG Preservation Lots - The Planning Director may approve AG Preservation lots and the general requirements of this subsection (a) are not required to be met under the following conditions: (Resolution No. R-12-0058, July 24, 2012)

1. the overall density on one dwelling unit per 20 acres shall be maintained. The subdivision shall have a minimum of 20.00 acres and a maximum of 80.00 acres with no more than 4 buildable parcels created; (Resolution No. R-12-0058, July 24, 2012)

2. buildable lots with onsite wastewater shall be equal to or greater than three (3) acres as provided by County Resolution 02-30. The Lincoln-Lancaster County Health Department may approve lots less than three (3) acres in size served by an onsite wastewater treatment system when an easement exists on adjacent land providing a minimum of three (3) acres; (Resolution No. R-12-0058, July 24, 2012)

3. the remaining land shall be placed in an outlot that occupies a minimum of 75% of the total area of the subdivision. This outlot shall be non-buildable except that agricultural structures shall be allowed; (Resolution No. R-12-0058, July 24, 2012)

4. lots shall be accessed by a single shared driveway, which shall be within a public access and utility easement, sixty (60) feet in width, the purpose of which is to act as local road right-of-way in the event the property, or adjacent parcels, should further subdivide in the future. An exception may be made for subdivisions which have frontage on more than one road when the frontage meets the minimum requirement and when a safe access point can be approved by the County Engineer; (Resolution No. R-12-0058, July 24, 2012)

5. the subdivider agrees to dedicate the full fifty (50) foot right-of-way on County section line and one-half section line roads abutting the subdivision. (Resolution No. R-12-0058, July 24, 2012)

In such event, the yard requirements of subsection (c)(1) below shall apply to the buildable lots. When less than 550' of frontage is available, minimum lot frontage may be adjusted by the Planning Director. Design standards shall meet the requirements of 4.15 of the Lancaster County Subdivision Resolution. (Resolution No. R-12-0058, July 24, 2012; Resolution No. R-05-0125, October 5, 2005)

iii. In all interior sections of the minimum area for a buildable lot shall be one half ($\frac{1}{2}$) of the total acreage contained in that quadrant of the quarter ($\frac{1}{4}$) section in which said lot is located. (Resolution No. R-12-0058, July 24, 2012)

iv. In all closing sections except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows: (Resolution No. R-12-0058, July 24, 2012)

1. For those lots located within a Government Lot, the minimum required area shall be one-half ($\frac{1}{2}$) of the total acreage contained in said Government Lot; (Resolution No. R-12-0058, July 24, 2012)

2. For those lots which are not located within a Government Lot, the minimum required area shall be one-half ($\frac{1}{2}$) of the total acreage contained in that quadrant of the quarter ($\frac{1}{4}$) section in which said lot is located. (Resolution No. R-12-0058, July 24, 2012)

v. In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be 20 acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Article 19, may hear and decide upon petitions to vary strict application of this requirement. (Resolution No. R-12-0058, July 24, 2012; Resolution No. 3478, June 24, 1980)

b) Buildable Lots not meeting General Requirements

1) If a buildable lot has less area, width or frontage or any combination thereof, than herein required, and its entire boundary under different ownership on the effective date of this title and has not since been changed, such lot may be used in the following manner:

i. If the area of a parcel is 10 acres or more, such parcel may be used for:

1. Agriculture, except commercial feedlots;
2. Breeding, raising, management and sale of fur-bearing animals and the produce thereof;
3. Dog breeding establishments and kennels;
4. Stables and riding academies;
5. Public uses 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;
6. A single-family dwelling;
7. Churches.

ii. If the area of such parcel is less than 10 acres, such parcel may be used for:

1. Agriculture, except commercial feedlots;
2. Public uses 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. A single family dwelling;
4. Churches

iii. Those lots which would qualify under (I) above and have been since reduced by government right-of-way acquisition, may utilize the uses permitted in (I) if the remaining lot is nine (9) acres or larger. (Resolution No. 4689, October 23, 1990)

2) If two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling provided that each lot shall contain a minimum area of two (2) acres and shall have an average lot width of one hundred fifty (150) feet. Abutting lots in common ownership may be combined to meet these minimum standards. If a lot has less width or depth, the required side and rear yards may be adjusted as provided in 1.iv and 1.v above. (Resolution No. 3740, August 31, 1983)

c) Exceptions to Minimum Lot Area - A lot or parcel of land of one (1) acre or more may be used for a single-family dwelling or public use including any public utilities and distribution systems, or for preservation or conservation of land having significant natural, scenic, historic or scientific value (Resolution No. 5172, November 1, 1994) provided that:

1) Such lot or parcel of land and structure shall be in conformance with the following maximum height and minimum lot requirements:

i. 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:	1 acre	150'	120'	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.

ii. There shall be a required front yard on each street side of a double frontage lot:

iii. 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 November 2, 1953, 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.

iv. Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of 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 rear yard, but such accessory building 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. However, if the lot or parcel of land and structure does not meet the requirements of item (I) above, it shall be considered a non-standard use.

- 2) Such Single family dwelling:
 - i. has existed on such land for more than five (5) years;
 - ii. is, or has been used as the primary residence associated with a farm; and,
 - iii. is in conformance with the other provisions of this resolution, the minimum housing code, and the minimum standards for water and sewage facilities and does not represent a hazard to the health and safety of occupants.
- 3) Such lot or parcel created for such public use shall not be used by itself, for any purpose other than public use or agriculture. (Resolution No. 4048, April 9, 1985)
- 4) Such a lot or parcel. created for preservation or conservation purposes;
 - i. Shall be evaluated, prior to action by the County Board, by the Lancaster County Ecological Advisory Committee or other appropriate committee to determine the property's natural, scenic, historic or scientific significance;
 - ii. Shall have an affected deed restriction or conservation easement attached to the deed, in perpetuity, assuring appropriate limitations on development of the property and permanent preservation of its natural, scenic, historic or scientific values. (Resolution No. 5172,. November 1, 1994)