



# ZONING REGULATIONS

of

## Pawnee County, Nebraska

*3rd Draft - Octoberr, 2000*

*In effect July 1, 2001*

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402/852-2962*

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# TABLE OF CONTENTS

<u>ARTICLE / SECTION</u>	<u>PAGE NO.</u>
<b>ARTICLE 1</b>	<b>GENERAL PROVISIONS</b>
Section 101 - Title.....	1
102 - Jurisdiction.....	1
103 - Purpose.....	1
<b>ARTICLE 2</b>	<b>APPLICATION OF REGULATIONS</b>
Section 201 - General Application.....	1
202 - Zoning Affects Every Building and Use.....	1
203 - Yard and Lot Size Reductions Prohibited.....	2
204 - Provisions Declared to be Minimum Requirements.....	2
205 - Disclaimer of Building and Other Codes and County Liability.....	2
<b>ARTICLE 3</b>	<b>CONSTRUCTION AND DEFINITIONS</b>
Section 301 - Construction.....	3
302 - General Terminology.....	3
303 - Definitions.....	3
<b>ARTICLE 4</b>	<b>ESTABLISHMENT AND DESIGNATION OF DISTRICTS</b>
Section 401 - Planning Commission Recommendations.....	15
402 - Districts Created.....	15
403 - Official Zoning Map.....	15
404 - Official Zoning Map Changes.....	15
405 - Official Zoning Map Replacement.....	16
406 - Rules for Interpretation of District Boundaries.....	16
407 - Annexation Rule.....	16
<b>ARTICLE 5</b>	<b>ZONING DISTRICTS</b>
Section 501 - AG - G, General Agricultural District.....	17
502 - AG - T, Transitional Agricultural District.....	35
503 - AG - RC, River Corridor Agricultural District.....	41
504 - AG - WP, Wellhead Protection Agricultural District.....	48
<b>Attached</b>	
<b>ARTICLE 6</b>	<b>SUPPLEMENTAL DISTRICT REGULATIONS</b>
Section 601 - Application.....	55
602 - Setback (Yard) Requirements.....	55
603 - Fences and Walls.....	55
604 - Setback (Yard) Exemptions.....	55
605 - Division of Lots.....	55
606 - Conversions of Use.....	55
607 - Accessory Uses.....	55
608 - Home Occupations and Home Based Businesses.....	56
609 - Airport Hazard Regulations.....	56

X

**ARTICLE / SECTION**

**PAGE NO.**

<b>ARTICLE 7</b>	<b>NON-CONFORMING USES</b>	
	Section 701 - Intent.....	57
	702 - Limitations on Expansion.....	57
	703 - Hardship.....	57
	704 - Exceptions.....	57
	705 - Non-Conforming Lots of Record.....	57
	706 - Non-Conforming Uses of Land.....	58
	707 - Non-Conforming Use of Buildings / Structures and Land in Combination.....	58
	708 - Repairs and Maintenance.....	59
	709 - Use Under Conditional Uses.....	59
<b>ARTICLE 8</b>	<b>ADMINISTRATION AND ENFORCEMENT</b>	
	Section 801 - Organization.....	60
	802 - Authorities.....	60
	803 - Responsibilities.....	62
	804 - Zoning Permits Required.....	62
	805 - Application for a Zoning Permit.....	63
	806 - Limitation of Issuance of Zoning Permit.....	63
	807 - Expiration of a Zoning Permit.....	64
	808 - Certificates of Zoning Compliance for New Uses or Change of Use.....	64
	809 - Failure to Obtain Zoning Permit / Certificate of Zoning Compliance.....	64
<b>ARTICLE 9</b>	<b>BOARD OF ADJUSTMENT</b>	
	Section 901 - Establishment and Procedure.....	65
	902 - Terms of Office.....	65
	903 - Election of Officers.....	65
	904 - Secretary of the Board of Adjustment.....	65
	905 - Records of the Board of Adjustment.....	65
	906 - Quorum and Voting.....	65
	907 - Powers and Duties.....	65
	908 - Public Hearings.....	67
	909 - Board has Powers of Administrative Official on Appeals.....	68
	910 - Appeals.....	68
<b>ARTICLE 10</b>	<b>CONDITIONAL USES</b>	
	Section 1001 - General Powers.....	69
	1002 - Application Requirements.....	69
	1003 - Referral to Planning Commission.....	69
	1004 - Planning Commission Public Notice.....	70
	1005 - Public Hearing, Consideration and Procedures.....	70
	1006 - County Board of Commissioners Public Notice.....	70
	1007 - Public Hearing, Consideration and Procedures.....	70
	1008 - Requirements Governing Review and Approval of Conditional Uses.....	71
	1009 - Conditions, Safeguards and Limitations of Use.....	71
	1010 - Expiration of Conditional Use Authorizations.....	72

**ARTICLE / SECTION**

**PAGE NO.**

<b>ARTICLE 11</b>	<b>AMENDMENTS</b>	
	Section 1101 - Authority.....	73
	1102 - Public Notice and Public Hearings.....	73
	1103 - Amendment Consideration and Adoption.....	74
	1104 - Amending Official Zoning Map.....	74
	1105 - Protests.....	74
<b>ARTICLE 12</b>	<b>COMPLAINTS, VIOLATIONS, REMEDIES AND PENALTIES</b>	
	Section 1201 - Complaints regarding Violations.....	75
	1202 - Penalties for Violation.....	75
	1203 - Remedies.....	75
<b>ARTICLE 13</b>	<b>SCHEDULE OF FEES</b>	
	Section 1301 - Authority.....	75
	1302 - Non-Payment of Fees.....	75
<b>ARTICLE 14</b>	<b>LEGAL STATUS PROVISIONS</b>	
	Section 1401- Separability.....	76
	1402 - Purpose of Catch Heads.....	76
	1403 - Repeal of Conflicting Resolutions.....	76
	1404 - Effective Date.....	76
<b>APPENDICES:</b>		
	Appendix 1 - Application and Permit Forms.....	77
	Appendix 2 - Schedule of Fees.....	92

**SECTION 504 AG - WP WELLHEAD PROTECTION AGRICULTURAL DISTRICT**

**504.01 INTENT:** The intent of this district is to assist municipalities which maintain and operate public water wells in the County which serve municipalities within or adjoining the County and to assist rural water districts which maintain and operate public water wells in the County serving rural areas and municipalities within Pawnee County and neighboring counties in providing protection for such wells through the regulation of land uses which have the potential for contamination of the groundwater source(s) from which said wells derive water. The intent of this district is also to protect existing agricultural uses and facilitate other agricultural production uses which are in balance with the natural environment, which are compatible with existing agricultural uses and which will not present unacceptable potential for contamination of the public and semi-public water wells located within this district.

**504.02 PREREQUISITE REQUIREMENTS FOR APPLICATION OF THIS DISTRICT**

Prior to the application of this district to any lands in Pawnee 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 prior to approval of any application of this district to any lands within the County by the County Board of Commissioners, the municipality or rural water district making such application shall have first complied with all other requirements of the Wellhead Protection Areas Act (Neb. Rev. Stat. 46-1501 through 46-1509). This requirements include, but are not limited to the following:

1. Delineation of the Wellhead Protection Area based upon a twenty (20) year time of travel recharge zone,
2. Approval of such Wellhead Protection Area by the Nebraska Department of Environmental Quality,
3. Completion and mapping of an inventory of potential contamination sources within the Wellhead Protection Area,
4. Formulation of emergency / contingency / long-range plans in the event of disruption of supply of water from the wells in the Wellhead Protection Area,
5. 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,
6. Development of a program to install and maintain Wellhead Protection Area signs on roadways around the Wellhead Protection Area,
7. Willingness to execute an interlocal agreement with Pawnee County for the administration and enforcement of the regulations of this Wellhead Protection Agricultural District, willingness to accept the regulations set forth in this District, willingness to pay any administrative fees to the County which the parties involved agree, willingness to provide legal council to address any legal question or legal challenge to the Wellhead Protection Agricultural District regulations, together with other terms and conditions which are acceptable to the parties involved in such agreement.

**504.03 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-the-field determination of such boundaries.

**504.04 OUTRIGHT ALLOWABLE PRINCIPAL USES AND STRUCTURES:** The following uses and structures shall be allowable uses outright and shall not require a written zoning permit or certificate of zoning compliance:

1. Agricultural uses, as defined in Section 303.05 of this Resolution, including any farm buildings, as defined in Section 303.34 of this Resolution, but excluding any dwelling unit(s) whether or not associated with an agricultural use.
2. Grain and produce storage 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, flood control and erosion control facilities.
4. Forestry, tree farms and plant nurseries.
5. Child and day care uses conducted within a permitted dwelling unit

**504.05 PERMITTED PRINCIPAL USES AND STRUCTURES:** The following uses and structures shall be permitted uses, but shall require the issuance of a zoning permit and / or certificate of zoning compliance:

1. Public service facilities, including public, parochial, private non-religious, road maintenance equipment sheds, fire stations, public utility substations and utility distribution systems.
2. Churches, cemeteries and related uses.
3. Fish hatcheries, game farms and commercial hunting and fishing where such hunting and fishing does not involve development of lodges or other buildings devoted solely to the support of such hunting and fishing activities. Temporary housing of hunters and fishermen and temporary hunting or fishing shelters shall be permitted.
4. Signs, including permanent on-site and outdoor advertising signs, provided the number of such permanent on-site signs shall not exceed three (3) per premises and that permanent outdoor advertising signs shall be located no closer than one-eighth (1/8) mile to any other on-site or outdoor advertising sign. Temporary signs, including but not limited to crop seed signs, yard sale, real estate for sale or lease signs, political campaign signs, shall be exempt from regulation. (All permanent signs along federal and state highways are subject to the permit requirements of the Nebraska Department of Roads).
5. Radio, Television, microwave and other types of erected towers.
6. Child care and day care uses, involving buildings other than a residential dwelling unit.

7. Single-Family dwellings, including manufactured housing, modular homes and mobile homes, provided such dwellings comply with all of the following conditions.
  - A. Such dwellings, if not on the same lot with and not of the same ownership as any existing confined animal feeding use, as defined in Section 303.26 of this Resolution, any existing intensive animal feeding use, as defined in Section 303.44 of this Resolution, or any waste handling facility, as defined in Section 303.90 of this Resolution, shall be separated from such animal feeding use by the minimum distance specified in Section 501.05, of this Resolution, for the Class of such existing confined / intensive animal feeding use or waste handling facility, provided that if one or more impact easement(s), as defined in Section 303.42 of this Resolution, shall have been granted to the owner of the animal feeding use, in which case any residence dwelling unit(s) associated with the land on which any such easement has been granted shall not be included in the minimum distance measurements herein specified. Such minimum distance shall be measured from the nearest point of the area used or approved, under this Resolution for the animal feeding use, including any waste handling facility and land where liquid or slurry waste is applied to the surface of the land, to such dwelling. Application of waste which in solid form to the surface of the land, the application of composted waste or the injection of liquid or slurry waste into the soil shall not be subject to the minimum spacing distance herein specified.
  - B. Exceptions to the minimum distance separation requirements as set forth in Subsection A immediately above, may be permitted by conditional use where topography, prevailing winds, or other factor or combination of factors exist and it is determined by the Board of Commissioners that reduction in any minimum spacing requirement will not interfere with the normal operation of an existing confined or intensive animal feeding use.
  - C. Such dwelling shall be located on a lot with an area of not less than three (3) acres, as set forth in Section 504.07 of this Resolution, and such lot shall have a minimum lot width as set forth in Section 504.08 of this Resolution, provided that a larger lot may be required if the regulations of the Nebraska Department of Environmental Quality or its successor with regard to proper sizing and location of a septic tank and tile field or lagoon sewage disposal system indicate that a larger lot is appropriate.
  - D. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a roadway classified by the Pawnee County Board of Commissioners as a minimum maintenance road or other unimproved roadway, provided that if such dwelling is located on a minimum maintenance road or other unimproved roadway, Pawnee County shall not construct or improve such roadways and, with the exception of existing minimum maintenance roads, shall not be committed to accepting such roadway as a publicly maintained County road even if such roadway is improved to County road standards by the owner(s) of such roadway.
  - E. Any lot or parcel existing, but undeveloped with buildings, or any lot or parcel created after the effective date of this Resolution which is less than twenty (20) acres in area shall, when developed for non-agricultural purposes, be required to maintain agricultural buffers, as defined in Section 303.04 of this Resolution, in any yard which abuts land used for agricultural purposes. Such buffers shall be as specified in Section 504.10 of this Resolution.
  - F. Residential dwellings existing on the same premises and under the same ownership as a confined or intensive animal feeding use, as defined in Sections 303.26 and 303.44 of this Resolution, as of the effective date of this Resolution shall remain under the same ownership and on the same premises with such confined or intensive animal feeding use

and shall not be subdivided or otherwise sold off as a separate parcel unless the confined or intensive animal feeding use has been abandoned. Nothing in this subsection shall prohibit the relocation of any such dwelling unit to a location beyond the minimum spacing distance requirements from such confined or intensive animal feeding use as set forth in this Resolution.

**504.06 PERMITTED ACCESSORY USES AND STRUCTURES:** The following uses and structures shall be permitted as accessory to the permitted principal uses and structures:

1. Accessory uses, buildings and structures normally and commonly appurtenant to the permitted principal uses and structures. Such uses, buildings or structures, if not a farm building shall require the issuance of a zoning permit and / or certificate of zoning compliance.
2. Home occupations, in accordance with Section 608 of this Resolution.
3. Roadside stands for the temporary sale of produce grown or crafts produced on the premises. No zoning permit shall be required.

**504.07 CONDITIONAL USES:** After the provisions of this Resolution relating to conditional uses have been fulfilled, the Board of Commissioners may, in accordance with the procedures and requirements of Article 10 of this Resolution, permit the following as conditional uses in the AG - WP, Wellhead Protection Agricultural District:

1. Commercial and industrial uses, determined by the Board of Commissioners to be reasonably compatible with the surrounding land uses with regard to traffic generation, noise, odors, dust, vibrations and potential air, soil or water pollution or explosion or other hazard, provided that commercial or industrial uses which utilize or generate any materials determined by the United States Environmental Protection Agency as hazardous materials, which store petroleum products or anhydrous ammonia or other fertilizers in excess of fifty (50) gallons shall be prohibited.
2. Public and private recreational uses and commercial recreational enterprises, including parks, playgrounds, campgrounds, riding stables, game lodges, canoe outfitters, rental cabins, camp stores, public or commercial river access sites and other similar uses including bed and breakfast operations and motels.
3. Public service facilities not allowable as permitted principal uses in Section 504.05 of this Resolution.
4. Mineral extraction and sand and gravel extraction facilities and operations.
5. Residential subdivisions in excess of four (4) lots per quarter section.
8. Other uses and structures determined by the Board of Commissioners to be comparable with the above conditional uses and consistent with the Intent statement of this zoning district.

**504.08 PROHIBITED USES AND STRUCTURES:** All other uses and structures which are not permitted in this district either as a permitted use, accessory use or conditional use is prohibited. This prohibition shall specifically include:

1. All classes of confined or intensive animal feeding uses as defined in Sections 303.26 and 303.44 of this Resolution.



2. All waste handling facilities, as defined in Section 303.90 of this Resolution.
3. All commercial or industrial uses which utilize or generate any materials determined by the United States Department of Environmental Protection as hazardous materials, which store petroleum products or anhydrous ammonia or other fertilizers in excess of fifty (50) gallons shall be prohibited.
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 Agricultural District.

**504.09 MINIMUM LOT AREA REQUIREMENTS:** The following shall be the minimum lot area requirements for uses located within this district:

1. The minimum lot area for a single-family dwelling unit, manufactured home or mobile home shall be three (3) acres, provided that a larger lot area may be required by the standards and regulations of the Nebraska Department of Environmental Quality or its successor agency with regard to proper sizing and location of septic tank and tile field or lagoon sewage disposal systems and further provided that any septic tank and tile field shall be located at least one-fourth (1/4) mile from any well being protected in this Wellhead Protection Agricultural District.
2. The minimum lot area for uses identified as conditional uses in this District, other than residential in residential subdivisions, shall be the lot area appropriate for such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall be less than three (3) acres in area.

**504.10 MINIMUM LOT WIDTH AND FRONTAGE:** The following shall be the minimum lot width and frontage requirements for uses located within this district:

1. The minimum lot width shall be four hundred (400) feet and the minimum lot frontage shall be one hundred fifty (150) feet, except that the minimum lot width and frontage for uses identified as conditional uses in this district shall be the lot width and frontage appropriate to such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall have a width less than four hundred (400) feet and a minimum frontage less than one hundred fifty (150) feet.

**504.11 MINIMUM BUILDING SETBACK REQUIREMENTS:** The following shall be the minimum yard requirements for uses located within this district:

1. Front Setback - Eighty Four (84) feet, provided that for lots which front on a Federal or State Highway the front setback shall be one-half (1/2) the width of the highway right-of-way plus fifty (50) feet
2. Side Setback - One Hundred Fifty (150) feet
3. Rear Setback - One Hundred Fifty (150) feet

**504.12 MINIMUM AGRICULTURAL BUFFER REQUIREMENTS:** The following shall be the minimum agricultural buffer (as defined in Section 303.04 of this Resolution) where trees and shrubs may not be installed:

1. Front Setback - Forty Eight (48) feet, provided that for lots which front on a Federal or State Highway, the front setback shall be one-half (1/2) the width of the

- highway right-of-way plus fifteen (15) feet.
2. Side Setback - Twenty (20) feet
  3. Rear Setback - Twenty (20) feet

**501.13 MAXIMUM HEIGHT:** No limitation, except for buildings designed for human habitation which shall be a height limitation of Thirty Five (35) feet and, except for any applicable restrictions in airport approach zones as set forth in Section 609 of this Resolution.