

ARTICLE 5

ZONING DISTRICTS

5.1 AGR AGRICULTURE RESIDENTIAL DISTRICT

5.11 INTENT: This district is intended for general agricultural purposes and single family dwellings not associated with agricultural operations within one (1) mile of the Corporate Limits of the City of Osceola.

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

1. General farming and ranching activities, excluding commercial auction yards and auction barns and any expansion of existing or development of livestock confinement facilities/operations.
2. One additional farm residence for the purpose of housing relatives or agricultural workers;
3. Single family dwellings, and farm residences; and
4. Churches, places of worship and cemeteries.

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 8.2; and
3. Roadside stands for the sale of agricultural produce grown on the agricultural farm or operation.

5.14 PERMITTED SPECIAL USES: A building or premise may be used for the following purposes in the "AGR" Agricultural Residential 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. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural service on a fee or contract basis including corn shelling, hay baling, and threshing services; contract sorting, grading and packing fruits and vegetables for the grower; agricultural product milling and processing; horticultural services such as plant nurseries, landscape gardening, landscape contracting; establishments engaged in performing service such as crop dusting, fruit picking, grain cleaning, land leveling, harvesting and plowing; farm equipment service and repair; veterinary services; commercial auction yards and barns; bulk storage of petroleum products for distribution or direct sale to agricultural consumers;
3. Sewage treatment plants for primary and secondary treatment; public and private sanitary land fills, Transfer Station;
4. Public and private uses including parks, playgrounds, golf courses, campgrounds, recreation uses, riding stables, dude ranches and team recreational fields such as football, soccer and baseball;
5. Flood, erosion and sediment control projects;
6. Broadcast towers and stations, including Amateur Radio or land mobile towers;
7. Bed and breakfast establishments;
8. Mobile home parks in accordance with the regulations prescribed in Section 8.7;
9. Salvage or junk yard in accordance with Section 6.3;
10. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and quarries, and asphalt or concrete batch plants;
11. Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and reservoirs.
12. Landfills and sanitary landfills in conformance with Section 6.4;
13. Commercial kennels;
14. Nursing homes and assisted living facilities;
15. Veterinary Clinic;
16. Bulk Fuel Storage;

17. Development of new livestock confinement facility or operation in conformance with the provisions of Section 5.15;
18. Expansion of existing livestock confinement facility or operation as of December 9, 2003.
19. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools, and colleges;
20. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other buildings, structure and facilities;
21. Private noncommercial clubs and lodges; and
22. Gas and oil wells.
23. Manufacturing, commercial and industrial uses; and
24. Rural subdivisions: Existing parcels of five (5) acres or more not previously subdivided as of the effective date of this ordinance (December 9, 2003) can be subdivided into smaller parcels, in accordance with State of Nebraska Department of Environmental Quality Title 124 and/or with a shared or "community" drinking water and/or sewage system, the minimum lot area may be reduced to ½ (one-half) acre.

5.15 CONDITIONS FOR GRANTING EXCEPTIONS: Notwithstanding the requirements of Article 6 of this Ordinance, the following regulations shall apply as minimum requirements for granting special use permits in the AGR District:

1. Airport sites shall be so situated that the airport hazard area defined by the Nebraska Department of Aeronautics shall not include any existing obstruction regardless of public or private ownership of the airport.
2. Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from any residential district, shall be screened by a solid fence or masonry wall or a compact growth of natural plant materials not less than six (6) feet in height if the Board finds said use to be unsightly.

3. Livestock confinement facilities/operation shall: 1) Not permitted to be located within one-thousand (1,000) feet of an existing residential structure other than that of the owner, operator or employee of the livestock confinement facilities/operation, nor shall a residential structure other than that of the owner, operator, or employee be located within one-thousand (1,000) feet of an existing feedlot, 2) Not permitted to be located within (1,000) feet from any commercial or industrial facility, or church, or school, or any other facility operated and/or utilized by the general public, 3) Have a total limit of livestock at one facility located within Osceola's one-mile planning jurisdiction not exceeding a combination of 15 head of livestock, and 4) Not have any animal waste lagoons permitted.
4. No salvage or junk yard shall be located within five-hundred (500) feet of any public right-of-way or within one-thousand (1,000) feet of any residential district. Salvage and wrecking yards shall be screened on all sides by a solid fence or masonry wall or a compact growth of natural plant materials not less than eight (8) feet in height if the Board finds said use to be unsightly.
5. New irrigation wells shall be located no closer than thirty (30) feet from established road rights-of-way, except that at county, state, or federal road intersections, such wells must be located no closer than seventy (70) feet from the nearest intersection of established rights-of-way.
6. New water retention pits or re-use pits, shall be located no closer than thirty (30) feet from established road rights-of-way, except that at county, state, or federal road intersections, such pits must be located no closer than seventy (70) feet from the nearest intersection of established rights of way.
7. New windbreaks consisting of planted trees and/or shrubs shall be located no closer than thirty (30) feet from established road rights-of-way, except that at county, state, or federal road intersections, such windbreaks must be located no closer than seventy (70) feet from the nearest intersection of established rights-of-way.

5.16 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 AGR Agricultural Residential District.

5.17 SPECIAL REGULATION: Provisions must be made for disposal of liquid, solid and animal wastes in accordance with local and state regulations.

5.18 MINIMUM LOT REQUIREMENTS:

1. The minimum lot area for AGR uses shall be five (5) acres.
2. The minimum lot area for uses prescribed as exceptions shall be five (5) acres subject to approval of the Board;
3. The minimum lot width at the front building line shall be three hundred (300) feet.

5.19 MINIMUM YARD REQUIREMENTS: Property located within the Zone A (or flood hazard areas) of the Flood Insurance Rate Map (FIRM) dated July 2, 1987, shall be in conformance with the Flood Plain District (SFP) regulations and the following:

1. Front Yard: There shall be a minimum front yard of not less than a depth of one-hundred twenty (120) feet from the center line of a Federal Aid Primary or Federal Aid-Secondary designated street or highway or fifty (50) feet from the property line, whichever is greater. On all other streets or highways there shall be a minimum front yard of not less than a depth of ninety (90) feet from the center line of the street or highway or fifty (50) feet from the property line, whichever is greater; and further, these yard requirements shall apply to any yard abutting a public street or highway regardless of the lot being an interior or corner lot.
2. Rear Yard: There shall be a minimum yard of not less than a depth of fifty (50) feet;
3. Side Yard: Side yards shall not be less than fifteen (15) feet.
4. Distance between structures: The minimum distance between principal structures used for human habitation shall be ninety (90) feet.

5.110 MAXIMUM HEIGHT: No limitation.

5.111 SIGN REGULATIONS: All signs shall be in conformance with the regulations provided herein and with the provisions of SECTION 8.10 of this Ordinance.