

§ 152.023 AG AGRICULTURAL DISTRICT.

(A) *Characteristics.* The purpose of this zone is to fix the location of predominantly agricultural sections of the planning area, annotate those land uses which are agricultural or basically related to agriculture, and to further record those land uses deemed compatible with agriculture or with an agricultural area in transition to an area of more urban character.

(B) *Permitted uses.* In the (AG) Agricultural District, buildings, structures, and land shall be used only for the following purposes:

- (1) General agricultural practices, excluding the expansion of existing or development of any facility or operation whereby animals are confined on an ongoing basis in lots, pens, pools, ponds, sheds, buildings or any other structure where food is supplied to the animal by means other than grazing.
- (2) Kennels, and veterinary establishments, but not nearer than 1,000 feet to any zoned residential district, incorporated area or dwelling other than the dwelling of the lessee or owner of the site.
- (3) Single-family dwellings.
- (4) Home occupations.
- (5) Public buildings and publicly owned parks, schools, playgrounds, and community centers.
- (6) Accessory bridges, structures, or uses, subordinate and customarily incident to and located on the same lot with any of the foregoing principal uses.
- (7) Major off-street parking facilities in conjunction with all uses in the foregoing listing.
- (8) Greenhouses and garden centers.
- (9) Churches, place of worship.
- (10) Bulk grain and produce storage, excluding commercial warehouses, provided however, that any 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 shall be set back from any existing primary voltage electric power distribution line owned and maintained by a public utility by a distance at least equal to the height of the highest filling or probing opening on such bin or building plus 18 feet or the distance prescribed in Section 234 of the latest published edition of the National Electrical Safety Code, whichever is greater. The owner of such bin or grain storage building may opt to pay whatever costs are necessary to meet the requirements of Section 234 of the latest edition of the National Electric Safety Code in order to reduce the setback requirement, but under no circumstances shall the front yard setback for any such bin or grain storage building be less than 25 feet from the established road right-of-way.
- (11) Signs. No signs intended to be read from off the premises shall be permitted except:
 - (a) Signs which are structurally safe and in good repair.
 - (b) Signs which do not imitate or resemble any traffic sign, signal, or device.

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- (c) Signs which are located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or which do not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic as determined by the Zoning Inspector.
- (d) One non-flashing, illuminated sign identifying the use of the building, structure or premise, and not exceeding 40 square feet in area.
- (e) One temporary, on-site sign not illuminated, not to exceed four square feet in area and advertising the sale or rental of the property.
- (f) One non-flashing illuminated billboard or non-illuminated billboard or grouping of billboards not to exceed 500 square feet in aggregate including trim, with each such billboard or grouping of billboards to be located no closer than 700 feet of another, regardless of the side of the roadway.
- (g) Signs which do not exceed the following:
 - (i) Maximum height - 30 feet.
 - (ii) Maximum length - 50 feet.

(C) *Special exceptions.* The City Council may authorize the following special uses by special permit, after a public hearing and subject to such conditions and protective restrictions set forth in § 152.050 through 152.061:

- (1) Private clubs; private lodges; private social, recreational and entertainment facilities; or grounds for games, sports, and camping.
- (2) Hospitals and convalescent or nursing homes.
- (3) Cemeteries.
- (4) Airports, airplane landing fields, radio or television transmitter stations, facilities for the distribution and/or treatment of water, sewerage, gas, electricity, or other necessary public utilities.
- (5) Junk and salvage yard (in conformance with § 152.062).
- (6) Private elementary and high schools.
- (7) Hospitals, penal institutions and sanitariums.
- (8) Recreational motel lodging.
- (9) Utility substations.
- (10) Gravel plants and asphalt or concrete batch plants.

(D) Area, yard and height requirements: For this district shall be:

- (1) Minimum lot size shall be three acres with a minimum distance of 1,000 feet between single-family dwellings.
- (2) Minimum yard requirements:
 - (a) Front yard depth; not less than 25 feet.
 - (b) Side yard depth; no limitations; unless abutting a residential district then the minimum side yard shall be five feet.
 - (c) Rear yard depth; no limitations; unless abutting a residential district then the minimum rear yard shall be 25 feet.
- (3) There shall be no limit on the maximum height of a structure in this district unless the area is within the overlay zone of the Fairmont State Airport.

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(E) *Prohibited uses and structures*: All waste lagoons, other uses and structures, which are not specially permitted or not permissible as special uses, shall be prohibited from the AG Agriculture District.

(F) *District special regulations*: Disposal of any confinement or feedlot waste on land within the planning jurisdiction of the city other than on the property upon which the confinement or feedlot is located, shall be subject to the license requirements and waste disposal requirements and recommendations of the State of Nebraska, and the following minimum sanitation and odor practices, and those conditions imposed by the Planning Commission upon the property owner of land upon which the waste is to be disposed, in consideration of the health, safety and general welfare of the public, and subject to the approval of the City Council:

- (1) No livestock waste disposal shall be closer than 1,320 feet to a neighbor's residence.
- (2) Livestock waste disposal by spraying or spreading on cultivated land shall be followed by disking or plowing within a 48-hour period.
- (3) There shall be no storage of livestock waste within a designated flood plain or floodway.
- (4) No livestock waste shall be disposed of within a designated flood plain or floodway.
- (5) Surface runoff shall be so controlled so that no amount of soil or manure is carried into any ditch or drainage area or onto a neighbor's property.