

## AMENDED DAKOTA COUNTY ZONING REGULATIONS

The Dakota County Board of Commissioners passed Resolution 18C-023 and approved and adopted the following amended zoning regulations effective September 10, 2018:

### ZONING DISTRICTS

#### Section 600. AG, AGRICULTURAL DISTRICT

##### Purpose

The AG, Agricultural District is intended to provide for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses; to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization; to provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable; to provide for the location and govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or in conflict with other uses, which are named as permitted or conditional uses in this district and are appropriate to other property in the area. The nature of the AG District and the uses allowed out right or by conditional uses precludes the provision of services, amenities and protection from land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the AG District regulations afford such services, amenities and protection to residential uses located therein.

#### Section 600.1. PRINCIPAL PERMITTED USES

The following uses are permitted as principal uses in the AG, Agricultural District:

1. Any form of agriculture including the raising of crops and horticultural uses.
  - a. All use of farm chemicals, including application of pesticides and herbicides, shall be governed by State Agencies and applicants using restricted-use pesticides shall be required to be certified as required by law.
2. New single family dwellings on lots of ~~five (5)~~two and one half (2 ½) acres or more. Existing habitable dwellings on lots of no less than two and one half (2 ½) ~~five (5)~~ acres.
3. Farm dwellings and normal farm buildings.
4. Airports and heliports including crop dusting strips.
5. Public parks and recreation areas, playgrounds, swimming pools, community centers, and conservation areas.
6. Facilities necessary for the provision of transportation, communication, water, sewerage, electrical energy, and natural gas pipelines and their necessary appurtenances.

Provided, however, no residence or Livestock Feeding Operation (LFO) is permitted within 200 yards of any public hunting area in the AG District. Also, no residence, LFO, or water well is permitted within 1,000 feet of any existing public supply well.

#### Section 600.2. ACCESSORY USES

The following uses are permitted as accessory uses to the principle permitted uses in the AG, Agricultural District:

1. Facilities common to farm activities, including private swimming pools.
2. Single family residences including mobile homes for relatives of consanguinity and marriage provided that only one such dwelling is allowed per ~~five (5)~~two and one half (2 ½) acres. Mobile homes placed in this manner are subject to the provisions of Section 800.2 of this regulation, are to be considered temporary only, and must be removed upon the death or departure of the relative.
3. Home occupations.
4. Roadside stands for the sale of products grown on the premises.
5. Signs identifying the property or the activity engaged in on the property, but not including billboards.
6. Mobile homes to be used as temporary residences for families waiting to move into a permanent dwelling on the same parcel of property, while the permanent dwelling is under construction or reconstruction. The mobile home and permanent dwelling may not be occupied at the same time. Mobile homes placed in this manner are subject to additional restrictions 2 and 3 of Section 800.2 of this regulation.

Accessory Uses 2 and 6 require the use of an annual consanguinity permit.

#### Section 600.3. CONDITIONAL USES

The following uses are permitted in the AG, Agricultural District after a finding by the County Planning Commission that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the County:

1. Livestock Feeding Operations (LFOs), subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Dakota County Comprehensive Plan. LFOs must comply with the standards established in Section 600.6 of these regulations.
2. Quarters for transient labor.
3. Cemeteries, crematories, mausoleums.
4. Commercial mines, quarries, and sand and gravel pits
5. Automotive racetracks, driving tracks and motorcycle racetracks.
6. Manufacturing plants for the processing of crops, but not including meat packing, slaughtering, meat by-products manufacturing, rendering, or hide storage.
7. Riding academies, dude ranches and other farm and ranch type recreational enterprises, including hunting preserves, sporting clays courses, trap shooting ranges and other hunting enterprises.
8. Recreational camps owned or operated by government, private individuals, or by charitable or religious organizations.
9. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis. These services include corn shelling, hay baling, thrashing, milling, processing, plant nurseries, landscaping, crop dusting, grain cleaning, land leveling, harvesting, plowing, farm equipment service and repair, veterinary services (animal hospitals or clinics), and commercial auctions. Other services include bulk storage of petroleum products, fertilizer and insecticide for distribution or direct sales to agricultural consumers, boarding and training of horses, and wood chip factories.
10. Radio, television, and transmission towers and commercial signs.
11. Bike or pedestrian pathways.
12. Bed and Breakfast inns and homes.
13. Campgrounds pursuant Section 640.5
14. Schools, including private, elementary, junior high, high, day, nursery and pre-schools.
15. Community facilities and institutions including monasteries, convents and other religious institutions, hospitals, sanitariums, group homes, assisted living facilities and nursing or convalescent homes.
16. Recycling Centers.

#### **Section 600.4. SPACE LIMITS**

The following space limitations shall apply to structures and buildings associated with each principal permitted use and each accessory use, except fences and signs:

1. Minimum lot requirements: The minimum lot size for a principal permitted use is ~~five (5) two and one half (2 ½)~~ acres. Each lot must have legal access to an existing full service County gravel road, as defined in the authorized Dakota County 1989 Road and Bridge Inventory. Driveways or access points to gravel or hard surfaced roads will be allowed at no more than ten (10) driveways or access points in a mile with driveways or access point being at least ~~four hundred (400) two hundred (200)~~ feet apart. Building permits will not be issued for lots with driveways or access points to State or Federal roads until proper permits have been issued by the applicable regulating agency (Nebraska Department of Roads). Copies of permits must be filed with the County Zoning Administrator.
2. Minimum setback and front yard: Ninety (90) feet measured from the center line of each and every road or fifty (50) feet from the property line, whichever is greater.
3. Minimum setback and yard space, other yards: Ninety (90) feet measured from the center line of each and every road or fifty (50) feet from the property line, whichever is greater.
4. All uses established in this zoning district shall provide parking and loading space off the public right-of-way in sufficient quantity to accommodate the normal activities of such uses.
5. Distance from livestock feeding operation: Residential structures must follow the setback standards established in Section 600.6 of these regulations unless the structure is part of the farming operation of which the LFO is a part.
6. Minimum lot and setback requirements for conditional uses: The minimum requirement for conditional uses will be established by the County Planning Commission during their review of the application. The minimum lot required shall be ~~five (5) two and one half (2 ½)~~ or more acres.
7. Exceptions: A lot smaller than ~~five (5) two and one half (2 ½)~~ acres may be separate from the adjoining farming operation of ~~five (5) two and one half (2 ½)~~ acres or more and used for a residential lot under one of the following conditions:
  - a. If the parcel is an existing farm site not needed for the farming operation. For the purpose of these regulations an existing farm site is one which has been used in a farming operation for six (6) or more years and includes a farm dwelling.
  - b. If the parcel is not easily accessible to the adjoining farm in the same ownership due to natural features. These features are specifically limited to bluffs, rivers and streams.
  - c. If the parcel is separated from the farming operation by a County, State or Federal road.
  - d. If the parcel is a former school site and has not been reconverted to agricultural uses.

The above exceptions are for lot area only. All other provisions of the AG, Agricultural District apply. Only one exception in accordance with this section may be permitted on a single agricultural operation of ~~five (5) two and one half (2 ½)~~ acres or

more. Exceptions require formal review and action by the County Planning Commission. The County Planning Commission will consider the best use of the land, the use of surrounding land, long term effects on county development, the impact on the school district and the specific criteria allowing the exception when making this determination.

## **Section 610. AR, AGRICULTURAL-RESIDENTIAL DISTRICT**

### **Purpose**

The AR, Agricultural-Residential District is designed to provide an environment in which agriculture can operate compatibly with a greater density of population than normally found in farming areas. These regulations are intended to encourage the continued use of land that is suitable for agriculture, but limit the land uses that may be a detriment to the efficient pursuit of agricultural production.

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### **Section 610.3. CONDITIONAL USES**

The following uses are permitted in the AR, Agricultural Residential District after a finding by the County Planning Commission that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the County:

1. Riding academies, dude ranches and other farm and ranch type recreational enterprises, golf courses, country clubs, including hunting preserves, sporting clays courses, trap shooting ranges and other hunting enterprises, but not including automotive race tracks, golf driving ranges, outdoor theaters and similar commercial recreation enterprises.
2. Single family residences including mobile homes for relatives of consanguinity and marriage provided that only one such dwelling is allowed per ~~five (5)~~ two and one half (2 ½) acres. Mobile homes placed in this manner are subject to the provisions of Section 800.2 of this regulation, are to be considered temporary only, and must be removed upon the death or departure of the relative. This conditional use also requires filing an annual consanguinity permit with the County.
3. Mobile homes to be used as temporary residences for families waiting to move into a permanent dwelling on the same parcel of property, while the permanent dwelling is under construction or reconstruction. The mobile home and permanent dwelling may not be occupied at the same time. Mobile homes placed in this manner are subject to additional restrictions 2 and 3 of Section 800.2 of this regulation. This conditional use also requires filing an annual consanguinity permit with the County.
4. Recreational camps owned or operated by government, private individuals, or by charitable or religious organizations.
5. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis. These services include corn shelling, hay baling, thrashing, milling, processing, plant nurseries, landscaping, crop dusting, grain cleaning, land leveling, harvesting, plowing, farm equipment service and repair, veterinary services (animal hospitals or clinics), and commercial auctions. Other services include bulk storage of petroleum products, fertilizer and insecticide for distribution or direct sales to agricultural consumers, boarding and training of horses, and wood chip factories.
6. Churches, schools, colleges and similar facilities.
7. Recycling centers
8. Public and private campgrounds pursuant Section 640.5.
9. Bike and pedestrian pathways.
10. Cemeteries, crematories, mausoleums, provided structures shall be located at least 500 feet from all property lines.
11. Radio, television, and transmission towers.
12. Kennels.
- 13.

### **Section 610.4. SPACE LIMITS**

The following space limitations shall apply to structures and buildings associated with each principle permitted use and each accessory use, except fences and signs:

1. Minimum site area for a dwelling: ~~Five (5)~~ two and one half (2 ½) acres for each dwelling unit if lots have legal access to an existing full service County gravel road, as defined in the authorized Dakota County 1989 Road and Bridge inventory.
2. Minimum setback and front yard: Ninety (90) feet measured from the center line of each and every road or fifty (50) feet from the property line, whichever is greater.
3. Minimum setback and yard space, other yards: Ninety (90) feet measured from the center line of each and every road or fifty (50) feet from the property line, whichever is greater.
4. Distance from livestock feeding operation: Residential structures must follow the setback standards established in Section 600.6 of these regulations unless the structure is part of the farming operation of which the LFO is a part.

5. Minimum lot and setback requirement for conditional uses: The minimum lot requirement for conditional uses will be established by the County Planning Commission during application review. The minimum lot required shall be ~~five (5)~~ two and one half (2 ½) or more acres.
6. Kennels containing more than three dogs over six months of age shall be placed no closer than two hundred (200) feet from the lot line when adjoining property is used for residential, motel, hotel or cabin resort purposes.
7. All uses established in this zoning district shall provide parking and loading space off the public right-of-way in sufficient quantity to accommodate the normal activities of such uses.