

ORDINANCE 875

AN ORDINANCE AMENDING TITLE XV, CHAPTER 152, SECTION 152.018;
REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN
EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG,
NEBRASKA AS FOLLOWS:

Section 1. A copy of Title XV, Chapter 152, Section 152.018 of the Gothenburg Municipal Code is attached hereto as Exhibit #1.

Section 2. Title XV, Chapter 152, Section 152.018 of the Gothenburg Municipal Code is hereby amended to read as follows:

§ 152.018 AG GENERAL AGRICULTURAL DISTRICT.

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(A) *Intent.* This district is intended primarily for application to rural areas of the city, which are generally characterized by extensive or intensive agricultural uses of land.

(Ord. 850, passed 8-4-2009, § 501.01)

(B) *Permitted principal uses and structures.* The following shall be permitted as uses by right:

- (1) Any form of agriculture including the raising of crops, horticultural uses, animal husbandry, poultry husbandry, but excluding commercial auction yards and barns and feedlot;
- (2) Single-family and mobile home dwellings;
- (3) Bulk grain storage, both publicly or privately owned or managed; and
- (4) Irrigation and flood control projects.

(Ord. 850, passed 8-4-2009, § 501.02)

(C) *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 exceptions;

- (2) Home occupations;
- (3) One-family residences including mobile homes for farm residence or adjacent to farm residences for relatives or farm workers; and
- (4) Roadside stands for the sale of agricultural produce grown on the site.

(Ord. 850, passed 8-4-2009, § 501.03)

(D) *Permitted special uses.* A building or premises may be used for the following purposes in the AG General Agricultural District if a special permit for the use has been obtained, in accordance with §§ 152.075 and 152.076:

- (1) Airports and heliports, including crop dusting strips;
- (2) Agricultural service establishment primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis; agricultural product milling and processing; establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting, and plowing; farm equipment service and repair;
- (3) Public utility and public service structures, including electric transmission lines and distribution substations, and gas regulator stations;
- (4) Public and private open recreational facilities, operated for profit or otherwise;
- (5) Public and quasi-public uses of an educational or religious type;
- (6) Community facilities and institutions, including cemeteries, hospitals, private, noncommercial clubs and lodges;
- (7) Public uses of an administrative, public service, or cultural type;
- (8) Sewage treatment plants for primary and secondary treatment; public and private sanitary land fills; gravel plants and asphalt or concrete batch plants;
- (9) Expansion of nonconforming uses;
- (10) Irrigation wells, waste retention pits, and silage bunkers;
- (11) One single-family rental unit, when the same is rehabilitated or created in an existing structure. Provided, however, no special use permit shall authorize a subdivision thereof; and
- (12) Small wind energy systems.

(Ord. 850, passed 8-4-2009, § 501.04)

(E) *Prohibited uses and structures.* All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the AG General Agricultural District.

(Ord. 850, passed 8-4-2009, § 501.05)

(F) *Special regulations.* Provision must be made for disposal of manure and other organic wastes in the manner as to avoid pollution of ground water or any lake or stream.

(Ord. 850, passed 8-4-2009, § 501.06)

(G) *Minimum lot requirements.*

(1) The minimum lot area for single-family dwellings shall be 10 acres; or 5 acres from an existing farmstead as defined in Section 152.003 in which a residence and outbuildings, if any, is to be split off from farmland and said home was constructed prior to June 1, 2012.

(2) The minimum lot area for uses prescribed as special uses shall be 5 acres, subject to approval of the City Council.

(H) *Minimum yard requirements.*

(1) *Front yard.* There shall be a minimum front yard of not less than a depth of 75 feet from the center line of a federal aid-primary or federal aid-secondary designated street or highway or 35 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 60 feet from the center line of the street or highway or 25 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 50 feet.

(3) *Side yard.* Side yards shall not be less than 15 feet.

(4) *Distance between structures.* The minimum distance between principal structures used for human habitation shall be 90 feet.

(Ord. 850, passed 8-4-2009, § 501.08)

(I) *Maximum height.* No limitations.

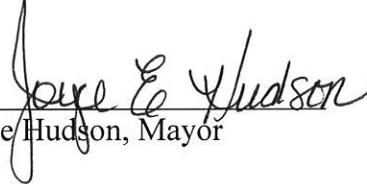
(Ord. 850, passed 8-4-2009, § 501.09)

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

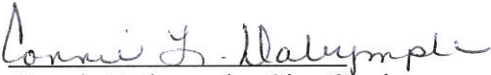
Section 4. This ordinance shall be published and shall be effective after such publication, according to law.

Passed and approved this 15th day of May, 2012.

City of Gothenburg


Joyce Hudson, Mayor

Attest:


Connie Dalrymple, City Clerk

Approved as to form:


Michael L. Bacon, City Attorney.

Exhibit A

§ 152.018 AG GENERAL AGRICULTURAL DISTRICT.

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(Ord. 850, passed 8-4-2009, § 501.06)

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(2) The minimum lot area for uses prescribed as special uses shall be ten acres, subject to approval of the City Council.

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