



**BUFFALO COUNTY ZONING & FLOODPLAIN**  
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## **ZONING AGENDA ITEM #1**

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**FROM:** Dennise Daniels, Zoning Administrator

**MEETING DATE:** December 8, 2020

**APPLICANT:** Jon Dorothy, for JRAYD, L.L.C., leasing land from Dorothy Farms, Inc.

**SUBJECT:** Special Use Permit Application to operate a Motocross Track, for property located at 29922 Grand Island Road, Pleasanton, Nebraska, 68866, described as Part of the South Half of Section 13, Township 11, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska.

### Discussion:

Per Buffalo County Zoning Regulations, Section 5.14 (5), all public and private recreational uses may be permitted within the AG (Agriculture) District, if a Special Use Permit is obtained and approved.

Jon Dorothy, for JRAYD, LLC, on a land lease from Dorothy Farms, Inc., has applied for a Special Use Permit on parcel 240074000, which is situated east of Highway 10 and north of Grand Island Road. Zoning District: (AG) Agriculture.

The Planning Commission recommended to forward this to you favorably, on a 7-0 vote with 0 absent, and the following conditions:

- Use of a Motocross Operation
- Placement of 911 (Address) Signage
- 24-hours' Notice to Law Enforcement
- No Permanent Structures (Accessory Uses) will be Added
- The Special Use Permit will be Filed Against the South Half of Section 13, Township 11 North, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County Nebraska

No opposition was received regarding the Special Use Permit.

## ZONING AGENDA ITEM #2

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**FROM:** Dennise Daniels, Zoning Administrator

**MEETING DATE:** December 8, 2020

**APPLICANT:** Kinzy & Brent Carmody

**SUBJECT:** Special Use Permit Application to operate a Recreational/Event Center, for property located at 3070 Odessa Road, Kearney, Nebraska, 68845, described as Carmody Acres, Lot 1, situated in Section 33, Township 9, Range 17 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska.

Discussion:

Per Buffalo County Zoning Regulations, Section 5.34 (12), parks and recreational areas owned and/or occupied by private agencies, may be permitted within the AGR (Agricultural Residential) District, if a Special Use Permit is obtained and approved.

Kinzy & Brent Carmody have applied for a Special Use Permit for parcel 520205005, which is situated west of Odessa Road and south of 39th Road. Zoning District: (AGR) Agricultural Residential.

The Planning Commission recommended to forward this to you favorably, on a 7-0 vote with 0 absent, and the following conditions:

- Recreational Use (Reception, Gathering Place)
- Placement of 911 (Address) Signage at North & South Entrances
- Future Plan Structures to Include: Concrete pad with Awning (Patio Area) on the West Side of the Barn and a Grain Bin Gazebo, to the Northeast of the Barn
- 24-hours' Notification to Law Enforcement for 250 People or More

No opposition was received regarding the Special Use Permit.

## ZONING AGENDA ITEM #3

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**FROM:** Dennise Daniels, Zoning Administrator

**MEETING DATE:** December 8, 2020

**SUBJECT:** Zoning Regulation code amendments of Permitted Special Uses under Section 5.34 of the Agricultural Residential District, regarding Mini-Storage and Personal Use Solar Arrays, AND a Subdivision Regulation code amendment of Block Requirements under Section 4.06.

Discussion:

- Amendment #1: To delete “mini storage” language from of Section 5.34 (11), of the AGR (Agricultural Residential) District as a use allowed by Special Use Permit
- Amendment #2: To add Personal Solar Systems as a provision allowed by Special Use Permit in the AGR (Agricultural Residential) District.
- Amendment #3: To change the language regarding Block Requirements in the Subdivision Regulations.

The Planning Commission recommended to forward all amendments to you favorably on a 7-0 vote with 0 absent.

No opposition was received regarding any of the code amendments.

## **ARTICLE 6**

### **SPECIAL USE PERMIT**

#### **6.1 GENERAL**

The County may authorize by special permit after public hearing, any of the buildings or uses designated in this resolution as permitted special uses.

#### **6.2 PROCEDURES**

Such application shall be in writing, filed in the Office of the County Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the County. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the County Board, within thirty (30) days. Upon hearing, the County Board may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property. Unless otherwise specifically stated, construction requested on such special permit shall commence within 120 days after authorization and shall be substantially completed two years after commencement. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the County Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the County and in the local newspaper of any county/village/city which has territory within three miles of the property affected by such action of the County Board, one time at least ten days prior to such hearing. (Ref. 23-164 R.S. Neb.).

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing. The sign shall state in conspicuous writing visible from the traveled surface of the nearest public road: the purpose, time, and place of hearing. A notice of the purpose, time, and place of the hearing shall be given in writing to the Chairperson of the County Board, or Planning Commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. A written notice of such hearing shall be distributed to record title owners of property located within three hundred (300) feet of the property line of the property requesting the special use permit.

## Article 6, Special Use Permits, Cont'd:

Except as otherwise provided herein, no special use permit shall be granted by the County Board, without an affirmative vote of a majority of all members of the County Board and providing the proposed use is found to comply with the following guidelines:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

In case of protest against such special use permit, filed with County Clerk within seven (7) days following Planning Commission's public hearing considering such special use permit signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending one hundred (100) feet, therefrom, and of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of two-thirds of all members of the County Board. (Resolution 10-10-03)

### 6.3 SALVAGE OR JUNK YARD

Salvage or junkyard operations and related facilities shall only be allowed by special permit in the AG and I Zoning Districts under the following conditions: (Resolution 3-9-04)

1. A remediation fund or bond shall be posted for clean up of facility in the event of abandonment.
2. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.