

**ORDINANCE NO. 1528**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING THE ZONING ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, TO ADD AND AMEND CERTAIN DEFINITIONS, TO ADD NEW AND AMEND EXISTING USES IN THE LAND USE MATRIX, AND TO EXEMPT COMMERCIAL AND INDUSTRIAL USES FROM CERTAIN SETBACKS WITHIN THE TA-1 TRANSITIONAL AGRICULTURE ZONING DISTRICT; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; AND AUTHORIZING PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

RECITALS

WHEREAS, the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), passed Ordinance No. 1504 on January 22, 2025, adopting and implementing City's Zoning Ordinance (the "Zoning Ordinance");

WHEREAS, Nebraska Revised Statutes section 19-901 authorizes City to adopt and amend the Zoning Ordinance from time to time;

WHEREAS, City desires to amend the Zoning Ordinance as shown in Exhibit A, attached hereto and incorporated herein (the "Amendments"); and

WHEREAS, City deems it in City and its residents' best interest to adopt the Amendments and amend the Zoning Ordinance accordingly.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. City hereby amends the Zoning Ordinance by adopting the Amendments, as shown in Exhibit A.

SECTION 2. City hereby repeals all other ordinances, or portions thereof, passed and approved prior to the passage, approval and publication of this Ordinance in conflict herewith to the extent of the conflict thereof.

SECTION 3. The Mayor and City Clerk may execute such other documents and take such other actions as reasonably necessary and appropriate to effectuate the purposes herein.

SECTION 4. The City Clerk shall publish this Ordinance in pamphlet form and this Ordinance shall be in full force and effect following its passage, approval and publication in pamphlet form.

PASSED AND APPROVED this 11th day of March, 2026.

\_\_\_\_\_  
Jessica Miller, Mayor

ATTEST:

\_\_\_\_\_  
Lori Matchett, City Clerk

Exhibit A

The Amendments to the Zoning Ordinance

[SEE ATTACHED]

**David City, Nebraska, Zoning Ordinance – Draft Amendments October 2025**

Marvin Planning Consultants

**Section 2.03 Definitions**

**AGRICULTURE** shall mean the use of land to obtain a profit by raising, harvesting, and selling crops or by feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or other similar use.

**AGRICULTURAL OPERATIONS** shall mean the business of farming, excluding Livestock Feeding Operations as defined -a farmstead of 20 acres or more which produces \$1,000 or more of farm products each year.

**AGRICULTURAL PROCESSING AND MANUFACTURING** shall mean the processing and packaging of agricultural products, after harvest, for wholesale or retail sales, except where otherwise defined.

**AGRICULTURAL SALES AND SERVICE** shall mean an establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

**ANIMAL BYPRODUCTS** shall mean parts of a slaughtered animal not directly consumed by humans, such as fat, bones, and gelatin, typically processed into products for animal feed, fertilizer, or industrial uses.

**ANIMAL UNIT** shall mean a calculation which converts animals of different species or sizes into equivalent units. any farming operation or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than 6 months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The confined area of the Livestock Feeding Operation (LFO) shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock waste.

Animal Units (A.U.) are defined as follows:

**FARM** shall mean an area containing **at least 20 acres or more** in agricultural use for growing or storage of products such as vegetables, fruit, and grain, as well as for the raising thereon of the farm poultry and farm animals, and which produces \$1,000 or more per year of farms products raised on the premises, in accordance with §23-114.03 Nebraska Revised Statutes. The term farming includes the operation of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

**FARMING** shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

**FEED MILL** shall mean a facility or establishment primarily engaged in the grinding, mixing, processing, and/or manufacturing of animal feed or feed ingredients for wholesale or retail distribution; and may include storage of bulk grains, additives, and other agricultural inputs necessary for producing finished feed products.

**FEEDLOT, COMMERCIAL** shall mean a lot or building or combination of lots and buildings intended to be used for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure. This definition does not include the pasturing of livestock. See also *Livestock Feeding Operation*.

**LIVESTOCK FEEDING OPERATION (LFO):** Any agricultural or farming operation in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below.

The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations.

Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other and utilize a common area of system for the disposal of livestock wastes.

Each operation type shall be classified in one of four levels according to total number of A.U. in the operation at any one time. Levels will include:

- Class I Facility = 301-1,000 animal units;
- Class II Facility = 1,001-2,500 animal units;
- Class III Facility = 2,501-5,000 animal units;
- Class IV Facility = 5,001-10,000 animal units;
- Class V Facility = 10,001 or more animal units.

LFOs having more than one type of feeding operation at one location shall be categorized according to the total number of animal units. A farm with 300 animal units or less is considered strictly an Agricultural operation.

**POULTRY, COMMERCIAL FEEDING OPERATION** shall mean a type of commercial Livestock Feeding Operation (LFO) ~~agricultural food lot~~ for poultry, whether confined feeding operations are enclosed or outdoors. A Hatchery may be accessory to a Poultry Commercial Feeding Operation or may be a principal use as defined.

**POULTRY HATCHERY** shall mean a facility engaged in the incubation of fertilized poultry eggs and the management, hatching, and initial care of poultry chicks before their distribution to growers, farms, or production facilities. May include egg handling, cleaning, incubation, brooding, and temporary chick holding areas, but does not include long-term raising or slaughter of birds on-site.

**RENDERING PLANT** shall mean a facility engaged in the processing of animal tissues and byproducts to extract, purify, and package animal byproducts; typical processes include the mechanical and thermal breakdown of raw animal material and/or fat extraction for commercial and industrial use.

**Section 5.06 Land Use Categories/Matrix**

		E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary "-" = not permitted  Overlay District and Floodplain regulations shall also be met.											
Use Category	Use Type	Land Use District											Additional Requirements
		TA-1	RE	R-1	R-2	R-3	RM	DC	GC	FLEX	I-1	I-2	
Agriculture & Horticulture Uses	Agricultural buildings for general ag use	P	P	-	-	-	-	-	-	P	P	P	
	Agricultural operations, other than LFOs	E	E	E	-	-	-	-	-	E	E	E	
	Class I or larger Livestock Feeding Operation (LFO)	-	-	-	-	-	-	-	-	-	-	C	Section 9.25
	Community Gardens	E	E	E	E	E	C	E	E	E	E	E	
	Conservation Easement	C	C	C	C	C	C	C	C	C	C	C	Section 9.19
	Cover Crops	E	E	C	C	-	-	-	-	E	E	E	Section 9.25
	Crop Production	E	E	E	-	-	-	-	-	E	E	E	
	Horses and other non-commercial livestock on residential lots	E	E	C	-	-	-	-	-	E	-	-	Section 9.25
	Irrigation facilities	P	P	P	-	-	-	-	-	P	P	P	
	Livestock for educational purposes as a Secondary use	E	E	E	-	-	-	-	-	E	E	E	Section 9.25
	Livestock sales	C	-	-	-	-	-	-	-	-	C	P	
	<b>Poultry Hatchery</b>	<b>P</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>C</b>	<b>P</b>	
	Stockpiling of dead livestock, manure, or sludge	C	-	-	-	-	-	-	-	-	-	-	
	Tree farms and forestry	E	E	-	-	-	-	-	-	-	E	E	
Vineyard	E	E	-	-	-	-	-	-	-	E	E		
Agricultural Sales & Service	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use.	C	-	-	-	-	-	-	-	C	C	C	
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for on-farm use.	E	-	-	-	-	-	-	-	E	E	E	
	Agricultural Cooperative Production/Distribution Facility	C								C	C	C	Section 9.05
	Agricultural feed mixing and blending (feed mill) and grain handling operations (retail/wholesale)	C	-	-	-	-	-	-	C	C	C	P	
	Agricultural implement & vehicle sales and service	C	-	-	-	-	-	-	C	P	P	P	
	Agricultural research farm	P	-	-	-	-	-	-	-	C	P	P	
	Agricultural seed sales (retail/wholesale)	P	-	-	-	-	-	-	C	C	P	P	
	Equestrian centers and stables	C	-	-	-	-	-	-	-	-	C	C	Section 9.25
	Fertilizer Transmission Line	C	-	-	-	-	-	-	-	-	C	C	
	Winery	C	C	-	-	-	-	-	C	C	C	C	

		E = Exempt from Permits P = Permitted C = Conditional Use Permit T = Temporary "-" = not permitted  Overlay District and Floodplain regulations shall also be met.											
Use Category	Use Type	Land Use District											Additional Requirements
		TA-1	R-E	R-1	R-2	R-3	RM	DC	GC	FLEX	H-1	H-2	
General Manufacturing	Agricultural Processing and Manufacturing (other than Feed not otherwise provided)	C	-	-	-	-	-	-	C	P	P	P	Section 9.05
	Electronics manufacturing	-	-	-	-	-	-	-	C	P	P	P	Section 9.05
	Machinery manufacturing	-	-	-	-	-	-	-	C	P	P	P	Section 9.05
	Millwork manufacturing	-	-	-	-	-	-	-	C	P	P	P	Section 9.05
	Musical instruments manufacturing	-	-	-	-	-	-	-	C	P	P	P	Section 9.05
	Tool, die, gauge and machine shops	-	-	-	-	-	-	-	C	P	P	P	Section 9.05
Food Processing	Agricultural Processing of Food Products	C	-	-	-	-	-	-	C	C	P	P	Section 9.05
	Bakery Products Manufacturing	-	-	-	-	-	-	C	C	C	P	P	Section 9.05
	Beverage Blending and Bottling (Except Breweries)	-	-	-	-	-	-	C	C	C	P	P	Section 9.05
	Butcher or Meat Locker with on-site slaughter	C	-	-	-	-	-	-	C	C	P	P	Section 9.05
	Coffee, Tea and Spice Processing and Packaging	-	-	-	-	-	-	C	C	C	P	P	Section 9.05
	Creamery and Dairy Operations	-	-	-	-	-	-	-	-	C	P	P	Section 9.05
	Dairy Products Manufacturing	-	-	-	-	-	-	-	-	C	P	P	Section 9.05
Egg Processing Plants	-	-	-	-	-	-	-	-	C	P	P	Section 9.05	
Mining & Excavation	Brick, firebrick, and clay products manufacturing	-	-	-	-	-	-	-	-	-	C	C	Section 9.05
	Monument & architectural stone manufacturing	-	-	-	-	-	-	-	-	-	C	C	Section 9.05
	Quarry or Sand/Gravel Pit	C	-	-	-	-	-	-	-	-	C	C	Section 9.18
Metal Manufacturing	Agriculture machinery manufacturing	-	-	-	-	-	-	-	C	C	P	P	Section 9.05
	Culvert manufacturing	-	-	-	-	-	-	-	C	C	P	P	Section 9.05
	General metal manufacturing	-	-	-	-	-	-	C	C	C	P	P	Section 9.05
	Welding	-	-	-	-	-	-	C	C	C	P	P	Section 9.05
	Wire Rope and cable manufacturing	-	-	-	-	-	-	-	-	C	P	P	Section 9.05
Manufacturing (High Hazard)	Bio-fuels and Distillation Manufacturing, including Ethanol	C	-	-	-	-	-	-	-	-	-	C	Section 9.05 and Section 9.21
	Data Center	-	-	-	-	-	-	-	-	-	C	C	Section 9.24
	Distillery	C	-	-	-	-	-	-	-	-	C	C	Section 9.05 and Section 9.21
	Grain Elevator and Commercial Storage Facilities	C	-	-	-	-	-	-	C	C	P	P	
	Processing or storage of explosive material	-	-	-	-	-	-	-	-	-	C	C	
	Rendering Plant	-	-	-	-	-	-	-	-	-	-	C	Section 9.05
	Sawmill/Lumber mill	C	-	-	-	-	-	-	-	-	C	C	Section 9.05
	Scrap or Salvage Operations/Yards	-	-	-	-	-	-	-	-	-	-	C	Section 9.07
	Wind turbine manufacturing	-	-	-	-	-	-	-	-	-	-	C	Section 9.05
Wood Preservation Treatment	-	-	-	-	-	-	-	-	-	-	C	Section 9.05	
Wood and Firewood Processing and Storage and tree servicing	-	-	-	C	-	-	-	-	-	-	-	Section 5.11.08	
Waste Handling	Landfill, Construction Material	-	-	-	-	-	-	-	-	-	-	C	
	Landfill, Solid Waste	-	-	-	-	-	-	-	-	-	-	-	
	Junkyard, Salvage Yard, or Wrecking Yard	-	-	-	-	-	-	-	-	-	C	C	Section 9.07
	Recycling Center	C	-	-	-	-	-	-	C	C	C	C	
	Recycling Processing	C	-	-	-	-	-	-	-	C	C	C	
Sanitary Transfer Station	C	-	-	-	-	-	-	-	-	-	C		

## **Section 5.08 TA-1 Transitional Agriculture District**

### 5.08.07 Supplemental Setbacks

1. The following uses shall be a minimum of 2,640 feet (1/2-mile) from any residential, ~~commercial, industrial,~~ or public use, as measured from the nearest point on the lot line.
  - A. Commercial auction yards or barns.
  - B. Commercial production and husbandry of poultry, fish, and small animals.
  - C. Commercial feedlots.
  - D. Mining and extraction of natural resources.
  - E. Feed mills.
  - F. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
  - G. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
2. No new residential, ~~commercial, industrial,~~ or public use shall be located nearer than 2,640 feet (1/2-mile) to any existing use listed in Section 5.08.07(1) above (*reciprocal setback*).

## **Section 5.09 RE Residential Estates**

### 5.09.07 Supplemental Setbacks

1. The following uses shall be a minimum of 2,640 feet (1/2-mile) from any residential, commercial, industrial, or public use, as measured from the nearest point on the lot line.
  - A. Commercial auction yards or barns.
  - B. Commercial production and husbandry of poultry, fish, and small animals.
  - C. Commercial feedlots.
  - D. Mining and extraction of natural resources.
  - E. Feed mills.
  - F. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
  - G. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
2. No new residential, commercial, industrial, or public use shall be located nearer than 2,640 feet (1/2-mile) to any existing use listed in Section 5.08.07(1) above (*reciprocal setback*).