

# ***Livestock and Pets in Madison County***

Madison County Joint Planning Dept  
1112 Bonita Drive  
Norfolk NE 68701  
Phone: 402-370-3577  
Fax: 402-370-3581

[www.co.madison.ne.us](http://www.co.madison.ne.us)

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## **Does the Zoning Regulations place any limits on the number of dogs, livestock and other animals I can keep on my property?**

### **PETS, INCLUDING DOGS**

The zoning regulations define pets as domestic dogs, domestic cats, domestic tropical birds, fish, and rodents. Up to four dogs and/or cats may be kept as pets on any property.

If you own in excess of a combination of 4 dogs and/or cats and do operate a pet related business on the property, you have a private kennel and do not need any special county permits.

An establishment where four (4) or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four (4) months of age are groomed, bred, boarded, trained, or sold as a business is classified as a commercial kennel. A Conditional Use Permit is required to own and/or operate a commercial kennel in all residential and agricultural zoning districts in the county.



### **LIVESTOCK AND OTHER ANIMALS**

The number of livestock and other animals you are allowed on your property depends on the size and/or the zoning of your property.

#### ***If your lot is 3 acres and less than 40 acres in size...***

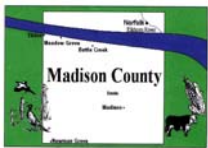
You are allowed two head equivalent for the first acre and one head equivalent for each acre there after. (See definition on next page) provided you are not located in a Rural Residential (RR) district.

#### ***If you own more than 40 acres of land...***

Your ability to keep livestock and other animals depends on the zoning designation of your property. All agricultural zoning districts (AG1, AG2, AT) allow you to own and maintain up to 300 head equivalent without requiring any additional permits.



*Need assistance formulating a grazing plan to avoid erosion? Contact the Madison County Cooperative Extension at 402-370-4040.*

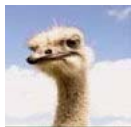


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**What is a Head  
Equivalent?**



- 1 H.E. = 1 Cow/Calf combination
- 1 H.E. = 1 Slaughter, Feeder Cattle;
- 1 H.E. = ½ Horse;
- 1 H.E. = .7 Mature Dairy Cattle;
- 1 H.E. = 2.5 Swine (55 lbs or more);
- 1 H.E. = 25 Weaned Pigs (>55 lbs);
- 1 H.E. = 10 Sheep;
- 1 H.E. = 55 Turkeys;
- 1 H.E. = 30 Chickens
- 1 H.E. = 5 Ducks
- 1 H.E. = 6 goats
- 1 H.E. = 3 llamas
- 1 H.E. = 6 alpacas
- 1 H.E. = 3 ostrich
- 1 H.E. = 7 emus
- 1 H.E. = 11 rheas



***If livestock is your business, when is a Conditional Use Permit needed?***

Anytime the number of Head Equivalent (HE) exceeds three hundred (300), regardless of the size of the parcel of land, and where the confined area is for more than forty-five consecutive days in an area not used to grow crops or considered pasture, the operation shall be considered an Animal Feeding Operation and the owner/operator shall be required to obtain a Conditional Use Permit.

If your operation was in existence prior to zoning being implemented in Madison County in 1976, you are considered “Grandfathered” and only need a conditional use permit if you expand a confinement operation beyond 300 Head Equivalent. However if the Nebraska Department of Environmental Quality requires changes in your operation, you are also required under state statute to have a Conditional Use Permit regardless of the size of your confinement or when it was established.

Any livestock operation can be considered an Animal Feeding Operation if the number of animals on the property in confinement exceed 300 head equivalent. Any feeding operation with less than those given above is not considered an Animal Feeding Operation and can operate without a Conditional Use Permit.

**Applying for a Conditional Use Permit for a Animal Feeding Operation in Madison County**

**Step 1:** Contact the Madison County Planning Department and request a Livestock Feeding Operation Application Packet.

**Step 2:** Contact a certified abstractor to get a list of all property owners within 1,000 feet of your property lines, and submit the property owner list with your application to the Madison County Zoning Administrator.

**Step 3:** Submit the following to the Madison County Zoning Administrator

- ♦ Conditional Use Permit Application form
- ♦ \$100.00 check made payable to **Madison County Treasurer**
- ♦ Property owners list prepared by a certified abstractor
- ♦ A completed Conditional Use Permit Application listing all owners and operators, signed by all of the owners and a signed certification of the truth and accuracy of the information in the application;
- ♦ Proof of ownership or control of all livestock waste storage facilities and animal confinement buildings, demonstrated by copies of relevant legal instruments.
- ♦ A copy of any application to or correspondence with the Nebraska DEQ.
- ♦ If applying because of making changes as required by NDEQ, a copy of the letter stating the changes to be made must also be submitted.

**Step 4:** A Pre-submission meeting with the Madison County Joint Planning Commission will be scheduled prior to formal submission of the CUP application. For this meeting you will need:

- 1) A proposed site plan and waste disposal plan from the Nebraska DEQ.
- 2) A completed Madison County Livestock Feeding Operation Siting Matrix with all pertinent support materials.

**Meetings You Must Attend**

- 1) Pre-submission meeting usually one week prior to the public hearing.
- 2) Planning Commission Public Hearing. Bring your supporters and explain your plans to the Planning Commission.
- 3) Planning Commission Decision Meeting. This is held the next regular meeting after the close of the Public Hearing. The Planning Commission will make a recommendation on your application to the Madison County Board of Commissioners.
- 4) Madison County Board of Commissioners Public Hearing and Decision. This meeting is scheduled as soon as possible after the Planning Commission makes a recommendation. This is a lot like the Planning Commission Public Hearing, but the Commissioners usually will make a final decision after closing the Public Hearing.