

City of Scottsbluff, Nebraska

Monday, December 20, 2021

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing set for this date at 6:00 p.m. to consider an Ordinance Text Change regarding zoning district R-1 Single Family to add a special permit use for Livestock-Horses for certain lots.

Staff Contact: Zachary Glaubius, Planning Administrator

Agenda Statement

Item No.

For Meeting of: December 6, 2021

AGENDA TITLE: Council to discuss and consider first reading of the Ordinance updating the R-1 Single-Family residential zoning district to permit livestock on lots of 2 or more acres not exceeding 1 animal per each whole acre with a special permit.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Department of Development Services

PRESENTATION BY: Zachary Glaubius, Planning Administrator

SUMMARY EXPLANATION: Applicant desires to have a horse on their property which is zoned R-1 and is larger than 2 acres. The proposed ordinance change is nearly identical to the existing special use permit for livestock in the R-1B zoning district, with the exception of a 2 acre minimum instead of a one acre minimum.

BOARD/COMMISSION RECOMMENDATION: Planning Commission made a positive recommendation on the approval of zoning text change to City Council at the 11/8/2021 P.C. regular meeting.

STAFF RECOMMENDATION: Staff recommends approval of the zoning text change to permit livestock in the R-1 zoning district on lots of 2 or more acres with a special use permit.

EXHIBITS

Resolution ☐ Ordinance ☐ Contract ☐ Minutes ☒ Plan/Map ☐

Other (specify) Planning Commission Staff Report Packet

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐
Please list names and addresses required for notification.

Rev: 11/15/12 City Clerk

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev: 11/15/12 City Clerk



Scottsbluff City Zoning Text Change Application

2525 Circle Drive, Scottsbluff, NE 69361
Telephone (308) 630-6243 Fax (308) 630-6204
www.scottsbluff.org

Project Information

Application Date:

October 6, 2021

Number (Office Use Only):

Comprehensive Plan Designation:

Residential

Comprehensive Plan Amendment Required?

No

Brief description of text change request:

Add a Special Permit Use to Zone R-1 Single Family to allow a limited number of horses or other livestock used solely for nonbusiness recreation on lots comprising 2 acres or more.

Applicant Information

Applicant:

Jane D Fliesbach

Property Owner:

Jane D Fliesbach

Address:

210087 Williams Dr

Telephone:

719 649-1538

City:

Scottsbluff

State:

NE

Zip:

69361

Alt. Telephone:

City Development Process and Requirements

- 1. Staff Review Time:** Approximately 3 to 4 weeks prior to the Public Hearing date. Notice to the newspaper must be mailed out 2 ½ weeks prior to the meeting date.
- 2. Planning Commission:** Held the second Monday of each month at 6:00 p.m.
- 3. City Council:** Held the first and third Mondays of each month at 6:00 p.m.

All meetings are held in the City Council Chambers at 2525 Circle Drive in Scottsbluff.

REQUIREMENTS

- ☐ Pre-application meeting with City Planner
- ☐ Zoning Ordinance Text Change Fees \$100.00 plus cost of public hearing notice

- ☐ Desired Text Change - on disk or emailed to the City Development Service Department in Word format and any other supporting documentation.
- ☐ A Letter and/or packet from the petitioner that the proposed text change:
 - ☐ Would provide a service needed by the city and/or residents of the community and will be consistent with sound land use principles.
 - ☐ The text change will not be injurious to adjacent properties or uses throughout the city or environment.
 - ☐ Will the proposed text change create special hazards or problems.
 - ☐ Would the proposed text change be harmonious and consistent with the Comprehensive Plan.
 - ☐ Why the proposed text change is needed.

If any of these items are not submitted or answered with the application the City maintains the right to return the application as incomplete.

Rezone Process

After staff receives a completed application the staff will write a report to the Planning Commission including their recommendation. The Planning Commission will then hold a public hearing (which must be noticed in newspaper 10 days prior to the hearing) pertaining to the Zone Change and either recommend supporting the zone change or not to the City Council. After the Planning Commission the City Council will also hold a public hearing on the text change request and either approve, approve with conditions or deny the request.

City of Scottsbluff, Nebraska
2525 Circle Drive
Scottsbluff, NE 69361

RE: Jane D. Fliesbach - Zoning Text Change Application

Dear Friends:

I own property located at 210087 Williams Drive, Scottsbluff, Nebraska which is presently my home. A map of the area which includes my property accompanies this letter. The lot I own is located north of 42nd Street and east of Williams Drive. My lot comprises approximately 2.75 acres. It has been owned by my family since the 1950s.

My property has been, and still is, outside of the Scottsbluff city limits. Horses have been kept on the property from time to time. I recently learned that at some point my property was zoned R-1 Single Family and that the keeping of horses is not allowed. Although my property is zoned R-1 it is bordered on the north and east by property presently zoned Agricultural.

I am requesting a "Zoning Text Change" to add as a Special Permit Use to R-1 Single Family Zone under Section 25-3-2 of the Scottsbluff Municipal Code the following language:

Special Permit Uses:

13. Livestock-Horses and other livestock used solely for non-business recreation of occupier are permissible on lots comprising two (2) acres or more, in the quantity of one (1) animal per each whole acre. Shelters for such animals shall be situated not less than fifty (50) feet from the property line and not less than fifty (50) feet from a residence on another lot or tract.

This language is similar to the Special Permit Use presently allowed under Section 25-3-4 for R-1b Rural Residential Estate Zone.

The Scottsbluff Municipal Code indicates the intent of the R-1 Single Family Zone is to "Provide for low density residential areas where the predominant uses are single family detached houses". This is almost identical to the intent of the R-1b Rural Residential Estate which is to "Provide for low density residential areas with larger lot sizes where the predominant uses are single family detached dwellings." (Emphasis added.)

My requested Zoning Text Change for R-1 Zone limits its application to lots "comprising two (2) acres or more". Consequently it would only apply to lot sizes in Zone R-1 that are comparable with the lot sizes contemplated in Zone R-1b, where the Special Permit Use is presently allowed.

Scottsbluff's zoning jurisdiction extends two miles outside of the city limits. Because of the City's Comprehensive Plan, many areas that are essentially rural, both inside and outside the city limits, are zoned R-1. The R-1 zoning prevents a special permit from being issued to allow the keeping of horses even though a lot size is large and such use is compatible the character of the adjoining property.

I am requesting a Zoning Text Change to give the City the flexibility to issue a special permit to allow the keeping of a limited number of horses or other livestock used for non-business recreation of the occupier, on an R-1 zoned lot which is 2 acres or greater in size, where such use is otherwise appropriate.

The proposed text change:

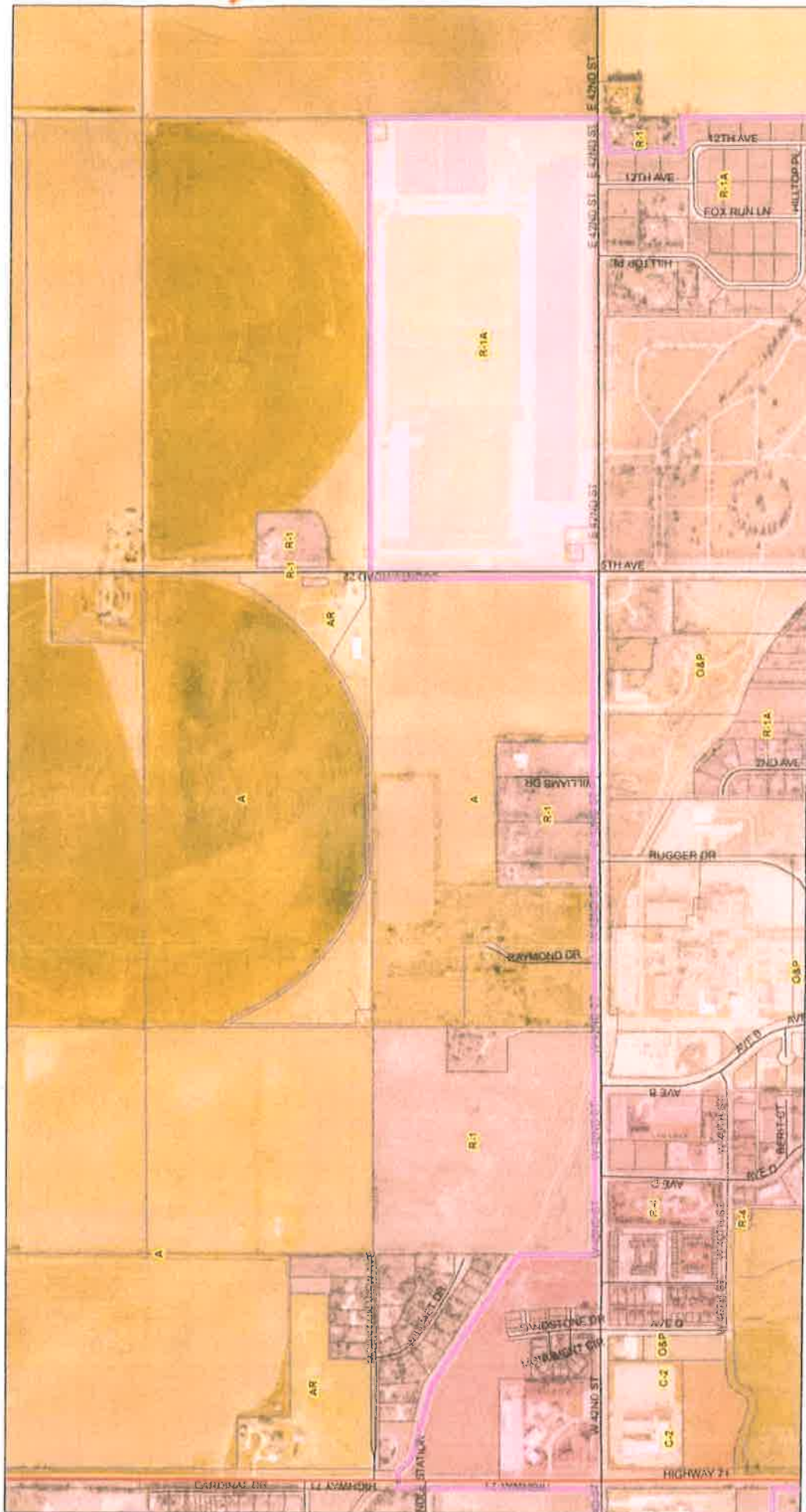
1. Would provide a service to residents of the community by allowing the property owned by a resident to be used in a way that is consistent with its character and compatible with the surrounding property.
2. Would not be injurious to adjacent properties or uses throughout the city or environment. The proposed use still requires a "special permit". If such use would be injurious to others or would otherwise not be appropriate, the request for the special permit could be denied.
3. Will not create any special hazards or problems.
4. Will be consistent with the present Comprehensive Plan.
5. Is needed to allow property to be lawfully used and enjoyed to its fullest extent where such use is consistent with its character and compatible with the surrounding property.

Thank you.

Sincerely

Jane D. Fliesbach
210887 Williams Drive
Scottsbluff, NE 69361
Cell# 719-649-1538

City of Scottsbluff Map



September 23, 2021

1:9,028



Exhibit:
 Jame D. Fiesbach
 Zoning Text Change Application

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: October 25, 2021

For Hearing of: November 8, 2021



I. GENERAL INFORMATION

- A. **Applicant:** Jane Fliesbach
210087 Williams Drive
Scottsbluff, NE 69361
- B. **Property**
Owner: Same as Applicant
- C. **Proposal:** Add language permitting horse and livestock in the R-1 Single Family District for lots comprising of 2 acres or more by special permit

II. BACKGROUND INFORMATION

- A. **History**
 - 1. Staff met with Jane Fliesbach to discuss rezoning the property located 210087 Williams Drive to R-1B to permit horses.
 - 2. Staff directed her to pursue a zoning text amendment as a spot zone is not permitted and rezoning along the corporate limit lines to a rural zone is counterintuitive.
 - 3. Staff and applicant agreed it would be in the best interest of the public to utilize the existing special use permit process for horses found in the R-1B Rural Residential Estate District.

III. NEW SPECIAL PERMIT USE

- A. **25-3-2 R-1 Single Family District**
 - 1. C. Special Permit Use
 - 2. 11. Livestock-Horses and other livestock used solely for non-business recreation of occupier are permissible on lots comprising two (2) acres or more, in the quantity of one (1) animal per each whole acre. Shelters or such animals shall be situated not less than fifty (5) feet from the property line and not less than fifty (50) feet from a residence on another lot or tract.

IV. STAFF COMMENTS

- A. The 2-acre area minimum limits the applicable lots that can potentially have horses/livestock.
- B. This change would affect 9 lots within the corporate limits. Of these 9, one is the cemetery, one is the college, two are churches, and two are HOA common areas.
- C. This change would affect 8 lots in the extra territorial jurisdiction (ETJ).
- D. As per Code 25-13-3, The Planning Commission may issue a special permit for the use of a lot, tract of land, building, or structure in circumstances and a manner authorized by other Articles of this Chapter if the Commission finds the proposed use:

- a. Provides a service required by the neighborhood or community and is consistent with sound principles of land use
 - b. Will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures
 - c. Will not create special hazards or problems for the area in which it is located
 - d. Is related to and harmonious with the general plan for the area in which it is located, as indicated by this Chapter
 - e. Otherwise is in accordance with the intents and purposes of this Chapter(25). The Commission may make the use which is authorized in the special permit subject to reasonable conditions which in the discretion of the Planning Commission are necessary to carry out the intents and purposes of this Chapter.
- E. Staff finds this zoning text amendment to be reasonable as it is the same as the R-1B District.

V. STAFF RECCOMENDATION

- A. Staff recommends Planning Commission make a positive recommendation to City Council to add the proposed special permit use of livestock/horses to Chapter 25 Article 3 Section 2.