

City of Scottsbluff, Nebraska

Monday, January 3, 2022

Regular Meeting

Item Resolut.2

Council to consider the first reading of the Ordinance Change regarding the addition of Vineyards & Wineries, Golf Courses and Agricultural Attractions as principle permitted uses in the Agricultural Zoning District.

Staff Contact: Zachary Glaubius, Planning Administrator

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 25, ARTICLE 2 OF THE SCOTTSBLUFF MUNICIPAL CODE, TO INCLUDE A NEW DEFINITION FOR AGRICULTURAL ATTRACTIONS, AND ALLOW NEW PERMITTED USES IN A AGRICULTURAL DISTRICT AT CHAPTER 25, ARTICLE 3, SECTION 19, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Section 25-2-3.1 shall be added to the Scottsbluff Municipal Code which shall be amended to read as follows:

“25-2-3.1. Agricultural Attractions.

A premises used primarily for agricultural for the purpose of raising and harvesting crops for sale, that also includes a limited amount of area devoted to the provision of entertainment for a period of no more than four months per year. Examples of Agricultural Attractions include, but are not limited to, Pumpkin Patch, Apple Orchard, or Corn Maze. The sale of other goods and entertainment is permitted in areas of the premises during the allowable operating period. Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles.”

Section 2. Section 25-3-19 of the Scottsbluff Municipal Code is now revised and amended to read as follows:

“25-3-19. A Agricultural.

(A) Intent. The intent of an A Agricultural District is a zone in which land is permitted to be used for raising of crops and pasturing cattle and related activities.

(B) Principal permitted uses.

- (1) Agriculture uses; general;
- (2) Home occupations;
- (3) Irrigation facilities;
- (4) Kennel; dog;
- (5) Municipal uses;
- (6) Public utility facilities;
- (7) Single-family dwelling;
- (8) Stable;
- (9) Tourist information booth;
- (10) Wineries & Vineyards;
- (11) Golf Courses;
- (12) Agricultural Attractions; and
- (13) Agricultural estate dwelling site.

The intent of this subsection is not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS) but such intent is to allow the “subdivision” or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes, upon the following more specific requirements:

a. The AEDS must consist of one or more of the following: (1) An existing farmstead site (an existing vacant home, and accessory unit of buildings), on farm-ranch land; (2) a parcel which would allow a conveyance of property to be used for dwelling purposes; (3) a parcel of marginal usage land (“marginal usage” defined as “land with little, or relatively little, agricultural productivity capability”).

b. Each AEDS with frontage on an existing dedicated public road, shall have a minimum width of 150 feet (as a “front lot” width). In the event such AEDS is of an interior-section type, it shall have a dedicated access road, as least 25 feet in width, to a dedicated public road. Access road(s) serving an AEDS shall be separated by a distance of no less than 1000 feet from another access road, along a dedicated public road. Exception: Less than 1000 feet shall be approved by the State Department of Roads or City of Scottsbluff Development Services Department, whichever is applicable.

c. Each AEDS shall be a minimum of 2.0 acres and a maximum of 20.

d. For each AEDS, the owner shall reserve the balance of the 80 acres of vacant or agricultural land (such 80 acres may, however, have dwelling permitted by 10.a. above). This reservation shall be required (reserved) for as long as the reserved land is zoned Agricultural (A) District. The City Planning Commission and the City Council may permit the creation of an AEDS

out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained. Each 80-acre tract (or less) shall serve the reservation requirements of only one AEDS.

e. Each AEDS shall be shaped and located so as to allow accurate plotting on the official zoning map of the city (i.e.: abutting on lines identifiable as a segment of section, such as a section line or a 1/4 section line, or upon other readily identifiable features). Additionally, each AEDS shall be subject to the provisions for preliminary plat procedure and requirements from Chapter 21 of the Municipal Code.

f. In reviewing an application for an AEDS, the Planning Commission and the City Council shall take into consideration the effect of such an AEDS upon utilities, roads, drainage, terrain, usage, zoning, future subdividing: and so forth. If approved, the AEDS parcel, along with the reserved tract, shall be noted by the Development Services Department, for future reference.

g. To obtain an AEDS, an application for the same shall be presented by the owner(s) to the City of Scottsbluff Development Services Department. The application shall be reviewed by the Planning Commission, at a regular meeting of the same, and if approved, referred to the Scottsbluff City Council for its approval. If approved by the City Council, there shall then be prepared a "Certificate" identifying the AEDS, which certificate shall be filed in the real estate records of Scotts Bluff County.

h. In the event that after approval an AEDS is no longer actually used for a purpose in existence upon such approval (because of which purpose, such approval was given), then the approval granted by the City Council shall automatically be revoked.

i. Each Agricultural Estate Dwelling Site shall be a minimum of two (2) acres for each dwelling, (maximum of two (2) dwellings per site), excluding any and all easements and rights of ways with a maximum upwards of twenty (20) acres.

j. Before any final action can be taken, applicant shall submit a receipt from the Scotts Bluff County Treasurer's Office showing that all current property taxes have been paid.

Special Permit Uses.

1. Accessory single-family dwelling for persons customarily employed or engaged in farming and ranching
2. Cemetery
3. Church
4. Community center (public)
5. Educational and charitable institutions
6. Florist
7. Fruit, vegetable stand
8. Hospital
9. Lodge or club
10. Nursery for flowers and plants
11. Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone.
12. Temporary storage of grain, for not to exceed sixty (60) consecutive days (and a permit for which may be renewed for not to exceed sixty (60) consecutive days), outside a building or structure subject the following additional conditions, to be set forth in the permit:
 - a. the grain shall be placed on a concrete floor or some other type of water-proof material that, as determined by the Development Services Director, is equal to a concrete floor,
 - b. no part of the grain shall be placed, or caused or permitted to be closer to any property line than any building setback line that has been platted or is required in the zone to which the tract of land is subject,
 - c. the permit shall be subject to revocation by the Commission. if the Commission, subsequent to granting the permit, shall determine that the grain, or conditions incidental thereto, or the manner in which the grain is being handled constitutes a public nuisance; and, upon such a determination, the holder of the permit shall promptly comply with any order of the Commission concerning removal or other disposition of the grain.
 - d. Provided, no permit for such a use shall be issued and delivered until the permittee shall have executed and delivered to the Development Services Director a written agreement which, as determined by the Director, indemnifies and holds harmless the City, its officers and employees and members of the Planning Commission, against any and all claims of liability for injuries or damages to persons or property caused, in whole or in part, by the presence of the grain: by conditions occurring, in whole or in

part, because of presence of the grain or the manner in which the grain is delivered, piled, moved, removed, or otherwise handled; and by any acts of commission or omission on the part of any persons, whether or not the permittee or third persons for whose acts or omissions liability otherwise might or might not be imputable to the permittee. The terms “warehousing” and “wholesaling” shall not be construed to apply to the storage of grain outside a building or structure.

13. Wind Energy Conversion Systems.

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks			Area (sq.ft.)	Floor Height (ft.)	Maximum
SF Dwelling		20	-	1		50	Interior (ft.)	Side (ft.)	Side Street (ft.)	50	-	75

Garage

12.5

Minimum Lot Area / Dwelling Unit - 20 acres

2. Accessory building/garage; detached
- A. A detached accessory building must be located at least ten (10) feet from the main building.
- B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
3. Accessory building, attached.
- a. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event shall meet all requirements for the main building.”

Section 3. Prior Section 25-3-19 of the Scottsbluff Municipal Code is now amended and the Scottsbluff Municipal Code is also amended to add Section 25-2-3.1 and all other Ordinances and parts of Ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 4. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED and APPROVED on _____, 2022.

Mayor

Attest:

City Clerk (Seal)

Approved as to Form:

City Attorney